

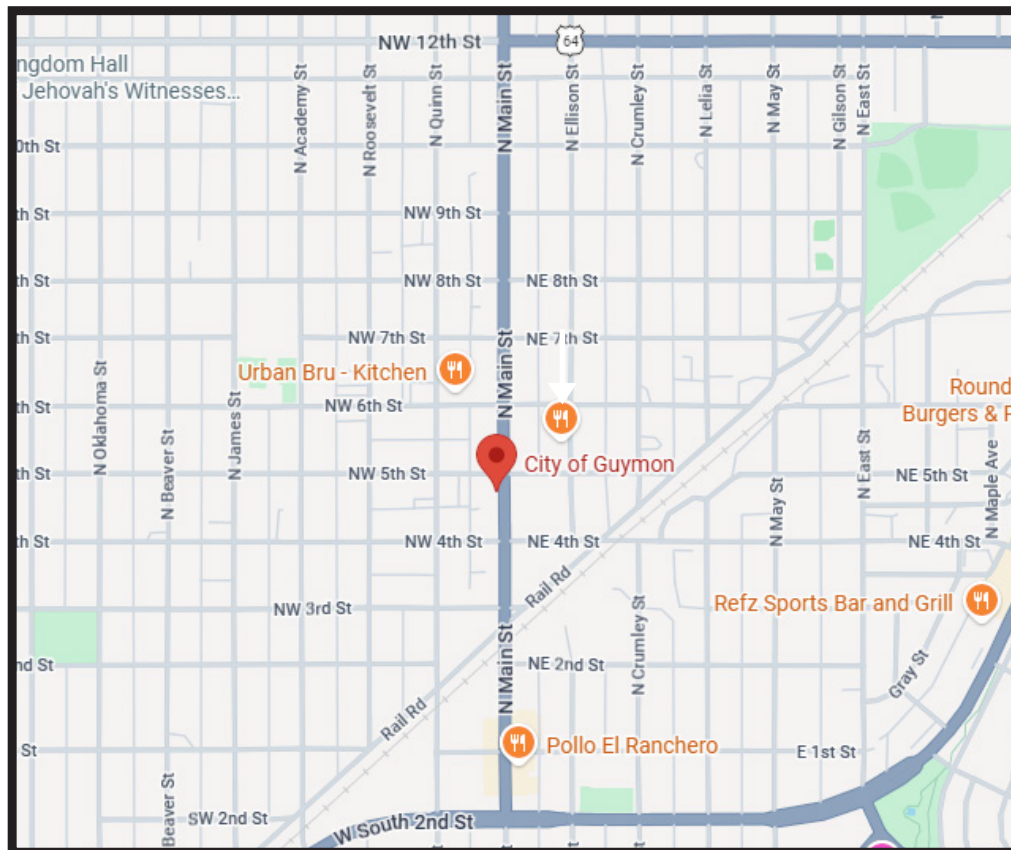
You are Invited to an Environmental Quality Board Meeting & Public Forum



Wednesday, September 9, 2026 @ 9:30 a.m.

Guymon City Hall
424 N. Main Street
Guymon, Oklahoma 73942

The Board cannot act or comment on individual proceedings such as an enforcement action or a pending permit.



For more information call the Oklahoma Department of Environmental Quality at (405) 702-7100.

Public Forum



Bring your comments to
Environmental Quality Board Members
on Wednesday September 9, 2026 @ 9:30 a.m. at
Guymon City Hall
424 N. Main Street
Guymon, Oklahoma 73942

The public forum is your opportunity to comment and let us know if we are meeting your needs and providing timely responses to environmental issues. Sign-up on the forum register when you come to the Board meeting. You will be allocated time to speak to the Board about air quality, water quality, land protection, general environmental issues and other activities of the DEQ.



If you are unable to attend, but would like to submit comments about environmental issues, please contact Quiana Fields at the Oklahoma Department of Environmental Quality, P.O. Box 1677, Oklahoma City, Oklahoma 73101-1677.

Fax: 405/702-7101

Phone: 405/702-7152

The Board cannot act or comment on individual proceedings such as an enforcement action or a pending permit.

Please subscribe to <https://public.govdelivery.com/accounts/OKDEQ/subscriber/new> to continue to get these notifications for future Board meetings.

REGULAR MEETING AGENDA
DEPARTMENT OF ENVIRONMENTAL QUALITY
OKLAHOMA ENVIRONMENTAL QUALITY BOARD

A Public Meeting: 9:30 a.m., Wednesday, September 9, 2026
Guymon City Hall
424 N. Main Street
Guymon, OK 73942

A copy of this notice and agenda has been posted in a prominent location at the offices of the Oklahoma Department of Environmental Quality (DEQ), 707 N. Robinson, Oklahoma City, Oklahoma, on September 4, 2026, at 4:30 p.m. A copy of this agenda is also available on DEQ's website at www.deq.ok.gov.

Please turn off cell phones

1. **Call to Order** – Shannon Ferrell, Chair
2. **Announcements** – Shannon Ferrell, Chair

Announcements will include the introduction of any new Board members or special meeting guests, as well as safety information for the current meeting venue and any other general housekeeping matters of interest to the Board. These announcements are for informational purposes only, and no action by the Board is required.

3. **Roll Call** – Quiana Fields, Secretary, Board & Councils
4. **Approval of Minutes** of the June 9, 2026, Regular Meeting
5. **Executive Director's Report** – Robert Singletary, Executive Director, DEQ

Mr. Singletary's report may include significant agency accomplishments and activities since the last Board meeting, as well as information pertaining to budgetary and/or legislative matters. This report is for informational purposes only, and no action by the Board is required.

6. **Land Protection Division Update and Proposed Resolution** – Kelly Dixon, Division Director, Land Protection Division, DEQ

Presentations will be made on behalf of the Brownfields and SCAP program groups, followed by a presentation on grants, a presentation on the results of a five (5) year review of solid waste closure and post-closure costs, and a presentation of the annual solid waste fees report prepared pursuant to 27A O.S. § 2-10-802(E). A resolution has been proposed for the Board's consideration and action on annual solid waste fees report.

- Presentations by Aron Samwel, DEQ Brownfields program, and Kelly Dixon, Division Director, LPD.
- Questions, comments and discussion by the Board
- Discussion and possible action by the Board, which may include a roll call vote(s) on approval of the proposed resolution.

7. Petition to Initiate Rulemaking: Used Tires Recycling Compensation – Andy Skeith

A Petition to Initiate Rulemaking has been filed by RTR Environmental requesting that the EQB modify OAC 252:515-21-73 to allow multiple used tire facilities under common ownership and control to combine reporting into a single report, and also to submit a combined request for compensation under the capital reimbursement tier (27A O.S. § 2-11-401.4(E)).

- Presentation – Andy Skeith, RTR Environmental.
- Questions and discussion by the Board
- Discussion and possible action by the Board, which may include a vote to approve or deny the petition.

8. DEQ Operational Budget Request (FY 2028)

DEQ budget requests to the Governor through the Office of Management and Enterprise Services (OMES) require approval of the Board. The operational budget request for State Fiscal Year (SFY) 2028 (beginning July 1, 2027) must be submitted to OMES by October 1st of this year.

- Presentation - Kathy Aebischer, DEQ Director of Administrative Services
- Questions and discussion by the Board
- Questions, comments and discussion by the public
- Discussion and possible action by the Board, which may include a roll call vote(s) on approval of the request

9. Budget Update and Financial Overview (FY 2027) – Kathy Aebischer, DEQ Chief Financial Officer and Director of Administrative Services

Ms. Aebischer's report will include an update and overview of DEQ's current budget for Fiscal Year 2027. This report is for informational purposes only. Although discussion may occur, no action by the Board is required.

10. Rulemaking - OAC 252:606 Oklahoma Pollutant Discharge Elimination System

Subchapter 1 – Introduction [AMENDED]

Subchapter 6 – Point Source Discharges [AMENDED]

Appendix L – Equations for Implementation of Numerical Criteria for Toxic Substances to Protect the Fish and Wildlife Propagation Beneficial Use [AMENDED]

DEQ is proposing to add and modify definitions to Subchapter 1, as well as adding language to SUBCHAPTER 6 for determination of reasonable potential for selenium and changing language to disallow monitoring frequency reductions for a parameter when the receiving water is impaired for that parameter. New equations are proposed to be added to Appendix L consistent with the proposed changes to sections in Subchapters 1 and 6.

- Presentation – George Russell, IV, DEQ Water Quality Director
- Questions and discussion by the Board

This presentation is for informational purposes only, and no action by the Board is required.

11. Rulemaking - OAC 252:730 Oklahoma's Water Quality Standards

Subchapter 1 – General Provisions [AMENDED]

Subchapter 3 – Antidegradation Requirements [AMENDED]

Subchapter 5 – Surface Water Quality Standards [AMENDED]

Subchapter 7 – Groundwater Quality Standards [AMENDED]

Appendix A – Designated Beneficial Uses of Surface Waters [AMENDED]

Appendix E – Requirements for Development of Site Specific Criteria for Certain Parameters [AMENDED]

Appendix F – Statistical Values of the Historical Data for Mineral Constituents of Water Quality (Beginning October 1976 Ending September 1983, Except as Indicated) [AMENDED]

Appendix G – Numerical Criteria to Protect Beneficial Uses [AMENDED]

Appendix H – Beneficial Use Designations for Certain Limited Areas of Groundwater [AMENDED]

DEQ is proposing to comply with the Water Quality Standards Triennial Review and includes the following updates: add, remove and/or modify certain definitions; update Primary Body Contact Recreation by replacing confidence intervals with geometric mean and statistical threshold values, applicable to both E. coli and Enterococci; updating Secondary Body Contact Recreation to add numeric criteria for E. coli and enterococci based on EPA's water ingestion formula; adding language allowing the use of the copper biotic ligand model for development of copper site-specific criteria; adding language allowing for the potential use of multiple regression model for the creation of copper site-specific criteria; requiring the use of a fish tissue study for selenium site-specific criteria; removal of site-specific metals criteria that were not approved by EPA; removal of segment averages that were not approved by EPA; recalculation of certain criteria and the addition of Aquatic Life and Human Health criteria values based on EPA's recommended values; and, including an updated version of Appendix H that was missing in the most recent version of Chapter 730.

- Presentation – George Russell, IV, DEQ Water Quality Director
- Questions and discussion by the Board

This presentation is for informational purposes only, and no action by the Board is required.

12. Rulemaking - OAC 252:740 Implementation of Oklahoma's Water Quality Standards

- Subchapter 1 – General Provisions [AMENDED]
- Subchapter 3 – Implementation of Narrative Toxics Criteria to Protect Aquatic Life Using Whole Effluent Toxicity (WET) Testing [AMENDED]
- Subchapter 5 – Implementation of Numerical Criteria to Protect Fish and Wildlife From Toxicity Due to Conservative Substances [AMENDED]
- Subchapter 9 – Implementation of Criteria to Protect the Agriculture Beneficial Use [AMENDED]
- Subchapter 11 – Implementation of Temperature Criteria to Protect Fish and Wildlife Propagation Beneficial Use [AMENDED]
- Subchapter 13 – Implementation of Antidegradation Policy [AMENDED]
- Subchapter 15 – Use Support Assessment Protocols [AMENDED]
- Subchapter 17 – Implementation of Dissolved Oxygen Criteria to Protect Fish and Wildlife Propagation [AMENDED]

DEQ is proposing to comply with the Water Quality Standards Triennial Review and includes the following updates: add, remove and/or modify certain definitions; update reasonable potential to allow the use of a fish tissues study to confirm the need for a water quality-based effluent limit; update Assessment of Fish and Wildlife Propagation support to add fish tissue criteria as the preferred method for assessing waterbodies for selenium, with water column criteria being used if fish tissue is unavailable; and, adding Assessment of Secondary Body Contact Recreation support to add criteria values for assessment.

- Presentation – George Russell, IV, DEQ Water Quality Director
- Questions and discussion by the Board

This presentation is for informational purposes only, and no action by the Board is required.

13. Federal Updates – Madison Miller, Deputy Executive Director, DEQ

Mrs. Miller's report may include information pertaining to federal administrative, policy, and litigation developments that may affect the Board or the Department. This report is for informational purposes only, and no action by the Board is required.

14. Employee Disclosures – Jonathan Allen, DEQ General Counsel

The Environmental Quality Code requires DEQ employees involved in reviewing, issuing or enforcing permits to disclose financial interests they hold in entities regulated by the DEQ. The DEQ is required to submit these disclosures to the Board and make them part of the minutes. This is for informational purposes only, and no action by the Board is required.

15. Calendar Year 2027 Board Meeting Dates and Locations - Discussion and vote by the Board.

16. Executive Session

The Open Meetings Act, in Section 307 of Title 25 of the Oklahoma Statutes, authorizes the Board to enter into an executive session to discuss a pending investigation, claim, or action if it determines, with the advice of its attorney, that disclosure will seriously impair the ability of the Board to conduct the investigation, evaluate the claim, or prosecute the action.

- In open session, discussion by the Board.
- In open session, consideration of possible executive session to discuss pending and anticipated litigation, including pending cases CSD-2026-3237 and CSD-2026-3242, pursuant to Title 25 Oklahoma Statutes Section 307(B)(4) (discussion of pending investigation, claim, or action), if authorized by recorded majority vote of a quorum of the Board members present.
- In open session, if executive session approved, designation of a person to keep minutes in executive session.

17. Reconvene into open session

- In open session, roll call vote to reconvene regular Board meeting.

18. New Business (Any matter not known about and which could not have been reasonably foreseen prior to the posting of agenda)

19. Next Meeting

The next regular meeting of the Environmental Quality Board is scheduled to be held on November 10, 2026, at 9:30 a.m., in Ada, Oklahoma. The meeting will be held at the Robert S. Kerr Environmental Research Center, 919 Kerr Research Dr, Ada, OK 74820.

20. Adjournment

Public Forum – Following Adjournment – The Board meets several times a year at different locations across the State to hear the views and concerns of all Oklahomans about environmental issues. This opportunity is informal, and we invite you to follow the instructions provided during and at the conclusion of the Board meeting if you would like to speak during the forum. If necessary to accommodate the public, the Board Chair may decide to conduct the Forum prior to the Call to Order.

Should you desire to attend but have a disability and need an accommodation, please notify the DEQ three days in advance at 405-702-7100. For hearing impaired, the TDD Relay Number is 1-800-722-0353 for TDD machine use only.

**DRAFT MINUTES
ENVIRONMENTAL QUALITY BOARD
JUNE 9, 2026
DEPARTMENT OF ENVIRONMENTAL QUALITY
OKLAHOMA CITY, OKLAHOMA**

Official EQB Approved
On September 9, 2026

Notice of Public Meeting – The Environmental Quality Board (Board) convened for a Regular Meeting at 9:30 a.m., at the Department of Environmental Quality, 707 N. Robinson, Oklahoma City, Oklahoma. This meeting was held in accordance with 25 O.S. Section 311, with notice of the meeting given to the Secretary of State on December 3, 2025. The agenda was mailed to interested parties on May 29, 2026 and was posted at the DEQ on June 8, 2026. Dr. Shannon Ferrell, Chair, called the meeting to order. Also, he went over safety and housekeeping rules. Ms. Fields called roll and a quorum was confirmed.

MEMBERS PRESENT

Richard Auer
Katlin Esteph
Shannon Ferrell
Ken Hirshey
Jimmy Kinder
Steve Mason
Tim Munson
Kim Peterson
Pete Schultze
Sheldon Tatum
Brandi Lowry
Mike Paque

DEQ STAFF PRESENT

Rob Singletary, Executive Director
Madison Miller, Deputy Executive Director
Jonathan Allen, General Counsel
Ryan McIntosh, Legislative Liaison
Kendal Stegmann, Air Quality Division
Mark Hildebrand, Chief of Staff
Lee Warden, Air Quality Division
Skylar McElhaney, Office of Continuous Improvement
Stacey Tucker, Administrative Services Division
Kathy Aebischer, Administrative Services Division
Kelly Dixon, Land Protection Division
Melanie Foster, Air Quality Division
Beverly Botchlet-Smith, Air Quality Division
George Russell, Water Quality Division
Mark Stasyszen, Water Quality Division
Dustin Davidson, State Environmental Laboratory Services
Vance Pennington, Environmental Complaints & Local Services
Carrie Schroeder, Air Quality Division
Bruce Vande Lune, Environmental Complaints & Local Services
Angela Hughes, OGFR
Travis Couch, Environmental Attorney
Greg Carr, Water Quality Division
Malcolm Zachariah, Air Quality Division
Eli Klimek, Air Quality Division
Andrea Bautista, Legal Services Division
Kylen Huffman, Environmental Attorney
Clifton Hoyle, Land Protection Division
Patrick Riley, Land Protection Division
Andrew McClary, Legal Services Division
Afiya Wilkins, Environmental Attorney
Jayme Jones, State Environmental Laboratory Services
Quiana Fields, Office of the Executive Director/Board & Council Secretary

MEMBERS ABSENT

Alexandria Kindrick

OTHERS PRESENT

Jennifer Lewis, Office of the Attorney General
Michelle Wynn, Office of the Secretary of Energy & Environment
Jenny Longley, Court Reporter
Bud Ground, Environmental Federation of Oklahoma
Marla Peek, Ok Farm Bureau
Laura Lodes, Air Quality Advisory Council

Approval of Minutes – Dr. Ferrell called for a motion to approve the January 21, 2026 Regular Meeting minutes. Mr. Hirshey moved to approve and Mr. Auer made the second.

	<i>transcript pages 4 – 6</i>		
Richard Auer	Yes	Tim Munson	Yes
Katlin Esteph	Abstain	Mike Paque	Yes
Ken Hirshey	Yes	Kim Peterson	Yes
Jimmy Kinder	Yes	Pete Schutze	Yes
Brandi Lowry	Yes	Sheldon Tatum	Yes
Steve Mason	Yes	Shannon Ferrell	Yes

Executive Director’s Report – Mr. Rob Singletary, Executive Director of the DEQ, discussed agency accomplishments and activities since the last Board meeting, as well as information pertaining to budgetary and/or legislative or related matters.

transcript pages 6 – 70

Rulemaking – OAC 252:100 – Air Pollution Control

Subchapter 8 – Permits for Part 70 Sources and Major New Source Review

[AMENDED] – Dr. Ferrell called upon Ms. Laura Lodes, Chair of the Air Quality Advisory Council (AQAC) to present the air rules. Ms. Lodes stated that the DEQ is proposing to amend Subchapter 8, Permits for Part 70 Sources and Major New Source Review (NSR) Sources, in OAC 252:100, to improve language at OAC 252:100-8-6(f). The gist of this rule proposal is to provide greater clarity to permitted facilities on the subject of operational flexibility. Hearing no questions or comments by the Board or the public, Dr. Ferrell called for a motion. Mr. Munson moved to approve and Mr. Paque made the second.

	<i>transcript pages 71 – 74</i>		
Richard Auer	Yes	Tim Munson	Yes
Katlin Esteph	Yes	Mike Paque	Yes
Ken Hirshey	Yes	Kim Peterson	Yes
Jimmy Kinder	Yes	Pete Schutze	Yes
Brandi Lowry	Yes	Sheldon Tatum	Yes
Steve Mason	Yes	Shannon Ferrell	Yes

Rulemaking – OAC 252:100 – Air Pollution Control

Subchapter 1 – General Provisions [AMENDED]

Subchapter 3 – Air Quality Standards and Increments [AMENDED]

Subchapter 8 – Permits for Part 70 Sources and Major New Source Review (NSR) Sources

Subchapter 19 – Control of Emission of Particulate Matter [AMENDED]

Subchapter 23 – Control of Emissions from Cotton Gins [AMENDED]

Subchapter 24 – Particulate Matter Emissions from Grain, Feed or Seed Operations [AMENDED]

Subchapter 25 – Visible Emissions and Particulates [AMENDED]

Subchapter 35 – Control of Emission of Carbon Monoxide [AMENDED]

Appendix E. Primary Ambient Air Quality Standards [REVOKED]

Appendix F. Secondary Ambient Air Quality Standards [REVOKED] – Ms. Lodes stated that the DEQ is proposing to amend multiple rules (Subchapters 1,3,8,19,23,24,25 and 35) and revoke two appendices (Appendices E and F) to ensure accuracy and consistency of terminology and standards throughout Chapter 100. The intent of this rulemaking is to ensure that reference to the National Ambient Air Quality Standards (NAAQS) are up to date, consistent and accurate. The final collection of proposed amendments reflects a long-needed cleanup in which outdated terms and formatting are updated to be in line with newer rules and accurate language. The gist of this rulemaking action and the purpose of the proposed rules is to ensure the federal standards are

reflected accurately and to standardize terminology regarding such standards. Hearing no questions or comments by the Board or the public, Dr. Ferrell called for a motion. Mr. Kinder moved to approve and Mr. Hirshey made the second.

transcript pages 74 – 77

Richard Auer	Yes	Tim Munson	Yes
Katlin Esteph	Yes	Mike Paque	Yes
Ken Hirshey	Yes	Kim Peterson	Yes
Jimmy Kinder	Yes	Pete Schutze	Yes
Brandi Lowry	Yes	Sheldon Tatum	Yes
Steve Mason	Yes	Shannon Ferrell	Yes

Dr. Ferrell called for a five-minute break after Item #7. Afterwards he called the meeting back to order.

transcript pages 77 - 78

Federal Updates – Dr. Ferrell called on Ms. Madison Miller, Deputy Executive Director of the DEQ, Ms. Miller gave a presentation pertaining to federal administrative, policy and litigation developments that may affect the Board or the Department.

transcript pages 78 – 97

Legislative Report – Dr. Ferrell called on Mr. Ryan McIntosh, Chief of Government Affairs of the DEQ, Mr. McIntosh gave a presentation pertaining to new legislation that may affect the Board or the Department.

transcript pages 97 – 108

Budget Update and Financial Overview (FY 2026) – Dr. Ferrell called upon Ms. Kathy Aebischer, Director of Administrative Services Division. Ms. Aebischer gave a presentation on the Fiscal Year 2026 budget update.

transcript pages 108 – 111

Executive Session – Annual Performance Review of Executive Director – Among the statutory duties of the Board are the responsibilities to appoint and set compensation of the Executive Director and to assist the DEQ in conducting periodic reviews and planning activities related to the goals, objective, priorities and policies of the DEQ. Dr. Ferrell called for a motion to go into Executive Session, Mr. Munson moved to go into Executive Session and Mr. Hirshey made the second.

transcript pages 112 – 115

Richard Auer	Yes	Tim Munson	Yes
Katlin Esteph	Yes	Mike Paque	Yes
Ken Hirshey	Yes	Kim Peterson	Yes
Jimmy Kinder	Yes	Pete Schutze	Yes
Brandi Lowry	Yes	Sheldon Tatum	Yes
Steve Mason	Yes	Shannon Ferrell	Yes

Reconvene into open session – In open session, Dr. Ferrell called for a motion to reconvene the Regular Board meeting. Mr. Tatum moved to approve and Mr. Munson made the second.

transcript pages 115 – 116

Richard Auer	Yes	Tim Munson	Yes
Katlin Esteph	Yes	Mike Paque	Yes
Ken Hirshey	Yes	Kim Peterson	Yes
Jimmy Kinder	Yes	Pete Schutze	Yes
Brandi Lowry	Yes	Sheldon Tatum	Yes
Steve Mason	Yes	Shannon Ferrell	Yes

Consider taking action on the following – Dr. Ferrell called for a motion to the evaluation of the Executive Director and his annual performance review. Mr. Paque made a motion that the Board would proceed with their annual evaluation of the Executive Director and discussion of salary. Mr. Munson made the second.

transcript pages 116 – 118

Richard Auer	Yes	Tim Munson	Yes
Katlin Esteph	Yes	Mike Paque	Yes
Ken Hirshey	Yes	Kim Peterson	Yes
Jimmy Kinder	Yes	Pete Schutze	Yes
Brandi Lowry	Yes	Sheldon Tatum	Yes
Steve Mason	Yes	Shannon Ferrell	Yes

Dr. Ferrell stated with the motion passed, so he entertained a motion for any comments with respect to the annual evaluation and any adjustments that need to be made to the Executive Director's compensation. Mr. Kinder made a motion to extend the Executive Director's salary to \$216,000 annual payment. Mr. Hirshey made the second. Hearing no further discussion by the Board, Dr. Ferrell called for a roll call vote.

transcript pages 118 – 120

Richard Auer	Yes	Tim Munson	Yes
Katlin Esteph	Yes	Mike Paque	Yes
Ken Hirshey	Yes	Kim Peterson	Yes
Jimmy Kinder	Yes	Pete Schutze	Yes
Brandi Lowry	Yes	Sheldon Tatum	Yes
Steve Mason	Yes	Shannon Ferrell	Yes

New Business – None

Next Meeting – The next Regular Meeting is scheduled for Wednesday, September 9, 2026 at 9:30 a.m., in Guymon, Oklahoma. The meeting will be held at the Guymon City Hall, 424 N. Main Street, Guymon, OK 73942.

Adjournment – Dr. Ferrell called for a motion to adjourn. Mr. Munson moved to adjourn and Mr. Tatum made the second. Meeting adjourned at 12:44 p.m.

transcript pages 121 – 123

Richard Auer	Yes	Tim Munson	Yes
Katlin Esteph	Yes	Kim Peterson	Yes
Ken Hirshey	Yes	Peter Schultze	Yes
Jimmy Kinder	Yes	Sheldon Tatum	Yes
Brandi Lowry	Yes	Shannon Ferrell	Yes

Public Forum – No public forum issues were raised.

The transcript and sign-in sheet become an official part of these Minutes.

Page 1 1 2 REGULAR MEETING, DEPARTMENT OF ENVIRONMENTAL QUALITY 3 ENVIRONMENTAL QUALITY BOARD 4 BEGINNING AT 9:30 AM ON JUNE 9, 2026 5 IN OKLAHOMA CITY, OKLAHOMA 6 7 8 MEMBERS PRESENT: 9 Richard Auer 10 Shannon Ferrell 11 James Kinder 12 Kenneth Hirshey, Jr. 13 Katlin Esteph 14 Steve Mason 15 Brandi Lowry 16 Peter Schultze 17 Tim Munson 18 Sheldon Tatum 19 Mike Paque 20 Kim Peterson 21 22 MEMBERS ABSENT: 23 Alexandria Kindrick 24 25 REPORTED BY: Jenny Longley, CSR	Page 3 1 the west side and you go downstairs, you can find 2 the building's basement. 3 In the event of fire or other 4 emergency, we have exits located here and here and 5 you can proceed on outside, and for your comfort, 6 restrooms are located down the hallway back by the 7 elevator bank. 8 We appreciate you all being here 9 today. We've got a full agenda, so we'll get to it. 10 Ms. Fields, would you please call our 11 roll? 12 MS. FIELDS: Mr. Auer? 13 MR. AUER: Here. 14 MS. FIELDS: Ms. Esteph? 15 MS. ESTEPH: Present. 16 MS. FIELDS: Mr. Hirshey? 17 MR. HIRSHEY: Here. 18 MS. FIELDS: Mr. Kinder? 19 MR. KINDER: Here. 20 MS. FIELDS: Ms. Kindrick is absent. 21 Ms. Lowry? 22 MS. LOWRY: Here. 23 MS. FIELDS: Mr. Mason? 24 MR. MASON: Yes. 25 MS. FIELDS: Mr. Munson?
Page 2 1 PROCEEDINGS 2 DR. FERRELL: Ladies and Gentlemen, the 3 June 9, 2026 regular meeting of the Environmental 4 Quality Board has been called according to the Open 5 Meeting Act, Section 311 of Title 25 of the Oklahoma 6 Statutes. Notice was filed with the Secretary of 7 State on December 3, 2025. Agendas were mailed to 8 interested parties on May 29, 2026 and were posted 9 at the DEQ on June 8, 2026. Only matters appearing 10 on the posted agenda may be considered. 11 If this meeting is continued or 12 reconvened, we must announce today the date, time 13 and place of the continued meeting and the agenda 14 for such continuation will remain the same as 15 today's agenda. 16 It's summer, it's the season of 17 blockbusters, and we have special effects, loud 18 explosions, we've got it all, legislative updates, 19 federal regulation, beam signing. We're delivering 20 everything we promised you and more, so we hope you 21 brought your popcorn for today's event. 22 In terms of safety items, just a 23 couple of things. No severe weather is anticipated 24 for the time that we're having the meeting today, 25 but if so, if you exit out the doors over here to	Page 4 1 MR. MUNSON: Here. 2 MS. FIELDS: Mr. Paque? 3 MR. PAQUE: Here. 4 MS. FIELDS: Mr. Peterson? 5 MR. PETERSON: Here. 6 MS. FIELDS: Mr. Schultze? 7 MR. SCHULTZE: Here. 8 MS. FIELDS: Mr. Tatum? 9 MR. TATUM: Here. 10 MS. FIELDS: Dr. Ferrell? 11 DR. FERRELL: Here. 12 MS. FIELDS: We have a quorum. 13 DR. FERRELL: Thank you, Ms. Fields. 14 Moving on to agenda item number 4, is 15 the approval of the minutes from our January 21, 16 2026 regular meeting. Those were all included as 17 part of the Board packet and were available for 18 review by the public. 19 If you would like to take a moment to 20 review those, and after doing so we would entertain 21 a motion to approve. 22 MR. HIRSHEY: I move to approve. 23 DR. FERRELL: We have a motion to approve 24 the minutes. Is there a second? 25 MR. AUER: Auer, second.

1 DR. FERRELL: Second? Any discussion? 2 Any discussion? Any discussion? 3 Seeing none, Ms. Fields, would you 4 please call the roll? 5 MS. FIELDS: Mr. Auer? 6 MR. AUER: Yes. 7 MS. FIELDS: Ms. Esteph? 8 MS. ESTEPH: I'll abstain, I was not 9 present at the last meeting. 10 MS. FIELDS: Mr. Hirshey? 11 MR. HIRSHEY: Yes. 12 MS. FIELDS: Mr. Kinder? 13 MR. KINDER: Yes. 14 MS. FIELDS: Ms. Lowry? 15 MS. LOWRY: Yes. 16 MS. FIELDS: Mr. Mason? 17 MR. MASON: Yes. 18 MS. FIELDS: Mr. Munson? 19 MR. MUNSON: Yes. 20 MS. FIELDS: Mr. Paque? 21 MR. PAQUE: Yes. 22 MS. FIELDS: Mr. Peterson? 23 MR. PETERSON: Yes. 24 MS. FIELDS: Mr. Schultze? 25 MR. SCHULTZE: Yes.	Page 5 1 Sector by focusing on barriers to efficient and 2 effective program implementation. 3 So a few weeks ago, we had our 4 meeting in Greenville, South Carolina, and as you 5 can imagine, AI pretty much dominated the 6 presentations and the conversations both from a Data 7 Center perspective, you know, the Air Quality 8 concerns, the Water Quality concerns, the Water 9 Quantity concerns, but really a bigger focus was on 10 agency usage of AI. 11 And I can already tell this forum's 12 going to be incredibly useful, a great resource as 13 we navigate our journey through the AI world, and 14 I'll give you a little more detail as to where we 15 are in just a minute. 16 But I've come to learn that, I mean, 17 looking at what we've already been involved in the 18 last six months compared to what some of our other 19 state agencies are doing, we are -- there's a few 20 states that are right there with us, but for the 21 most part, we're kind of leading the charge on it. 22 EPA is really behind the eight ball, they've 23 actually said, "We just want to find out how we can 24 not be an obstacle", because they're so far behind 25 on figuring out how to best utilize it, but... Page 7
1 MS. FIELDS: Mr. Tatum? 2 MR. TATUM: Yes. 3 MS. FIELDS: Dr. Ferrell? 4 DR. FERRELL: Yes. 5 MS. FIELDS: Motion passed. 6 DR. FERRELL: Very good. Agenda item 7 number 5 is the Executive Director's Report, and I 8 am told oh, what a report it is. 9 So Mr. Director, the floor is yours. 10 MR. SINGLETARY: All right. So it's 11 really difficult to even scratch the surface on the 12 activities that have occurred since we met back in 13 January. It's been an incredibly active five, 14 almost six months since we were last together, but 15 I'm going to try and highlight some of the bigger 16 things. 17 First, start with some of the fun 18 stuff. So last year, I was appointed to EPA's 19 E-Enterprise Leadership Council, which includes ten 20 representatives, some from state environmental 21 agencies, some from the EPA leadership, and then 22 some from tribal leadership, as well. This 23 organization or this council is designed to help 24 provide high-level strategic direction and oversight 25 for E-Enterprise activities in the Environmental Page 6	1 So our E-Enterprise update here at 2 the agency is, if you recall, the Secretary of 3 Energy and Environment introduced us to an AI 4 company toward the beginning of the year, it's 5 called Vulcan, several other states have utilized it 6 in some limited capacities. They gave us a free 7 90-day trial pilot project with them. They built a 8 model specifically for us with all the different 9 things that we could utilize here at the agency, 10 from permitting to legal to regs to statutes, just 11 kind of built that whole model for us, and we had 12 pretty great utilization. 13 So we essentially had unlimited usage 14 of this for that 90-day period, it actually went a 15 little bit over 90 days, but over half our staff 16 participated in that pilot project and there was a 17 lot of great feedback from all of them. I think 18 universally, everybody said this is going to be a 19 great tool. So what we're trying to do now is 20 quantify how great it is because it's also a very 21 expensive tool. 22 So, the cost, you know, after we 23 completed the pilot project, they gave us an initial 24 quote and then they actually came down quite a bit 25 from that, but ultimately, it's \$3,000 per user per Page 8

