



OKLAHOMA
Environmental
Quality

WATER QUALITY STANDARDS UPDATE

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SENATE BILL 1325

DEQ will have authority for, “Development and promulgation of Oklahoma Water Quality Standards, their accompanying use support assessment protocols, anti-degradation policies generally affecting Oklahoma Water Quality Standards application and implementation including but not limited to mixing zones, low flows and variances or any modification or change thereof pursuant to Section 1085.30 of Title 82 of the Oklahoma Statutes....”

Section 1085.30 of Title 82, which describes Classification of water uses, was amended to denote that the DEQ, not OWRB is “authorized to promulgate rules to be known as “Oklahoma Water Quality Standards” which establish classifications of uses of water of the state, criteria to maintain and protect such classifications, and other standards or policies pertaining to the quality of such waters.”

HOUSE BILL 3824

HOUSE BILL 3824 AMENDED SECTION 1-3-101 OF 27A AND GAVE DEQ JURISDICTION FOR, “...ADOPTION OF WATER QUALITY STANDARD VARIANCES AND SITE-SPECIFIC CRITERIA TO THE EXTENT THAT SUCH VARIANCES AND SITE-SPECIFIC CRITERIA ARE UTILIZED IN AND ENFORCED THROUGH WATER QUALITY PERMITS ISSUED BY THE DEPARTMENT. SUCH VARIANCES AND SITE-SPECIFIC CRITERIA MAY BE ADOPTED THROUGH RULEMAKING OR THROUGH THE PERMITTING PROCESS; PROVIDED THAT THE PROCESS SATISFIES THE PUBLIC PARTICIPATION AND WATER QUALITY STANDARD VARIANCE REQUIREMENTS SET FORTH IN THE CORRESPONDING FEDERAL REGULATIONS;...”

LOGISTICS

Effective date of both bills – November 1, 2022

DEQ Emergency Rulemaking

- July 26 & August 23, 2022 before WQMAC.
- September 13, 2022 before EQB (Approved).
- Effective on November 1, 2022.

DEQ Permanent Rulemaking

- September 27, 2022 & January 2023 before WQMAC.
- February 2023 before EQB.
- Effective September 2023.

WQS RULE CHAPTERS

OAC 785:45 is now OAC 252:730
“Oklahoma’s Water Quality
Standards”

OAC 785:46 is now OAC 252:740
“Implementation of Oklahoma’s
Water Quality Standards”

OAC 252:690 remains “Water
Quality Standards Implementation”

WQD RULE CHANGES

606 “Oklahoma Pollutant Discharge Elimination System Standards”

611 “General Water Quality”

616 “Industrial Wastewater Systems”

621 “Non-Industrial Discharging and Public Water Supply Lagoons”

628 “Indirect Potable Reuse for Surface Water Augmentation”

656 “Water Pollution Control Facility Construction Standards”

690 “Water Quality Standards Implementation”

730 “Oklahoma’s Water Quality Standards”

740 “Implementation of Oklahoma’s Water Quality Standards”

LPD RULE CHANGES

652 “Underground
Injection Control”

653 “Aquifer Storage
and Recovery”

KEY THINGS TO KNOW

VARIANCES

- 40 CFR 131.13
- HAVE BEEN ALLOWED BY THE CLEAN WATER ACT FOR DECADES.
- ANY VARIANCE TO WQS MUST:
 - RESULT IN IMPROVED WATER QUALITY
 - BE TIME LIMITED
 - MEET ALL FEDERAL REQUIREMENTS, INCLUDING PUBLIC PARTICIPATION
 - REQUIRES EPA APPROVAL.

KEY THINGS TO KNOW

SITE-SPECIFIC CRITERIA

- 40 CFR 131.11(B)(1)(II)
- PROTECT AQUATIC LIFE AT PARTICULAR SITE, ACCOUNTING FOR SPECIFIC PHYSICAL, CHEMICAL, AND/OR BIOLOGICAL CONDITIONS
- RECALCULATION, WER, BLM.
- REQUIRES EPA APPROVAL.



KEY THINGS TO KNOW

TRIENNIAL STATE REVIEW AND REVISION OF WQS

- 40 CFR 131.20
- AT LEAST ONCE EVERY 3 YEARS, HOLD PUBLIC HEARINGS TO REVIEW, POSSIBLY MODIFY/ADOPT WQS.
- CHANGES REQUIRE EPA APPROVAL.