1 month, so that's \$36,000 per year. You can imagine 2 as a state agency, that's definitely cost 3 prohibitive; the expectation is those costs are 4 going to continue to come down and that the 5 capabilities are going to keep increasing. 6 So the Secretary had some money for 7 this kind of purpose that he -- some limited funds 8 that he is providing to us so that we can kind of 9 continue with that process, so we're matching some 10 of his funds, but we're doing it on a very limited 11 basis. So we agreed on a month-to-month basis to go 12 forward with five users with the full sweep of 13 everything that it -- that the AI model provides. 14 And so again, the whole idea there is I want -- 15 we've been very strategic about who we selected to 16 do that, and their task is to not only use it to its 17 full capacity, but to determine and improve or 18 demonstrate what the efficiencies or what the 19 product improvements are for our -- the people of 20 Oklahoma, right, what are we -- what is the value of 21 utilizing this. 22 So that's the -- I mean, their whole 23 -- they're developing metrics and we're going to 24 kind of go forward with it and see if we can, in any 25 way, justify a broader usage of it. So we're	Page 9 1 an incredibly outdated and unreliable platform for 2 many years, one that kept crashing. We had one 3 person who was on contract who could maintain it, 4 and it was just an untenable situation and it'd been 5 going on for many, many years and it really 6 interfered with our ability to issue licenses, I 7 mean, it greatly interfered with it. 8 And so we made a huge investment in 9 that, and the reason it's such a big problem is 10 because we also require the public water supplies 11 and the wastewater systems that we regulate to be 12 operated by a licensed operator, so when DEQ is not 13 able to issue those licenses, it's problematic. 14 So, needless to say it was an issue, 15 so we made the investment of time and money into 16 that and we launched that platform several months 17 ago - I don't know if Brandon's here - but we are in 18 the middle of that operator certification renewal 19 season, so this product is up and running. 20 We've actually just -- they are 21 trying to do a little pilot project, that platform 22 actually has kind of an AI assistant associated with 23 it, so we activated that. Several of the platforms 24 I'm going to mention also have that, but you know, 25 we're not sure exactly how useful that's going to Page 11
1 excited that it's continuing, we know it's going to 2 be very useful, but we just have to be good stewards 3 of the resources that we have. So I think that's 4 where we were on that. 5 Another E-Enterprise update I wanted 6 to provide has to do with our platforms, so 7 different IT platforms. I've given you some updates 8 on that over the last couple of years and I'm glad 9 to report several of those are completed, up and 10 running and fully operational. 11 We put a big investment into our 12 Accounts Receivable & Invoicing platform, it created 13 a unifying -- it unified diverse agency programs to 14 automate our entire invoicing life cycle. It's up 15 and running. We have a few of the divisions that 16 aren't fully up and running yet feeding into it, but 17 as those projects get up and running, it'll feed 18 into the ASD platform that's up and moving. So 19 we're hoping by the end of the year we're going to 20 have all those up and going. 21 A big one that I've mentioned in the 22 past, it's fully operational now, and that's our 23 Operator Certification program. I've mentioned 24 before, we issue 6,000 to 8,000 operator 25 certifications each year. We've been a prisoner to Page 10	1 be, but this is an instance we're going to try, and 2 it should be active now. 3 So we appreciate any feedback from 4 Mr. Tatum and from anyone else who has to utilize 5 that. Let us know how useful it is, but we're 6 hoping it's going to help folks -- guide them 7 through the process and make things more efficient 8 on our end, as well. 9 Next up is our Agency Complaints and 10 Enforcement System, what we refer to as ACES. You 11 all probably know we're required by law to maintain 12 a program to respond to citizen complaints. We've 13 developed a new platform that allows the 14 centralization of environmental complaints tracking. 15 It's a platform that streamlines everything from the 16 intake of the complaints through the tracking of the 17 complaints and it ensures faster resolution and 18 improved accountability to the public. And again 19 that one is now, as of last month, fully 20 operational, so big upgrade there. 21 We've got several other ones that are 22 in the process that I'm going to give you updates on 23 at future meetings, one of them that we're 24 particularly excited about is our Permitting Portal 25 for Wastewater Management. This portal, we think, Page 12

Page 13 1 is going to revolutionize the Water Quality permit 2 life cycle by consolidating renewals, inspections, 3 monitoring and federal reporting into a single, 4 unified platform. It's going to eliminate 5 fragmented legacy systems and provide a 360-degree 6 view of compliance, from initial application intake 7 to the actual federal reporting that's required. 8 Right now, we've just finished the 9 discovery core sessions and we anticipate that one 10 going live in about a year, so at our June meeting 11 in 2027, hopefully I can announce that that's up and 12 running, so that's one of the big ones we've got 13 hanging out there. So those are our E-Enterprise 14 updates. 15 Our hard infrastructure updates, 16 obviously the parking garage. I know we've had 17 several people come in since the beam signing, just 18 the highlights are: we're about 55 percent complete; 19 all of the floors have been poured, elevators arrive 20 in August; that big crane outside is coming down 21 this month; we're starting construction on the lobby 22 on the 6th floor sometime in August; and now we 23 anticipate that the project will be complete and 24 we'll be parking in the garage by January 25th of 25 2027, so just over seven or eight -- seven and a	Page 15 1 garage, so that's seven brand new elevators in the 2 building if we can just make it to about a year from 3 now is what we need to do, so there is an end in 4 sight there, so that's the good news. 5 Some of the significant activities 6 that are occurring at DEQ right now, probably one of 7 the biggest things going on is the aluminum smelter. 8 You may have heard about it, it's been in the news 9 quite a bit. 10 So back in February of this year, DEQ 11 received a PSD Air Quality Permit Application for a 12 new aluminum smelter near Inola, which is just east 13 of Tulsa, about 20, 25 miles due east of Tulsa, and 14 it would be the largest aluminum smelter in the 15 United States and the first one to be constructed in 16 about 45 years. 17 It's reported to be a project with a 18 total cost of right around \$7 billion. Immediately, 19 we knew this was going to be a significant 20 undertaking for the agency, definitely the most 21 significant application that we've processed since 22 the agency was established well over three decades 23 ago. 24 Recognizing that significance, 25 Madison and I, we actually took the opportunity back
Page 14 1 half months from now. 2 The other big and probably equally 3 important infrastructure project that we have are 4 our elevators. So if you recall, we've got four 5 passenger elevators and a freight elevator, so every 6 elevator in the building, that has to be replaced. 7 So right now, we're down to two functioning 8 passenger elevators functioning most of the time, 9 not 100 percent of the time, so they all have to be 10 replaced. I mean, this building is almost as old as 11 the garage was, so it takes a lot of upkeep. 12 And so we have been, for many years, 13 kind of doing different Band-Aids on these 14 elevators, but the parts are impossible to find now 15 so we're having to replace all of them, which is 16 going to be fun because, starting next month, we 17 will have to take down one of the functioning 18 elevators. So for about six months, we're going to 19 be down to a freight elevator, one functioning 20 elevator, and then come the end of December, we'll 21 have two new elevators functioning and then we'll 22 take down the other elevators. 23 So about a year from now, we'll have 24 all five of the elevators in the building 25 functioning and the two elevators in the parking	Page 16 1 in March to tour the most recently built - the one 2 that was built 45 years ago - aluminum smelter in 3 South Carolina. We were nearby for an ECOS meeting, 4 so we decided to go ahead and make the trip and tour 5 this facility. Interestingly enough, we didn't know 6 it at the time, but that facility is actually owned 7 by the minority-interest owner in this smelter 8 that's being proposed for Inola, so it was -- I 9 think it was very good to us to actually be in one 10 of those and getting a better feel for what that 11 kind of operation looks like. 12 Needless to say, we're taking this 13 undertaking extremely seriously, we're being very 14 purposeful and thorough, as you would imagine, as 15 always, but especially considering the magnitude of 16 this project. 17 I've appointed Madison to oversee and 18 coordinate the agency's effort, so she's meeting 19 weekly with the DEQ team assigned to the project. 20 So initially there'll be an Air Quality permit, but 21 then there potentially could be a Water permit, 22 there's, you know, a Hazardous Management piece of 23 it, not a permit, but there's a lot of different 24 areas of the agency that are going to be involved in 25 the construction and potential operation of this

1 facility, so she's coordinating that effort. 2 As expected, that project has gained 3 a lot of attention across the board, it's a project 4 that both President Trump and the Governor are in 5 strong support of. The Governor just released a 6 Facebook video over the weekend expressing his 7 support and describing the importance of the 8 project. 9 And then you may have also heard that 10 last week, the Attorney General held a press 11 conference in Inola where he announced that he had 12 filed a lawsuit seeking to enjoin that project, 13 specifically the AG is seeking to enjoin the 14 construction or operation of the proposed facility 15 "except upon such terms and conditions as are 16 necessary to prevent the threatened public nuisance 17 and threatened pollution" that are alleged in that 18 petition. 19 We've also had a lot of interest from 20 different state legislators, as well. I've 21 personally gone out along with Madison and Ryan to 22 meet with a group of Representative Gann's 23 constituents and listen to their concerns and 24 explain, you know, the DEQ permitting process, the 25 different opportunities for public participation,	Page 17 1 application and that DEQ's decision-making will be 2 based on all legally available tools, and we're 3 going to be completely transparent to the public in 4 that. 5 As far as transparency goes, we put 6 this application and the related materials on our 7 online permitting docket that we've recently 8 developed, I think we put this in -- I think Ryan 9 was very helpful in getting this up and running. It 10 was, I think, October? 11 MR. MCINTOSH: November. 12 MR. SINGLETARY: November. Yeah, we had 13 this -- it's been up for a while, this has been a 14 goal of ours, so we've got that up and running. 15 We put all the documents related to 16 this permit application on that, and we've even gone 17 a little further. Recognizing, you know, how 18 extensive the interest is in this, we actually 19 created a website dedicated to the project where 20 people can find out exactly where we are, any 21 documents that have been submitted to the agency, 22 anything we've submitted to the applicants, as well. 23 And thus far, the applicants are 24 being extremely responsive to our requests and to 25 our process. Considering the significance of and
1 and when their concerns would be -- how they fit 2 into that process and where they could interject 3 those. 4 I've also gone out to meet with 5 Secretary Arthur, our Ag Secretary, to meet with a 6 state senator and two representatives along with 7 some of their concerned constituents, and had very 8 similar conversations. So there's a lot of outreach 9 going on, we're trying to be very transparent. 10 Madison and Lee Warden, the Chief 11 Engineer for the Air Quality Division, they actually 12 led a process meeting at the high school in Inola 13 about a month ago where they explained in detail the 14 permitting process and answered different questions. 15 I want to say it was, like, 125 people that were 16 there at that meeting, so it was very well attended. 17 And obviously DEQ, we're right in the 18 middle of all of it, so my response to all the 19 attention and the interest that we continue to get 20 is that we don't get to decide where a facility 21 locates. Our role is to ensure that all applicable 22 human health and environmental requirements are met 23 prior to the construction and the operation of a 24 facility, and that DEQ is going to go through the 25 legally required process of evaluating the permit	Page 18 1 the media coverage on this issue, I kind of wanted 2 to make sure you guys were up to date with 3 everything going on. It is getting a lot of 4 attention, but I can imagine there'll be more to 5 report at subsequent board meetings, but that's 6 where we are now. 7 We've received the application, we're 8 processing it. There will be some more public 9 meetings that come up on the modeling, on the draft 10 permit, on the BACT determination, there'll be 11 several different opportunities for us to engage the 12 public on this. So again, we're being as 13 transparent as humanly possible on this one. 14 Next issue I wanted to give you an 15 update on is the tire fund issue. So for those of 16 you who aren't familiar with our tire fund, it's a 17 fund that's statutorily created and it's funded 18 through tax that's collected by the Oklahoma Tax 19 Commission based on the number of tires that are 20 sold by tire dealers each month. Roughly 300,000 21 tires per month are sold. 22 And so we have tire processors or 23 recyclers who go around the state, they collect 24 these tires - they're the waste tires after they're 25 utilized - and they submit monthly reports to us,
	Page 19 1 application and that DEQ's decision-making will be 2 based on all legally available tools, and we're 3 going to be completely transparent to the public in 4 that. 5 As far as transparency goes, we put 6 this application and the related materials on our 7 online permitting docket that we've recently 8 developed, I think we put this in -- I think Ryan 9 was very helpful in getting this up and running. It 10 was, I think, October? 11 MR. MCINTOSH: November. 12 MR. SINGLETARY: November. Yeah, we had 13 this -- it's been up for a while, this has been a 14 goal of ours, so we've got that up and running. 15 We put all the documents related to 16 this permit application on that, and we've even gone 17 a little further. Recognizing, you know, how 18 extensive the interest is in this, we actually 19 created a website dedicated to the project where 20 people can find out exactly where we are, any 21 documents that have been submitted to the agency, 22 anything we've submitted to the applicants, as well. 23 And thus far, the applicants are 24 being extremely responsive to our requests and to 25 our process. Considering the significance of and
	Page 20 1 the media coverage on this issue, I kind of wanted 2 to make sure you guys were up to date with 3 everything going on. It is getting a lot of 4 attention, but I can imagine there'll be more to 5 report at subsequent board meetings, but that's 6 where we are now. 7 We've received the application, we're 8 processing it. There will be some more public 9 meetings that come up on the modeling, on the draft 10 permit, on the BACT determination, there'll be 11 several different opportunities for us to engage the 12 public on this. So again, we're being as 13 transparent as humanly possible on this one. 14 Next issue I wanted to give you an 15 update on is the tire fund issue. So for those of 16 you who aren't familiar with our tire fund, it's a 17 fund that's statutorily created and it's funded 18 through tax that's collected by the Oklahoma Tax 19 Commission based on the number of tires that are 20 sold by tire dealers each month. Roughly 300,000 21 tires per month are sold. 22 And so we have tire processors or 23 recyclers who go around the state, they collect 24 these tires - they're the waste tires after they're 25 utilized - and they submit monthly reports to us,

1 documenting their efforts so they can get 2 reimbursed. 3 It's a way to address abandoned 4 tires, and the big tire problem is every one of us, 5 you know, we got here in a car, at least got four, 6 so I mean, we're constantly replacing them. They've 7 been a problem in the past, so way back when the 8 legislature came up with this proposed solution for 9 it. 10 The program actually works great, 11 technically, I mean, 6,000 tons of tires get 12 recycled or processed each month. On average, we 13 have about \$1 million available to reimburse those 14 processors, but this year we had a little of a -- an 15 interesting occurrence. So the Tax Commission 16 received tax refund requests from a very, very large 17 tire dealer covering overpayments that spanned 18 several years, and they requested about \$1.4 million 19 in a refund which would, you know, deplete the fund. 20 The Tax Commission originally planned 21 to just grant that request and refund the 22 overpayments in one fell swoop, which would 23 essentially drain the entire fund and would leave no 24 money to pay these processors. 25 So after multiple meetings that were	Page 21 1 that we consider developing an expedited permitting 2 process here in Oklahoma, similar to what's done in 3 Texas and Louisiana and many other states. 4 And so we -- pretty quickly we 5 thought it was a great idea, we developed and rolled 6 out our pilot program primarily to see whether or 7 not there was enough interest from the regulated 8 entities where they'd take advantage of it, and then 9 do we have enough interest from our staff to work 10 after hours and on weekends to expedite a permit. 11 So we decided instead of going straight to 12 rulemaking, we would do a pilot project, engage 13 that, and then after a year, if we had sufficient 14 interest, we would initiate permanent rulemaking. 15 So since those -- we can't actually 16 collect fees unless we go through rulemaking, we 17 developed, with the assistance of OMES, a contract 18 for services approach that allowed an applicant to 19 pay staff to work after hours or on weekends on a 20 voluntary basis to help expedite that process. 21 That program has been in effect since 22 October, and ultimately we have five applicants who 23 took advantage of the pilot program. In February, 24 one of those applicants was the proposed aluminum 25 smelter that I just discussed. Page 23
1 initiated by Jonathan Allen and Kole Kennedy, the 2 head of that program in Land Protection, OTC finally 3 agreed to pay that refund out over a longer period 4 of time. 5 So although it's still a really 6 painful outcome for the tire processors because it 7 does reduce the amount that gets paid out, at least 8 it's over that time period and it's helped mitigate 9 it and it's not as devastating, because before, 10 their whole business model is based on being able to 11 access these funds for the activities and the costs 12 they incur in doing it. 13 So it's a very difficult situation, 14 but Jonathan and Kole, they really went above and 15 beyond the way they advocated for this program. The 16 legislature was involved in it to some degree and a 17 lot of conversations with the Tax Commission on 18 that, too, so kudos to them for helping come up with 19 a resolution that is going to allow that program to 20 continue and hopefully build the fund back up over 21 time. 22 Another thing I wanted to update you 23 on because I shared it with you in the past is our 24 Expedited Permitting Pilot program. So last year, 25 some of the members of EFO came to us with a request Page 22	1 Like I said, there's a lot of 2 interest in this application, a lot of opposition to 3 it in some sectors. One of the local legislators 4 who strongly opposed the proposed smelter, in an 5 effort to, I mean, delay the permitting process, has 6 questioned the agency's ability to offer that pilot 7 program. So out of an abundance of caution, I've 8 decided to go ahead and suspend that pilot program 9 while we evaluate those concerns. We don't want to 10 step into anything unnecessarily, so we're going to 11 evaluate that. 12 But in the meantime -- and there's no 13 question that we have the legal authority to do it 14 through rulemaking, and clearly there's sufficient 15 interest in it, so we have decided we're going to 16 initiate permanent rulemaking, and if successful 17 those rules would be in effect probably in July or 18 August of next year. So we'll probably have 19 something for you all to consider probably in the 20 November or January board meeting, I would guess, 21 but -- 22 MR. MASON: Hey, Rob? 23 MR. SINGLETARY: Yes, sir. 24 MR. MASON: So those employees that have 25 worked overtime, will they receive the pay or will Page 24

1 the state or the agency? 2 MR. SINGLETARY: The ones who have done it 3 will be compensated, but -- 4 MR. MASON: That's a nice perk, thank you. 5 MR. SINGLETARY: Yeah, but we're going to 6 -- we're going to stop -- 7 MR. MASON: I understand, but I'm 8 saying it's a nice perk, thank you. 9 MR. SINGLETARY: So really just to kind of 10 back up on it, one of the reasons I thought it was a 11 good idea and I still think it's a good idea in 12 terms of rulemaking, is to -- Mr. Mason, you know 13 how difficult it is for us to maintain engineers. I 14 mean, engineers are in high demand out there in the 15 workplace, and we cannot compete with the salaries 16 that some of the consulting firms offer, so we lose 17 really good engineers from time to time, and it's 18 usually about the cost. A lot of them are really 19 drawn to public service, but you know, the incentive 20 of that additional pay is pretty alluring and 21 important to them. 22 So we thought this would be an 23 opportunity for folks who don't mind working extra. 24 I promise you, if you're at a private firm you're 25 going to be working weekends and after hours anyway,	Page 25 1 Now, there are certain things we 2 can't require. I mean, we are an agency, so we are 3 limited by, you know, what the law allows us to 4 require and we're not going to go beyond that. If 5 we see something that would be helpful that may go 6 beyond that, we may suggest that an applicant do 7 that, but we can't require them to do that. 8 But I can promise you, on this one 9 we're going to be -- we are being extremely thorough 10 in how we're processing it and how it's proceeding 11 through the process, and we're going to be very 12 attentive to the public's concerns and try to 13 address them the best we can in the process. 14 And like I said, you know, this is a 15 huge project, a \$7 billion project. The applicants 16 have been very responsive so far, so my -- you know, 17 our hope is that, you know, this -- that we have 18 that kind of cooperation throughout the entire 19 process and we can alleviate a lot of the concerns 20 that are posed. 21 And some folks, you know, they are 22 probably just not going to be happy because it is 23 nearby, in the vicinity. And like I said, we don't 24 get to pick where the facility locates, we just get 25 to make sure that they comply with all the
1 so this was a chance for us to offer them the 2 opportunity to stay with public service, but 3 actually make a little bit more money and maybe that 4 would give them more an incentive to stay longer at 5 the agency. So that was kind of one of the reasons 6 we wanted to do it. 7 MR. MASON: I have another question about 8 the smelter. When we issue a permit, we follow the 9 rules and we do a good job at it. 10 MR. SINGLETARY: Yeah. 11 MR. MASON: Was it curious that someone 12 would file a complaint with us before we even 13 started a review and we follow the rules? 14 MR. SINGLETARY: I really don't -- 15 MR. MASON: Look, I'm just saying -- 16 MR. SINGLETARY: I mean, I can confirm 17 that we absolutely follow the rules, and any permit 18 that we issue -- always issue, we try and make sure 19 it's very tight and focus on the rule, but this 20 permitting action specifically, we know how much 21 interest there is in it, so we are going to make 22 100 percent sure that the i's are dotted, the t's 23 are crossed. We're going to use all the tools we 24 have to make sure human health and the environment 25 are protected and then we can address the concerns.	Page 26 1 requirements. 2 All right. So I think that pretty 3 much covers that expedited permitting process, we 4 hope to bring that to you guys for your -- you all 5 for your consideration in the coming months. 6 The next thing, which I think is a 7 great story, is the Ozone Precursor PSD Offsets 8 policy. So this is another proposal that we're 9 likely going to be bringing to the Board in 10 November, and again, it came out of a conversation 11 we had during one of our regular meetings with EFO. 12 One of the members, Jeremy Jewel, 13 identified an issue where PSD - Air Quality - 14 construction permits couldn't be issued in certain 15 areas of the state because of modeled potential 16 exceedances of the Ozone NAAQS. Since we are 17 currently in attainment for the Ozone NAAQS, which 18 is a great thing, there isn't currently a mechanism 19 that allows for offsets or stricter control 20 technology to be installed in that kind of situation 21 when there's a potential exceedance of the NAAQS 22 that could result from the project. 23 To me, it didn't make sense because 24 if you were in nonattainment for one of the NAAQS, 25 it means you're violating those standards. There is
	Page 27 Page 28

Page 29 1 a mechanism that allows you to take offsets and 2 install LAER, which is a much stricter control 3 technology, which would allow the projects to 4 proceed, economic development to continue, and it 5 actual improves the airshed by -- through those 6 offsets. So you actually get reductions in 7 pollution going in from other sources into that 8 airshed, and it's a great tool to allow development 9 to continue, but to actually make improvements in 10 your air quality. 11 So just -- it just didn't make sense 12 that there wasn't an option for us to be able to do 13 something like that, so I asked our staff to come up 14 with a program. I talked to EPA's head of the 15 Office of Air & Radiation and our Regional 16 Administrator, Scott Mason. Kendal, I know she 17 talked to her connections at Headquarters and at 18 Region 6, as well. 19 And they have come up with a 20 rulemaking proposal that appears to satisfy EPA 21 requirements and will allow those projects to move 22 forward, again allowing economic development and 23 improving air quality. Not only do we get those 24 emission offsets, but we are also going to have very 25 stringent control requirements in there that are --	Page 31 1 Study. So this is the one where the legislature 2 appropriated about \$1 million to us to commission a 3 study on the Blue River. That study actually kicked 4 off the ceremony back in January, kind of near 5 Tishomingo, at the confluence of the Blue and the 6 Little Blue Rivers. 7 The latest on that is on April 7th, 8 OU submitted - they're the ones that were chosen to 9 do this project - a Sampling and Analysis Plan and a 10 Quality Assurance Project Plan to the agency. Our 11 QA officer and our Water Quality staff provided some 12 extensive comments to them, and they just recently 13 revised that document and resubmitted it to us last 14 week. 15 The big hurdle right now to getting 16 the sampling done for that study is obtaining access 17 agreements for the areas that OU's identified that 18 would be best places to study. Because we have -- 19 several of the owners are actually out-of-state 20 owners, so getting access to them has been a little 21 bit difficult. But the Blue River Foundation, 22 they've offered to - you know, they're all in very 23 close contact - to help us obtain those agreements. 24 So hopefully sampling's going to 25 start pretty soon, maybe, you know, by our next
Page 30 1 control requirements that are more stringent than a 2 normal PSD permitting action here in the state. 3 So again, that's going to come to the 4 Air Quality Council next month for their 5 consideration, and it'll probably be considered a 6 couple times to them because it is a new concept, 7 just to kind of educate them on and let them kind of 8 dig deep into it, but it'll come to the Board, we 9 anticipate, in November. 10 To me, it's a great example of the 11 state government, the federal government, and 12 industry working together to come up with a solution 13 to a problem that benefits everyone involved, and 14 most importantly one that benefits air quality here 15 in Oklahoma. 16 So that's one -- you know, we're 17 still in the process of it, we have to get the 18 rulemaking done, then we have to formally submit it 19 to EPA and then we have to get their approval on it 20 and then we can implement it, but just the 21 collaboration and the kind of common-sense -- what 22 appears to be a common-sense result out of it is 23 very, very encouraging. 24 The next thing I wanted to update you 25 on -- Mr. Paque, you had asked about the Blue River	Page 32 1 board meeting I can give you a more detailed update. 2 MR. PAQUE: Thanks. 3 MR. SINGLETARY: ECOS activities, so we 4 had our spring meeting back in March. I had the 5 opportunity to serve on a panel that discussed ways 6 that our mission to protect human health and the 7 environment overlap with our states' economic 8 development and prosperity goals. 9 And then kind of a similar part of my 10 duties as an officer to ECOS, I got to represent 11 DEQ, but also ECOS on a panel talking about UIC 12 delegation at an event sponsored by the American 13 College of Environmental Lawyers back in April. 14 And that kind of ties into some of 15 the EPA activity that we've had, some interactions 16 we've had over the last few months, so we've had 17 some really great opportunities to interact with EPA 18 leadership. 19 Of course, we have our routine 20 meetings with our Regional Administrator Scott Mason 21 and his staff and the other Region 6 staffs, but I 22 -- one fun one was I, along with Dr. Ferrell and 23 Madison Miller and Ryan McIntosh, had the 24 opportunity just over a week ago, a week and a half 25 ago, to attend a roundtable in the Pfeiffer's barn

Page 33 1 in Mulhall, Oklahoma, with the EPA Administrator Lee 2 Zeldin. So the number-one guy in the EPA, a 3 Cabinet-level official, was in a barn in Mulhall, 4 Oklahoma, and had a roundtable, and it was hosted by 5 Farm Bureau. And it's actually the -- I guess 6 second time that I've seen him here in Oklahoma, so 7 it was great to have him back in the state. 8 And surprisingly when we were there 9 and right before it started I got tapped, they said, 10 "He can only stay for an hour, but would you mind 11 coming up and answering questions?", and of course 12 the only question really that I got was about the 13 smelter, so -- as you can imagine. But anyway, it 14 was a great event and it was super great to see him 15 there and have him here in Oklahoma. 16 Separately last week, a big week, I 17 had the opportunity with my fellow officers at ECOS 18 to meet with EPA's number-two guy, David Fotouhi - 19 who actually is an Oklahoman, which is great to have 20 him at the high levels in the EPA - and we talked 21 about Cooperative Federalism and talked about some 22 of our priorities as a state, and everybody 23 committed that we're going to continue to have 24 routine check-ins to make sure that the 25 state-federal relationship continues to develop with	Page 35 1 so I'm not going to steal her thunder, but I did 2 want to mention one of the really big ones she's 3 going to talk about. 4 The Greenhouse Gas Endangerment 5 Finding and EPA's rolling back of that original 6 Endangerment Finding, and that's going to have a big 7 impact and it could lead to other things, we'll have 8 to wait and see, but Madison's going to cover all 9 that stuff. 10 Congressional activity in the EPA 11 budget, next topic. So prior to the budget -- you 12 know, the proposed budget being released by the 13 President, when I was up there for one of the 14 meetings I had an opportunity to meet with the 15 National Governors Association, which is chaired by 16 our Governor now, which is great. 17 It gave me the opportunity to meet 18 with their Chief of Staff and their Senior 19 Energy/Environmental Policy staff and we were able 20 to talk about the different overlapping interests 21 that, you know, that organization has with the 22 states - obviously, as a Governors Association - and 23 specifically with ECOS and how do we align those 24 interests and present that in a unified way to 25 Congress, especially on the budgeting front, and you
Page 34 1 the new administration as time continues. 2 And then so that's the number-one guy 3 and the number-two guy, we've also had several 4 opportunities over the last couple of months to meet 5 with the number-three guy at EPA, so -- Travis 6 Voyles is his name. He was at our Region 6 meeting 7 down in Austin last month, he was actually on a 8 panel there at that event hosted by the American 9 College of Environmental Lawyers. He participated 10 in that E-Enterprise Leadership Council that I was 11 on, and then he was also at our ECOS spring meeting, 12 too. 13 So it's hard to -- I mean, this is 14 very abnormal that we have this much exposure and 15 interactions with the senior leadership at the 16 agency. In my almost quarter century being involved 17 with the agency, this is -- I've never seen anything 18 like this and it's just great. They're responsive, 19 too, when we come up with ideas -- they're looking 20 for ideas from states that run with them, and that 21 ozone trading program that we talked about, that's a 22 great example of that. 23 Okay. So also talking about federal 24 activity, federal rulemaking, Ms. Miller is going to 25 give you a great update on the federal rulemaking,	Page 36 1 know, the funding that states need for a variety of 2 reasons. 3 On that same line, my fellow officers 4 and I at ECOS, we submitted testimony to Congress on 5 the FY2027 budget, no surprise we're advocating for 6 categorical grants, state revolving funds, and 7 research, among other things, but those were the big 8 focuses there. 9 Soon after, the White House, through 10 the Office of Management and Budget, released the 11 President's proposed budget for the upcoming year, 12 and as with last year's, it calls for some pretty 13 significant cuts to EPA and to several critical 14 programs that would directly impact states. 15 Fortunately last year, Congress 16 stepped in and funded the states' SRFs and those 17 categorical grants to levels that were similar to 18 previous years and it looks like they're going to do 19 the same thing again this year, at least as far as 20 the categorical grants go. 21 So about three weeks ago, a 22 Subcommittee to the U.S. House's Appropriations 23 Committee proposed actually a slight increase in 24 those categorical grants up to -- I think it's, I 25 mean, just over \$1.1 billion, which is -- it's great

Page 37 1 to see not only is it staying the same -- or not 2 being depleted, it's actually going up a bit. 3 When it comes to the SRFs, it's a 4 little bit more challenging. Again, those are the 5 funds that help with infrastructure improvements on 6 wastewater and public water supplies throughout the 7 country. There's going to be -- they proposed, 8 Congress has, an overall reduction of about 9 \$215 million to Drinking Water and about 10 \$446 million to the Clean Water SRF, so the 11 wastewater SRF. 12 That's going to be challenging for 13 those facilities that are seeking funding, 14 obviously, but it's also going to be a challenge 15 for, like, our public water supply programs, they 16 rely pretty heavily on set-asides that come with 17 those SRF monies and program dollars to help run 18 that program. So fortunately, we do have some 19 carryover funds from IJJA for this year and maybe 20 into next year to help cover those administrative 21 set-asides, but there's no more of that money 22 coming, and some states are out of it, so they're 23 already in kind of a deep situation. 24 We still have some residuals left 25 over that will help keep that program going, but	Page 39 1 highlight for you all because they do impact our 2 operations very directly, and one of the biggest 3 ones is the sunseting of our councils. 4 So all of our councils except for the 5 Air Quality Advisory Council, which was established 6 in a separate statute, that's why this one isn't 7 affected, but all the other ones are going to be 8 sunseting at the end of the month. I'm talking 9 about the Water Quality Management Advisory Council, 10 the Hazardous Waste Management Advisory Council, the 11 Solid Waste Management Advisory Council, and the 12 Radiation Management Advisory Council. These 13 councils were formed about three and a half decades 14 ago and have been an incredibly valuable part of our 15 rulemaking process. At some point many years ago, 16 there was a bill passed that caused our councils and 17 many, many other boards and councils from other 18 agencies to sunset every few years. I think it's 19 every three years, but -- unless they were extended. 20 So every few years, we have to go 21 over to the legislature and make our case for an 22 extension, and we're always successful. We kind of 23 explain, you know, what a check and balance this is 24 on government authority, government power, and so 25 we've always got those extensions. We actually
Page 38 1 ultimately that's one of the programs we can't 2 really feed these small systems on what it takes to 3 implement that program. So we really do look for 4 outside sources like EPA funding, or possibly we may 5 have to go to the legislature and have someone step 6 up, where they may be looking at some of these 7 dollars that are still out there with some of the 8 previous money that have been allocated and they're 9 waiting till that gets utilized and then they're 10 going to step up and fully fund the programs, but 11 we'll have to wait and see. So that's it on the 12 budget. 13 So the federal budget doesn't look as 14 bleak as it did last year. The fact that the House 15 Subcommittee came out with that, there's speculation 16 that there's already been some intense discussions 17 with the Senate, so I mean, it looks like we're not 18 going to get some huge, crippling cuts to any of our 19 programs this year as, you know, those requested by 20 the White House, so that's a good thing. 21 As far as the State Capitol goes, 22 Ryan McIntosh, our Government Affairs Director, is 23 going to provide a good update on some of the 24 activity over at the legislature this session, but 25 there are a few things that I really wanted to	Page 40 1 again this year were successful in those efforts, 2 and there were actually two bills that were passed 3 by the legislature that would have saved the 4 councils. One would have extended the sunsets and 5 another one would have gotten rid of the sunsets 6 completely, and both of those made it through the 7 legislative process, but both of those were vetoed 8 by the Governor. As a result, our councils, along 9 with many others across the state, are going to 10 sunset in about three weeks. 11 Some of the Governor's rationale, so 12 in a statement accompanying the veto of the 13 extension bill, the Governor said that the vetoed 14 bill would have "preserved unnecessary government 15 bloat by extending the life of advisory councils 16 whose functions can and should be absorbed within 17 the existing agency structure". Specifically he 18 said, "The Department of Environmental Quality can 19 use existing personnel, subject matter experts, and 20 agency liaisons to coordinate with stakeholders and 21 perform the work of these advisory councils without 22 another layer of government". 23 So that's what we plan to do. In 24 place of these sunseting councils, we're going to 25 schedule public comment periods that conclude with a

1 public meeting and we're going to try and do this at 2 least a month to a month and a half prior to 3 whatever board meeting those rules are going to be 4 presented at. That separation allows us to prepare 5 a response to comments document that the Board can 6 consider when making its decision. And of course 7 we'll have to open the comment period during the 8 board meeting, so we'll still have additional 9 comment that we can receive then, and we do plan to 10 actively solicit our existing council members and 11 request that they serve on an informal workgroup to 12 ensure that their indispensable perspective 13 continues to be taken into consideration. 14 And if they're willing, we're going 15 to invite them to actually make a recommendation to 16 the Board or have them select a representative to 17 make a recommendation to the Board so that you guys 18 will still have that direct input in addition to the 19 input obviously from the agency and any other 20 members of the public that want to participate in 21 that. 22 I know it's going to be a big deal, 23 you know, for you all, for the public as well, but 24 we're going to be here to help kind of navigate it 25 as we kind of move through this. I guess that's	Page 41	1 the legislative process. So if that funding 2 actually does show up in our accounts, as it appears 3 all indications are that it is showing up in it, 4 then we're going to have to reach out to the 5 legislature and see what they want us to do with it. 6 So it wasn't exactly a flat budget, kind of an 7 interesting situation. 8 Another complicating factor was that 9 OPERS Contribution bill. So you all may know that 10 state agencies are required to make contributions 11 into the state's retirement system on behalf of our 12 employees. It's based on a percentage of the 13 employee's salary. The Legislature passed a bill, 14 and it was signed by the Governor this session, that 15 significantly reduced the state's contribution into 16 that pension program and then the legislature 17 reduced the agency budgets or appropriations by that 18 exact same amount. 19 So when you look at it, it looks like 20 there's no harm to the agency budget for DEQ, our 21 required contributions to the pension program was 22 reduced by about \$2 million and our appropriations 23 were reduced about that same amount, so our overall 24 budget isn't impacted, like I said. 25 The challenge comes, though, that the	Page 43
1 really all I have to say on that, it's kind of the 2 state of where we are. 3 We do really appreciate -- for all 4 the council members that are here, I saw a couple of 5 them, we're super thankful for their service over 6 the years. And I mean none of these councils, none 7 of these boards are paid positions, they're truly 8 public-service-oriented people that are here to help 9 us through our processes. 10 But we are going to send out a letter 11 notifying, you know, now that this is -- that the 12 path forward is finalized, thanking everybody for 13 their service and, like I said, directly soliciting 14 them to participate in an informal way. Okay. So 15 that's that. 16 State budget. So state budget, we 17 received a flat appropriation, no decrease 18 essentially, but of course it's -- and that's what 19 we requested; it's a little more complicated than 20 that. 21 One of the complicating factors is an 22 OPERS Contribution Bill that I'll mention in just a 23 minute, and then the other is that it appears that 24 we are getting an additional \$2 million to implement 25 another bill that didn't actually make it through	Page 42	1 majority of our payroll goes to staff that are 2 implementing federal programs who are paid through 3 federal funds, so the pension contributions made by 4 the agency on their behalf come from federal 5 funding. Since our appropriations were reduced, 100 6 percent of all those savings, 100 percent came right 7 out of the appropriations, that creates a challenge 8 in implementing programs that are funded directly 9 out of appropriations and not out of federal funds. 10 We just can't take the savings from the federal 11 funds that we have that we no longer have to 12 contribute and use those on those state activities, 13 state-only activities, so it creates a challenge. 14 We did mention it, I mean, this is 15 kind of a deal that was the already set in place, 16 and once we caught wind of it we did express some 17 concerns and the situation that we were in, and we 18 were advised to make sure we bring that up and 19 request some additional appropriations during the 20 next legislative session. 21 We do have some funding that we're 22 able to move around on a limited basis because we 23 have a surplus in a certain area to kind of fill a 24 hole that's a little more flexible for this year, 25 but that would not be able to continue going	Page 44

1 forward, so we are going to have to seek a little 2 assistance from the legislature in that. So anyway, 3 that's just a complicating factor that, you know, 4 it's all -- on its face it doesn't look like it 5 should be an impact to us, but it actually is when 6 it comes to implementation. 7 The last thing I want to mention 8 related to -- or, not last thing, second-to-last 9 thing is PFAS. So there continues -- that's a big 10 issue for a lot of folks here, and especially in 11 Oklahoma. There's a lot of debate in Congress, 12 there's a lot of debate at the state legislature, 13 and there's still a lot of debate at EPA on this 14 one. There's a lot of questions, differing opinions 15 on how we address and how we regulate PFAS. 16 Our approach thus far, except for 17 several unsuccessful attempts to obtain explicit 18 statutory authority to regulate it, has been to just 19 educate folks, implement the few federal 20 requirements that have come down, and then to 21 advocate for additional research. 22 As I think I've mentioned in the 23 past, one of the real friction points here in 24 Oklahoma has been related to the land application of 25 biosolids. There were numerous bills proposed this	Page 45 1 biosolids that the Biden Administration dropped, 2 like, in their last couple of weeks, maybe last week 3 in office, they dropped a draft risk assessment and 4 there's been a lot of concerns with some of the 5 assumptions within that risk assessment, so EPA has 6 indicated that they're revisiting that and we may 7 see -- I don't know if it's a proposal or a final 8 determination or what, but sometime in the next few 9 weeks we're likely to see some activity on that, so 10 hopefully we'll get some direction or at least a 11 better clarity on how the federal government intends 12 to move forward on that. 13 The last piece of legislation I want 14 to mention is great news, it's one that we are super 15 proud of and that's our DEQ permit reform bill. 16 This is an idea that I came up with and then I asked 17 Ryan McIntosh to put it together and to run with it 18 and see if he can get it across the line, and he 19 did. 20 It does several things: it shortens 21 permit timelines by reducing DEQ's internal 22 timelines; it greatly increases transparency by 23 requiring all significant documents related to Tier 24 II and Tier III permit applications to be available 25 on our website. Page 47
1 session on both sides of that issue that didn't make 2 it through the process. 3 Again, a lot of disagreement out 4 there, but there was one bill, it wasn't a DEQ 5 request bill, but it was one that we really would 6 have liked to see have gone into law, it was one 7 that would have provided some funding and tasked DEQ 8 to commission a study with OSU related to the 9 impacts of biosolid application. We think having 10 some unbiased research from one of our premier 11 research universities would have really been great. 12 I mean, there's a lot of research out there, you see 13 different things and some of it's contrary to each 14 other and sometimes it depends on who's the 15 generating research. 16 So having a non-biased university 17 like OSU kind of do that analysis for us, that was 18 something we were actually really interested in 19 seeing make it through, but it didn't make it. No 20 doubt it'll probably be proposed again next session, 21 along with many other bills, so we'll have to see 22 where that goes. 23 I did, in one of my interactions with 24 EPA leadership, learn that we are likely to see some 25 action on that draft risk assessment on the use of Page 46	1 Previously -- the existing law right 2 now -- because this hasn't gone into effect yet, the 3 existing law only requires the applications to be 4 placed in somewhere like a public library for folks 5 to access if they're interested in accessing it, and 6 that is the law right now. 7 So even with this aluminum smelter, 8 that's -- we're kind of -- I mean, that's all that's 9 required by the law is that be put in that like 10 the library, but we're putting all this on our 11 website to try and increase transparency, but come 12 November, I think is the effective date of this 13 statute, we'll be required to do that -- we're doing 14 it now, you know, just because we think it's the 15 right thing to do, but we're going to be required to 16 do it come November. 17 And then the last thing it does is it 18 modernizes our public notice requirements for Tier 19 II and Tier III permit applications. So instead of 20 just a single or one or two single-day notices in a 21 local newspaper, the notices will now be published 22 in a local newspaper for two consecutive weeks, but 23 that notice will send the public to our new permit 24 docket on our website, where they can find every 25 significant document pertaining to that action, Page 48

Page 49 1 including opportunities for public participation, so 2 public comment periods, public meetings, but they'll 3 also have the ability to sign up for push notices, 4 so either texts or emails, they will get a notice 5 anytime there's a new document uploaded or a new 6 opportunity to participate in the process, they'll 7 get that notification. 8 So to me, it's a great advancement. 9 It comes at a time when we just got a -- there was a 10 Department of Mines case released by the Court of 11 Civil Appeals here in Oklahoma, where they threw out 12 some of the newspaper notices for a permitting 13 action because they determined that they were 14 insufficient in the statute, there was some kind of 15 constitutional deficiency. 16 So we think this bill will go a long 17 way to help and alleviate some of the court's 18 concerns with that. I don't know if it's going to 19 satisfy them completely, but it certainly doesn't 20 hurt, the timing of this coming out. 21 So we're really proud about that, and 22 I want to give Ryan kudos because he was a bird dog 23 on getting this one finished in kind of driving our 24 internal and our external process. Madison was 25 right there with him every step of the way, and then	Page 51 1 And a lot of times, you guys wouldn't 2 see them because they would go to the appropriate 3 council for consideration, and since we're not going 4 to have councils, you all get to see these now. So 5 -- one of them you would have seen anyway because 6 there isn't an appropriate council for it. 7 So what'll happen is at a subsequent 8 board meeting, the next board meeting, we're going 9 to present you all with these two, so I'm just 10 giving you this as a heads-up, and then you'll have 11 the opportunity to ask questions and consider 12 whether or not you want to refer it to the agency to 13 initiate formal rulemaking or not. You guys can 14 always deny a petition, as well. 15 So two of them, the ones we have, one 16 we received a petition that has requested a rule 17 requiring Indian Country jurisdictional reviews 18 before the formal reviews and determinations before 19 the agency enforces any state statute, rule, tax, 20 license, penalty, seizure, denial, collection 21 action, or civil regulatory action involving a 22 tribe, a tribal citizen, tribal land, tribal trust 23 land, restricted land, Indian allotments, or conduct 24 occurring in Indian Country, which is essentially 25 Eastern Oklahoma. So that one will be coming to
Page 50 1 our chief engineers from each one of the divisions 2 were -- and some of the attorneys in ASD actually 3 was very helpful, especially on the IT side and 4 getting things up on our website. So a big team 5 effort for getting this done, so great job, guys. 6 Kind of a new thing -- and I'm kind 7 of getting close to the end here, but this -- 8 DR. FERRELL: Do we need a recess? 9 MR. SINGLETARY: Okay. Keep going. All 10 right. 11 So, petitions for rulemaking. So 12 there are a couple of ways that rulemakings occur, 13 right, and are brought to the Board. For the most 14 part, what you all have seen over years are rules 15 that are initiated by the agency, sometimes it'll be 16 an idea that's brought to us by somebody else, but 17 we initiate that rulemaking and it goes through the 18 process. 19 The second way is what's referred to 20 as a petition for rulemaking, and that's when 21 somebody outside the agency files a formal petition 22 for rulemaking. So there's a provision in Title 75 23 of the APA state statute, and then in our rules 24 you're required to have a process for that to 25 happen. So we received two of those.	Page 52 1 you. 2 And then the second one involves a 3 petitioner who is a resident landowner and a farmer 4 who wants to restrict the location of a solid waste 5 processing facility that's proposing to process 6 spent caustic refinery waste by mixing it with coal 7 combustion residuals to solidify it and stabilize 8 the waste stream. 9 The Solid Waste Advisory Council 10 actually has heard this petition and then they 11 requested additional information prior to making 12 this decision, but that was at the last council 13 meeting, so now it'll come to you all for -- so 14 we'll try to gather that information that they 15 requested and present that to you, so that's just 16 something for the Board at our next council meeting. 17 I want to end with some good news, 18 our employee recognitions, I've got a couple things 19 to talk about. One is our Zero Waste team, it's led 20 by Cat Ecker and Amanda Scofield. They help with a 21 lot of recycling events and different activities, 22 and one they did this year that they do every year 23 is the Memorial Marathon, and it resulted in the 24 collection of approximately 350 pounds of recyclable 25 materials and approximately 1,300 pounds of

1 compostable materials, so it diverted a total of 2 1,500 pounds of waste from the landfill. They 3 recruited, scheduled, and managed over 200-plus 4 volunteers. So these weren't DEQ volunteers, these 5 are people who signed up through the Memorial to 6 participate in this and kind of lead that effort. 7 So it takes a lot of work and some 8 long days for them, especially those two days and 9 days kind of prior to it to get it all set up, so I 10 wanted to give them some recognition for that. 11 And then lastly, our lab had a recent 12 audit. So EPA conducts on-site audits of state 13 environmental labs every three years. These audits 14 are required for the lab to maintain their EPA 15 certification of drinking water methods and to 16 maintain our primacy to govern the different 17 drinking water programs. 18 So during our 2023 EPA audit, our lab 19 had a total of 92 findings, which is not good. The 20 lab actually lost its certification for fluoride in 21 drinking water. It was a really bad audit, so you 22 recall right about -- not too long, I mean, about a 23 year later, in 2024, I want to say, we replaced our 24 lab leadership there and George Russell and Dustin 25 stepped in, and now George is leading our Water	Page 53 1 So those are projected revenues, that 2 doesn't cover all of their expenses. We still have 3 to pull assistance from, you know, other places in 4 the agency to help cover their operations, but their 5 projected revenues are that far above, so that will 6 just mean there's less assistance they need from 7 other parts of the agency to maintain the lab. 8 So I think both of those developments 9 just kind of warrant some recognition for the folks 10 those that are involved in those efforts, so... 11 DR. FERRELL: For those of you keeping 12 score at home, that was 18 pages, just so you know. 13 MR. SINGLETARY: In 16-point font. 14 DR. FERRELL: Questions from the Board? 15 MR. KINDER: Rob, I got a question. I 16 actually have two questions for you. One is about 17 the smelter again. A huge project for us, probably 18 never done anything like this before, like you said. 19 Talk to us about how you interface 20 with EPA and how you've been interfacing with them 21 as the project goes forward, and I'll let you answer 22 that and then I'll have one following it. 23 MR. SINGLETARY: Well, that's a great 24 question because when we were out at the roundtable, 25 Lee Zeldin, Administrator Zeldin, got that question, Page 55
1 Quality Division and Dustin and Jayme are leading 2 the lab. 3 Well, in March of this year, EPA came 4 back and said they did their three-year audit, and I 5 can tell you during that -- I attended the exit 6 interview with the auditors, they were here for, 7 like, a week, I think. They were extremely positive 8 about the state of the lab and the improvements that 9 have been made since the last audit. That audit 10 went extremely well, we got the report or we got the 11 final documentation on May 20th at issue and they 12 signed off on our drinking water certificate and 13 scope and including fluoride, so it's -- it was a 14 huge turnaround, I mean, it was kind of a 15 night-and-day audit from the one we previously had. 16 So I know it took a lot of work to get that to where 17 it is and wanted to make sure and give everybody 18 involved in that effort some kudos, so great job, 19 guys. 20 Also related to the lab, if you 21 recall, we had several years where their projected 22 revenues, they were way behind on their revenues. 23 And I'm happy to report that right now, they are 24 \$600,000 above the projected revenues for the 2026 25 year. Page 54	1 basically, what is EPA's role in this, and he was 2 very clear that this is a state-delegated program, 3 they believe that the state should be the ones 4 making the decision on these permitting actions. 5 He then pivoted and explained, you 6 know, how important some of it was for national 7 security and, you know, all the different things 8 that -- in support of that process -- or, in support 9 of the project, but when it comes to the actual 10 processing and issuing of the permit, he deferred to 11 us and recognized that we were the ones who were 12 responsible for ensuring that, that was done right. 13 I can say -- I mean, that's kind of 14 at a high level, kind of in the weeds of it. And 15 depending on the type of permit it is -- so the 16 first permit that's happening is the PSD 17 construction permit for Air Quality, that one, EPA 18 has the opportunity to provide comment on and we 19 have to address those comments. 20 After that, you know, once you have a 21 construction permit, then you get an operating 22 permit, it's a Title V operating permit. For 23 operating permits, EPA has the ability to object to 24 a permit that's issued by the state. So the PSD 25 permit they can just comment on, the operating Page 56

Page 57 1 permit they can object to. And if they object to 2 it, we can't issue the permit unless we, you know, 3 resolve whatever their concerns are. 4 Also as part of that project, there's 5 an opportunity for the public to petition EPA to 6 object to a permit, so -- and that's also a 7 potential part of this project, and I wouldn't be 8 surprised if someone took advantage of that aspect. 9 So there's multiple opportunities for 10 EPA to be involved in this, but obviously, you know, 11 we work closely with EPA and, you know, we rely on 12 their, you know, experience and certainly like I 13 said, we -- I know our Air Quality staff are in 14 constant contact with them, you know, it's -- our 15 staff is extremely competent and able to do this, 16 but there's always little nuances that, you know, 17 kind of interact with each other and provide 18 support. 19 So does that answer your question? 20 MR. KINDER: Yeah, thank you. Very, very 21 good. 22 The follow-up is a project this big, 23 do you anticipate you will need any outside 24 resources from the agency that you have to bring in 25 or would need to bring in?	Page 59 1 few months, but Kendal's done a great job of trying 2 to get ahead of that and we're -- we kind of 3 authorized her to kind of start hiring new engineers 4 even before some of these older - I shouldn't say 5 older - experienced engineers decide they want to 6 retire because it takes a long time to get an air 7 quality engineer up to speed, you know, before they 8 even really do a lot of meaty work. 9 So we're trying to get ahead of that 10 process. If we do, we do have that option that if 11 we ever need to, we can contract, you know, with 12 folks outside the agency. If we ever need to do 13 that, we'll do it. 14 MR. KINDER: Great work, thanks. 15 DR. FERRELL: Okay. Any other questions 16 or comments from the Board? 17 MR. HIRSHEY: Yeah, Rob, I got a couple 18 questions. You did answer one with regard to the 19 biosolids that was on a previous bill, and we'd like 20 to keep status on that because that's going to be a 21 concern to local jurisdictions and cities 22 represented. 23 And another that I'd like to kind of 24 see, and I don't know if Madison is going to touch 25 on this, and that is the previous Lead and Copper
Page 58 1 MR. SINGLETARY: No, I mean, what we're 2 doing is we're prioritizing, I mean, and you know, 3 focusing, which we always do. So this is a 4 construction permit and for Air Quality purposes, we 5 always prioritize permits by the types of 6 application. 7 So if you have an operating permit 8 and you submit a renewal for that operating permit, 9 you can continue to operate under your existing 10 permit as long as you do it in a timely fashion, you 11 submit that application. So those applications are 12 kind of deprioritized. 13 So the ones we focus on first are 14 construction permits because, you know, those 15 entities are waiting for the permit before they can 16 actually start operation, so we always prioritize 17 those. So this just means, you know, this is a 18 really big one, so there's a lot of folks that are 19 involved in it, a lot of hands on it. 20 But we're equipped for it. I mean, 21 this is the biggest one we've ever done, but I think 22 we've got all the capabilities we need. We've had 23 some retirements in Air Quality and we've lost our 24 chief engineer and several different, like, 25 long-time engineers are set to retire in the next	Page 60 1 that the federal EPA handed down for initially 2 assessing an inventory, which is the Survey and 3 Assessment, but there was a follow-on that was kind 4 of pending that, and if they were able -- you know, 5 if that was going to kind of die or push forward and 6 I don't know, it may be on the federal side, but 7 that's another concern or information that 8 jurisdictions, you know, cities would like to know 9 about. 10 MR. SINGLETARY: I think we've got our 11 Public Water Supply Administrator, Mr. Mark 12 Stasyszen here, I think he could provide some detail 13 on that. Come on up, putting you on the spot, Mark. 14 Mark's always ready. 15 MR. STASYSZEN: Mark Stasyszen, Directing 16 Water Administrator. Okay. So I only caught part 17 of that question from the back of the room, but I 18 think it was about the Lead and Copper Rule, Lead 19 and Copper Rule improvements and the inventory? 20 MR. HIRSHEY: Yeah, the information that I 21 know cities are wanting to understand and know more 22 about after -- I think there was -- the last I 23 heard, a previous board meeting there was about half 24 the cities that had responded to that. 25 The federal EPA hadn't passed down

1 any kind of new information or ruling about the next 2 steps or how that was going to come about, so I know 3 that's a question the cities had right now. 4 MR. STASYSZEN: So where the Lead and 5 Copper Rule Improvement stands right now, EPA has 6 decided that they're going to defend that rule in 7 court, there's pending litigation there, as well, 8 around that. 9 As far as where we stand currently, 10 of the 900 or so systems in the state that are 11 required to comply with that rule, we've still got 12 115 or so that haven't submitted that initial Lead 13 Service Line Inventory. 14 Over the past six months, EPA has 15 been issuing administrative compliance orders to 16 compel water systems to submit those initial 17 inventories. The next due date for that rule will 18 be in -- I believe November 1st of next year, it's 19 either October or November, and that's when the 20 water systems will be required to submit what 21 they're calling now the baseline inventory. 22 When we released our inventory 23 template for the initial Lead Service Line 24 Inventory, I think we did a really good job 25 anticipating what would be in those -- what those	Page 61 1 over discharge from our marijuana grow facilities, 2 do we have any challenges there? 3 MR. SINGLETARY: So, I mean, if there is a 4 wastewater discharge, we would have that authority 5 -- I mean, our -- just through our NPDES program. 6 Are there challenges with enforcing those things, I 7 mean, there's always challenges related to some of 8 those facilities. I think the bigger problem that 9 we've seen is, you know, the unlicensed facilities 10 that don't have permits, that's more of the bigger 11 issue. But there are -- like any industry, there's 12 potential challenges with those that do have the 13 permits. 14 MR. HIRSHEY: So has legislature or 15 anything addressed that topic about unlicensed and 16 the impact of that? 17 MR. SINGLETARY: Well, I think -- I don't 18 think the legislature has, but I know the Attorney 19 General has and, I mean, law enforcement across the 20 state. Our folks - you know, we do have a criminal 21 investigative unit - they are very frequently called 22 upon to assist in raids on some of these unlicensed 23 facilities, and different law enforcement agencies 24 across the state lead those, but our folks, because 25 of the potential, you know, contamination aspect of Page 63
1 additional requirements would be. So that's where 2 we stand right now with the Lead and Copper Rules. 3 MR. HIRSHEY: So no change from the EPA, 4 they're still pushing forward with compliance? 5 MR. STASYSZEN: No change from EPA. 6 MR. SINGLETARY: And those compliance 7 orders you mentioned are coming from EPA, not the 8 states? 9 MR. STASYSZEN: Yes, they're coming from 10 EPA, Region 6. We don't have primacy for the -- 11 either for the Lead and Copper Rule Revisions nor 12 for the Lead and Copper Rule Improvements right now. 13 So any of the enforcement actions are coming from 14 EPA, we're here, we're providing technical 15 assistance with complying with those federal 16 requirements. 17 MR. SINGLETARY: I know this is the 18 director's report, but Mark, have you seen any of 19 those facilities located in Oklahoma that have 20 received those EPA inventory -- 21 Yes. Yeah, pretty much every system that 22 has not submitted an inventory has received one of 23 those administrative compliance orders. 24 MR. HIRSHEY: My third question was simply 25 does the -- does this body have any jurisdiction Page 62	1 it, they very, very, very frequently ask us to send 2 folks out to participate in that. That's probably 3 -- I don't know, it might be a weekly event, it's 4 pretty frequent. 5 MR. HIRSHEY: Okay. Those are the three 6 that kind of came up on a city-type jurisdiction 7 questions, so -- 8 MR. SINGLETARY: So, yeah, we do have 9 jurisdiction, we are involved in the unlicensed 10 grows, and I'm not sure about -- there's always talk 11 about different -- it comes up a lot, you know, with 12 the legislation, but I don't know what happened -- I 13 know there was a state question related to -- do you 14 know, did that ever make it out? Nope, it's not 15 going to be a state question? Okay. I had to defer 16 to our -- 17 MR. KINDER: Thank you. 18 MR. SINGLETARY: Thank you. 19 MS. LOWRY: Like the smelter, we've seen 20 public interest in the Data Centers. Have you had 21 similar public inquiries and outreach and education 22 for those? 23 MR. SINGLETARY: We were at -- we are 24 putting together a fact sheet for Data Centers in 25 Oklahoma to understand, you know, our connection to Page 64

Page 65 1 it. So for us it's all about, you know, the air 2 emissions, right? So if they're getting the power 3 to power up the Data Center, you know, from the 4 utility, that's already baked into the utilities 5 permits, but if they're getting it behind a meter, 6 power generation, that's where we would come into 7 play and we would be there. 8 There's also backup generation, 9 that's kind of a big deal, and so that's really on 10 the air front our two involvements in those deals. 11 When it comes to water, obviously the Water Quantity 12 piece doesn't fall within our jurisdiction, but the 13 potential wastewater does, and it's my understanding 14 there's been some pretty great improvements in the 15 discharge, water reuse and also kind of includes 16 loop systems and stuff and air cooled and there's -- 17 you know, there's been some improvements on the 18 Water Quality side. And so if there is a discharge, 19 it would have to go through us on those. 20 I know there's a lot of interest and 21 a lot of talk out there, but any of our processes we 22 hadn't received a whole lot of interest in, you 23 know, what we do with it, I think it's more -- so 24 far, it seems to be more located -- it's more like 25 where they're located and zoning issues and stuff,	Page 67 1 representative on the Board, I take this issue 2 seriously, as well as, and I have, over the past 3 couple of weeks, talked to every division head here 4 at DEQ, and one of the things I asked them about 5 was, you know, what's on your mind with respect to 6 this project, recognizing that we as the 7 Environmental Quality Board do not and cannot opine 8 on individual permitting decisions, but this is 9 obviously an important policy issue. 10 And so I asked them, and I'm very 11 pleased to tell you that every one of them has it 12 firmly on their radar, and I will say that they are 13 on it. They are looking at everything and doing 14 everything that they can to handle this issue both 15 within the letter and the spirit of the law, they're 16 on it and working very diligently, as you heard in 17 Mr. Singletary's report, to be beyond transparent. 18 They've been affirmative in reaching 19 out to the community to engage with them and show to 20 them everything, that's why I was so grateful to see 21 the permitting reforms that we saw advance to the 22 legislature and the things that DEQ has done 23 affirmatively to get information out there to the 24 public so they can see this process and be 25 extraordinarily transparent about that.
Page 66 1 people are challenging on that during our process. 2 So far. 3 DR. FERRELL: Other questions from the 4 Board? 5 Well, then, I'll use my Chair 6 privilege. So first off, I want to underscore 7 something that Mr. Singletary said during his 8 report, I want to give a public acknowledgment to 9 the work that George and Dustin have done in their 10 respective tenures in the leadership of the board, 11 that is the turnaround story of the year. 12 So many thanks for the leadership 13 that you've shown, I know there were lots of long 14 days and hard decisions to be made, and we are so 15 grateful for what you've done, and that lab is a 16 tremendous asset to the citizens and the businesses 17 of Oklahoma, so we're glad to see it functioning as 18 fantastically as it is right now. 19 With respect to the aluminum smelter, 20 which is the only conversation you have these days 21 in Oklahoma, either you're talking about aluminum 22 smelters or you're talking about Data Centers or 23 Data Centers next to aluminum smelters, that's every 24 conversation that I have. 25 I will say, as the Ag industry	Page 68 1 Real quickly, I thought I may have 2 seen somebody from Farm Bureau before the meeting, 3 do we have -- ah, front and center. When I'm 4 teaching I see the crowd, but I don't see the 5 individuals. Marla, thank you so much for Farm 6 Bureau facilitating the meeting with Administrator 7 Zeldin. I grabbed said 12-year-old, as I mentioned 8 earlier today, and said, look, a Cabinet-level 9 official is in Mulhall, you're going, I don't care 10 if it's Saturday morning, cartoons will wait. 11 And so thank you guys so much for 12 facilitating that, that was an unprecedented 13 opportunity for our Ag community to have a 14 face-to-face interface with a Cabinet-level official 15 and officials from EPA, so thank you guys so much 16 for doing that, and I've already expressed my 17 appreciation to the Pfeiffer family for supporting 18 that, as well, but that's just another Saturday in 19 the life of the Pfeiffer's, I think, though. 20 But that concept of open dialogue 21 gets me to my last comment, and I will just say as 22 the Chair of this Board, one of the reasons when I 23 was approached over 12 years ago to be on this Board 24 and felt comfortable doing it was because I 25 recognized, from my time in private practice, the

1 structure and the benefit of our advisory councils. 2 Our advisory councils serve an 3 incredibly important role in facilitating a robust, 4 candid, productive dialogue between our regulated 5 community and the agency. If a rule makes it to 6 this level to be considered by this body today, we 7 know that there's been vigorous conversations about 8 that rule from people who know how that rule is 9 going to impact the day-to-day business, how it's 10 going to impact people and their communities by 11 virtue of the makeup of those councils. 12 I was - I'm trying to think of the 13 words that are on the emotion pillow that we have in 14 our house - I will say very disappointed by the 15 Governor's veto of the legislation that would have 16 re-authorized our advisory councils. I'm 17 extraordinarily complimentary of DEQ for going, 18 again, above and beyond what they are required to 19 do. 20 They could have just said, okay, 21 well, those are sunset now and we're just going to 22 keep on doing business, you know, without the 23 benefit of that input, but they very proactively and 24 affirmatively reached out to our councils and said 25 look, even if these councils have been allowed to	Page 69 1 blockbusters also have to have a big science crisis, 2 and I told Laura that she has to carry the dramatic 3 load in act two of the meeting. So with our 4 rulemaking items numbers 6 and 7, Ms. Laura Lodes, 5 the Chair of our Air Quality Advisory Council. 6 MS. LODES: Thank you, and these are very 7 mundane changes. Thankfully, they are not dramatic 8 load and we are not trying to do something really 9 crazy. 10 DR. FERRELL: I'm trying to build up the 11 expectations for you, Laura. Please proceed. 12 MS. LODES: But apparently, I'm going to 13 have an expedited rule coming before you at some 14 point in time in the near future that Rob sprung on 15 me a few minutes ago, so yeah. 16 MR. SINGLETARY: You'll see it next month. 17 DR. FERRELL: Agenda item -- 18 MS. LODES: Are we sure about that? 19 DR. FERRELL: -- number 6. 20 MR. SINGLETARY: Informational. 21 MS. LODES: Okay. The first item that we 22 have today is Chapter 100, Air Pollution Control, 23 Subchapter 8, Permits for Part 70 Sources and Major 24 New Source Review Sources. 25 The Department of Environmental
1 sunset, we desperately want your feedback on these 2 regulations. And so my kudos to Mr. Singletary and 3 his staff for doing that. 4 I will tell you in my individual 5 capacity, I will be consulting with my legislators 6 to see if legislation is introduced next session to 7 reauthorize those councils fully, because currently 8 our councils are operating basically as workgroups 9 under the good graces of DEQ. 10 If DEQ decided tomorrow, eh, we don't 11 want to do that anymore, well then the public's lost 12 that voice, but very much to their credit, they are 13 doing that when it's not even required by them. I 14 want the statutory requirement there so we always 15 have to have that kind of dialogue with our 16 regulated community. 17 With that, any other comments, 18 questions or concerns before we move on to our next 19 agenda item? Okay. Because the Bible, in Proverbs, 20 says that hope deferred makes a heart grow weak, 21 after agenda items 6 and 7, I will be calling for a 22 recess, so -- but I don't want to break up before we 23 do that. 24 We always have to have political 25 intrigue in summer blockbusters, but summer	Page 70 1 Quality is proposing to amend OAC 252:100-8-6, 2 Permit Content, to correct typographical errors and 3 provide greater clarity to permitted facilities on 4 the subject of operational flexibility. The gist of 5 this rule proposal is to reduce ambiguity by better 6 aligning the existing rule with federal language 7 contained in 40 CFR 70.4(b)(12)(i) and the federal 8 Clean Air Act. This rulemaking is not intended to 9 change the meaning of the rule, nor does it change 10 DEQ policy on operational flexibility. 11 Notice of the proposed rule change 12 was published in the Oklahoma Register on March 16th 13 of 2026. DEQ received no comments prior to or 14 during the April 22, 2026 Air Quality Advisory 15 Council meeting. The Council unanimously approved 16 the proposal at its April meeting. 17 As Chair of the Air Quality Advisory 18 Council, I recommend the Board approve the proposed 19 OAC 252:100-8-6 revisions as permanent rule. 20 Any questions on the first one? 21 DR. FERRELL: Any questions from the 22 Board? Any questions? 23 Any questions from the public? 24 Seeing none, any discussion on the proposed rule 25 from the Board? Any discussion? Any discussion?
	Page 71 Page 72

Page 73 1 Seeing none, the Chair would entertain a motion to 2 approve the rule as proposed. 3 MR. MUNSON: So moved. 4 DR. FERRELL: Motion. Is there a second? 5 MR. PAQUE: Second. 6 DR. FERRELL: We have a motion and a 7 second to accept the rule as proposed. Any 8 discussion on the motion? 9 Seeing none, Ms. Fields, would you 10 call the roll? 11 MS. FIELDS: Mr. Auer? 12 MR. AUER: Yes. 13 MS. FIELDS: Ms. Esteph? 14 MS. ESTEPH: Yes. 15 MS. FIELDS: Mr. Hirshey? 16 MR. HIRSHEY: Yes. 17 MS. FIELDS: Mr. Kinder? 18 MR. KINDER: Yes. 19 MS. FIELDS: Ms. Lowry? 20 MS. LOWRY: Yes. 21 MS. FIELDS: Mr. Mason? 22 MR. MASON: Yes. 23 MS. FIELDS: Mr. Munson? 24 MR. MUNSON: Yes. 25 MS. FIELDS: Mr. Paque?	Page 75 1 Quality Standards. 2 DEQ is proposing to amend all the 3 rules as I stated and revoke two appendices, 4 Appendix E and Appendix F, to ensure accuracy and 5 consistency of terminology and standards throughout 6 Chapter 100. The intent of this rulemaking is to 7 ensure that the references to the National Ambient 8 Air Quality Standards are up to date and consistent 9 and accurate. 10 This rulemaking's original purpose 11 was to address the NAAQS in Subchapter 3, Appendix E 12 and Appendix F, by replacing the written standards 13 with a direct reference and citation to federal 14 standards. In addition, there were multiple 15 inconsistencies in the language that became apparent 16 throughout Chapter 100. The final collection of 17 proposed amendments reflects a long-needed cleanup 18 in which outdated terms and formatting are updated 19 to be in line with newer rules and accurate 20 language. The gist of this rulemaking action and 21 the purpose of the proposed rules is to ensure the 22 federal standards are reflected accurately and to 23 standardize terminology regarding such standards. 24 Notice of the proposed rule changes 25 was published in the Oklahoma Register on March 16th
Page 74 1 MR. PAQUE: Yes. 2 MS. FIELDS: Mr. Peterson? 3 MR. PETERSON: Yes. 4 MS. FIELDS: Mr. Schultze? 5 MR. SCHULTZE: Yes. 6 MS. FIELDS: Mr. Tatum? 7 MR. TATUM: Yes. 8 MS. FIELDS: Dr. Ferrell? 9 DR. FERRELL: Yes. 10 MS. FIELDS: Motion passed. 11 DR. FERRELL: Very good. That brings us 12 to agenda item 7. 13 MS. LODES: The next item we have is 14 Chapter 100, Air Pollution Control, Subchapter 1, 15 General Provisions, Subchapter 3, Air Quality 16 Standards and Increments; Subchapter 8, Permits for 17 Part 70 Sources and Major New Source Review Sources; 18 Subchapter 19, Control of Emission of Particulate 19 Matter; Subchapter 23, Control of Emissions from 20 Cotton Gins; Subchapter 24, Particulate Matter 21 Emissions from Grain, Feed or Seed Operations; 22 Subchapter 25, Visible Emissions and Particulates; 23 Subchapter 35, Control of Emissions from Carbon 24 Monoxide, Appendix E, Primary Ambient Air Quality 25 Standards, and Appendix F, Secondary Ambient Air	Page 76 1 of 2026. The Department received no comments prior 2 to or during the April 22, 2026 Air Quality Advisory 3 Council meeting. The Council unanimously approved 4 the proposal at its April meeting. 5 As Chair of the Air Quality Advisory 6 Council, I recommend the Board approve the proposed 7 revisions as permanent rules. 8 Any questions? 9 DR. FERRELL: Any questions from the 10 Board? Any questions from the Board? Any questions 11 from the public? Seeing none, Chair would entertain 12 a motion to approve the rule as proposed. 13 MR. KINDER: Motion to approve. 14 DR. FERRELL: Motion to approve? Is there 15 a second? 16 MR. HIRSHEY: Second by Hirshey. 17 DR. FERRELL: Second. Is there any 18 discussion? Any discussion? Any discussion? 19 Seeing none, Ms. Fields, would you 20 please call the roll? 21 MS. FIELDS: Mr. Auer? 22 MR. AUER: Yes. 23 MS. FIELDS: Ms. Esteph? 24 MS. ESTEPH: Yes. 25 MS. FIELDS: Mr. Hirshey?