KEY THINGS TO KNOW

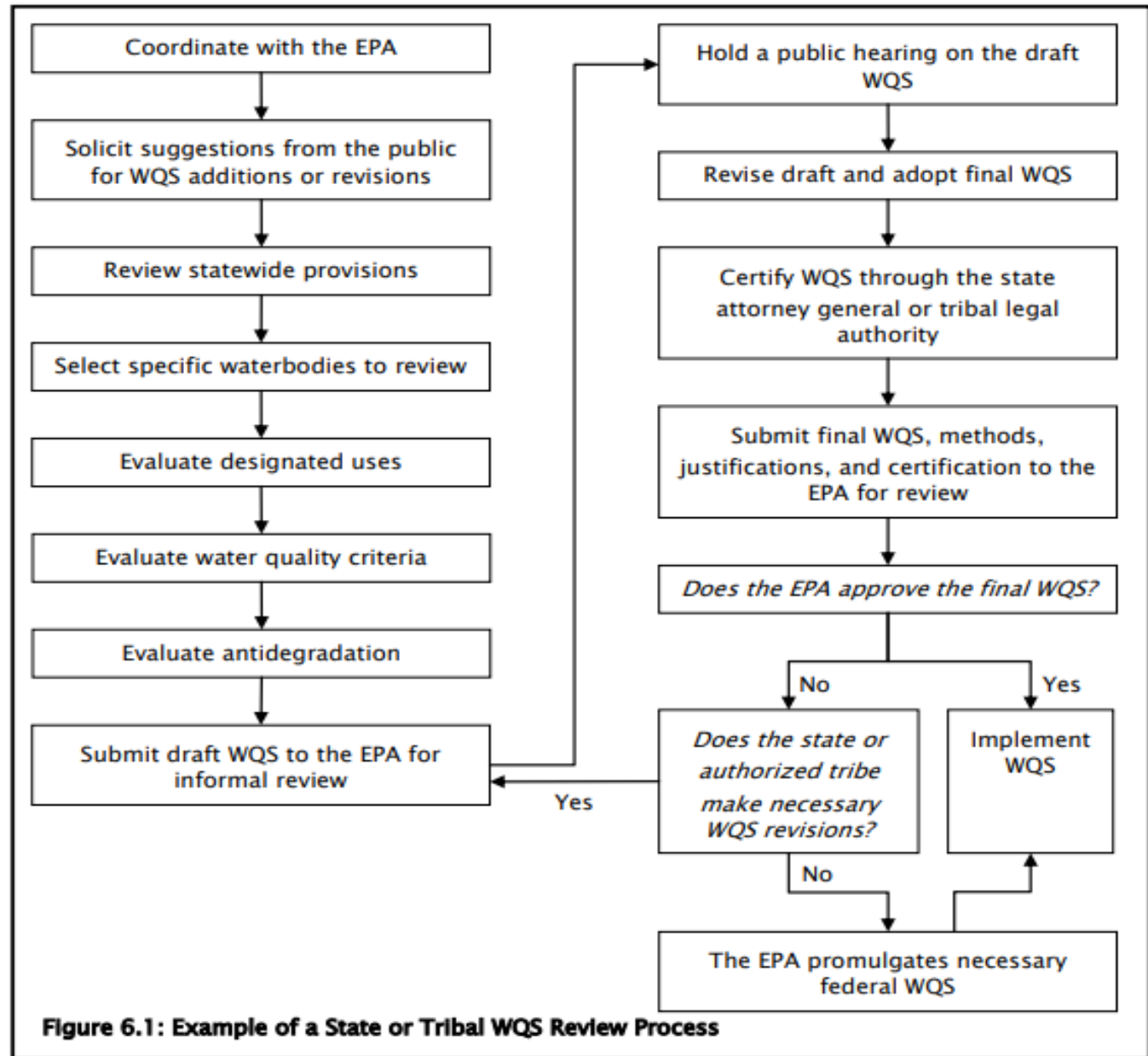
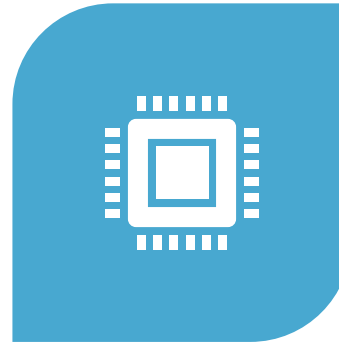


Figure 6.1: Example of a State or Tribal WQS Review Process

POTENTIAL UPCOMING WQS RELATED CHANGES



REVIEW AND UPDATE (AS
APPROPRIATE) TECHNICAL
REFERENCES IN 740



MERGE OF 740 AND 690
(IMPLEMENTATION)



UPDATE TO APPENDIX H
RELATED TO CLEAN UP
SITES



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