Page 77 1 MR. HIRSHEY: Yes. 2 MS. FIELDS: Mr. Kinder? 3 MR. KINDER: Yes. 4 MS. FIELDS: Ms. Lowry? 5 MS. LOWRY: Yes. 6 MS. FIELDS: Mr. Mason? 7 MR. MASON: Yes. 8 MS. FIELDS: Mr. Munson? 9 MR. MUNSON: Yes. 10 MS. FIELDS: Mr. Paque? 11 MR. PAQUE: Yes. 12 MS. FIELDS: Mr. Peterson? 13 MR. PETERSON: Yes. 14 MS. FIELDS: Mr. Schultze? 15 MR. SCHULTZE: Yes. 16 MS. FIELDS: Mr. Tatum? 17 MR. TATUM: Yes. 18 MS. FIELDS: Dr. Ferrell? 19 DR. FERRELL: Yes. 20 MS. FIELDS: Motion passed. 21 DR. FERRELL: Thank you, and thank you for 22 the Council's deliberations, we appreciate you all 23 very much. Thank you. 24 MS. LODS: Thank you. 25 DR. FERRELL: Okay. So you've been at	Page 79 1 So I have divided these up into -- 2 I've got two slides. First slide is a list of rules 3 that EPA has taken action on since January, which 4 was the last time that we talked about federal 5 updates, and then my next slide contains a list of 6 rules that don't have any official EPA action on 7 them, but we have -- I just want to give a status 8 update on those things. 9 And Mr. Hirshey, thank you for asking 10 about Lead and Copper. I did not include that in my 11 presentation today, but going forward I'm going to, 12 knowing that there is interest in that. 13 So let's start with PFAS. We have a 14 proposed PFAS Drinking Water standard. EPA proposed 15 two rules on May 20th of 2026. The first was the 16 Rescission of Regulatory Determinations and Removal 17 of Related Provisions for Four PFAS Substances, 18 which is PFHxS, PFNA, HFPO-DA - which is Gen-X - and 19 the Mixture of These Three Plus PFBS. 20 So EPA is proposing to rescind its 21 determinations to regulate these three PFAS 22 individually and any mixture containing two or more 23 of the Index PFAS. 24 EPA is proposing to rescind the MCLGs 25 and final 2024 NPDWR requirements resulting from the
Page 78 1 this for an hour and a half and if this were a 2 summer blockbuster there would always be the 3 intermission, so we hope that you will take the next 4 five minutes to enjoy the DEQ concession stand and 5 avail yourself of the facilities. 6 So let's, on consent, take a 7 five-minute recess then we can get back here, but 8 without objection? Without objection? Without 9 objection? We will be recessed for five minutes. 10 (Break taken from 10:56 a.m. to 11:05 a.m.) 11 DR. FERRELL: All right. We'll call the 12 meeting back to order. Every summer blockbuster 13 must have at least one scene in Washington, that's 14 why we have Madison Miller, our Deputy Executive 15 Director, to provide our federal update. 16 Ms. Miller, the floor is yours. 17 MS. MILLER: Thank you, Mr. Chairman. 18 Good morning to the members of the Board. I have 15 19 rules to discuss with you today, but I think I can 20 make this be about a ten-minute thing. And I want 21 to go into enough detail that you understand the 22 gist of what's going on and -- but I'm going to try 23 to keep it brief. And if you have questions, please 24 ask me here during this board meeting or you can 25 take it offline, whatever you prefer.	Page 80 1 regulatory determinations for those contaminants, 2 and EPA states that for those named PFAS, EPA did 3 not follow the procedure set forth by SDWA Section 4 1412, which has predicated EPA's action here to 5 revoke them. 6 EPA says that it must first propose 7 to regulate a particular drinking water contaminant 8 and seek public comment on whether regulation is 9 appropriate, and only after the public has had the 10 opportunity to comment on that proposal and when EPA 11 has finalized a determination to regulate may EPA 12 publish a proposed regulation of that contaminant, 13 either simultaneously with the final regulatory 14 determination or after that final determination. So 15 that's rule number one. 16 Rule number two related to PFAS 17 Drinking Water is Extending Compliance Deadline for 18 the PFOA and PFOS Maximum Contaminant Levels. So 19 this was also proposed on May 20th of 2026, and this 20 is a proposal for a federal exemption under SDWA 21 Section 1416(f) and 1450 (a)(1) that will extend the 22 dates of compliance with the MCLs for PFOA and PFOS 23 from April 26, 2029 to April 26, 2031. 24 EPA is a proposing a national rule to 25 govern the process for systems to request and obtain

Page 81 1 a two-year federal exemption from compliance with 2 the PFOA and PFOS MCLs in states, territories, and 3 tribes that have not obtained primacy for those 4 MCLs. 5 And EPA is looking at compelling 6 factors for why systems would not be able to comply 7 with the rule, such as: capital improvements for 8 implementation, the ability to secure funding for 9 such improvements if needed; workforce challenges 10 related to having a sufficient number of qualified 11 personnel necessary to operate the advanced 12 treatment facilities that remove PFAS in drinking 13 water; and financial limitations, the fact that some 14 systems might face financial hardship and economic 15 challenges in the short term, making them unable to 16 comply by the current deadline. 17 So EPA does state that a two-year 18 exemption poses a risk to health, but proposes that 19 this two-year exemption would not be an unreasonable 20 risk to health under the statute for systems with 21 concentrations below 12 parts per trillion for both 22 PFOS and PFOA. 23 For systems with concentrations above 24 12 parts per trillion, EPA proposes to find that an 25 exemption would not constitute an unreasonable risk	Page 83 1 microplastics and pharmaceuticals as priority 2 contaminant groups. 3 So SDWA requires the EPA to 4 periodically decide whether or not to regulate 5 contaminants on the CCL, or the Contaminant 6 Candidate List, and the requirement to monitor for 7 these constituents would be triggered if they're 8 included in EPA's UCMR 6, which we have yet to see. 9 The third rule is the Definition of 10 Hazardous Waste Applicable to Corrective Action for 11 Releases from Solid Waste Management Units, and EPA 12 has proposed to withdraw this rule which EPA 13 proposed in 2024. 14 So on May 8th of 2026, EPA proposed 15 this withdrawal, and it would have amended the 16 regulatory definition of hazardous waste applicable 17 to corrective action to address releases from solid 18 waste management units at RCRA-permitted treatment, 19 storage, and disposal facilities. This is to 20 clarify that PFAS and other substances listed in 21 Appendix VIII are subject to corrective action 22 plans. 23 So EPA stated that the proposed rule 24 intended to provide clear authority to address, 25 through corrective action in permits, releases of
Page 82 1 to health if the system implements interim control 2 measures during the exemption period to mitigate 3 additional health risks that may occur as a result 4 of the exemption. 5 So there is ongoing litigation over 6 this final rule from 2024, and EPA has attempted to 7 effectuate these policy changes through the 8 litigation, but that has not followed through, and 9 so EPA has proposed these regulatory actions, and 10 that case is American Water Works Association v. 11 EPA. 12 As of now, no portions of the rule 13 have been stayed by either EPA or the court, so 14 they're still in full force and -- but, you know, 15 EPA has taken action. 16 So the second rule on my list here is 17 the Contaminant Candidate List 6, and this is of 18 interest because of a couple new contaminants that 19 EPA has listed. So EPA submitted its Unregulated 20 Contaminant Monitoring Rule 6, or UCMR 6, to OMB on 21 March 27th of 2026, so that's not come out yet. 22 But the draft Drinking Water 23 Contaminant Candidate List 6 was published in the 24 Federal Register on April 6th of 2026 and included 25 75 chemicals, and for the first time, it included	Page 84 1 emerging contaminants that have not yet been listed 2 or identified as hazardous waste under the 3 regulations, and that's the 2024 proposed rule. 4 EPA states that in the withdrawal, 5 that EPA already has this authority under the 6 statute and existing regulations to address releases 7 of substances that are not hazardous waste or 8 hazardous constituents under the regulations, and 9 therefore the rule is not necessary. 10 So, notably, this rule was originally 11 proposed as a companion rule to EPA's proposed 12 listing of PFAS as a hazardous constituent under 13 RCRA - which again, proposed in 2024, same day as 14 this one - but no final action has been taken on 15 that, and I'll talk about that rule in the next 16 slide. 17 Fourth rule that I have listed on the 18 slide is Coal Combustion Residuals, a couple updates 19 on this. So by way of background, Oklahoma is one 20 of only eight states in the nation with a 21 state-authorized coal combustion residuals permit 22 program. Oklahoma was the first state in the nation 23 to submit its application and to receive state 24 program approval. It was submitted in 2017 and 25 approved in 2018.

1 So EPA proposed the rule on April 13, 2 2026, which would just implement some revisions to 3 the regulations for legacy/CCR management units, and 4 this rule proposes to provide more flexibility for 5 states in making permitting determinations, 6 including approving alternative technical standards 7 in certain instances such as groundwater monitoring 8 well locations, site-specific groundwater protection 9 standards for constituents without an MCL, and 10 extension of closure timeframes when the CCR is 11 extracted for beneficial use during the post-closure 12 period. And DEQ plans to submit a comment on this, 13 this looks like Cooperative Federalism measures that 14 Oklahoma supports. 15 The second rule related to CCR is the 16 reopening of the comment period on the proposed rule 17 to establish a federal permit program for disposal 18 of coal combustion residuals. So the original rule 19 was published on February 20th of 2020, and EPA has 20 reopened that comment period through June 29th of 21 2026. 22 Okay. Moving into our air rules, 23 which is the bulk of what I'm going to talk about. 24 We have a proposed rule related to the definition of 25 Begin Actual Construction. This rule was proposed	Page 85	1 in 2023, EPA finalized a rule removing 2 emergency-related affirmative defense provisions 3 governing Title V operating permit programs and also 4 required states to remove these provisions from 5 their state operating permit programs. 6 So EPA was sued on that in a case 7 called SSM Litigation Group v. EPA. That was 8 challenged in the D.C. Circuit and the court 9 reversed EPA's 2023 rule. 10 And so EPA, in 2023, argued that 11 standards must apply on a continuous basis and EPA 12 cannot encroach upon the judiciary's ability to 13 impose civil penalties because, based on two 14 previous court cases, NRDC v. EPA and Sierra Club v. 15 EPA, where the D.C. Circuit ruled that emissions 16 standards under the Clean Air Act, Section 112, must 17 apply at all times, and EPA argued that, therefore, 18 affirmative defense provisions in Title V 19 regulations are unlawful. 20 The D.C. Circuit concluded in SSM 21 Litigation Group, which is the new lawsuit, that 22 EPA's 2023 rule was based on erroneous legal 23 arguments. And I find this interesting, so I want 24 to kind of detail this for you. 25 So the SSM Litigation Group	Page 87
1 on May 13th of 2026. So, currently, the NSR 2 regulations prohibit certain on-site construction 3 activities prior to receiving a preconstruction 4 permit on an emission unit which are of permanent 5 nature, including installation of building supports 6 and foundations, laying underground pipework, and 7 the construction of permanent storage structures. 8 And emission units -- the term "emission units" 9 includes any installations necessary to accommodate 10 the unit. 11 EPA is proposing to remove some of 12 these restrictions to allow construction of 13 components that do not emit air pollutants, such as 14 utility service infrastructure for a site, concrete 15 pads, and some types of building components before 16 obtaining that NSR permit. 17 So this rule was preceded by an EPA 18 guidance letter issued to Maricopa County in Arizona 19 on September 2, 2025, and so that was -- you know, 20 EPA laid the groundwork for this with that guidance 21 letter and has now actually proposed in a 22 regulation. 23 We have a Withdrawal of the 24 Affirmative Defense Rule, which went final on 25 May 28th of 2026. This revokes the 2023 rule. So	Page 86	1 distinguished between a true, or complete, 2 affirmative defense -- such as what is at issue here, 3 EPA's Title V affirmative defense -- and a partial 4 affirmative defense. It concluded that a complete 5 affirmative defense allows a defendant to avoid 6 liability, but it does not alter the underlying 7 legal requirements. The legal requirements remain 8 in force at all times, thereby creating the need for 9 an affirmative defense from them. 10 So in other words, a complete 11 affirmative defense does not lift regulatory 12 standards, they apply on a continuous basis as 13 required by the Clean Air Act, says the court. And 14 the court stated a partial affirmative defense is 15 just a limitation on remedies, which would encroach 16 on the judiciary's ability to impose civil 17 penalties. 18 So in other words, to summarize that, 19 to be permissible the court is saying that the 20 defense must relate -- the affirmative defense must 21 relate to the antecedent question of liability 22 rather than the subsequent question of remedies. 23 So because of the court's ruling, EPA 24 is now rescinding the 2023 rule, restoring the 25 regulatory text that existed prior to the 2023 rule.	Page 88

Page 89 1 And EPA says that because it is pursuant to a court 2 ruling, EPA is taking this final action without 3 providing an opportunity for public comment or a 4 public hearing because the agency finds the 5 Administrative Procedures Act's "good cause 6 exemption" applies. 7 Okay. Seventh rule is the Rescission 8 of EPA's Greenhouse Gas Endangerment Finding and 9 Motor Vehicle Greenhouse Gas Emission Standards 10 under the Clean Air Act. So this Final Rescission 11 of the 2009 engagement finding was published on 12 February 18, 2026, and it became effective on 13 April 20th of 2026. 14 So EPA stated it is rescinding the 15 2009 findings of contribution and endangerment and 16 repealing all greenhouse gas emission standards for 17 light-duty, medium-duty, and heavy-duty vehicles and 18 engines to effectuate the best reading of the Clean 19 Air Act Section 202(a)(1). 20 EPA determined Clean Air Act Section 21 202(a)(1) does not authorize EPA to prescribe 22 emission standards in response to global climate 23 change concerns for multiple reasons, including the 24 best reading of the statutory terms "air pollution", 25 "cause", "contribute", and "reasonably anticipated	Page 91 1 embodied in the Clean Power Plant, which was a 2 previous greenhouse gas rule, without a clear 3 authorization from Congress, and that is where the 4 Major Questions Doctrine was really firmly 5 articulated by the Supreme Court. So EPA sites 6 those two cases, and the Major Questions Doctrine 7 says that Congress must clearly authorize agencies 8 to take actions that decide major questions of 9 policy. 10 So EPA determined in this proposed -- 11 or, in the Final Rule that greenhouse gas standards 12 for new motor vehicles and engines do not impact in 13 any material way the public health and welfare 14 concerns identified in the Administrator's prior 15 findings in 2009. 16 And this appears to be a purely legal 17 interpretation of the Clean Air Act, and the 18 proposal -- the proposal when EPA proposed this rule 19 included a discussion of a Department of Energy 20 study and potential scientific basis, but EPA 21 clearly states in the Final Rule that it is not 22 finalizing any additional basis for repeals set out 23 in the proposed rule. 24 So the 2009 Endangerment Finding 25 predicated subsequent rulemaking under Section 111
Page 90 1 to endanger". 2 Additionally, EPA states that it 3 corroborates this action with application of the 4 major questions doctrine. This doctrine was 5 articulated in two U.S. Supreme Court cases that 6 reviewed EPA actions to regulate greenhouse gases 7 under the Clean Air Act. 8 EPA references these two cases as 9 Utility Air Regulatory Group v. EPA, which is the 10 2014 case, and that case was in response to EPA's 11 "tailoring" of the permit threshold limits, because 12 when EPA began regulating greenhouse gases using the 13 current Clean Air Act threshold limits of 100 tons 14 per year, 250 tons per year, it would trigger 15 permitting for everything. 16 And so EPA modified those limits, and 17 the Supreme Court decided that EPA cannot use 18 greenhouse gases alone to bring a source into the 19 PSD and Title V permitting programs, but once a 20 source is already subject to PSD permitting, EPA may 21 then evaluate greenhouse gases and require controls. 22 So that was Utility Air Regulatory Group. 23 West Virginia v. EPA was a 2022 case, 24 and that court held that EPA cannot use Clean Air 25 Act 111(d) to impose a generation-shifting scheme	Page 92 1 of the Act and others, but for DEQ's purposes today 2 we are only concerned with the 111 rules. And EPA 3 has decided - again, like I said - on a legal basis 4 that the Clean Air Act does not allow regulation of 5 greenhouse gases in the way that EPA has done it. 6 So, litigation. Petitions for review 7 of this final action were filed the day that it came 8 out in the Federal Register, and multiple petitions 9 for review have been filed and there have been 10 petitions for reconsideration to EPA filed by state 11 attorneys general and the environmental/public 12 health organizations. 13 I -- that's pretty much all I have on 14 this rule and, you know, stay tuned for litigation. 15 This is Madison speaking, but I would be shocked if 16 this didn't make it to the Supreme Court, so... 17 Moving on to NSPS OOOOb/c. So on 18 April the 9th of 2026, EPA issued a Final Rule in 19 response to a petition for reconsideration of the 20 2024 rule. And as a reminder, this is EPA's Methane 21 Rule related to oil and gas facilities. 22 And specifically, the final action on 23 April 9th of 2026 finalizes discrete technical 24 changes to two aspects of the rule: temporary 25 flaring provisions and vent gas net heating value

1 continuous monitoring requirements and alternative 2 performance test option for flares and proposed 3 combustion devices. 4 We had a guidance issued on April 30, 5 2026 by EPA called Clarification of Regulatory 6 Provisions Concerning Limits on Flaring Associated 7 Gas for New Oil Wells, and this clarified that new 8 oil and gas wells had through May 7th of 2026 to 9 phase out routine flaring of associated gas. 10 And then we know there's a 11 forthcoming rule that EPA has announced that would 12 address the second petition for review that EPA 13 accepted to cover a broader reconsideration of the 14 rule. 15 So we know EPA has been conducting 16 industry stakeholder meetings and has stated this 17 forthcoming rulemaking would impact things like the 18 superemitter program that was promulgated in 2024 19 and other aspects of OOOOb and OOOOc, so keeping an 20 eye out for it. 21 And then the Carbon Pollution Rule, 22 it has many different names, otherwise known as 23 Clean Power Plant 2.0, that's what EPA has been 24 referring to it as, but it is a -- a new source 25 performance standard for stationary fossil	Page 93 1 proposed on November 25th of 2025, and that was to 2 align the definition of WOTUS with the U.S. Supreme 3 Court Sackett decision, providing greater clarity 4 regarding the definitions of the terms involved, 5 including "relatively permanent" and "continuous 6 surface connection". 7 We have a proposed rule regarding the 8 Clean Water Act 401 Certification process that was 9 proposed on January 15th of 2026, and this revises 10 procedural and substantive aspects of Clean Water 11 Act 401 Water Quality Certification Improvement Rule 12 of 2023 to address areas of regulatory uncertainty 13 and implementation challenges. 14 And then the RCRA PFAS as Hazardous 15 Constituent rule, I mentioned this earlier with 16 respect to the Definition of Hazardous Waste rule 17 the EPA recently proposed. And so EPA proposed this 18 rule to list nine PFAS and their salts and 19 structural isomers to the list of hazardous 20 constituents in Appendix VIII to Part 261, that was 21 proposed in February of 2024. 22 And so I'm going to quote from a news 23 article, which I may or may not -- you know, may or 24 may not be a good idea, but an EPA spokesperson told 25 Inside PFAS Policy in a May 1 email response that Page 95
1 fuel-fired power plants. EPA proposed in June 11th 2 of 2025 to repeal this rule, and I included it on 3 this slide. Even though we don't have any concrete 4 regulatory action on this yet to finalize that 5 proposal, we do know there is an imminent release of 6 a final rule to rescind this rule because it arrived 7 at OMB for review on May 14th of 2026. So that's it 8 for actions that we -- that EPA's taken. 9 So this slide contains kind of 10 outstanding proposals that we've seen and any 11 litigation updates that we have on any of these 12 rules. So just a reminder that EPA proposed a 13 Perchlorate drinking water standard on January 6th 14 of 2026, and that was based on a court order that 15 EPA must issue a drinking water standard for 16 Perchlorate by May 2027. And that was based on, 17 generally, D.C. Circuit held that EPA lacks the 18 authority to withdraw a regulatory determination 19 under SDWA. 20 EPA made it clear in this rule that 21 EPA believes that the costs of the rule outweigh the 22 benefits, but it's required to go forward with the 23 drinking water standard by the court. 24 We have a proposed Clean Water Act 25 WOTUS definition, Waters of the U.S., that was Page 94	1 the agency "continues to evaluate options - grounded 2 in gold standard science and the law - to determine 3 the best path forward for" both the waste definition 4 rule and the constituents rule. So EPA has signaled 5 that it's still considering doing something with 6 this Hazardous Constituent rule that listed these 7 nine PFAS. 8 For the PM2.5 NAAQS, if you recall in 9 2024, EPA lowered the PM2.5 standard to 9 micrograms 10 per cubic meter, and there are two lawsuits on that 11 now. There was the original lawsuit challenging 12 that 2024 NAAQS revision and there is a new lawsuit 13 challenging EPA's failure to designate areas under 14 the 2024 standard. So EPA was required to designate 15 areas by February 7th of 2026 and missed that 16 deadline, so EPA's being sued on basis of failing to 17 carry out a nondiscretionary duty. 18 And then last rule, Ozone Transport 19 SIP disapprovals for the 2015 Ozone NAAQS. So in 20 January of 2026, EPA proposed to approve interstate 21 transport SIPs for eight states; Oklahoma wasn't 22 included in that round. That proposal is not final 23 yet, but EPA has stated it intends to take 24 additional steps to further reconsider the Good 25 Neighbor Plan -- or, sorry, state's submittals under Page 96

1 the Good Neighbor Plan requirement, and we hope that 2 EPA's next proposal will include an approval of 3 Oklahoma's SIP. 4 That concludes my presentation. 5 Thank you. 6 DR. FERRELL: If any of you have a 7 business where you need someone to read a legal 8 disclaimer in any of your radio commercials, 9 Madison's now available. You got pretty close to 10 your time limit, actually. 11 Any questions from the Board? 12 MR. PAQUE: Mr. Chairman? I'll say the 13 second last time, maybe not the last time, I just 14 want to thank you and Rob and Madison for adding the 15 federal update as a regular part of our meetings. 16 Madison, that was excellent detail, perhaps second 17 only to the Director's 16-and-one-quarter-page 18 report, thank you. 19 MS. MILLER: Thank you. 20 DR. FERRELL: I agree on that point. 21 Anybody else, any comments? Any comments? 22 Questions? All right, Madison, thank you very much. 23 Summer blockbusters must have star 24 power and at least one Administrative Assistant at 25 the Capitol has told me if you multiply Glenn Powell	Page 97 1 it now requires some different things of the 2 applicant at the beginning. Instead of just 3 publishing once, they publish once for two 4 consecutive weeks, and that notice points people to 5 our website. 6 So those people who are interested 7 can go and sign up for notifications so now you're 8 not waiting on that newspaper which you may or may 9 not get or, you know, you're not going to pay that 10 subscription fee to the Daily Oklahoman. But now 11 that notice comes right to you and so you get 12 information faster than before. 13 It also creates unprecedented 14 transparency in relation to these permits and 15 codifies that in the statute. So now people who are 16 interested have access to more information than ever 17 before, 24/7. 18 We accomplished some reductions in 19 the timelines of those, so Tier II permits have been 20 reduced by 90 days. And DEQ's able to do this by 21 reducing the time -- like, when an individual 22 requests that meeting, a member of the public says, 23 "Hey, I want to meet over this", it reduces our time 24 to schedule that from 120 down to 75, making us more 25 responsive to the public. Additionally, it reduces
Page 98 1 by Ryan Gosling, you get Ryan McIntosh. So here to 2 present the legislative report, Ryan McIntosh. 3 MR. MCINTOSH: Well, thank you for that, 4 Chairman. 5 So my name's Ryan, and we're just 6 going to be going over kind of what happened at the 7 Capitol. It was a busy session. I'm thankful this 8 was my second session, to have somewhat of my sea 9 legs going into this year, but it was certainly 10 interesting. So I want to just go over a few 11 things, some bills, just general activities, so a 12 lot of the stuff that Rob's already touched on. 13 But session started May -- or, 14 Monday, February 2nd. There were about 5,600 bills 15 that were in play, we were tracking 479 of those at 16 the onset. There was early sine die on May 14th, so 17 you may ask what happened in between. Well, quite a 18 lot. Quite a lot this year. 19 So, first bill of interest is 20 obviously our request bill, Senate Bill 1246. It 21 was signed by the Governor, that's a picture with 22 him holding our bill right there, getting ready to 23 sign it. 24 So our authors were Senator Dave 25 Rader and John Pfeiffer, and kind of Rob mentioned,	Page 100 1 our time to respond to comments from 90 days to 45 2 days, so when a member of the public or anybody 3 submits that comment, we are going to be addressing 4 those comments faster. 5 For Tier III permits, we reduced 6 those, as well, and we accomplished that by reducing 7 the time that it takes for us to hold a prehearing 8 conference. And I want to say thank you to the 9 Board for your vote of confidence in allowing us to 10 pursue this measure. We greatly, greatly appreciate 11 your support. 12 Some other bills that pertain to DEQ 13 that went into law. So House Bill 3465, by Boles of 14 the House and Green of the Senate, extends the 15 Oklahoma Emission Reduction Technology Rebate 16 Program to July 1st of '29. 17 House Bill 3472 by Kerbs of the House 18 and Stanley of the Senate allows for Tire pyrolysis 19 to qualify as a method for used tire processing. 20 This process can now have access to used tire funds 21 that relates to program activities. Interestingly, 22 in the definition that adds pyrolysis, there's a 23 five-year sunset. So if this doesn't really take 24 off or if it doesn't work kind of as it's intended, 25 it'll automatically fall off if not.

Page 101 1 So Senate Bill 1319 by Frix of the 2 Senate and Sneed of the House, it provides a 3 revolving fund for indirect reimbursement to 4 property owners for homes contaminated with oil and 5 brine. If that pollutant impacting the property is 6 not regulated by the Corporation Commission, that 7 would be referred to the Department of Environmental 8 Quality for remediation and abatement using the same 9 -- using the money from that fund that it 10 establishes. 11 Some other bills that I'll quickly 12 mention. Senate Bill 1176 creates a revolving fund 13 for Water and Wastewater Infrastructure, it creates 14 -- there's \$35 million in it for systems to be able 15 to get some assistance to improve that 16 infrastructure. 17 Senate Bill 2117 kind of clarifies 18 who can issue a stop-sale order on grain that's 19 contaminated by sewage. Previously, there was a 20 little bit of a gray area, now that's firmly with 21 the Department of Agriculture. 22 Another one kind of related to water 23 systems is House Bill 4316. It now allows any 24 corporation to organize into a rural water district 25 regardless of their formation date. So previously	Page 103 1 and how it moves up the food chain and different 2 things like that. It also had some slight 3 adjustments of the land application practices that 4 occurred within the state, but again, that measure 5 was not successful. 6 Additionally, there was a bill 7 authored by Representative Emily Gise. She authored 8 House Bill 2976, and it would have required DEQ to 9 adopt aluminum criteria in our water quality 10 standards. 11 So obviously this is one that we have 12 talked about quite a bit, and it's kind of our 13 councils, and this is the mechanics of what 14 happened. You guys understand, like, we -- they're 15 going to be winding down, but this is just the 16 logistics of it. 17 So House Bill 3007 was filed, 18 extending the sunset for a year. And before session 19 even started, documentation had been requested 20 because our councils are one thing, well, there's 21 other councils and boards and agencies that are in 22 the state that have different purposes and 23 functions, and so they just asked some very generic 24 questions of us and a host of other councils, of 25 course, as well.
Page 102 1 that was restricted to entities that were in 2 existence before December 1, 1988, but this will 3 allow more formation of rural water districts. 4 Some bills that did not pass. So 5 House Bill 1907 by Representative Alonso-Sandoval 6 would have set up kind of a battery recycling 7 framework in the state to recycle mid-sized 8 batteries that sometimes can cause fires, you see, 9 like, a landfill fire, trash truck catch on fire. 10 It also could have provided kind of an opportunity 11 to recycle some of the critical minerals. 12 Previously mentioned were biosolids. 13 So last year, there were four biosolids bills in 14 play, there was an additional eight in this year, 15 for a total of 12. So it's a very hot button topic 16 here in the state, but also nationally. We had 17 many, many conversations with many legislators, you 18 know, throughout the session. 19 The closest of which, which Rob 20 mentioned, was House Bill 3403, which would have 21 created kind of a study at Oklahoma State 22 University. And it had some requirements, it gave 23 us some money to purchase equipment, fund the study, 24 and it would kind of track what are PFAS doing in 25 the environment kind of as it relates to agriculture	Page 104 1 We also had a meeting before session, 2 kind of going over the functions, like, what do our 3 councils do. And at one point, it went so well that 4 instead of a one-year extension, they ended up 5 giving a five-year extension to us. And that went 6 through the process, but unfortunately it was vetoed 7 by the Governor April 27th. 8 And so interestingly enough, though, 9 that effective date is July 1, 2026, I want you keep 10 that in your mind because the other bill Rob had 11 referenced was House Bill 3320. This measure, it 12 would have eliminated the sunsets throughout law and 13 given lawmakers the ability to review any board or 14 council previously subject to those sunset 15 provisions to determine if they needed to be 16 dissolved. 17 The effective date of that measure 18 was immediately upon passage and approval, so thus 19 it would have saved our councils; ultimately, the 20 Governor did veto that, as well. Now, the House did 21 take up the veto override, overwhelmingly got that 22 taken care of, but the Senate just elected not to 23 take it up. 24 And so another role that I have at 25 the Capitol aside from talking with legislators

Page 105 1 about legislation or sitting in committee meetings 2 and in the gallery is constituent issues. It's very 3 key and it's a primary role to what we do. I mean, 4 being prompt is insanely important and trying to 5 provide that same-day service. 6 Whenever we receive those legislative 7 inquiries about a constituent issue, making sure 8 that you're following up in person with the 9 legislator throughout that process. Because 10 sometimes it's as easy as answering a question in 11 the moment, sometimes you got to get some 12 information, and they can be a wide-ranging host of 13 issues about things that aren't in DEQ's 14 jurisdiction or things that are, like, air quality 15 issues, flooding, odors, septic problem, I mean, 16 anything and everything. It's always a great 17 opportunity to talk about the agency, kind of 18 educate people about what we do and kind of what our 19 mission is. 20 Also of vast importance are the 21 budget and administrative rules. So the General 22 Appropriations Bill was Senate Bill 1177, and as Rob 23 said, our budget was not cut; however, with the 24 provisions of House Bill 4050, which was a shell 25 bill, language got dropped in halfway through the	Page 107 1 reforms, property tax relief, you'll have some 2 options on upcoming ballots about those, and the 3 Taxpayer Endowment Fund. 4 Again, another noteworthy thing is 5 that, you know, according to some, this is the 6 second most candidate filings that we've had in the 7 last 25 years, so there's a lot of people who are 8 concerned about politics, engaging in the system. 9 And I guess that I missed filing day 10 last year, well, I didn't this year and I had no 11 idea -- I was parked in, like, a far distance 12 neighborhood somewhere, but it was a very, very busy 13 few days, so -- when people were filing. 14 And again, that interesting tempo. 15 Because that budget was done early, it seemed both 16 chambers were heading to getting out as early as 17 they could, and eventually they did get out early, 18 on May 14th. 19 And towards the end, like in the 20 Senate, they had adjourned to the call of a chair on 21 May 6th while the House continued to work, and 22 ultimately session ended May 14th with an early bang 23 of the gavel. 24 So just kind of in summary, though 25 this session was very different from last year, for
Page 106 1 process, it had that OPERS contribution adjustment. 2 And so they just took, you know, our 3 total FTEs, took that percentage, like, hey, it 4 looks like we have a bunch of savings, and they did 5 that for every state agency. We were not singled 6 out in any shape, form or fashion, but as Rob 7 mentioned, we have a lot of federally funded 8 positions. And so that concern was brought up and 9 they just said hey, you know, address that in next 10 year's budget, and so that's definitely what we plan 11 to do. 12 House Joint Resolution 1090 was DEQ's 13 administrative rules, and Jonathan was really 14 sweating this one because the last day -- it passed 15 the Senate and went to the Governor's Office, and he 16 waited till the last day to sign our rule. So we 17 know, like, all the hard work that goes in with our 18 staff and the councils and the Board and so we were 19 really watching that closely, but those ended up 20 passing, we're very excited about that. 21 Just kind of general news from 22 session. The budget deal was announced April 1st, 23 and it was not an April Fool's joke. So that kind 24 of created an interesting tempo, but there were also 25 some key measures that made it through, education	Page 108 1 DEQ it was a success. Our bill got signed by the 2 Governor and we're excited about the reform that it 3 brings. 4 Next year's session, it's going to be 5 different. We're going to have new folks in the 6 Executive Office, we're going to have new cabinet 7 members, new legislators, new personalities and 8 priorities, and so we are anxiously waiting, along 9 with everybody else. 10 So that's kind of the end of my 11 presentation. Does anybody have any questions? 12 DR. FERRELL: Any questions from the 13 Board? 14 MS. LOWRY: On the rebate program, the 15 extension, did that include any additional funding 16 or was it just an extension of the deadline? 17 MR. McINTOSH: It was just an extension of 18 the deadline. 19 MS. LOWRY: Okay. 20 DR. FERRELL: Any other questions? Seeing 21 none, Ryan, thank you so much for your report, we 22 appreciate it, appreciate your work. 23 No summer blockbuster happens without 24 a budget and a producer to keep everyone actually in 25 line, doing the stuff they're supposed to be doing.

Page 109 1 So with the budget update is executive producer and 2 Director of the Administrative Services group, Kathy 3 Aebischer. 4 MS. AEBISCHER: Thank you, Mr. Chairman. 5 I'm going to give you a budget update for FY26 6 through the end of April, and first go over our 7 revenue. 8 Revenue is really looking good for 9 the agency, we've already collected over 100 percent 10 of what we projected. There are some areas that are 11 over and some that's just slightly under, but we're 12 looking really good as an agency. 13 For Air, just the point I want to 14 highlight, and Rob went over it, the tire fund 15 didn't receive one month's deposit, which equals 16 about \$300,000, so that's why Air -- the Air 17 Division is down. 18 But looking at -- I just went and 19 looked this morning at the end of May and revenues 20 are coming in good, so I believe every division will 21 be at least 100 percent by the end of the fiscal 22 year, so everything's looking good. 23 For expenditures, we have expended 24 \$95 million of the \$238 million, and you can 25 probably go, oh, my gosh, that's not really good,	Page 111 1 that's the Guymon Mesa Water Project and then the 2 Tulsa Levee, they've only expended 632 together. 3 But I see the reports on the Guymon project, they're 4 moving along, and I just received a reimbursement 5 this morning from Tulsa Levee, over \$30,000, so 6 they're starting to move along, too. So the 7 projects are moving, they're just kind of slow. 8 Other than that, all other funding 9 sources look great and the agency's really healthy. 10 Do you have any questions? 11 DR. FERRELL: Any questions? Any 12 questions? Any questions? Seeing none. Thank you, 13 Ms. Aebischer, we appreciate you. 14 And before I move on to our next 15 agenda item, I do want to say just quickly, now that 16 we've had a chance to hear from Ms. Miller, Mr. 17 McIntosh, and Ms. Aebischer, everybody I talk to at 18 every other state agency, the legislators that I 19 talk to rave about the job that Madison, Ryan, and 20 Kathy do. 21 I am so proud to get to be a part of 22 the Board that represents them because they have 23 done fantastic work. Thank you guys so much for the 24 reputation that you carry, for the agency and just 25 the amazing work that you do.
Page 110 1 but remember that we got PREP funds, the 2 \$70 million, so that's going to be a slow rolling 3 out for several years, so we'll just roll those 4 funds over to each fiscal year. 5 But those portions that pass through 6 us, they're just a little bit slower, but the 7 agency's funds are moving through, we're getting 8 projects done. There's no concerns there, 9 everything looks good. 10 If we look at the sources of funds, 11 the 193, your parking garage money originally was 12 \$16 million, we brought forward \$13.6 million. 13 We've expended \$5.3 million and then we'll expend 14 the remainder of those funds next fiscal year. Yay, 15 because the garage will be completed. 16 Then we have appropriations. If you 17 remember, we get \$10 million a year for rural 18 infrastructure grants that -- rural water, it's a 19 partnership in that they fund projects within the 20 rural community. So those funds with construction 21 takes a little while to go through, but those 22 projects have been good, and then we have revolving 23 funds moving along. Our revenue, like I said, is 24 good. 25 And you'll see on the 386 PREP funds,	Page 112 1 Madison's been doing a lot of the 2 heavy lifting through the public engagement in 3 respect to the Inola project; Ryan is constantly at 4 the Capitol, you know, advocating for, you know, the 5 information that needs to get out there about what 6 we do here at the agency; and we don't have a beam 7 signing without Kathy riding herd on that project, 8 so thank you all so much for what you do. 9 That leads us to agenda item 11. 10 Now, anytime there is a summer movie out there, all 11 the nerds immediately go to the social media to, you 12 know, talk about that or they go to Rotten Tomatoes. 13 For the Rotten Tomatoes part of the program, we have 14 to review some stuff, specifically our Executive 15 Director. So I will now read my prepared statement 16 here. 17 Among the statutory duties of the 18 Board are the responsibilities to appoint and set 19 the compensation of the Executive Director and to 20 assist the DEQ in conducting periodic reviews and 21 planning activities related to the goals, 22 objectives, priorities, and policies of the DEQ. In 23 connection with these responsibilities, the Board 24 has determined that it should conduct a performance 25 review of the Executive Director.

Page 113 1 And as part of that, the Board may 2 consider entering into an executive session pursuant 3 to Title 25 of the Oklahoma Statutes Section 4 307(B)(1) to discuss this human resource and 5 personnel action. 6 With that, is there any discussion 7 from the Board and/or a motion to enter into 8 executive session? 9 MR. MUNSON: So moved. 10 MR. HIRSHEY: Second. 11 DR. FERRELL: Motion and a second. Any 12 discussion on the motion? Any discussion? Any 13 discussion? 14 Seeing none, Ms. Fields, would you 15 please call a vote on the motion to move into 16 executive session? 17 MS. FIELDS: Mr. Auer? 18 MR. AUER: Yes. 19 MS. FIELDS: Ms. Esteph? 20 MS. ESTEPH: Yes. 21 MS. FIELDS: Mr. Hirshey? 22 MR. HIRSHEY: Yes. 23 MS. FIELDS: Mr. Kinder? 24 MR. KINDER: Yes. 25 MS. FIELDS: Ms. Lowry?	Page 115 1 into executive session. Stay tuned, folks, we shall 2 return to open session immediately following that. 3 Board Members, I believe we will excuse ourselves 4 into the anteroom over here, and we are now into 5 executive session. 6 (Executive session held, 11:47 a.m. to 12:38 p.m.) 7 DR. FERRELL: Do we have a motion from the 8 Board to reconvene in open session? 9 MR. TATUM: So moved. 10 DR. FERRELL: I have a motion. Is there a 11 second? 12 MR. HIRSHEY: Second. 13 DR. FERRELL: Any discussion? Any 14 discussion? Any discussion? 15 Seeing none, Ms. Fields, would you 16 please call the roll? 17 MS. FIELDS: Mr. Auer? 18 MR. AUER: Here. 19 MS. FIELDS: Ms. Esteph? 20 MS. ESTEPH: Present. 21 MS. FIELDS: Mr. Hirshey? 22 MR. HIRSHEY: Yes. 23 MS. FIELDS: Mr. Kinder? 24 MR. KINDER: Yes. 25 MS. FIELDS: Ms. Lowry?
Page 114 1 MS. LOWRY: Yes. 2 MS. FIELDS: For the record, Mr. Mason has 3 left the meeting. 4 Mr. Munson? 5 MR. MUNSON: Yes. 6 MS. FIELDS: Mr. Paque? 7 MR. PAQUE: Yes. 8 MS. FIELDS: Mr. Peterson? 9 MR. PETERSON: Yes. 10 MS. FIELDS: Mr. Schultze? 11 MR. SCHULTZE: Yes. 12 MS. FIELDS: Mr. Tatum? 13 MR. TATUM: Yes. 14 MS. FIELDS: Dr. Ferrell? 15 DR. FERRELL: Yes. 16 MS. FIELDS: Motion passed. 17 DR. FERRELL: With that, we do need a 18 designated individual to keep minutes of the 19 executive session. Is there a nominee for that 20 duty? Not everybody at once. Don't make me pick. 21 Mr. Kinder, would you be so kind? 22 MR. KINDER: Sure. 23 DR. FERRELL: Without objection, without 24 objection, without objection, Mr. Kinder will keep 25 the minutes of the meeting. We will now convene	Page 116 1 MS. LOWRY: Yes. 2 MS. FIELDS: Mr. Munson? 3 MR. MUNSON: Yes. 4 MS. FIELDS: Mr. Paque? 5 MR. PAQUE: Yes. 6 MS. FIELDS: Mr. Peterson? 7 MR. PETERSON: Yes. 8 MS. FIELDS: Mr. Schultze? 9 MR. SCHULTZE: Yes. 10 MS. FIELDS: Mr. Tatum? 11 MR. TATUM: Yes. 12 MS. FIELDS: Dr. Ferrell? 13 DR. FERRELL: Yes. 14 MS. FIELDS: Motion passed. 15 DR. FERRELL: Now that we are back in open 16 session, the Chair would entertain a motion with 17 respect to the evaluation of the Executive Director 18 and his annual performance review. I see that one 19 of our guys has his mic on. 20 MR. PAQUE: Yeah, so moved. 21 DR. FERRELL: What motion would you like 22 to make, Mr. Paque? 23 MR. PAQUE: What was the content? Have we 24 -- it was the evaluation of the Executive Director. 25 DR. FERRELL: Yes, any motion with respect

Page 117 1 to the evaluation of the Executive Director? 2 MR. PAQUE: Yes. I make a -- so moved. 3 DR. FERRELL: What would you like to move, 4 Mike? 5 MR. PAQUE: I can't hear you. 6 DR. FERRELL: What would you like to move? 7 MR. PAQUE: That we proceed with our 8 annual evaluation on the Executive Director. 9 DR. FERRELL: And do you have any 10 recommendations with respect to the compensation of 11 the Director? 12 MR. PAQUE: And discussion of salary. 13 DR. FERRELL: So moved. Is there a 14 second? 15 MR. MUNSON: Second. 16 DR. FERRELL: Any discussion? Any 17 discussion? Any discussion? 18 Ms. Fields, would you call the roll 19 one more time? 20 MS. FIELDS: Mr. Auer? 21 MR. AUER: Yes. 22 MS. FIELDS: Ms. Esteph? 23 MS. ESTEPH: Yes. 24 MS. FIELDS: Mr. Hirshey? 25 MR. HIRSHEY: Yes.	Page 119 1 payment. 2 DR. FERRELL: Is there a second? 3 MR. HIRSHEY: Second. 4 DR. FERRELL: Second? Any discussion on 5 the motion? Any discussion? Any discussion? Any 6 discussion? 7 Seeing none, Ms. Fields, would you 8 please call the roll? 9 MS. FIELDS: Mr. Auer? 10 MR. AUER: Yes. 11 MS. FIELDS: Ms. Esteph? 12 MS. ESTEPH: Yes. 13 MS. FIELDS: Mr. Hirshey? 14 MR. HIRSHEY: Yes. 15 MS. FIELDS: Mr. Kinder? 16 MR. KINDER: Yes. 17 MS. FIELDS: Ms. Lowry? 18 MS. LOWRY: Yes. 19 MS. FIELDS: Mr. Munson? 20 MR. MUNSON: Yes. 21 MS. FIELDS: Mr. Paque? 22 MR. PAQUE: Yes. 23 MS. FIELDS: Mr. Peterson? 24 MR. PETERSON: Yes. 25 MS. FIELDS: Mr. Schultze?
Page 118 1 MS. FIELDS: Mr. Kinder? 2 MR. KINDER: Yes. 3 MS. FIELDS: Ms. Lowry? 4 MS. LOWRY: Yes. 5 MS. FIELDS: Mr. Munson? 6 MR. MUNSON: Yes. 7 MS. FIELDS: Mr. Paque? 8 MR. PAQUE: Yes. 9 MS. FIELDS: Mr. Peterson? 10 MR. PETERSON: Yes. 11 MS. FIELDS: Mr. Schultze? 12 MR. SCHULTZE: Yes. 13 MS. FIELDS: Mr. Tatum? 14 MR. TATUM: Yes. 15 MS. FIELDS: Dr. Ferrell? 16 DR. FERRELL: Yes. 17 MS. FIELDS: Motion passed. 18 DR. FERRELL: With the motion passed, the 19 Chair would now entertain a motion for any comments 20 with respect to the annual evaluation and any 21 adjustments that need to be made to the Executive 22 Director's compensation. 23 Mr. Kinder? 24 MR. KINDER: Yes, I'd like to make a 25 motion to extend his compensation to \$216,000 annual	Page 120 1 MR. SCHULTZE: Yes. 2 MS. FIELDS: Mr. Tatum? 3 MR. TATUM: Yes. 4 MS. FIELDS: Dr. Ferrell? 5 DR. FERRELL: Yes. 6 MS. FIELDS: Motion passed. 7 DR. FERRELL: I would say that -- I would 8 also note the comments of the Board were unanimous 9 in their praise for the job that you've done, for 10 the engagement that you've had with the regulated 11 community, with the state, with our legislature, but 12 also another universal comment was the quality of 13 the team that you have assembled around you, so 14 compliments on your leadership. 15 Sometimes the coach gets to take 16 credit for what the team does, too, but praise to 17 the team, as well. So thank you so much for 18 everything you've done in service to the state. We 19 appreciate you, sir. 20 [Applause] 21 DR. FERRELL: If you're still around for 22 the thrilling third act, here we are. Item 14 is 23 new business, which is any matter not known about 24 and which could not have been reasonably foreseen 25 prior to the posting of the agenda.

1 Is there any new business to come 2 before the Board? 3 MR. HIRSHEY: There's no new business, but 4 I, again, would publicly like to acknowledge your 5 efforts, Shannon, as our chair, for the research 6 you've done both last year and this year to make 7 that particular discussions go easier, better, more 8 informed. And so I just want to acknowledge that. 9 DR. FERRELL: I appreciate that so much. 10 I tell Rob I have a lot of fun in this role, working 11 with him and his staff, and I really do genuinely 12 mean that and I appreciate that opportunity. So 13 thank you for that, I appreciate it. 14 Anything else? 15 Well, that will then bring us to 16 agenda item 15, which is our next meeting. The next 17 meeting of the Environmental Quality Board will be 18 held on September 9, 2026 at 9:30 a.m. in Guymon, 19 Oklahoma, at City Hall. You can't fight City Hall, 20 but you sure can meet there. So put that on your 21 calendar, again, September 9, 2026 at 9:30 a.m. at 22 the City Hall in Guymon. 23 That brings us to agenda item 16, 24 which would be adjournment. Is there a motion to 25 adjourn?	Page 121 1 MR. PETERSON: Yes. 2 MS. FIELDS: Mr. Schultze? 3 MR. SCHULTZE: Yes. 4 MS. FIELDS: Mr. Tatum? 5 MR. TATUM: Yes. 6 MS. FIELDS: Dr. Ferrell? 7 DR. FERRELL: And finally, yes. 8 MS. FIELDS: Motion passed. 9 DR. FERRELL: I apologize, my Robert's 10 Rules was taking me to a consent order, not a roll 11 call, I apologize. 12 (MEETING ADJOURNED AT 12:44 PM) 13 DR. FERRELL: With that, we now move into 14 our public forum. This is a public forum of the 15 Environmental Quality Board. Public input is 16 valuable to the Board and the Department and we 17 welcome your participation. 18 Forums allow the public to make 19 suggestions or express concerns about environmental 20 laws, rules, or policy. However, concerns with an 21 action or decision in a specific case or matter, 22 such as a particular permit application or 23 enforcement case, should be communicated directly to 24 the Department. The Board cannot and does not 25 intervene in those case-specific decisions. We also Page 123
1 MR. MUNSON: So moved. 2 DR. FERRELL: Motion. Is there a second? 3 MR. TATUM: Second. 4 DR. FERRELL: Any discussion? Any 5 discussion? Any discussion? Seeing none, we stand 6 adjourned. 7 MS. FIELDS: We need to do roll call. 8 DR. FERRELL: Oh, I was going to go 9 without objection, I'm so sorry. I apologize. 10 Roll call vote, please. 11 MS. FIELDS: Mr. Auer? 12 MR. AUER: Yes. 13 MS. FIELDS: Ms. Esteph? 14 MS. ESTEPH: Yes. 15 MS. FIELDS: Mr. Hirshey? 16 MR. HIRSHEY: Yes. 17 MS. FIELDS: Mr. Kinder? 18 MR. KINDER: Yes. 19 MS. FIELDS: Ms. Lowry? 20 MS. LOWRY: Yes. 21 MS. FIELDS: Mr. Munson? 22 MR. MUNSON: Yes. 23 MS. FIELDS: Mr. Paque? 24 MR. PAQUE: Yes. 25 MS. FIELDS: Mr. Peterson? Page 122	1 ask that you not use the forum to advertise or 2 publicize commercial products or services. 3 Because of the nature of the issues 4 that are appropriate to the forum, you may not 5 receive an immediate response to your comments. 6 Department staff and/or the Board generally will 7 need some time to evaluate the comments and respond 8 to them. If you decide to make comments at today's 9 forum, but you did not sign the sheet on the 10 information table when you came in, please raise 11 your hand. And if you're in the obstructed-view 12 seats, wave frantically. Okay. Fair enough. 13 Please try to limit your comments to 14 five minutes, and I will advise you that five 15 minutes have passed and will ask you to complete 16 your presentation, if we've had anyone sign up. 17 Have we had anyone sign up? 18 MS. FIELDS: No. 19 DR. FERRELL: Ladies and Gentlemen, you 20 have survived. So it's like watching Lord of the 21 Rings the extended cut, you made it through the 22 whole thing. Thank you all for coming today, we 23 appreciate you all so very much. Safe travels home. 24 (PROCEEDINGS ADJOURNED AT 12:45 PM) 25 Page 124

1 CERTIFICATE

2 I, Jenny Longley, Certified Shorthand
3 Reporter within and for the State of Oklahoma, do
4 hereby certify that the above and foregoing meeting
5 was by me taken in shorthand and thereafter
6 transcribed; and that I am not an attorney for nor
7 relative of any of said parties or otherwise
8 interested in the event of said action.

9 IN WITNESS WHEREOF, I have hereunto
10 set my hand and official seal this 17th day of June,
11 2026.



12
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14 Jenny Longley, CSR
15 CSR # 1903
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OKLAHOMA
Environmental
Quality

ENVIRONMENTAL QUALITY BOARD

Attendance Record

June 9, 2026

Oklahoma City, Oklahoma

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Name	Affiliation	<u>Address</u> and/or <u>Phone</u> and/or <u>E-Mail</u>
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Sheldon Tatum	DEQ	SheldonTatum17@gmail.com
Tim MUIW SAN	"	
Guiana Fields	DEQ	
Stacey Tucker	DEQ	Stacey.Tucker@deq.ok.gov
Peter Schultze	DEQ	pschultze@wm.com
Malcolm Zachariah	DEQ	
Mike Thayer	ARAC / OWS-TULSA	Mike.Thayer@okstate.edu
SKylar McElhenny	DEQ	
Brandi Lowry	EQB	
Ryan McIntosh	DEQ	



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Name	Affiliation	Address and/or Phone and/or E-Mail
Ken Hirshey	OKDEQ Board	khirshey59@outlook.com
Tavis Archer	Park Hill	tarcher@parkhill.com
Mark Hildebrand	DER	mark.hildebrand@deq.ok.gov
Shannon L. Ferrell	EQB	shannon.l.ferrell@okstate.edu
Eric Lee	City of Tulsa	elec@cityoftulsa.org
Bad Ground	EFO	
Mike Pague	ODEQ Board	mpague@gwpc.org
Jonathan Ah	DER	
Kendal Segmann	DEQ	
JuXen	Dep Board	
Katlin Estep	EQB	



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Name	Affiliation	Address and/or Phone and/or E-Mail
George Russell	DEQ	george.g.russell@deg.ok.gov
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Carrie Schroeder	DEQ	
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LEE WARREN	DEQ	
Kyle Hoffman	DEQ	



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Name	Affiliation	Address and/or Phone and/or E-Mail
Andrea Bantiste	DEQ	
Andrew McClary	DEQ	
Eli Klimet	DEQ	
MARK STASYSZEN	DEQ	
Brandon Bowman	ORWA	
Jayne Jones	DEQ	
Clifton Hylb	DEQ	
Patrick Allen	DEQ	
Preston Davidson	DEQ	
Nichelle Wynn	USEE	



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Name	Affiliation	<u>Address and/or Phone and/or E-Mail</u>
Afya Wilkins	DEQ	afya.wilkins@deq.ok.gov
Travis Couch	DEQ	
Kelly Dixon	DEQ	
Mackenzie Lunn	Ditch Witch	
Marka Peek	OK Farm Bureau	
Jacobs Olson	↓	
GREG CARR	DEQ	
Angela Hughes	DEQ	

Resolution of the Environmental Quality Board on Solid Waste Fees

Whereas, the Oklahoma Solid Waste Management Act (27A O.S. §2-10-802(E)) requires the DEQ to annually report to the Solid Waste Management Advisory Council (Council) its income from solid waste fees and its expenditures of those monies during the previous fiscal year.

Whereas, the Council is also required to develop comments comparing income with program expenditures.

Whereas, the Council was terminated on July 1, 2026, according to the provisions of 27A O.S. § 2-2-201, and the Environmental Quality Board has assumed the duties of the Council;

Therefore, the Environmental Quality Board hereby resolves as follows:

- 1) The solid waste fee income is adequate to support the solid waste management programs for which it was originally intended; and
- 2) Approves the report of the income and expenditures for fiscal year 2026.

Adopted by majority vote in open meeting this 9th day of September 2026.

ATTEST:

Shannon Ferrell, Chair
Environmental Quality Board

Quiana Fields, Secretary

IN THE MATTER OF

) Matter No.

RULE OAC 252: 515-21-73

) Date filed: 7/21/2026

Subject area: () Air Quality (X) Solid Waste
() Hazardous Waste () Water Quality
() Laboratory () Operator Certification
() Radiation () Other

Petition will be referred by the Department to its appropriate program and to any appropriate Council.

1. Nature of request:

- () Adoption of new rule(s)
(X) Amendment of existing rule(s)
() Repeal of existing rule(s)

Identified as Rule Number(s): _____
(OAC number if known)

2. Attach a brief statement of the issues raised by the rule(s) which cause such a request to be made, a statement of your personal interest in the ruling, and how the proposed rulemaking would affect those interests and would affect others.

3. If this request has been discussed with the Department of Environmental Quality, please indicate the name of the Division and employee consulted; otherwise, state "n/a."

General Counsel, Jonathan Allen

4. If a Council has considered this matter, please indicate the name of the Council and the date(s) the matter was considered; otherwise, state "n/a."

5. Attachment(s): () suggested language () further explanation

RT12 Environmental
Name of Business or group

by: Andrew Skerth
(print name) (title)

or Name of Individual (print): Andrew Skerth

Signature: Andrew Skerth

Address: P.O. Box 3518

Edmond, OK 73083

Phone: 405 834 5604

In 2010, RTR Environmental (RTR) was issued a permit by the Oklahoma Department of Environmental Quality (DEQ) under the Oklahoma Used Tire Recycling Act (ACT) to collect and process used tires. All the tires collected are processed at the RTR plant in Noble, Oklahoma. In 2024 RTR acquired 4D Rubber, another used tire processor, located in Duncan, Oklahoma.

Under the Act, a Processor is compensated for the collection and processing of used tires that were collected in any given month. After those disbursements have been made, if there is additional money remaining in the fund, Processors may apply to DEQ for reimbursement for a portion of capital investment in equipment necessary to utilize those used tires at a rate of \$20 per ton.

Current rules allow a Processor to apply for compensation for each facility individually. The Processor cannot combine or aggregate tonnage from multiple facilities. When RTR acquired Four D, RTR made substantial capital investments in the Four D facility. At the current rate, RTR will never process enough used tires at the facility in Duncan to be fully reimbursed for the equipment purchased for that plant. However, there are enough tires processed at the Noble plant to reimburse RTR for its capital investment at the Duncan plant.

The proposed rule change would allow processors to combine the tonnage from multiple facilities for purposes of reimbursement for capital investment.

CHAPTER 515. MANAGEMENT OF SOLID WASTE

SUBCHAPTER 21. USED TIRE PROCESSING, CERTIFICATION, PERMITS AND COMPENSATION

PART 7. COMPENSATION FROM THE USED TIRE INDEMNITY FUND

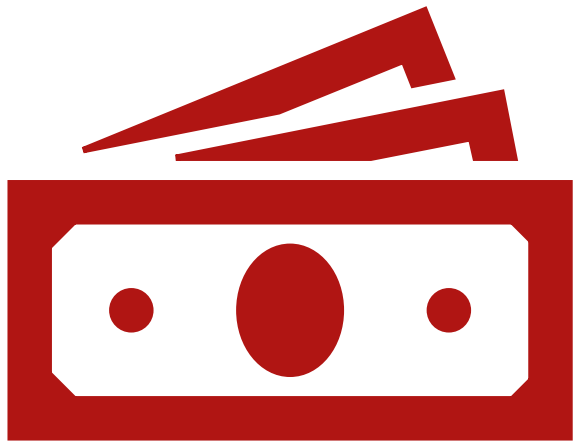
252:515-21-73. Certification for compensation

(a) **Compliance.** An applicant requesting certification for compensation from the fund must be in substantial compliance with:

- (1) the Act;
- (2) the requirements of this Chapter;
- (3) any permits issued by the DEQ, if applicable; and
- (4) other applicable authorizations issued by the United States Army Corps of Engineers or local Conservation District.

(b) **Affiliated facilities.** An applicant may submit a combined request for certification for compensation for two or more facilities if the facilities are owned or operated by the same legal entity or by entities under common ownership or control. A request for certification under this subsection must specify the the compensation sought for each facility separately for compensation authorized under 27A O.S. § 401.4(C) and (D), but may aggregate a request for certification for compensation authorized by 27A O.S. § 401.4(E) for all affiliated facilities covered by the combined request.

(c) **Required forms.** Applicants eligible for compensation from the fund shall complete the required forms provided by the DEQ and submit them to DEQ.



Agenda Item 8

DEQ

Fiscal Year 2028

Budget Request

ENVIRONMENTAL QUALITY BOARD MEETING

SEPTEMBER 9, 2026

DEQ State Appropriations Fiscal Year 2028 Budget Request

(JULY 1, 2027 – JUNE 30, 2028)

DEQ recommends approval for the agency to submit a budget request seeking up to \$1,439,954 with recognition that the final request may be amended downward to remain consistent with any directions provided by the Governor's office after Board consideration but before the budget request submission deadline.

FY28 Budget Request On-Going Requests

OPERS Contribution Reform in the amount of **\$1,344,309**.

Reinstate the portion of funds reduced in the FY27 appropriation as a result of the OPERS Contribution Reform. The FY27 reduction represented savings attributable to non-appropriated divisions and/or other agency funding sources rather than a reduction in the agency's underlying operational needs. These savings were reflected as a reduction to the agency's appropriated funding; however, the associated costs and responsibilities remain necessary to maintain agency operations and fulfill statutory obligations. Reinstating the amount reduced would restore funding to the level necessary to support the agency's ongoing personnel and operational requirements. The requested restoration is not intended to provide additional program funding, but rather to reverse a reduction that was based on savings realized from non-appropriated funding sources.

FY28 Budget Request On-Going Requests

Water Quality Division (WQD) requests one (1) full-time employee (FTE) in the amount of \$95,645.

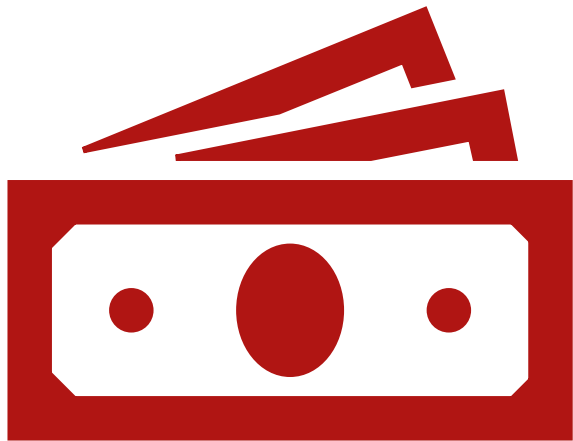
Funding is requested for a dedicated Biosolids Coordinator to implement Oklahoma's biosolids program. Currently, biosolids responsibilities are distributed among staff with existing full-time program duties, limiting the State's ability to adequately address increasing regulatory demands and growing public and legislative interest in biosolids management. Establishing this position will strengthen program implementation, improve regulatory consistency, and allow the program to proactively address an increasingly visible environmental issue. Additionally, this position will provide support and backup to the MS4 Coordinator. As additional municipalities become subject to MS4 permitting requirements due to population growth, the existing staffing level is no longer sufficient to provide timely permitting, compliance assistance, and program implementation. Adding this position will improve program performance, enhance service to regulated communities, and position the State to effectively manage continued program expansion.

Oklahoma Department of Environmental Quality
Operations Funding Changes
For the Fiscal Year 2028

	FY27 Appropriation	FY28 Requested Increase	FY28 Total Appropriation Request
<u>On-Going Requests</u>			
State Environmental Laboratory Services Division	\$ 2,857,786	\$ 397,244	\$ 3,255,030
Environmental Complaints & Local Services	2,769,177	384,927	3,154,104
Water Quality Division	14,044,047	657,783	14,701,830
Subtotal On-Going Requests	\$19,671,000	\$ 1,439,954	\$ 21,110,954
<u>One-Time Requests</u>			
		0	
Total Requests	\$19,671,000	\$1,439,954	\$21,110,954

DEQ recommends approval for the agency to submit a budget request seeking up to \$1,439,954 with recognition that the final request may be amended downward to remain consistent with any directions provided by the Governor's office after Board consideration but before the budget request submission deadline.





Agenda Item 9

DEQ Fiscal Year 2027 Budget

ENVIRONMENTAL QUALITY BOARD MEETING

SEPTEMBER 9, 2026

Summary of DEQ's FY27 Appropriations



FY 2026 and FY 2027 General Appropriations Comparison

General Appropriations	FY26 Appropriation	GR Decreases	% Decreased	FY27 Appropriation
Base	\$21,447,676	\$(1,766,666)	-8.3%	\$19,671,010

FY 2027 Budget Request vs Approved

Description	FTEs Requested	Funds Requested	FTEs Approved	Funds Approved
Requested a Flat Budget				\$0
Reduction due to OPERS Contribution Reform ¹				\$(2,089,690)
Longevity Pay Increase ²				313,024
Total			3	\$(1,766,666)

1. OPERS Contribution went from 16.5% to 9.5%
2. Longevity Pay increased annual payments 50%

FY 2026 and FY 2027 Total Budget Comparison

FUNDING SOURCES	FY2026 Budget	FY2027 Budget	Variance
19312 General Appropriations ¹	13,627,411		(13,627,411)
19421 General Appropriations ²	426,216		(426,216)
19511 General Appropriations ³	9,851,694		(9,851,694)
19701 General Appropriations		19,671,010	19,671,010
57601 General Appropriations ⁴	21,447,676		(21,447,676)
20000 Revolving Fund ⁵	68,919,126	64,171,653	(4,747,473)
21000 Environmental Education Fund	34,260	17,000	(17,260)
22500 Operator Certificate Fund ⁶	1,181,364	572,235	(609,129)
23500 Blue River Study ⁷	997,521	906,267	(91,154)
38600 PREP Funds ⁸	69,472,273		(69,472,273)
40000 Federal Funds	35,361,147	38,544,453	3,183,306
40300 Brownfields Revolving Loan Fund	175,000		(175,000)
40500 Environmental Settlement Fund (Federal) ⁹	10,292,084	5,786,736	(4,505,348)
41000 Water Management Federal Fund	9,735,397	7,503,290	(2,232,107)
TOTAL FUNDING SOURCES	241,521,169	137,172,744	(\$104,348,425)

1. Fund 19312 reduction due to parking garage one-time funding. Will carryover remaining balance. Estimated completion date January 2027.
2. Fund 19421 Carried over unspent Rural Infrastructure Grant (RIG) funds from FY2025 to FY2026. This balance has been expended.
3. Fund 19511 Carried over unspent Rural Infrastructure Grant (RIG) funds from FY2025 to FY2026. This balance has been expended.
4. Fund 57601 FY 2026 Appropriations for DEQ Operations. Agency base appropriations have been expended remaining unspent Rural Infrastructure Grant (RIG) funds will be carried over FY2027. (estimated to be \$9.8 million)
5. Fund 20000 decrease due to reduction in building elevator replacement and Salesforce Projects.
6. Fund 22500 decreased due to one-time IT project in FY2026.
7. Fund 23500 Blue River Study in the amount of \$1 million funded in FY25. Balance of unspent funds transferred to FY27 (\$906,267).
8. Fund 38600 FY 2025 pass-thru funds for Guymon Mesa Water Project (\$20M) and Tulsa Levee Project (\$50M) funded with Progressing Rural Economic Prosperity (PREP) funds. Balance of unspent funds will be transferred to FY27. (\$68M)
9. Fund 40500 Volkswagen Settlement Grant Program FY2027 based on current awards. Program to expire in December 2028.



FY27 BUDGET
STATUS

BY DIVISION

Fee	FY26 Projections	FY27 Projections	Variance
Nontitle V Operating Fees	\$5,035,915	\$5,446,498	\$410,583
Title V Operating Fees	4,722,907	4,828,202	105,295
Nontitle V Application Fees	500,000	600,000	100,000
Title V Application Fees	700,000	700,000	0
Tire Fees ¹	3,000,000	1,000,000	(2,000,000)
Lead Abatement Certification Fees	35,000	35,000	0
Total Projections	\$13,993,822	\$12,609,700	(\$1,384,122)

Total AQD FY2025 collections were \$13,974,632 (99.1%) of projections.

1. Reduced Tire Fee revenues allocated to AQD by \$2 million to offset the FY27 State Appropriations shortfall resulting from the OPERS Contribution Reform reduction affecting ECLS, SELS and WQD.



AIR QUALITY DIVISION

REVENUE PROJECTIONS (FY26 AND FY27)

Air Quality Division Budget All Funding Sources



Revolving funds if 100% projected received for FY27	\$12,609,700
Carryover from FY2026	2,138,813
Federal Grants (Could change during FY)	5,908,999
VW Settlement Funds	5,786,736
Total Funds	\$26,444,248
<u>AQD Distribution of Funds:</u>	
FY27 AQD Proposed Budget	(\$22,172,829)
FY27 ECLS AQD Projects	(431,465)
FY27 SELS AQD Projects	(188,157)
FY27 Indirect Costs (applied to AQD FTEs @ 29.25%)	(3,651,797)
Difference	\$0

Air Quality Division FY26 and FY27 Budget Comparison

	FY26	FY27	Variance
Salaries and other Compensation Expenses ¹	\$12,710,955	\$12,484,777	\$(226,178)
Professional Services ²	1,521,398	1,065,198	(456,200)
Travel Expenses	52,950	59,825	6,875
Administrative Expenses	682,686	1,052,219	369,533
Lab Equipment, Furniture, Building Construction, and Air Monitoring Sites	1,323,950	1,199,016	(124,934)
Local Governments & Non-Profit Projects and Programs ³	11,624,508	6,311,794	(5,312,714)
	\$27,916,447	\$22,172,829	\$(5,743,618)

1. Decreased due to reduction in OPERS contribution reform. (16.5% to 9.5%)
2. Decrease due to one-time project in FY 2026.
3. Decrease in DERA and Volkswagen Settlement fund projects expected.

Fee	FY26 Projections	FY27 Projections	Variance
Hazardous Waste	\$1,500,000	\$1,700,000	\$200,000
Industrial X-Ray	235,000	235,000	0
Sara Title III	350,000	350,000	0
Solid Waste	6,200,000	6,200,000	0
LPD Tire Recycling	600,000	600,000	0
State Agreement Fees/ GLDs	1,180,000	1,180,000	0
All VCPs/ CAFO and MACO Programs	420,000	420,000	0
Fuel Allocation U.S.T. Fund	2,450,000	2,450,000	0
Electronic Waste	150,000	150,000	0
UIC Permits	50,000	50,000	0
Brownfields Revolving Loan Fund	50,000	50,000	0
Total Projections	\$13,185,000	\$13,385,000	\$200,000

Total LPD FY26 collections were \$15,606,008 (118.4%) of projections.



LAND PROTECTION DIVISION

REVENUE PROJECTIONS (FY26 AND FY27)

Land Protection Division All Funding Sources



Revolving if 100% projected received for FY27	\$13,385,000
Carryover from FY26	3,772,477
Federal Funds (Grants could change during FY)	19,187,398
Total Funds	<u>\$36,344,875</u>
<u>LPD Distribution of Funds:</u>	
FY27 LPD Proposed Budget	(\$32,241,323)
FY27 ECLS LPD Projects	(898,225)
FY27 SELS LPD Projects	(570,187)
FY27 Indirect Costs (applied to LPD FTEs @ 29.25%)	(2,635,140)
Difference	<u>0</u>

Land Protection Division FY26 and FY27 Budget Comparison

	FY26	FY27	Variance
Salaries and other Compensation Expenses ¹	\$9,581,355	\$9,009,027	\$(572,328)
Professional Services ²	1,989,556	7,540,810	5,551,254
Travel Expenses	147,000	246,000	99,000
Administrative Expenses	442,921	346,133	(96,788)
Lab Equipment, Furniture, Building Construction, and Air Monitoring Sites	88,110	127,353	39,243
Local Governments & Non-Profit Projects and Programs	17,638,732	14,972,000	(2,666,732)
	\$29,887,674	\$32,241,323	\$2,353,649

1. Decreased due to reduction in OPERS contribution reform. (16.5% to 9.5%)
2. Increase federal grant funded projects planned for FY27.

Fee	FY26 Projections	FY27 Projections	Variance
Plan Review	\$550,000	\$625,000	\$75,000
Public Water Supply Annual	2,440,000	2,750,000	310,000
Wastewater Plan Review	300,000	250,000	(50,000)
Industrial/ Municipal PDES	3,110,000	3,250,000	140,000
Non-discharging	380,000	450,000	70,000
Stormwater	1,400,000	1,200,000	(200,000)
Clean Water Act	1,000	1,000	0
Operator Certifications	750,000	750,000	0
Total Projections	\$8,931,000	\$9,276,000	\$345,000

Total WQD FY26 collections were \$10,669,153 (120%) of projections.



WATER QUALITY DIVISION

REVENUE PROJECTIONS (FY26 AND FY27)

Water Quality Division Budget All Funding Sources



Revolving Funds projected for FY27	\$9,276,000
Carryover from FY26	6,963,183
Federal Funds (Grants could change during FY)	13,378,362
State Appropriations/ General Revenue	14,044,047
Total Funds	<u>\$43,044,047</u>
<u>WQD Distribution of Funds:</u>	
FY27 WQD Proposed Budget	(38,001,709)
FY27 ECLS WQD Projects	(1,284,154)
FY27 SELS WQD Projects	(504,318)
FY27 Indirect Costs (applied to WQD FTEs @ 29.25%)	(3,871,411)
Difference	<u>0</u>

Water Quality Division

FY26 and FY27 Budget Comparison

	FY26	FY27	Variance
Salaries and other Compensation Expenses ¹	\$13,651,658	\$13,235,592	\$(416,066)
Professional Services ²	25,961,667	22,874,252	(3,087,415)
Travel Expenses	241,305	241,305	9,127
Administrative Expenses	654,396	499,390	(22,085)
Lab Equipment, Furniture, Building Construction, and Air Monitoring Sites	89,135	89,135	(89,135)
Local Governments & Non-Profit Projects and Programs	2,984,521	1,009,122	(1,975,399)
	\$43,582,682	\$38,001,709	(\$5,580,973)

1. Decreased due to reduction in OPERS contribution reform. (16.5% to 9.5%)

2. Decrease in Rural Water projects due to less carryover funds.

Fee	FY26 Projections	FY27 Projections	Variance
Private Sewage	\$2,466,129	\$2,540,122	\$73,993
Private Water	1,072	1,104	32
Septic Tank Installer Certification	80,417	82,829	2,412
Total Retention Lagoons PDES	249,840	249,840	0
Highway Remediation Licensing	35,000	35,000	0
Soil Profiler's License	7,505	7,730	225
Septage Pumpers and Transporters	103,000	106,090	3,090
Minor Public Water Supply Systems	85,000	87,500	2,500
Total Projections	\$3,027,963	\$3,110,215	\$82,252

Total ECLS FY25 collections were \$3,027,963 (140%) of projections.

ENVIRONMENTAL COMPLAINTS AND LOCAL SERVICES DIVISION

REVENUE PROJECTIONS (FY26 AND FY27)

Environmental Complaints and Local Services Division Budget All Funding Sources

Revolving if 100% projected received for FY27	\$3,110,215
Carryover from FY26	2,050,669
Federal Funds (Grants could change during FY)	2,267,608
State Appropriations/ General Revenue	2,769,177
LPD (work contributed to solid & hazardous waste)	898,225
AQD (work contributed to AQD)	431,465
WQD (work contributed to WQD)	1,284,154
Total Funds	<u>\$12,811,513</u>
<u>ECLS Distribution of Funds:</u>	
FY27 ECLS Proposed Budget	(\$10,237,991)
FY27 Indirect Costs (applied to ECLS FTEs @ 29.25%)	(2,573,522)
Difference	<u>\$0</u>



Environmental Complaints and Local Services Division

FY26 and FY27 Budget Comparison

	FY26	FY27	Variance
Salaries and other Compensation Expenses ¹	\$9,275,085	\$8,998,367	\$(476,718)
Professional Services ²	2,034,750	161,801	(1,872,949)
Travel Expenses	104,739	160,000	55,261
Administrative Expenses	902,956	1,100,130	197,174
Lab Equipment, Furniture, Building Construction, and Air Monitoring Sites	56,378	17,693	(38,685)
Local Governments & Non-Profit Projects and Programs	861,992		(861,992)
	\$13,235,900	\$10,237,991	\$(2,997,909)

1. Decreased due to reduction in OPERS contribution reform. (16.5% to 9.5%)

2. Decreased due to one-time IT project in FY2026.

Fee	FY26 Projections	FY27 Projections	Variance
Contractual	\$190,000	\$200,000	\$10,000
Lab Certification	205,000	265,000	60,000
Private Water Analysis	225,000	225,000	0
Public Water Supply Analysis	750,000	775,000	25,000
Grant Reimbursement - Lab Analysis	100,000	150,000	50,000
Field Lab Accreditation	50,000	50,000	0
SELS Water Pollution	15,000	10,000	(5,000)
LPD Services and Support	600,000	300,000	(300,000)
Total Projections	\$2,135,000	\$1,975,000	\$(160,000)

Total FY26 SELS collections were \$2,868,571 (134%) of projections.



STATE ENVIRONMENTAL LABORATORY SERVICES DIVISION

REVENUE PROJECTIONS (FY26 AND FY27)

State Environmental Lab Services Budget All Funding Sources



Revolving if 100% projected received for FY27	\$1,975,000
Carryover from FY2026	1,934,505
Federal Funds (Grants could change during FY)	1,859,312
State Appropriations/ General Revenue	3,082,438
LPD (work contributed to solid & hazardous waste)	300,000
AQD (work contributed to Title V and Tire funds used for PWS)	188,157
WQD (work contributed to Public Water Supply)	504,318
Total Funds	\$9,541,030
<u>ECLS Distribution of Funds:</u>	
FY27 SELS Proposed Budget	(\$7,909,325)
FY27 Indirect Costs (applied to SELS FTEs @ 29.25%)	(1,631,705)
Difference	\$0

State Environmental Lab Services Division FY26 and FY27 Budget Comparison

	FY26	FY27	Variance
Salaries and other Compensation Expenses ¹	\$5,816,770	\$5,578,479	\$(238,291)
Professional Services ²	108,691	514,853	406,162
Travel Expenses	30,000	30,000	0
Administrative Expenses	1,193,191	1,066,264	(126,927)
Lab Equipment, Furniture, Building Construction, and Air Monitoring Sites ³	377,755	719,729	341,974
Local Governments & Non-Profit Projects and Programs	82,000	0	(82,000)
	\$7,608,407	\$7,909,325	\$300,918

1. Decreased due to reduction in OPERS contribution reform. (16.5% to 9.5%)
2. Increase in Professional Services due to one-time IT project.
3. Increase due to Lab equipment purchases.

Administrative Services and Information Technology Budget All Funding Sources



FY27 Divisional Funds for IDC (all fund sources)	\$14,363,575
Carryover from FY26	4,275,700
OSEE Accounting Services	70,000
Federal Grant Awards	17,000
License Tag Educational Grants	10,000
Penalty Fees	400,000
Total Funds	\$19,131,275
<u>ASD Distribution of Funds:</u>	
FY27 Proposed Budget	(\$19,106,275)
FY27 Indirect Costs (applied to ASD FTEs @ 29.25%)	(25,000)
Variance	\$0

Administrative Support and Information Technology

FY26 and FY27 Budget Comparison

	FY26	FY27	Variance
Salaries and other Compensation Expenses ¹	\$8,403,124	\$7,749,873	\$(653,251)
Professional Services ²	4,714,460	2,423,532	(2,290,928)
Travel Expenses	95,488	87,023	(8,465)
Administrative Expenses	2,886,773	3,828,847	942,074
Lab Equipment, Furniture, Building Construction, and Air Monitoring Sites	4,894,953	5,000,000	105,047
Local Governments & Non-Profit Projects and Programs	509,414	17,000	(492,414)
	\$21,504,212	\$19,106,275	\$(2,397,937)

1. Decreased due to reduction in OPERS contribution reform. (16.5% to 9.5%)
2. Decrease in Professional Services due to reductions of one-time IT projects.



FY27 AGENCY FINANCE REPORT

AS OF
7/31/2026

FY27 Revenue Status Report

As of July 31, 2026

Division	Current Fiscal Year Activity (FY2027)				Comparison to Previous Year (FY2026)			
	FY2027 Projections	FY2027 Collections 7/1 to 7/31	% of Total Projections	Projected Revenue Remaining	FY2026 Projections	Collections Same Time Period	% of Total Projections	Variance
SELS	\$1,975,000	\$94,214	4.8%	(\$1,880,786)	\$2,135,000	\$480,563	22.5%	(\$386,349)
ECLS	3,110,215	321,060	10.3%	(2,789,155)	3,027,963	271,636	9.0%	49,424
AQD	12,609,700	5,507,976	43.7%	(7,101,724)	13,993,822	123,196	0.9%	5,384,780
WQD	9,276,000	1,261,021	13.6%	(8,014,979)	8,931,000	227,228	2.5%	1,033,793
LPD	13,385,000	212,125	1.6%	(13,172,875)	13,185,000	497,770	3.8%	(285,645)
	\$40,355,915	\$7,396,396	18.3%	(\$32,959,519)	\$41,272,785	\$1,600,393	3.9%	\$5,796,003

FY27 BUDGET STATUS

AS OF JULY 31, 2026

(BY ACCOUNT CODE)

Expenditure Category	Budget	Expenses	Encumbered	Remaining
Salaries and other Compensation Expenses	56,926,114	3,667,231	-	53,258,883
Professional Services	34,620,446	315,055	1,419,021	32,886,370
Travel Expenses	833,780	1,664	4,500	827,616
Administrative Expenses	7,887,596	328,203	2,381,849	5,177,544
Lab Equipment, Furniture & Building Construction	7,236,357	-	8,848	7,227,509
Local Governments & Non-Profit Projects and Programs	29,668,451	20,729	10,394,035	19,253,687
Total Expenses	\$137,172,744	\$4,332,882	\$14,208,253	\$118,631,609

FY27 BUDGET STATUS

AS OF JULY 31, 2026

(BY FUNDING SOURCE)

Funding Sources	Budget	Expenses	Encumbered	Remaining
19312 General Appropriations (Parking Garage)	-	-	-	-
19421 General Appropriations (ORWA RIG Balance)	-	-	-	-
19511 General Appropriations (ORWA RIG Balance)	-	-	-	-
19701 General Appropriations (FY27 Allocation)	19,671,010	-	-	19,671,010
57601 General Appropriations (FY26 Allocation)	-	-	-	-
20000 Revolving Fund	64,171,653	3,775,164	4,442,243	55,954,246
21000 Environmental Education Fund	17,000	-	-	17,000
22000 Hazardous Waste Penalty Fund	-	-	-	-
22500 Certificate Fund	572,235	17,452	-	554,783
23500 Blu Rvr-Ltl Blu Crk Strm Hlth	906,367	-	-	906,367
38600 PREP Funds	-	-	-	-
40000 Federal Funds	38,544,453	537,939	9,737,601	28,268,913
40300 Brownfields Revolving Loan Fund	-	-	-	-
40500 Environmental Settlement Fund (Federal)	5,786,736	2,327	28,409	5,756,000
41000 Water Management Federal Fund	7,503,290	-	-	7,503,290
Total Funding Sources	\$137,172,744	\$4,332,882	\$14,208,253	\$118,631,609



**TITLE 252. DEPARTMENT OF ENVIRONMENTAL QUALITY
CHAPTER 606. OKLAHOMA POLLUTANT DISCHARGE ELIMINATION SYSTEM
(OPDES) STANDARDS**

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 1. Introduction

252:606-1-2. Definitions [AMENDED]

252:606-1-2.1. Technical Definitions [AMENDED]

Subchapter 6. Point Source Discharges

252:606-6-11. Receiving water background characterization requirements [AMENDED]

252:606-6-14. Requirements specific to numeric criteria for toxic substances for the Fish and Wildlife Propagation beneficial use [AMENDED]

252:606-6-31. WET test requirements [AMENDED]

252:606-6-52. Effluent regulatory flows for the implementation of numerical criteria for toxic substances to protect the Fish and Wildlife Propagation beneficial use [AMENDED]

252:606-6-53. Q* ratio for the implementation of numerical criteria for toxic substances to protect the Fish and Wildlife Propagation beneficial use [AMENDED]

252:606-6-55. Wasteload allocations for the implementation of numerical criteria for toxic substances to protect the Fish and Wildlife Propagation beneficial use [AMENDED]

252:606-6-86. Implementation of bacterial criteria to protect the Primary Body Contact Recreation (PBCR) and the Secondary Body Contact Recreation (SBCR) beneficial use [AMENDED]

252:606-6-91. Performance-based monitoring frequency reductions and increases [AMENDED]

Appendix L. Equations for Implementation of Numerical Criteria for Toxic Substances to Protect the Fish and Wildlife Propagation Beneficial Use [AMENDED]

SUMMARY:

The gist of the proposed rules is to add and modify definitions to Subchapter 1. INTRODUCTION, as well as adding language to SUBCHAPTER 6. POINT SOURCE DISCHARGES for determination of reasonable potential for selenium and changing language to disallow monitoring frequency reductions for a parameter when the receiving water is impaired for that parameter. New equations are proposed to be added to Appendix L consistent with the proposed changes to sections in Subchapters 1 and 6.

AUTHORITY:

Environmental Quality Board; 27A O.S. §§ 2-2-101.

Oklahoma Pollutant Discharge Elimination System Standards; 27A O.S. §§ 2-6-203.

Oklahoma Water Quality Standards Implementation Plan; 27A O.S. §§ 1-1-202.

COMMENT PERIOD:

Written comments may be submitted to the contact person from September 1, 2026, through October 19, 2026. Oral comments may be made at the Formal Rulemaking Meeting on October 16, 2026, at 1:00 PM at the DEQ Headquarters, First Floor, 707 N. Robinson Avenue, Oklahoma City, OK 73102, or at the Environmental Quality Board Meeting on November 10, 2026, at 9:30 AM at the Robert S. Kerr Environmental Research Center, 919 Kerr Research Dr, Ada, OK. 74820.

PUBLIC HEARINGS:

The proposed rules will be discussed at a Formal Rulemaking Meeting scheduled on October 16, 2026, at 1:00 PM at the DEQ Headquarters, First Floor, 707 N. Robinson Avenue, Oklahoma City, OK 73102. The proposed rules will also be considered by the Environmental Quality Board at its scheduled meeting on November 10, 2026, at 9:30 AM at the Robert S. Kerr Environmental Research Center, 919 Kerr Research Dr, Ada, OK 74820.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

DEQ requests that business entities or any other members of the public affected by these rules provide to DEQ (during the comment period) the increase (in dollar amounts if possible) in the level of direct costs (e.g., fees) and indirect costs (e.g., reporting, record keeping, equipment, construction, labor, professional services, revenue loss), or other costs expected to be incurred due to compliance with the proposed rules.

COPIES OF PROPOSED RULES:

Copies of the proposed rules may be obtained from the contact person, reviewed at the Department of Environmental Quality, 707 N. Robinson, Oklahoma City, Oklahoma, during normal business hours (8:00 am - 4:30 pm Monday through Friday) or reviewed online at <https://oklahoma.gov/deq/rules-and-regulations/proposed-rules-regulations.html>.

RULE IMPACT STATEMENT:

Copies of the rule impact statement may be obtained from the contact person or may be reviewed online at <https://oklahoma.gov/deq/rules-and-regulations/proposed-rules-regulations.html>

CONTACT PERSON:

Nicole Newcomer, Water Quality Division, 707 N. Robinson, P.O. Box 1677, Oklahoma City, OK 73101-1677, email nicole.newcomer@deq.ok.gov, phone (405) 702-8290, or fax (405) 702-8101.

PERSONS WITH DISABILITIES:

Persons with disabilities who desire to attend the rulemaking hearing and need an accommodation should notify the contact person three (3) days in advance of the hearing. For hearing impaired, the TDD relay number is 1-800-522-8506 or 1-800-722-0353, for TDD machine use only.

CHAPTER 606. OKLAHOMA POLLUTANT DISCHARGE ELIMINATION SYSTEM (OPDES) STANDARDS

SUBCHAPTER 1. INTRODUCTION

252:606-1-2. Definitions

In addition to terms defined in Title 27A of the Oklahoma Statutes, the following words or terms, when used in this Chapter, have the following meaning unless the context clearly indicates otherwise:

"Accredited laboratory" means a laboratory accredited through DEQ laboratory accreditation program.

"Acute WET testing" means WET testing which measures short-term lethality to a specific aquatic animal test species as specified in OAC 252:606-6-29.

"Arithmetic mean" means the sum of the values of individual data points in a data set divided by the number of data points. This term is synonymous with arithmetic average.

"Background concentration" means the concentration of a substance in receiving water immediately upstream of, but not influenced by, a wastewater discharge.

"Beneficial use" means the use of biosolids or wastewater through land application for the purpose of soil conditioning, or crop or vegetative fertilization, or erosion control, or the use of wastewater for dust suppression where fugitive dust control would otherwise be an air quality problem, in a manner which does not pollute or tend to pollute the waters of the State of Oklahoma, the environment or pose a risk to human health.

"Best professional judgment" or **"BPJ"** means the technical opinion developed by a permit drafter after consideration of all reasonably available and pertinent data or information which forms the basis for the terms and conditions of a discharge permit, and the use of sound engineering analysis of the industry, the nature and quantity of potential pollutants which may be produced and of the proposed treatment plant.

"Biosolids" means primarily organically treated wastewater materials from municipal wastewater treatment plants that are suitable for recycling as amendments. This term is within the meaning of "sludge" referenced in 27A O.S. § 2-6-101(11). Biosolids are divided into the following classes:

(A) Class A Biosolid meets the pathogen reduction requirements of 40 CFR § 503.32 (a);

(B) Class B Biosolid meets the pathogen reduction requirements of 40 CFR § 503.32 (b).

"CAFO" means Concentrated Animal Feeding Operation.

"Chronic WET testing" means WET testing which measures long term lethal and sublethal effects to a specific aquatic animal test species as specified in OAC 252:606-6-29.

"Coefficient of variation" or **"CV"** means, when used in the context of effluent data, the measure of an effluent distribution's variation relative to its mean. When used in the context of WET test acceptability, CV means the % variation among test replicates in either the control or the critical dilution.

"Compliance Testing" means any chemical, physical or bacteriological tests conducted in accordance with permit requirements.

"Control tests" means any chemical, physical or bacteriological tests, including visual observations, performed to aid in operational decisions and to control wastewater treatment system performance.

"CPP" means the Continuing Planning Process document, which describes present and planned water quality management programs and the strategy used by the State in conducting these programs.

"Critical dilution" means an effluent dilution, expressed as a percentage, representative of the dilution afforded a wastewater discharge according to the appropriate Q*-dependent chronic mixing zone equation for chronic WET testing. The critical dilution for acute WET testing is 100%.

"CWA" means the Clean Water Act and amendments thereto.

"Defensible analytical data" means data traceable to a laboratory certified for that pollutant by DEQ under OAC 252:301 or data accepted by EPA; data traceable to a municipal laboratory operated by a properly certified laboratory technician by OAC 252:710; or data generated by a state or federal agency laboratory with equivalent certification. Quality assurance procedures, including chain of custody records, shall be adequate and documentable. Quality control data required in the analytical method shall be available from the laboratory upon request.

"DEQ" means the Oklahoma Department of Environmental Quality.

"Detectable concentration" means a concentration greater than zero (0) using a ninety-nine percent (99%) probability basis.

"Dilution series" means a set of proportional effluent dilutions for acute or chronic WET testing based on a specified critical dilution, which is typically the next-to-highest dilution in the series.

"Discharge point" means the point at which pollutants, wastewater or stormwater enters waters of the state or become waters of the state.

"DMR" means "Discharge Monitoring Report".

"EPA" means the United States Environmental Protection Agency.

"Fish and Wildlife Propagation" means the WQS beneficial use designation for promoting fish and wildlife propagation for the fishery classifications of HLAC, WWAC, CWAC, and Trout Fishery (Put and Take).

"Fish Consumption" means the WQS beneficial use designation for the protection of human health for the consumption of fish flesh.

"Generator" or "operator" means authorized person under whose ownership or management authority, biosolids are used or disposed.

"Geometric mean" means the antilog of the arithmetic average of the natural logarithms of the individual points in a data set.

"Impoundment" or "Surface impoundment" have the same meaning used in OAC 252:616-1-2.

"Industrial user" means "industrial users subject to categorical pretreatment standards" and "significant industrial users" as those terms are used in 40 CFR, Part 403.

"Intermittent toxicity" means two or more lethal or sublethal effect test failures of a routine acute or chronic WET test within any 18-month period.

"Land application" means the application of biosolids onto a land surface; injection below land surface; or spreading biosolids onto land surface followed by incorporation into the soil. Land application does not include the disposal of biosolids in a municipal solid waste landfill permitted by DEQ, or the use of Class A biosolids whose production is permitted by DEQ.

"LC₅₀ (lethal concentration)" means the concentration of a toxicant in an external medium that is lethal to fifty percent of the test animals for a specified period of exposure.

"Life of the permit" means a specific time frame from the date of the issuance of a permit until a new or renewed permit is issued.

"Listed metal" means those metals listed in Tables I, II, and III of 40 CFR, Part 503.13.

"Loading rate" means the amount (concentration or mass) of constituents or parameters applied to a unit area per application.

"Log-normally distributed" means a distribution of effluent data which is positively skewed.

"Log transformation" means the mathematical transformation of an observed data set which results in a data set consisting of the natural logarithms of the individual data points in the observed data set.

"Major discharger" means an industrial facility which has a point rating greater than or equal to 80 according to the NPDES permit rating system for industrial discharges; a POTW with a design flow greater than or equal to 1.0 MGD; or any facility designated as such by EPA in conjunction with the state permitting authority.

"Measurable level" means a detectable concentration for which the analytical signal to noise ratio is significantly high to report a reliable single number. The measurable level corresponds to the lowest point at which the analytical calibration curve is determined based on analyses for the pollutant of concern.

"Mineral constituents" means chlorides, sulfates and total dissolved solids collectively.

"Municipal" means a publicly owned treatment works or facilities which are privately owned that generate only domestic waste including mobile home parks, homeowner's associations, etc.

"Narrative water quality criterion" means a statement or other qualitative expressions of chemical, physical, or biological parameters that is assigned to protect a beneficial use.

"No Observed Effect Concentration-Lethal" or "NOECL" means the greatest tested effluent dilution in a WET test at and below which lethality to test organisms does not occur that is statistically different from the control (0% effluent) at the 95% confidence level.

"No Observed Effect Concentration-Sublethal" or "NOECS" means the greatest tested effluent dilution in a WET test at and below which a sublethal effect to test organisms does not occur that is statistically different from the control (0% effluent) at the 95% confidence level.

"NRCS" means Natural Resources Conservation Service.

"Numerical water quality criterion" means a concentration or other quantitative measures of a chemical, physical, or biological parameters that is assigned to protect a beneficial use.

"OAC" means Oklahoma Administrative Code.

"Oklahoma Water Quality Standards" or "WQS" means DEQ rules (OAC 252:730) which classify waters of the state, designate beneficial uses for which the various waters of the state must be maintained and protected, and prescribe the water quality required to sustain designated uses.

"Once-through cooling water" means cooling water that is not recirculated.

"OPDES" means Oklahoma Pollutant Discharge Elimination System (see also NPDES).

"OPDES Act" means the Oklahoma Pollutant Discharge Elimination System Act.

"OPDES Permit" means a permit issued pursuant to the OPDES Act.

"O.S." means Oklahoma Statutes.

"Operating records and reports" means the daily record of data connected with the operation of the system compiled in a monthly report on forms approved by DEQ.

"Period of Record" means a continuous period for which a facility's effluent data is reviewed for the purposes of characterizing the effluent.

"Permit cycle" means the life of a permit from the date of issuance to the date of expiration as specifically stated on a permit, unless the expiration of the permit is extended by operation of statute, rule or agreement of the permittee and DEQ.

"Persistent toxicity" means the repeated failure of an acute or chronic WET test. If the required WET testing frequency is monthly, repeated failure occurs upon the failure of two of the three consecutive monthly tests for the same test species. If the required WET testing frequency is other than monthly, repeated failure occurs upon the failure of the required test plus one of the two monthly retests for the same test species in the ensuing two-month period.

"Point Source" means any discernible, confined and discrete conveyance or outlet, including but not limited to any pipe, ditch, channel, tunnel, conduit, well, discrete fissure, container, rolling stock, or vessel or other floating craft, from which pollutants are or may be discharged into waters of the state. The term "point source" shall not include agricultural stormwater runoff and return flows from irrigated agriculture.

"Positively skewed" means a data distribution which is asymmetric about its arithmetic mean with a tail in the positive direction.

"POTW" means publicly owned treatment works.

"Reasonable potential" means causes, or has a reasonable potential to cause, or contribute to an exceedance of a water quality criterion.

"Receiving water" means the water of the state to which a wastewater is discharged.

"Regulatory effluent flow" means the effluent flow, which is water quality criterion-dependent, used in determining reasonable potential and wasteload allocations for a substance.

"Regulatory low flow" means a condition where the flow of the water in a stream is significantly reduced, often during prolonged dry weather. This phenomenon is characterized by a decrease in stream flow, which can be defined by specific statistics such as 7Q2 or 30Q2. Regulatory low flow is important for setting permit discharge limits and ensuring ecological protection, as it can lead to water quality issues and affect water resources. 30Q2 shall be used only for setting discharge permit limits for selenium.

"Robust Regression on Order Statistics" or "Robust ROS" means a statistical method that computes a regression line to estimate values for non-detect data and combines these estimates with detected observations to compute sample statistics.

"RPF₉₅" means the reasonable potential factor for an effluent distribution, based on a 95% probability basis, for the purpose of determining whether an effluent limitation is required.

"RPF_{95(M)}" means the reasonable potential factor for an effluent distribution, based on a 95% confidence interval and 95% probability basis, and accounting for the size of the effluent data set, for the purpose of determining whether further effluent monitoring is required.

"**Standard deviation**" or "**s_x**" means the standard deviation of an untransformed data set based on a sample of size N.

"**Standard deviation of log-transformed x**" or "**sln(x)**" means the standard deviation of a log-normally transformed data set based on a sample of size N.

"**Sublethal test failure**" means the statistically significant difference (at the 95% confidence level) between reproduction or growth of the test organism at or below the chronic critical dilution after completion of an EPA approved chronic test method.

"**TDS**" means total dissolved solids.

"**Trigger Background concentration**" means the background concentration necessary to trigger reasonable potential for a substance to exceed an applicable criterion given a specified mean effluent concentration.

"**USC**" means United States Code.

"**Wasteload allocation**" or "**WLA**" means the portion of a receiving water's that is allocated to one of its existing or future point sources of pollution.

"**WET limit**" means a WET testing limitation in the form of a NOEC_L, NOEC_S, or LC₅₀, the exceedance of which constitutes a permit violation.

"**WET testing**" means testing for whole effluent toxicity:

(A) using an effluent dilution series based on a critical dilution,

(B) with a specific aquatic animal species, and

(C) utilizing EPA-approved testing methods.

252:606-1-2.1. Technical Definitions

The following technical definitions, when used in this Chapter, shall have the following meaning:

"**ΔT_{max}**" means the maximum temperature increase in °C at the edge of the temperature mixing zone.

"**7Q2**" means the 7-day low flow of a stream likely to occur with a 50% probability each year. The procedure for determining a site-specific 7Q2 is described at OAC 252:740-1-6.

"**30Q2**" means the 30-day low flow of a stream likely to occur with a 50% probability each year. The procedure for determining a site-specific 30Q2 is described at OAC 252:740-1-6.

"**ACD**" means acute critical dilution.

"**BOD₅**" means 5-day biochemical oxygen demand.

"**BT/C ratio**" means the ratio of trigger background concentration to associated water quality criterion.

"**(BT/C)_{max}**" means the maximum BT/C ratio for a given criterion for which background monitoring is required as a permit condition.

"**C₉₅**" means the 95th percentile maximum likelihood effluent concentration of a substance. It is the product of CE_(mean) and RPF₉₅.

"**C_{95(M)}**" means the 95th percentile maximum likelihood effluent concentration of a substance, accounting for the size of the effluent data set. It is the product of C_{E(max)} and RPF_{95(M)}.

"**C_A**" means the acute numerical criterion for toxic substances.

"**C_B**" means background concentration.

"**C_C**" means the chronic numerical criterion for toxic substances.

"**C_d**" means the instream concentration of a substance resulting from a wastewater discharge.

"**C_{d(A)}**" means the instream concentration of a substance as determined by the acute mixing equation.

"**C_{d(c)}**" means the maximum instream concentration of a substance at the edge of the chronic mixing zone.

"**C_{d(FF)}**" means the instream concentration of a substance after complete mixing, as applied to determination of reasonable potential to exceed a human health criterion for the consumption of fish flesh.

"**C_{d(FFW)}**" means the instream concentration of a substance after complete mixing, as applied to determination of reasonable potential to exceed a human health criterion for the consumption of fish flesh and water.

"**C_{d(NRWQC)}**" means the instream concentration of a substance after complete mixing, as applied to determination of reasonable potential to exceed an EPA human health criterion for the consumption of fish flesh.

"C_{d(RAW)}" means the instream concentration of a substance after complete mixing, as applied to determination of reasonable potential to exceed a raw water column criterion.

"C_{d(SS)}" means the instream concentration of a substance after complete mixing, as applied to determination of reasonable potential to exceed an agriculture sample standard (SS).

"C_{d(YMS)}" means the instream concentration of a substance after complete mixing, as applied to determination of reasonable potential to exceed an agriculture yearly mean standard (YMS).

"C_{E(max)}" means the maximum concentration of a substance in an effluent data set.

"C_{E(mean)}" means mean effluent concentration.

"C_{FF}" means the numerical criterion for the protection of human health for the consumption of fish flesh.

"C_{FFW}" means the numerical criterion for the protection of human health for the consumption of fish flesh and water.

"C_{NRWQC}" means the EPA recommended national water quality criterion for the protection of human health for the consumption of fish flesh.

"C_{RAW}" means the numerical criterion for protection of the raw water column.

"C_{SS}" means agriculture sample standard numerical criterion, i.e., the historic segment averaged SS value from Appendix F of OAC 252:730, unless data more representative of the receiving stream are available.

"C_{YMS}" means agriculture yearly mean standard numerical criterion, i.e., the historic segment averaged YMS value from Appendix F of OAC 252:730, unless data more representative of the receiving stream are available.

"CBOD₅" means 5-day carbonaceous biochemical oxygen demand.

"CCD" means chronic critical dilution.

"CWAC" means cool water aquatic community.

"D" means, in the context of a discharge to a lake through a pipe, the pipe diameter in feet.

"DML" means daily maximum permit limitation.

"DML_{CL}" means agriculture criterion-based DML for chlorides.

"DML_{FF}" means the human health/fish flesh DML.

"DML_{FFW}" means the human health/fish flesh and water DML.

"DML_{HH}" means human health-based DML.

"DML_{RAW}" means the raw water column DML.

"DML_{SO4}" means agriculture criterion-based DML for sulfates.

"DML_T" means the temperature based DML.

"DML_{TDS}" means agriculture criterion-based DML for total dissolved solids (dried at 180°C).

"DML_{TOX}" means toxic substance-based DML.

"DO" means dissolved oxygen.

"HLAC" means habitat-limited aquatic community.

"LTA" means long-term average.

"LTA_A" means the toxic substance acute numerical criterion LTA.

"LTA_C" means the toxic substance chronic numerical criterion LTA.

"LTA_{FF}" means the fish flesh human health criterion LTA.

"LTA_{FFW}" means the fish flesh and water human health criterion LTA.

"LTA_{RAW}" means the raw water column criterion LTA.

"LTA_{SS}" means the agriculture sample standard LTA.

"LTA_T" means the temperature criterion LTA.

"LTA_{TOX}" means the limiting toxic substance-based LTA, i.e., the smallest of LTA_A or LTA_C, as applicable.

"LTA_{YMS}" means the agriculture yearly mean standard LTA.

"MAL" means monthly average permit limitation.

"MAL_A" means the toxic substance acute criterion MAL.

"MAL_C" means the toxic substance chronic criterion MAL.

"MAL_{CL}" means agriculture criterion-based MAL for chlorides.

"MAL_{FF}" means the human health/fish flesh MAL.

"MAL_{FFW}" means the human health/fish flesh and water MAL.

"MAL_{RAW}" means the raw water column MAL.

"MAL_{HH}" means human health-based MAL.

"MAL_{SO4}" means agriculture criterion-based MAL for sulfates.

"MAL_T" means temperature MAL.

"MAL_{TDS}" means agriculture criterion-based MAL for total dissolved solids (dried at 180°C).

"MAL_{TOX}" means toxic substance-based MAL.

"MGD" means million gallons per day.

"mg/L" means milligrams per liter.

"MQL" means minimum quantifiable level.

"N" means the number of individual data points, collected over time, in an effluent or background data set.

"N_m" means the per month monitoring frequency where a permit limitation is established. When used in the context of temperature limitations, N_m is equal to four times N_w (i.e., $N_m = 4 \times N_w$).

"N_w" means the per week monitoring frequency where a temperature permit limitation is established.

"NRWQC" means the National Recommended Water Quality Criteria, publication no. EPA 822-Z-99-001, April 1999.

"PBCR" means Primary Body Contact Recreation.

"Q*" means the ratio of the regulatory effluent flow to the regulatory receiving water flow.

"Q_e" means regulatory effluent flow.

"Q_{e(30)}" means the Q_e that is the highest monthly average flow over the ~~two-year~~ two-year period of record for an industrial facility. For intermittent discharges, Q_{e(30)} is calculated based on days when discharge actually occurs.

"Q_{e(D)}" means the Q_e that is the lesser of the design flow for a municipal POTW or the design flow listed in the Section 208 Areawide Basin Plan.

"Q_{e(LTA)}" means the Q_e that is the arithmetic (long term) average flow over the two year period of record for an industrial facility.

"Q_u" means regulatory receiving water flow upstream of a point of wastewater discharge.

"Q_{u(7Q2)}" means the same as 7Q2.

"Q_{u(30Q2)}" means the same as 30Q2.

"Q_{u(LTA)}" means the Q_u that is the mean annual (long term) receiving water flow.

"Q_{u(STA)}" means the Q_u that is the short term average receiving water flow and is equal to $Q_{u(LTA)} \times 0.68$.

"SBCR" means Secondary Body Contact Recreation

"SNC" means significant noncompliance.

"SS" means sample standard.

"T_a" means regulatory ambient temperature in °C.

"T₉₅" means the 95th percentile of the effluent temperature distribution (in °C) of sustained two-hour daily maximum effluent temperatures where effluent temperature is recorded continuously and the distribution of daily maximum effluent temperatures where temperature is recorded at discrete intervals of two hours or longer, provided that recording intervals for temperature do not exceed six hours.

"TIE" means toxicity identification evaluation.

"TRC" means total residual chlorine.

"TRO" means total residual (halogenated) oxidants.

"µg/L" means micrograms per liter.

"W" means, in the context of a discharge to a lake through an open channel (i.e., canal), the channel width in feet.

"WAL" means weekly average permit limitation.

"WAL_T" means temperature WAL.

"WET" means whole effluent toxicity.

"WLA_A" means a toxic substance acute criterion WLA.

"WLA_C" means a toxic substance chronic criterion WLA.

"WLA_{FF}" means a human health/fish flesh criterion WLA.
 "WLA_{FFW}" means a human health/fish flesh and water criterion WLA.
 "WLA_{RAW}" means a raw water column criterion WLA.
 "WLA_{SS}" means an agriculture sample standard WLA.
 "WLA_T" means a temperature criterion WLA.
 "WLA_{YMS}" means an agriculture yearly mean standard WLA.
 "WQMP" means the statewide Section 208 Water Quality Management Plan.
 "WWAC" means warm water aquatic community.
 "YMS" means yearly mean standard.

SUBCHAPTER 6. POINT SOURCE DISCHARGES

252:606-6-11. Receiving water background characterization requirements

- (a) **Long-term average.** Where required, DEQ will calculate a LTA background level of a substance as a geometric mean unless otherwise specified.
- (b) **Background data sources.** Background data must be defensible analytical data and be representative of the receiving water's current upstream conditions. DEQ will use data collected and reported in accordance with a background monitoring requirement in a previous permit where available.
- (c) **Unavailability of background data.** Where no background data is available, the background is assumed to be zero.
- (d) **Size of background data set.** At least ten data points are required for a background data set to be considered complete. DEQ may use a partial background data set for reasonable potential purposes if the data is the only defensible analytical data available. Where the use of a partial background data set results in demonstration of reasonable potential, the permit will include effluent limitations based on a zero background level, which may have a delayed effective date of no more than two years. The permit will require the permittee to complete the background monitoring, at which time DEQ will reopen the permit, if necessary, to adjust permit limitations according to the background level determined from a complete background data set.
- (e) **Alternative Method for Determination of ~~7Q2~~ Regulatory Low Flow.**
 - (1) A permittee may use an alternative method for determining a ~~7Q2~~ regulatory low flow as allowed by OAC 252:740-1-6(c). The ~~7Q2~~ regulatory low flow calculated from the historical record may be modified to incorporate anticipated upstream flow releases provided the source of water is owned or controlled by a federal governmental entity and the following information is submitted to DEQ:
 - (A) a determination that a reliable source of upstream flow exists;
 - (B) documentation that the upstream source of water:
 - (i) includes water quality improvement as an authorized use, or
 - (ii) includes allocated storage for water quality improvement;
 - (C) documentation that the upstream source of water is governed by a water control plan developed and implemented pursuant to 33 CFR § 222.5; and
 - (D) a demonstration that the alternative ~~7Q2~~ regulatory low flow is identified in the most recently published State Water Quality Management Plan.
 - (2) DEQ will include any approved alternative ~~7Q2~~ regulatory low flow as a permit limit in any discharge permit. Said limit shall be stated as a minimum daily flow measured at the nearest upstream flow gage.
 - (3) In the event that the alternative ~~7Q2~~ regulatory low flow is not consistently attained, DEQ may reopen the permit and re-calculate the effluent limitations using the actual receiving stream flows.

252:606-6-14. Requirements specific to numeric criteria for toxic substances for the Fish and Wildlife Propagation beneficial use

- (a) **Background assumed zero.** DEQ will assume zero background levels for direct discharges of once through cooling water.

- (b) **Hardness or pH dependent criteria.** Where a criterion for a pollutant is hardness or pH-dependent, DEQ will add hardness or pH monitoring, as appropriate, to the background monitoring requirements.
- (c) **Representative of low flow conditions in streams.** The permittee shall collect background samples as close to low flow conditions as possible in streams.
- (d) **Background data from a previous permit.** DEQ will not use background data referenced in the previous permit unless the data is defensible analytical data.
- (e) **Background monitoring.** Where toxicity-based effluent limitations for a substance are established in a permit and a complete background data set meeting the requirements of OAC 252:606-6-11 is not available, background monitoring of the limited substance is required. This requirement does not apply where the background shall be considered equal to zero in accordance with OAC 252:606-6-14(a), where $Q^* \geq 0.333$, or where the ~~7Q2-regulatory~~ low flow of the receiving stream is assumed to be 1 cfs.

252:606-6-31. WET test requirements

WET testing is required for all major dischargers and those minor dischargers identified by DEQ as posing a significant unaddressed toxic risk. Q^* is calculated as described in Appendix J.

(1) The following requirements apply to all WET testing:

(A) **Acute testing only.** Acute testing only is required for all discharges to lakes and to streams where $Q^* < 0.054$.

(B) **Chronic testing only.** Chronic testing only is required where $Q^* > 0.3333$.

(C) **Acute and chronic testing, except for *Daphnia Magna*.** Both acute and chronic testing are required where $0.054 \leq Q^* \leq 0.3333$.

(2) **Acute and/or chronic testing using *Daphnia magna*.** Acute and/or chronic testing using *Daphnia magna* may substitute for acute and/or chronic testing for *Daphnia pulex* or *Ceriodaphnia dubia* in the following circumstances:

(A) acute testing using *Daphnia magna* for streams where the instream concentration of TDS is less than or equal to 1000 mg/L after mixing using the ~~7Q2-regulatory~~ low flow, may be considered by DEQ on a case-by-case basis where the TDS level in an effluent has been demonstrated to cause WET test failures to *Daphnia pulex*.

(B) acute testing using *Daphnia magna* for streams where the instream concentration of TDS is greater than 1000 mg/L after mixing using the ~~7Q2-regulatory~~ low flow, may be considered on a case-by-case basis where the TDS level in an effluent has been demonstrated to cause WET test failures to *Daphnia pulex* and the background TDS level of the receiving stream causes toxicity to *Daphnia pulex* in a control dilution (0% effluent).

(C) chronic testing using *Daphnia magna* may be considered by DEQ on a case-by-case basis where the TDS level in the effluent has demonstrated WET test failures to *Ceriodaphnia dubia*, where the background TDS levels of the receiving stream causes toxicity to *Ceriodaphnia dubia*, in a control dilution (0% effluent), and where the permittee can demonstrate that the ionic ratios in the effluent are similar to the ionic ratios in the receiving stream.

(3) **Mussels.** Acute and/or chronic testing of mussels shall be required if DEQ determines that the discharge may affect an indigenous population(s) of mussels.

252:606-6-52. Effluent regulatory flows for the implementation of numerical criteria for toxic substances to protect the Fish and Wildlife Propagation beneficial use

The following effluent regulatory flows apply for the implementation of numerical toxicity criteria for toxic substances to protect the Fish and Wildlife Propagation beneficial use:

(1) **Industrial.** For industrial facilities, $Q_{e(30)}$ is used as the regulatory effluent flow.

(2) **Municipal.** The treatment facility's design flow $Q_{e(D)}$ is used as the regulatory effluent flow. The design flow used for permitting purposes ~~will~~ shall not exceed the approved design flow in the WQMP.

252:606-6-53. Q* ratio for the implementation of numerical criteria for toxic substances to protect the Fish and Wildlife Propagation beneficial use

Use the following to determine Q* ratio for all toxic substances unless otherwise specified in this section:

- (1) The following are used to determine Q* ratios in streams:
 - (A) **Industrial effluent.** Q* is the ratio of $Q_{e(30)}$ to $Q_{u(7Q2)}$.
 - (B) **Municipal effluent.** Q* is the ratio of $Q_{e(D)}$ to $Q_{u(7Q2)}$.
- (2) Q* is not applicable to lakes.
- (3) For selenium only, $Q_{u(30Q2)}$ shall be used in place of $Q_{u(7Q2)}$.

252:606-6-55. Wasteload allocations for the implementation of numerical criteria for toxic substances to protect the Fish and Wildlife Propagation beneficial use

If a pollutant exhibits reasonable potential to exceed WQS, a water quality-based permit limit is required for that pollutant. Background levels used in calculating WLA_A and WLA_C are described in OAC 252:606-6-11 through 14. If a pollutant's background level alone exceeds a criterion, the WLA is set equal to that criterion. For WLA_C , where fish tissue data is evaluated, a conversion from fish tissue to water column numeric criteria following Equations L-12 and L-13 shall be required.

- (1) **Streams.** The following applies to streams:
 - (A) **WLA_A .** Where Q_e is expressed in cfs, Equation L-1 is used to determine ~~WLA_A~~ WLA_A . Where Q_e is expressed in MGD, Equation L-2 is used.
 - (B) **WLA_C .** Depending on the value of Q*, Equation L-3, L-4, or L-5 is used to determine WLA_C .
- (2) **Lakes.** Depending on whether the discharge conveyance is a pipe or canal, Equation L-6 or L-7 is used to determine WLA_C , or WLA_A , if an acute criterion applies, in the absence of a chronic criterion.

252:606-6-86. Implementation of bacterial criteria to protect the Primary Body Contact Recreation (PBCR) and the Secondary Body Contact Recreation (SBCR) beneficial use

(a) **PBCR waterbodies - May 1 through September 30.** When the use of a bacterial indicator is determined to be necessary, the following bacterial limitations shall apply from May 1 through September 30 to protect the PBCR beneficial use:

- (1) ***Escherichia coli* (~~*E. coli*~~) (*E. Coli*).** When ~~*E. coli*~~ *E. coli* is the bacterial indicator:
 - (A) The monthly geometric mean shall not exceed 126/100 mL.
 - (B) The daily maximum for lakes shall not exceed 235/100 mL.
 - (C) The daily maximum for all waterbodies other than lakes shall not exceed 406/100 mL.
- (2) ***Enterococci*.** When enterococci are the bacterial indicator:
 - (A) The monthly geometric mean shall not exceed 33/100 mL.
 - (B) The daily maximum for lakes shall not exceed 61/100 mL.
 - (C) The daily maximum for all waterbodies other than lakes shall not exceed 108/100 mL.

(b) **PBCR waterbodies - October 1 through April 30.** When the use of a bacterial indicator is determined to be necessary, the SBCR bacterial limitations listed in (c) of this Section, shall apply from October 1 through April 30 to protect the PBCR beneficial use when the receiving stream is on the 303(d) List for bacteria.

(c) **SBCR waterbodies.** One of the following bacterial limitations and monitoring requirements shall be used year-round for permittees that discharge fecal coliform to waterbodies on the 303(d) list for bacteria:

- (1) ***Escherichia coli* (~~*E. coli*~~) (*E. Coli*).** When ~~*E. coli*~~ *E. coli* is the bacterial indicator:
 - (A) The monthly geometric mean shall not exceed ~~630~~242/100 mL.
 - (B) The daily maximum ~~for lakes~~ shall not exceed ~~1175~~781/100 mL.
 - ~~(C) The daily maximum for all waterbodies other than lakes shall not exceed 2030/100 mL.~~
- (2) ***Enterococci*.** When enterococci are the bacterial indicator:
 - (A) The monthly geometric mean shall not exceed ~~165~~63/100 mL.
 - (B) The daily maximum ~~for lakes~~ shall not exceed ~~305~~208/100 mL.
 - ~~(C) The daily maximum for all waterbodies other than lakes shall not exceed 540/100 mL.~~

(d) **Indicators used in WLA.** Regardless of which bacterial indicator was used in a permittee's WLA, the permit may contain either of the bacterial indicators listed in (c) of this Section.

(e) **Exception.** This Section does not apply to discharging lagoons that were permitted and are being operated in compliance with OAC 252:656-11-2(b), unless Water Quality Standards are violated.

252:606-6-91. Performance-based monitoring frequency reductions and increases

(a) When MALs have been established in a previous permit and a parameter(s) has been monitored for one complete permit cycle (five years), performance-based monitoring frequency reductions or increases will be considered. Performance-based monitoring frequency reductions for waterbodies with an impairment shall not be permitted for the impaired parameter.

(1) Except for ammonia, when a permittee has experienced:

(A) no permit limit violation of any kind for a limited parameter during the permit cycle, a performance-based monitoring frequency reduction may be granted according to Table O-1 in Appendix O.

(B) a non-SNC permit limit violation during the permit cycle, the permittee is ineligible for a performance-based monitoring frequency reduction for that parameter for the ensuing permit cycle.

(C) SNC violations for a parameter during the permit cycle, the permittee is:

(i) ineligible for a performance-based monitoring frequency reduction for that parameter for the ensuing permit cycle, and

(ii) a monitoring frequency increase is required in accordance with Table O-2 in Appendix O.

(2) Permittees may request toxicity-based ammonia limit monitoring frequency reductions according to 252:606-6-26 or WET testing frequency reductions according to 252:606-6-42.

(3) The monitoring frequency for a metal may be reduced below the levels stated in Table O-1 in Appendix O to once every six months if:

(A) the permit includes a long-term average effluent concentration for the permit cycle of less than ten percent (10%) of the Monthly Average Concentration Limit;

(B) it no longer exhibits reasonable potential (either from monitoring or effluent limit);

(C) there is a limit for that parameter in a previous permit that cannot be removed; and

(D) the parameter is not causing the receiving water body to be listed as a Category 5 water body in Oklahoma's Integrated Report.

(b) Performance-based monitoring frequency reductions shall not be based on a weekly average, a daily minimum or a daily maximum concentration limit.

(c) The permit frequency reductions stated in this Section and in Appendix O do not affect the need or number of control tests to be undertaken as required in Appendix A of 252:606.

(d) In accordance with 252:730-5-10 and 252:730-5-16, no frequency reduction shall be allowed for bacterial limitations.

(e) Any control test undertaken in accordance with OAC 252:606, Appendix A, shall be reported on the DMRs as required by 40 CFR § 122.41 (l)(4)(ii), provided the control test sample meets all the sample protocol requirements as contained in the OPDES permit.

APPENDIX L. EQUATIONS FOR IMPLEMENTATION OF NUMERICAL CRITERIA FOR TOXIC SUBSTANCES TO PROTECT THE FISH AND WILDLIFE PROPAGATION BENEFICIAL USE

**APPENDIX L. EQUATIONS FOR IMPLEMENTATION OF NUMERICAL CRITERIA
FOR TOXIC SUBSTANCES TO PROTECT THE FISH AND WILDLIFE
PROPAGATION BENEFICIAL USE**

(1) **General.** Acute and chronic toxicity numerical criteria are implemented according to OAC 252:740 and OAC 252:606-6-51 through 6-57. WLA, criterion LTA and permit limit development equations are described in this appendix.

(2) **Reasonable potential for discharges to streams.**

See OAC 252:740.

(3) **Reasonable potential for discharge to lakes**

See OAC 252:740

(4) **WLA_A and WLA_C for dischargers to streams.**

(A) **Acute criteria WLA.**

$$WLA_A = C_B + \frac{100(C_A - C_B)}{Q_C}, \text{ where } Q_C \text{ is expressed in cfs.} \quad [L-1]$$

$$WLA_A = C_B + \frac{64.63(C_A - C_B)}{Q_C}, \text{ where } Q_C \text{ is expressed in MGD.} \quad [L-2]$$

(B) **Chronic criteria WLA.**

$$WLA_C = C_B + \frac{(1+Q^*)(C_C - C_B)}{(1.94Q^*)}, \text{ Where } Q^* \leq 0.1823. \quad [L-3]$$

$$WLA_C = C_B(6.17 - 15.51Q^*)(C_C - C_B), \text{ where } 0.1823 < Q^* < 0.3333. \quad [L-4]$$

$$WLA_C = C_C, \text{ where } Q^* \geq 0.3333. \quad [L-5]$$

(5) **WLA_A and WLA_C for dischargers to lakes.** The chronic WLA is calculated if a chronic criterion applies. An acute WLA is used only in the absence of a chronic criterion.

$$WLA_{C,A} = C_B + \frac{20.15(C_{C,A} - C_B)}{D}, \text{ where the discharge is by pipe.} \quad [L-6]$$

$$WLA_{C,A} = C_B + \frac{4.2(C_{C,A} - C_B)}{\sqrt{W}}, \text{ where the discharge is by canal.} \quad [L-7]$$

(6) **LTA_A and LTA_C (99% probability basis).** Whether the receiving water is a stream of lake, criterion LTAs are calculated in the same fashion. LTA_{TOX} is the more stringent of the two toxicity LTAs.

$$LTA_A = WLA_A \times \text{EXP} \left(0.5 \ln(1 + CV^2) - 2.326 \sqrt{\ln(1 + CV^2)} \right) \quad [L-8]$$

$$LTA_C = WLA_C \times \text{EXP} \left(0.5 \ln \left(1 + \frac{CV^2}{4} \right) - 2.326 \sqrt{\ln \left(1 + \frac{CV^2}{4} \right)} \right) \quad [L-9]$$

$$LTA_C = WLA_C \times \text{EXP} \left(0.5 \ln \left(1 + \frac{CV^2}{30} \right) - 2.326 \sqrt{\ln \left(\frac{CV^2}{30} \right)} \right) \quad [L-9a]$$

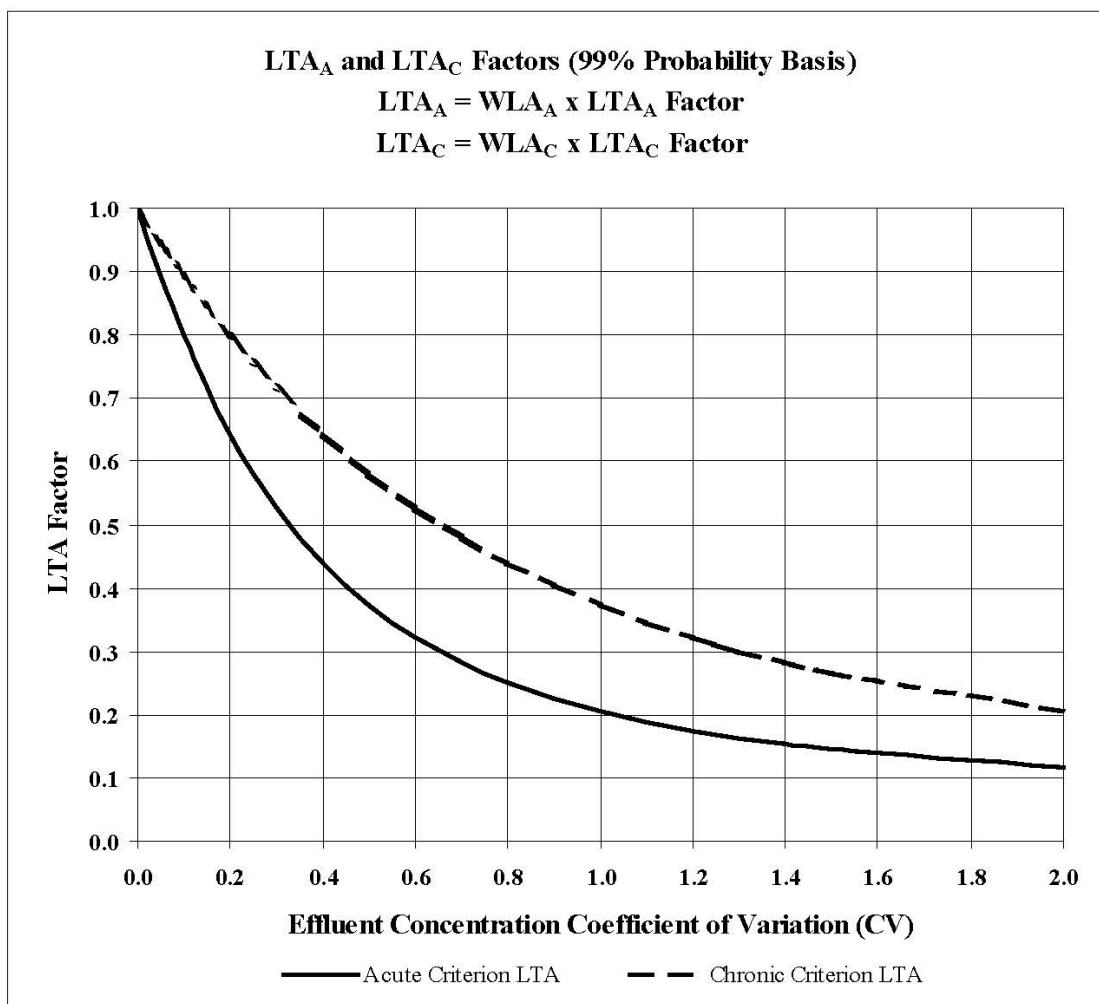


Figure L-1. Aquatic Toxicity LTA Factors vs. Effluent Coefficient of Variation

(7) Permit limitations

(A) MAL_{TOX} (95% probability basis).

$$MAL_{TOX} = LTA_{TOX} \times \exp \left(1.645 \sqrt{\ln \left(1 + \frac{CV^2}{N_m} \right)} - 0.5 \ln \left(1 + \frac{CV^2}{N_m} \right) \right) \quad [L-10]$$

(B) DML_{TOX} (99% probability basis).

$$DML_{TOX} = LTA_{TOX} \times \exp \left(2.326 \sqrt{\ln (1 + CV^2)} - 0.5 \ln (1 + CV^2) \right) \quad [L-11]$$

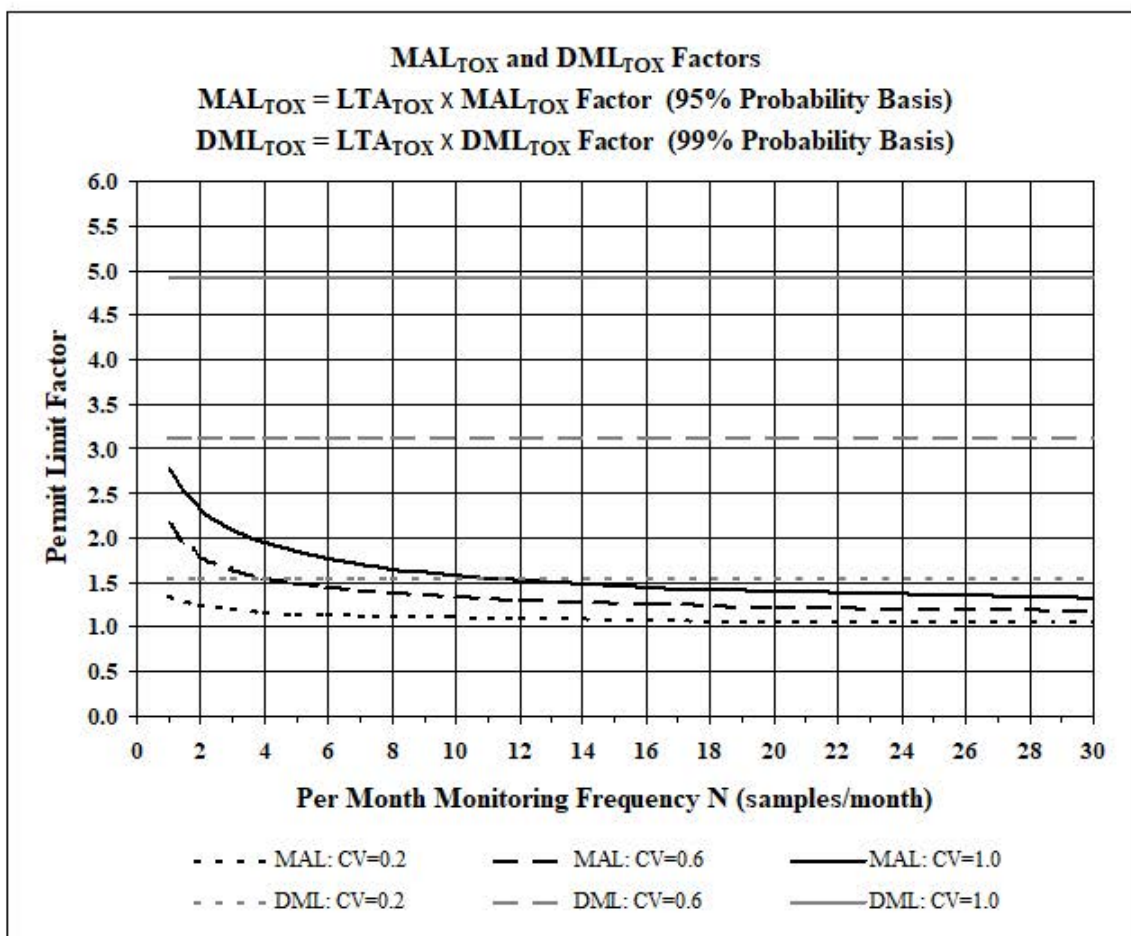


Figure L-2 Toxicity-Based MAL and DML Permit Limit Factors vs. Per Month Monitoring Frequency N_m .

(8) Fish tissue to water column conversion for WLAc.

$$BAF = \frac{C_{tissue}}{C_{water}}, \text{ where:} \quad [L-12]$$

BAF = bioaccumulation factor derived from site-specific field-collected samples of tissue and water (L/kg).

C_{tissue} = concentration of selenium in field-collected fish tissue (mg/kg dw).

C_{water} = ambient concentration of selenium in water (mg/L).

$$C_{target} = \frac{C_{tissue\ criterion\ element}}{BAF}, \text{ where:} \quad [L-13]$$

C_{target} = translated site-specific water column criterion element (mg/L).

$C_{tissue\ criterion\ element}$ = tissue criterion element (mg Se/kg dw).

BAF = bioaccumulation factor derived from site-specific field-collected samples of tissue and water (L/kg).

**TITLE 252. DEPARTMENT OF ENVIRONMENTAL QUALITY
CHAPTER 730. OKLAHOMA'S WATER QUALITY STANDARDS**

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 1. General Provisions

252:730-1-2. Definitions [AMENDED]

Subchapter 3. Antidegradation Requirements

252:730-3-2. Applications of antidegradation policy [AMENDED]

Subchapter 5. Surface Water Quality Standards

Part 1. GENERAL PROVISIONS

252:730-5-2. Beneficial uses: existing and designated [AMENDED]

252:730-5-4. Applicability of narrative and numerical criteria [AMENDED]

Part 3. BENEFICIAL USES AND CRITERIA TO PROTECT USES

252:730-5-9. General narrative criteria [AMENDED]

252:730-5-10. Public and private water supplies [AMENDED]

252:730-5-12. Fish and wildlife propagation [AMENDED]

252:730-5-13. Agriculture [AMENDED]

252:730-5-16. Primary Body Contact Recreation [AMENDED]

252:730-5-17. Secondary Body Contact Recreation [AMENDED]

Part 5. SPECIAL PROVISIONS

252:730-5-25. Implementation policies for the antidegradation policy statement
[AMENDED]

252:730-5-26. Mixing zones and zones of passage [AMENDED]

Subchapter 7. Groundwater Quality Standards

252:730-7-3. Groundwater classifications, beneficial uses and vulnerability levels
[AMENDED]

252:730-7-4. Criteria for groundwater quality protection [AMENDED]

Appendix A. Designated Beneficial Uses of Surface Waters [AMENDED]

Appendix E. Requirements for Development of Site Specific Criteria for Certain Parameters
[AMENDED]

Appendix F. Statistical Values of the Historical Data for Mineral Constituents of Water
Quality (Beginning October 1976 Ending September 1983, Except as Indicated)
[AMENDED]

Appendix G. Numerical Criteria to Protect Beneficial Uses [AMENDED]

Appendix H. Beneficial Use Designations for Certain Limited Areas of Groundwater
[AMENDED]

SUMMARY:

The gist of this rule and the underlying reason for the rulemaking is to comply with the Water Quality Standards Triennial Review and includes the following updates: add, remove and/or modify certain definitions; update Primary Body Contact Recreation by replacing confidence intervals with geometric mean and statistical threshold values, applicable to both E. coli and Enterococci; updating Secondary Body Contact Recreation to add numeric criteria for E. coli and enterococci based on EPA's water ingestion formula; adding language allowing the use of the copper biotic ligand model for development of copper site-specific criteria; adding language allowing for the potential use of multiple regression model for the creation of copper site-specific

criteria; requiring the use of a fish tissue study for selenium site-specific criteria; removal of site-specific metals criteria that were not approved by EPA; removal of segment averages that were not approved by EPA; recalculation of certain criteria and the addition of Aquatic Life and Human Health criteria values based on EPA's recommended values; and, including an updated version of Appendix H that was missing in the most recent version of Chapter 730.

AUTHORITY:

Environmental Quality Board; 27A O.S. § 2-2-101.

Oklahoma Water Quality Standards; 27A O.S. §§ 2-6-103.2 and 2-6-103.3.

COMMENT PERIOD:

Written comments may be submitted to the contact person from September 1, 2026, through October 19, 2026. Oral comments may be made at the Formal Rulemaking Meeting on October 16, 2026, at 1:00 PM at the DEQ Headquarters, First Floor, 707 N. Robinson Avenue, Oklahoma City, OK 73102, or at the Environmental Quality Board Meeting on November 10, 2026, at 9:30 AM at the Robert S. Kerr Environmental Research Center, 919 Kerr Research Dr, Ada, OK. 74820.

PUBLIC HEARINGS:

The proposed rules will be discussed at a Formal Rulemaking Meeting scheduled on October 16, 2026, at 1:00 PM at the DEQ Headquarters, First Floor, 707 N. Robinson Avenue, Oklahoma City, OK 73102. The proposed rules will also be considered by the Environmental Quality Board at its scheduled meeting on November 10, 2026, at 9:30 AM at the Robert S. Kerr Environmental Research Center, 919 Kerr Research Dr, Ada, OK 74820.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

DEQ requests that business entities or any other members of the public affected by these rules provide to DEQ (during the comment period) the increase (in dollar amounts if possible) in the level of direct costs (e.g., fees) and indirect costs (e.g., reporting, record keeping, equipment, construction, labor, professional services, revenue loss), or other costs expected to be incurred due to compliance with the proposed rules.

COPIES OF PROPOSED RULES:

Copies of the proposed rules may be obtained from the contact person, reviewed at the Department of Environmental Quality, 707 N. Robinson, Oklahoma City, Oklahoma, during normal business hours (8:00 am - 4:30 pm Monday through Friday) or reviewed online at <https://oklahoma.gov/deq/rules-and-regulations/proposed-rules-regulations.html>.

RULE IMPACT STATEMENT:

Copies of the rule impact statement may be obtained from the contact person or may be reviewed online at <https://oklahoma.gov/deq/rules-and-regulations/proposed-rules-regulations.html>

CONTACT PERSON:

Nicole Newcomer, Water Quality Division, 707 N. Robinson, P.O. Box 1677, Oklahoma City, OK 73101-1677, email nicole.newcomer@deq.ok.gov, phone (405) 702-8290, or fax (405) 702-8101.

PERSONS WITH DISABILITIES:

Persons with disabilities who desire to attend the rulemaking hearing and need an accommodation should notify the contact person three (3) days in advance of the hearing. For hearing impaired, the TDD relay number is 1-800-522-8506 or 1-800-722-0353, for TDD machine use only.

APPENDIX A. DESIGNATED BENEFICIAL USES OF SURFACE WATERS

(a) **Introduction.** The Tables in the following Appendices A.1 through A.7 identify certain waterbodies throughout the state of Oklahoma and designate beneficial uses for those waterbodies. The waterbodies are identified by their name (e.g., "Horse Creek") or other description (e.g., "Tributary of Lebos Creek at Sec. 2, T2N, R26W, IM", "Red River from the Arkansas State Line to the Kiamichi River") and a Waterbody ID Number. The Waterbody ID numbers are used in the State of Oklahoma "Water Quality Assessment Integrated Report" published by the Oklahoma Department of Environmental Quality. The first digit of the Waterbody ID number indicates the basin number; the next three digits indicate the major drainage segment within that basin; the next two digits indicate the subdivision of the major drainage segment, the next two digits indicate a smaller section of that six digit basin, and the last four digits represent a hydrologic sequence of waterbodies, going from the most downstream point in the eight-digit watershed up to the furthest upstream point in the watershed. In some cases, two additional digits are added to indicate further delineations within the waterbody segment. Not all waterbodies have a Waterbody ID number, primarily due to limited resources and need. Where a specific Waterbody ID has not been assigned, the six-digit Water Quality Management Segment is listed until such time as the waterbody is assigned a specific Waterbody ID number. The Tables in Appendices A.1 through A.7 also set forth columns to show the beneficial uses or subcategories of uses which are designated for each identified waterbody.

(b) **Beneficial Use Designations.** Designations of beneficial uses for a waterbody are reflected in the Tables in Appendices A.1 through A.7 by the presence of the following codes or a dot ("•") in the columns to the right of the waterbody name. An empty space in a column means that column's beneficial use or subcategory thereof is not designated for that waterbody.

- (1) **EWS** - Emergency Water Supply beneficial use
- (2) **PPWS** - Public and Private Water Supply beneficial use
- (3) **F&W Prop** - Fish and Wildlife Propagation beneficial use
 - (A) **WWAC** - Warm Water Aquatic Community subcategory
 - (B) **HLAC** - Habitat Limited Aquatic Community subcategory
 - (C) **CWAC** - Cool Water Aquatic Community subcategory
 - (D) **Trout** - Trout Fishery (Put and Take) subcategory
- (4) **Ag** - Agriculture beneficial use
- (5) **Rec** - Recreation beneficial use
 - (A) **PBCR** - Primary Body Contact beneficial use
 - (B) **SBCR** - Secondary Body Contact beneficial use
- (6) **Nav** - Navigation beneficial use
- (7) **Aes** - Aesthetics beneficial use

A dot ("•") used in a column indicates that the beneficial use in that column's heading is designated for that waterbody without a more specific subcategory or other designation.

The criteria to protect the beneficial uses are provided in Subchapter 5 and Appendix G of this Chapter.

(c) **Limitations for Additional Protection.**

- (1) Limitations for additional protection are described in OAC 252:730-5-25.
- (2) Waterbodies that are subject to limitations for additional protection in OAC 252:730-5-25 are identified by the designation of any of the following codes in the "Limitations" column to the right of the waterbody's name:
 - (A) **"ORW"** - indicates waters designated Outstanding Resource Waters;
 - (B) **"HQW"** - indicates waters designated High Quality Waters; and

(C) "SWS" - indicates waters designated Sensitive Public and Private Water Supplies.

(D) "SWS-R" means waterbodies classified as sensitive public and private water supplies that may be augmented with reclaimed municipal water for the purpose of indirect potable reuse.

(d) **Remarks used in Appendices A.1 through A.7.** The presence of any of the following footnotes in the "Remarks" column to the right of a waterbody's name denotes special circumstances which are applicable to that waterbody.

(1) A footnote (1) excludes the Scenic River designation from that portion of Lee Creek necessary for a dam to be built in the State of Arkansas with a crest elevation of no more than the 420 foot MSL elevation according to plans, specifications and conditions contained in U.S. Army Corps of Engineer Permit WD-050-03-3541 and in the Federal Energy Regulatory Commission License for Project No. 5251-002, which were approved by the U.S. Environmental Protection Agency. Changes in water quality caused by the impoundment of water by said dam shall not constitute a violation of Oklahoma's Water Quality Standards.

(2) The remark "CSW" designates those waters identified as Culturally Significant Waters.

(3) The remark "NLW" designates a nutrient-limited watershed. Specific delineations of nutrient-limited watersheds are provided in OAC 252:730-5-29.

(4) A footnote (4) designates those streams for which further investigations are pending. Beneficial use designations for those streams are provided in Subchapter 5 of this Chapter.

APPENDIX A.1
Designated Beneficial Uses of Surface Waters
Water Quality Management Basin 1, Middle Arkansas River

Waterbody Name and Sequence	Waterbody ID Numbers	Water Supply	F&W Prop	Ag	Rec	Nav	Aes	Limitations	Remarks
Arkansas River from mouth of Canadian River to the mouth of the Verdigris River including Webbers Falls Reservoir	120400010260, 120400010010, 120400010070, 121500010005	EWS	WWAC	•	PBCR	•	•		
Dirty Creek	120400020010	PPWS	WWAC	•	PBCR		•		
Tributary of Dirty Creek at SW 1/4, Sec. 31, T12N, R21E, IM	120400020015_00		HLAC	•	SBCR		•		
South Fork of Dirty Creek	120400020030		WWAC	•	PBCR		•		
East Pourum Creek at NE SE SE, Sec. 2, T10N, R19E, IM	120400020060		HLAC	•	SBCR		•		
Georges Fork	120400020110	EWS	WWAC	•	PBCR		•		
Tributary of Georges Fork at SE 1/4, Sec. 35, T12N, R19E, IM (Howland Creek)	120400020120_00	EWS	HLAC	•	SBCR		•		
Warner (Connors) Lake	120400020140	PPWS	WWAC	•	PBCR		•		
Tributary of Dirty Creek at SE 1/4, Sec. 1, T12N, R18E, IM	120400020250		WWAC	•	PBCR		•		
Lower Illinois River from Arkansas River (OK120400010010 10) to Tenkiller Dam	121700010010	PPWS	Trout	•	PBCR	•	•	HQW	
Upper Illinois River from Tenkiller Dam, including Tenkiller Lake upstream to Barren Fork confluence	121700020300_00, 121700020020, 121700020220	PPWS	CWAC	•	PBCR		•	HQW	NLW
Cato Creek	121700020090	PPWS	WWAC	•	PBCR		•		
Terrapin Creek	121700020130	PPWS	WWAC	•	PBCR		•		
Caney Creek	121700040010,	PPWS	CWAC	•	PBCR		•		
Negro Jake (Hollow) Creek	121700040020		CWAC		PBCR		•		
Park Hill Branch	121700020270		WWAC	•	PBCR		•		
Barren Fork from confluence with Illinois River to Hwy. 59	121700020310, 121700050010, 121700050170_00	PPWS	CWAC	•	PBCR		•	ORW	Scenic River
North Mining Camp (Hollow) Creek	121700050040		CWAC		PBCR		•		

Waterbody Name and Sequence	Waterbody ID Numbers	Water Supply	F&W Prop	Ag	Rec	Nav	Aes	Limitations	Remarks
Tyner Creek	121700050090	PPWS	CWAC	●	PBCR		●	ORW	
Dennison Hollow	121700050110	PPWS	CWAC	●	PBCR		●	ORW	
Peachater Creek	121700050120	PPWS	CWAC	●	PBCR		●	ORW	
Scraper Hollow	121700050130	PPWS	CWAC	●	PBCR		●	ORW	
England Hollow	121700050140	PPWS	CWAC	●	PBCR		●	ORW	
Green Creek	121700050150	PPWS	CWAC	●	PBCR		●	ORW	
Shell Branch	121700050180	PPWS	CWAC	●	PBCR		●	ORW	
(East) Peavine Creek	121700050190		CWAC		PBCR		●		
Barren Fork from Hwy. 59 to Arkansas State Line	121700050170_10	PPWS	CWAC	●	PBCR		●	ORW	
Evansville Creek	121700050200	PPWS	CWAC	●	PBCR		●	ORW	
Upper Illinois River upstream of Barren Fork confluence	121700020300_10, 121700030010, 121700030080, 121700030280, 121700030350	PPWS	CWAC	●	PBCR		●	ORW	Scenic River
Luna (Branch) Creek	121700030260		CWAC		PBCR		●		
Winset Hollow Creek	121700030230	PPWS	WWAC	●	PBCR		●		
Steely Hollow Creek	121700030120		CWAC		PBCR		●		
Tahlequah Creek (Town Branch)	121700030020, 121700030040	PPWS	CWAC	●	PBCR		●	ORW	
Flint Creek	121700030290, 121700060010_00, 121700060010_10	PPWS	CWAC	●	PBCR		●	ORW	Scenic River
Sager Creek	121700060080	PPWS	CWAC	●	PBCR		●	ORW	
Ballard Creek	121700030370	PPWS	CWAC	●	PBCR		●	ORW	
Tributary of Arkansas River at Sec. 7, T12N, R21E, IM	120400010035_00		WWAC	●	PBCR		●		
Greenleaf Creek including Greenleaf Lake and Watershed	120400010110, 120400010120, 120400010130, 120400010140, 120400010150, 120400010160, 120400010170, 120400010180, 120400010190, 120400010200	PPWS	WWAC	●	PBCR		●	SWS	
Star (Oxbow) Lake	120400010230		WWAC	●	PBCR		●		
Sand Creek	120400010240		HLAC	●	SBCR		●		

Waterbody Name and Sequence	Waterbody ID Numbers	Water Supply	F&W Prop	Ag	Rec	Nav	Aes	Limitations	Remarks
Bayou Manard	120400010280	PPWS	WWAC	●	PBCR		●		
Coody Creek	120400010400	PPWS	WWAC	●	PBCR		●		
Grand River Main Stem (Grand Neosho River) from mouth to Kansas State Line, including Lake Hudson and (Grand) Lake O' the Cherokees but excluding Fort Gibson Lake	121600010010, 121600010040, 121600010280, 121600020010, 121600020020, 121600020140, 121600020170, 121600030020, 121600030030, 121600030040, 121600040010, 121600040120, 121600040220	PPWS	WWAC	●	PBCR		●		
Fort Gibson Lake	121600010050, 121600010200	PPWS	WWAC	●	PBCR		●		NLW
Ranger Creek	121600010060	PPWS	WWAC	●	PBCR		●		
Fourteen Mile Creek	121600010100	PPWS	CWAC	●	PBCR		●	HQW	
Black Bird Creek	121600010130	PPWS	CWAC	●	PBCR		●		
Double Springs Creek	121600010090	PPWS	WWAC	●	PBCR		●		
Clear Creek	121600010210	PPWS	CWAC	●	PBCR		●		
Spring Creek	121600010290	PPWS	CWAC	●	PBCR		●	HQW	
Snake Creek	121600010330		CWAC	●	PBCR		●	HQW	
Little Spring Creek	121600010340	PPWS	CWAC	●	PBCR		●	HQW	
Double Spring Creek	121600010390	PPWS	CWAC	●	PBCR		●		
Chouteau Creek	121600010430	PPWS	WWAC	●	PBCR		●		
Tributary of Chouteau Creek at SE 1/4, Sec.13, T20N, R18E, IM	121600010435_00		WWAC	●	SBCR		●		
Tributary of Chouteau Creek at SE 1/4, Sec. 29, T20N, R19E, IM	121600010432_00		HLAC	●	SBCR		●		
Pryor Creek downstream from the road crossing in Sec. 30, T21N, R19E, IM	121610000010, 121610000050_00		WWAC	●	PBCR		●		
Pryor Creek upstream from the road crossing in Sec. 30, T21N, R19E, IM to the road crossing in Sec. 12, T21N, R18E, IM	121610000050_10	PPWS	WWAC	●	PBCR		●		
Pryor Creek upstream from the road crossing in Sec. 12, T21N, R18E, IM	121610000090_00, 121610000090_10		WWAC	●	SBCR		●		
Crutchfield Branch	121600010440		WWAC	●	PBCR		●		

Waterbody Name and Sequence	Waterbody ID Numbers	Water Supply	F&W Prop	Ag	Rec	Nav	Aes	Limitations	Remarks
W.R. Holway Reservoir	121600020050	PPWS	WWAC	●	PBCR		●		
Saline Creek	121600020030	PPWS	CWAC	●	PBCR		●	HQW	
Little Saline Creek	121600020070	PPWS	CWAC	●	PBCR		●	HQW	
Horse Creek	121600030160	EWS	WWAC	●	PBCR		●		
Little Horse Creek	121600030190		WWAC		PBCR		●		
Spavinaw Creek below Spavinaw Lake dam	121600020150_00	PPWS	CWAC	●	PBCR		●		
Spavinaw Lake and watershed upstream of Spavinaw Lake dam	121600050020, 121600050030, 121600050040, 121600050050, 121600050060,	PPWS	CWAC	●	PBCR		●	SWS	NLW
Eucha Lake and watershed	121600050060, 121600050070, 121600050080, 121600050090, 121600050100, 121600050110, 121600050120, 121600050130, 121600050150, 121600050170, 121600050180, 121600050190, 121600050200, 121600050210, 121600050220	PPWS	CWAC	●	PBCR		●	SWS	NLW
Brush Creek	121600050140	PPWS	CWAC	●	PBCR		●	HQW	
Beaty Creek	121600050160	PPWS	CWAC	●	PBCR		●	HQW	
Rock Creek	121600020180	PPWS	WWAC	●	PBCR		●		
Big Cabin Creek downstream from the road crossing in Sec. 10, T24N, R20E, IM	121600020190, 121600060010, 121600060060_00	PPWS	WWAC	●	PBCR		●		
Mustang Creek	121600060040		WWAC	●	PBCR		●		
Big Cabin Creek upstream from the road crossing in Sec. 10, T24N, R20E, IM to the road crossing in Sec. 8, T26N, R20E, IM	121600060060_10, 121600060220, 121600060300_00		WWAC	●	SBCR		●		
Little Cabin Creek	121600060080		WWAC	●	PBCR		●		
Bull Creek	121600060200		WWAC		PBCR		●		
Big Cabin Creek upstream from the road crossing in Sec. 8, T26N, R20E, IM	121600060300_10		WWAC	●	PBCR		●		
Drowning Creek	121600030090	PPWS	CWAC	●	PBCR		●		

Waterbody Name and Sequence	Waterbody ID Numbers	Water Supply	F&W Prop	Ag	Rec	Nav	Aes	Limitations	Remarks
Tributary of Muskrat Creek (Hollow) in Sec.36, T23N, R23E, IM (Jay Creek)	121600030120_00		HLAC	•	SBCR		•		
Honey Creek	121600030445	PPWS	CWAC	•	PBCR		•	HQW	
Elm Creek	121600030310	PPWS	CWAC	•	PBCR		•		
Whitewater Creek	121600030320	PPWS	CWAC	•	PBCR		•		
Cave Springs Branch	121600030340	PPWS	CWAC	•	PBCR		•	HQW	
Elk River	121600030440	PPWS	CWAC	•	PBCR		•		
(Council) Hollow Creek	121600030490	PPWS	CWAC	•	PBCR		•		
Sycamore Creek	121600030510	PPWS	CWAC	•	PBCR		•		
Brush Creek	121600030520	PPWS	CWAC	•	PBCR		•		
Lost Creek	121600030560	PPWS	CWAC	•	PBCR		•		
Spring River	121600070010	PPWS	CWAC	•	PBCR		•		
Shawnee Branch	121600070020	PPWS	CWAC	•	PBCR		•		
Flint Branch	121600070040	PPWS	CWAC	•	PBCR		•		
Warren Branch	121600070050	PPWS	CWAC	•	PBCR		•	HQW	
Devil's Hollow	121600070070	PPWS	CWAC	•	PBCR		•		
Five Mile Creek	121600070110	PPWS	CWAC	•	PBCR		•		
Hudson Creek	121600040040		WWAC	•	PBCR		•		
Tributary of Hudson Creek at SE 1/4, Sec. 30, T27N, R23E, IM	121600040043_00		HLAC	•	SBCR		•		
Tar Creek	121600040060		HLAC		SBCR				
Verdigris River from confluence with Arkansas River to Oologah Lake Dam	121500010010, 121500010060, 121500010200, 121500020010, 121500020120, 121500020260, 121500030010_00, 121500030010_10	PPWS	WWAC	•	PBCR	•	•		
Tributary of Verdigris River at SW 1/4, Sec. 20, T16N, R19E, IM (Okay Creek)	121500010280		HLAC	•	SBCR		•		
Coal Creek (near Wagoner)	121500010100	PPWS	WWAC	•	PBCR		•		
Tributary of Verdigris River at SE 1/4, Sec. 34, T17N, R17E, IM (Strawberry Creek)	121500010170		HLAC	•	SBCR		•		
Coal Creek	121500010270	PPWS	WWAC	•	PBCR		•		

Waterbody Name and Sequence	Waterbody ID Numbers	Water Supply	F&W Prop	Ag	Rec	Nav	Aes	Limitations	Remarks
Inola Creek	121500020110		WWAC	●	PBCR		●		
Pea Creek	121500020100		WWAC	●	PBCR		●		
Adams Creek	121500020150	PPWS	WWAC	●	PBCR		●		
Salt Creek	121500020270		WWAC	●	SBCR		●		
Tributary of Salt Creek at NW 1/4, Sec. 1, T19N, R15E, IM	121500020275_00		HLAC	●	SBCR		●		
Dog Creek downstream from Lake Claremore	121500020360, 121500040010	PPWS	WWAC	●	PBCR		●		
Cat Creek	121500020390	EWS	WWAC	●	PBCR		●		
Tributary of Cat Creek at NW 1/4, Sec. 21, T21N, R16E, IM	121500	EWS	HLAC	●	SBCR		●		
Lake Claremore and Watershed	121500040010, 121500040020, 121500040030	PPWS	WWAC	●	PBCR		●	SWS	NLW
Chambers Creek	121500	EWS	HLAC	●	SBCR		●		
Mossy Creek	121500020430	EWS	HLAC	●	SBCR		●		
Spunky Creek	121500020480, 121500020470		WWAC	●	PBCR		●		
Tributary of Spunky Creek at Sec. 6, T19N, R15E, IM	121500020500_00		HLAC	●	SBCR		●		
Tributary of Verdigris River at Sec. 28, T20N, R15E, IM	121500020465_00		HLAC	●	SBCR		●		
Bird Creek	121300010010, 121300020010, 121300030010	PPWS	WWAC	●	PBCR		●		
Mingo Creek	121300010030	EWS	WWAC	●	PBCR		●		
Unnamed tributary of Mingo Creek	121300010035_00	EWS	HLAC	●	SBCR		●		
Elm Creek	121300010020		WWAC		PBCR		●		
Owasso Creek	121300010055_00		HLAC	●	SBCR		●		
Tributary of Owasso Creek at SE1/4, Sec. 31, T21N, R14E, IM	121300010057_00		HLAC	●	SBCR		●		
Ranch Creek	121300010060		WWAC		PBCR		●		
Lake Yahola and Watershed	121300010130	PPWS	WWAC	●	PBCR		●	SWS	
Flat Rock Creek	121300010120		WWAC	●	SBCR		●		
Tributary of Flat Rock Creek at SE 1/4, Sec. 18, T20N, R13E, IM (Dirty Butter Creek)	121300010140		HLAC	●	SBCR		●		

Waterbody Name and Sequence	Waterbody ID Numbers	Water Supply	F&W Prop	Ag	Rec	Nav	Aes	Limitations	Remarks
Delaware Creek	121300010150	PPWS	WWAC	●	PBCR		●		
Hominy Creek downstream from Skiatook Lake	121300040010, 121300040070	PPWS	WWAC	●	PBCR		●		
Hominy Creek upstream from and including Skiatook Lake	121300040070, 121300040080, 121300040280	PPWS	WWAC	●	PBCR		●	SWS	
Claremore Creek	121300040320	PPWS	WWAC	●	PBCR		●		
Hominy Municipal Lake and Watershed	121300040320, 121300040330	PPWS	WWAC	●	PBCR		●	SWS	
Candy Creek	121300020080	PPWS	WWAC	●	PBCR		●		
Pecan Hollow Creek	121300020090	PPWS	WWAC	●	PBCR		●	SWS	
Avant Public Utility Lake	121300020100	PPWS	WWAC	●	PBCR		●		
Waxoma Lake	121300020190	PPWS	WWAC	●	PBCR		●		
Tributary of Bird Creek at Sec. 19, T24N, R11E, IM	121300030070_00		HLAC	●	SBCR		●		
Birch Creek downstream from Birch Reservoir	121300030020	PPWS	WWAC	●	PBCR		●		
Birch Reservoir and Watershed	121300030020, 121300030030, 121300030040, 121300030050	PPWS	WWAC	●	PBCR		●	SWS	
Tributary of Birch Creek at Sec. 14, T24N, R9E, IM	121300030055_00		HLAC	●	SBCR		●	SWS	
Clear Creek	121300030200	PPWS	WWAC	●	PBCR		●		
Pawhuska Lake	121300030230	PPWS	WWAC	●	PBCR		●		
Bluestem Lake and Watershed	121300030280, 121300030290, 121300030300, 121300030310	PPWS	WWAC	●	PBCR		●	SWS	
Tributary of Verdigris River at Sec. 11, T21N, R15E, IM (Keetonville Creek)	121500030050		HLAC	●	SBCR		●		
Caney River from the mouth to the Kansas State Line	121400010010, 121400020010, 121400030010	PPWS	WWAC	●	PBCR		●		

Waterbody Name and Sequence	Waterbody ID Numbers	Water Supply	F&W Prop	Ag	Rec	Nav	Aes	Limitations	Remarks
Hulah Lake and watershed	121400030010, 121400030020, 121400030030, 121400030040, 121400030050, 121400030060, 121400030080, 121400030090, 121400030100, 121400030110, 121400030120, 121400030130, 121400030140, 121400030150, 121400030160, 121400030170, 121400030180, 121400030190, 121400030200	PPWS	WWAC	•	PBCR		•		NLW
Rabb Creek	121400010090	PPWS	WWAC	•	PBCR		•		
Nellie Bly Creek	121400010180	PPWS	WWAC	•	PBCR		•		
Hogshooter Creek	121400010300		WWAC		PBCR		•		
Keeler Creek	121400010320		WWAC	•	PBCR		•		
Tributary of Keeler Creek at NW 1/4 Sec. 19, T25N, R13E, IM (East Keeler Creek)	121400010322		HLAC	•	SBCR		•		
Sand Creek	121400040010	PPWS	WWAC	•	PBCR		•		
Buck Creek	121400040050	PPWS	WWAC	•	PBCR		•		
Coon Creek	121400020040	PPWS	WWAC	•	PBCR		•		
Deer Creek	121400020050		WWAC	•	PBCR		•		
Lake Hudson on Butler Creek	121400020090	PPWS	WWAC	•	PBCR		•		
Little Caney River including Copan Lake and Watershed	121400020140, 121400050010, 121400050020, 121400050030, 121400050040, 121400050050, 121400050060, 121400050070, 121400050080	PPWS	WWAC	•	PBCR		•	SWS	
Pond Creek	121400030090	PPWS	WWAC	•	PBCR		•		
Buck Creek	121400030170	PPWS	WWAC	•	PBCR		•		
Fourmile Creek	121500030070		WWAC	•	PBCR		•		
Verdigris River from and including Oologah Lake to the Kansas State Line	121510010010, 121510010020, 121510020010	PPWS	WWAC	•	PBCR	•	•		
Blue Creek	121510010030	PPWS	WWAC	•	PBCR		•		

Waterbody Name and Sequence	Waterbody ID Numbers	Water Supply	F&W Prop	Ag	Rec	Nav	Aes	Limitations	Remarks
Spencer Creek including Chelsea Reservoir and Watershed	121510010040, 121510010060	PPWS	WWAC	●	PBCR		●	SWS	
Lightning Creek	121510010130	PPWS	WWAC	●	PBCR		●		
Salt Creek	121510010190	PPWS	WWAC	●	PBCR		●		
Big Creek	121510030010	PPWS	WWAC	●	PBCR		●		
California Creek	121510020050	PPWS	WWAC	●	PBCR		●		
Tributary to Oologah Lake NW 1/4, Sec. 5, T26N, R16E, IM (Delaware Creek)	121510020060	EWS	HLAC	●	SBCR		●		
Snow Creek	121510020250	PPWS	WWAC	●	PBCR		●		
Onion Creek	121510020340	PPWS	WWAC	●	PBCR		●		
Arkansas River from mouth of Verdigris River to Keystone Dam	120410010010, 120410010080_00, 120410010080_10, 120420010010_00, 120420010010_10, 120420010130	EWS	WWAC	●	PBCR	●	●		
Pecan Creek	120410010030	PPWS	WWAC	●	PBCR		●		
Cloud Creek	120410010100, 120410020010	PPWS	WWAC	●	PBCR		●		
Ash Creek	120410010110	PPWS	WWAC	●	PBCR		●		
Mountain Creek including Bixhoma Lake	120410010180	PPWS	WWAC	●	PBCR		●		
Snake Creek	120410010220	PPWS	WWAC	●	PBCR		●		
Rock Creek	120410030020	PPWS	WWAC	●	PBCR		●		
Lake Boren	120410030080	PPWS	WWAC	●	PBCR		●		
Posey Creek	120420010030		WWAC	●	PBCR		●		
Polecat Creek downstream from Heyburn Lake	120420020050_00, 120420020050_10, 120420020290		WWAC	●	PBCR		●		
Coal Creek downstream from Sec. 35, T18N, R12E, IM	120420020030_00	PPWS	WWAC	●	PBCR		●		
Coal Creek upstream from Sec. 35, T18N, R12E, IM	120420020030_10	PPWS	HLAC	●	PBCR		●		
Rock Creek downstream from Sahoma Lake	120420020060, 120420020120		WWAC	●	PBCR		●		
Country Club Lake (Middle Lake)	120420020090	PPWS	WWAC	●	PBCR		●		

Waterbody Name and Sequence	Waterbody ID Numbers	Water Supply	F&W Prop	Ag	Rec	Nav	Aes	Limitations	Remarks
Sapulpa Lake	120420020110	PPWS	WWAC	•	PBCR		•		
Childress Creek	120420020160		HLAC	•	SBCR		•		
Jackson Creek	120420020200	PPWS	WWAC	•	PBCR		•		
Little Polecat Creek	120420020260		WWAC	•	SBCR		•		
Sahoma Lake and Watershed	120420020120, 120420020130, 120420020140	PPWS	WWAC	•	PBCR		•	SWS	
Heyburn Lake and Watershed	120420020290, 120420020300, 120420020310, 120420020320, 120420020330, 120420020340, 120420020350, 120420020360, 120420020370, 120420020380, 120420020390, 120420020400, 120420020410	PPWS	WWAC	•	PBCR		•	SWS	
Shell Creek downstream from Shell Lake	120420010230	PPWS	WWAC	•	PBCR		•		
Shell (Creek) Lake and Watershed	120420010230, 120420010240, 120420010250, 120420010260, 120420010270	PPWS	WWAC	•	PBCR		•	SWS	

APPENDIX A.2
Designated Beneficial Uses of Surface Waters
Water Quality Management Basin 2, Lower Arkansas River Basin

Waterbody Name and Sequence	Waterbody ID Numbers	Water Supply	F&W Prop	Ag	Rec	Nav	Aes	Limitations	Remarks
Arkansas River from the Arkansas State Line to the mouth of the Canadian River including R.S. Kerr Reservoir	220200010010, 220200020010, 220200020020	PPWS	WWAC	•	PBCR	•	•		
Lee Creek downstream from the 420 ft. elevation level	220200050010_00	PPWS	CWAC	•	PBCR		•	HQW	HQW
Lee Creek upstream from the 420 ft. elevation level	220200050010_10	PPWS	CWAC	•	PBCR		•	ORW	Scenic River(1)
Webber(s) Creek	220200050020	PPWS	CWAC	•	PBCR		•	ORW	
Briar Creek (Bear Creek)	220200050030	PPWS	CWAC	•	PBCR		•	ORW	
Little Lee Creek	220200050040	PPWS	CWAC	•	PBCR		•	ORW	Scenic River
Jenkins Creek	220200050050	PPWS	CWAC	•	PBCR		•	ORW	
Poteau River downstream from Brazil Creek	220100010010	PPWS	WWAC	•	PBCR		•		
Tributary of Cedar Creek at Sec. 8, T9N, R27E, IM	220100010030		WWAC	•	PBCR		•		
Hoil-Tuska Creek including New Spiro Lake	220100010050	PPWS	WWAC	•	PBCR		•	SWS	NLW
James Fork	220100010070	PPWS	WWAC	•	PBCR		•		
Brazil Creek	220100030010	PPWS	WWAC	•	PBCR		•		
Red Oak Pit	220100	PPWS	WWAC	•	PBCR		•		
Poteau River upstream from Brazil Creek	220100010010, 220100020010 10	PPWS	WWAC	•	PBCR		•		

Waterbody Name and Sequence	Waterbody ID Numbers	Water Supply	F&W Prop	Ag	Rec	Nav	Aes	Limitations	Remarks
Wister Lake and watershed	220100020010, 220100020020, 220100020030, 220100020040, 220100020050, 220100020070, 220100020080, 220100020090, 220100020100, 220100020110, 220100040010, 220100040020, 220100040030, 220100040040, 220100040050, 220100040060, 220100040070, 220100040080, 220100040090, 220100040110, 220100040120, 220100040160, 220100040170, 220100040180	PPWS	WWAC	•	PBCR		•		NLW
Riddle Creek	220100010120		HLAC	•	SBCR		•		
Tributary of Riddle Creek at SE 1/4 Sec. 4, T07N, R26E, IM (Cameron Creek)	220100010130		HLAC	•	SBCR		•		
Sugarloaf Creek	220100010160	PPWS	WWAC	•	PBCR		•		
Morris Creek	220100010170		WWAC	•	PBCR		•		
Caston Creek	220100010180	PPWS	WWAC	•	PBCR		•		
Coal Creek	220100010200	EWS	WWAC	•	PBCR		•		
Fourche Maline Creek including Lake Wayne Wallace	220100040010, 220100040020, 220100040150	PPWS	WWAC	•	PBCR		•		
Little Fourche Maline Creek	220100040070	PPWS	WWAC	•	PBCR		•		
Red Oak Creek	220100040050		WWAC		PBCR		•		
Bandy Creek	220100040080		WWAC	•	PBCR		•		
Tributary of Bandy Creek at NE 1/4, Sec. 17, T5N, R19E, IM	220100		WWAC	•	SBCR		•		
Lloyd Church Lake and Watershed	220100040090, 220100040100	PPWS	WWAC	•	PBCR		•	SWS	
Tributary to Bandy Creek (Cunneo Bandy)	220100040090	PPWS	WWAC	•	PBCR		•		
Tributary of Fourche Maline Creek at SE 1/4, Sec. 12, T5N, R19E, IM	220100040110		HLAC	•	SBCR		•		
Coon Creek Lake and Watershed	220100040120, 220100040130	PPWS	WWAC	•	PBCR		•	SWS	

Waterbody Name and Sequence	Waterbody ID Numbers	Water Supply	F&W Prop	Ag	Rec	Nav	Aes	Limitations	Remarks
Lake Wayne Wallace	220100040150	PPWS	WWAC	●	PBCR		●		
Black Fork downstream from Cedar Creek	220100020030, 220100020040	PPWS	WWAC	●	PBCR		●		
Black Fork upstream from Cedar Creek	220100020040	PPWS	CWAC	●	PBCR		●	HQW	
Cedar Creek including Cedar Lake	220100020050, 220100020060	PPWS	WWAC	●	PBCR		●		
Shawnee Creek	220100020070	PPWS	WWAC	●	PBCR		●		
Big Creek	220100020080	PPWS	CWAC	●	PBCR		●		
Tributary of Big Creek at NE 1/4, Sec. 22, T3N, R26E, IM	220100020090	EWS	WWAC	●	PBCR		●		
Oil Branch	220100020100		WWAC	●	PBCR		●		
Garrison Creek	220200050060	PPWS	WWAC	●	PBCR		●		
Unnamed tributary of Garrison Creek at Sec. 18, T11N, R27E, IM	220200050070_00		HLAC		SBCR		●		
Camp Creek	220200010020	PPWS	CWAC	●	PBCR		●		
Big Skin Bayou Creek	220200010030	PPWS	WWAC	●	PBCR		●		
Muldraw City Lake	220200010025_00	PPWS	WWAC	●	PBCR		●		
Cache Creek	220200010060	PPWS	WWAC	●	PBCR		●		
Onion Creek	220200010100		HLAC	●	SBCR		●		
Sans Bois Creek	220200040010	PPWS	WWAC	●	PBCR		●		
Lake John Wells and Watershed	220200040030	PPWS	WWAC	●	PBCR		●	SWS	
Beaver Creek	220200040060	EWS	WWAC	●	PBCR		●		
Sallisaw Creek downstream from U.S. Hwy. 64	220200030010_10	PPWS	CWAC	●	PBCR		●		
Shilo(h) Branch	220200030020		WWAC	●	PBCR		●		
Tributary of Shilo Branch at SW 1/4, Sec. 1, T11N, R23E, IM	220200030035_00		HLAC	●	SBCR		●		
Little Sallisaw Creek (Cedar Creek)	220200020040	PPWS	WWAC	●	PBCR		●		
Sallisaw Creek upstream from U.S. Hwy 64	220200030010_10, 220200030010_20, 220200030010_30	PPWS	CWAC	●	PBCR		●	HQW	
Stillwell City Lake	220200030120	PPWS	WWAC	●	PBCR		●		

Waterbody Name and Sequence	Waterbody ID Numbers	Water Supply	F&W Prop	Ag	Rec	Nav	Aes	Limitations	Remarks
Brushy Creek downstream from Brushy (Creek) Reservoir	220200030030	PPWS	CWAC	•	PBCR		•		
Brushy (Creek) Reservoir and Watershed	220200030030, 220200030040, 220200030050	PPWS	CWAC	•	PBCR		•	SWS	
Greasy Creek	220200030080	PPWS	CWAC	•	PBCR		•		
Vian Creek	220200020130	PPWS	CWAC	•	PBCR		•		
Little Vian Creek	220200020140	PPWS	CWAC	•	PBCR		•		
Canadian River from mouth to Eufaula Lake Dam	220300000010	PPWS	WWAC	•	PBCR	•	•		
Taloka Creek	220300000020	PPWS	WWAC	•	PBCR		•		
Snake Creek	220300000030		WWAC	•	SBCR		•		
Emachaya Creek	220300000040	PPWS	WWAC	•	PBCR		•		
Canadian River including Eufaula Lake (excluding the North Canadian River) to its confluence with Little River	220600010020, 220600010050, 220600010060, 220600010119, 220600050010	PPWS	WWAC	•	PBCR		•		
Mud Creek	220600050060	PPWS	WWAC	•	PBCR		•		
Longtown Creek	220600010070	PPWS	WWAC	•	PBCR		•		
Gibson Creek	220600050020		HLAC	•	SBCR		•		
Tributary of Gibson Creek at NW NW Sec. 18, T8N, R16E, IM	220600050023_00		HLAC	•	SBCR		•		
Gaines Creek	220600040010	PPWS	WWAC	•	PBCR		•		
Coal Creek	220600020010	PPWS	WWAC	•	PBCR		•		
Talawanda Lakes #1 and #2	220600020050, 220600020060	PPWS	WWAC	•	PBCR		•		
Lake McAlester and Watershed	220600020020, 220600020030	PPWS	WWAC	•	PBCR		•	SWS	
Deer Creek	220600020080		WWAC	•	PBCR		•		
Sandy Creek	220600020090		WWAC	•	SBCR		•		
Tributary of Sandy Creek at NW 1/4, Sec. 3, T5N, R14E, IM	220600020093_00		WWAC	•	SBCR		•		
Tributary of Coal Creek at SW NW SW Sec. 18, T5N, R12E, IM	220600		HLAC	•	SBCR		•		

Waterbody Name and Sequence	Waterbody ID Numbers	Water Supply	F&W Prop	Ag	Rec	Nav	Aes	Limitations	Remarks
Ash Creek	220600050040	PPWS	WWAC	●	PCBR		●		
Mud Creek	220600050060		WWAC	●	PBCR		●		
Brushy Creek	220600030010	PPWS	WWAC	●	PBCR		●		
Blue Creek	220600030020	PPWS	WWAC	●	PBCR		●		
Peaceable Creek	220600030050	PPWS	WWAC	●	PBCR		●		
Chun Creek upstream from Sec. 15, T4N, R14E, IM	220600030060_10	EWS	WWAC	●	SBCR		●		
Tributary of Chun Creek at SW 1/4, Sec. 16, T4N, R14E, IM	220600030065_00		HLAC	●	SBCR		●		
Chun Creek in and downstream from Sec. 15, T4N, R14E, IM	220600030060_00	EWS	WWAC	●	PBCR		●		
Bull Creek downstream from Brown Lake	220600030080		WWAC	●	PBCR		●		
Brown Lake and Watershed	220600030080, 220600030090	PPWS	WWAC	●	PBCR		●	SWS	
Mill Creek	220600010100_10, 220600010100_20	PPWS	WWAC	●	PCBR		●		
Big Creek	220600010170		WWAC	●	PBCR		●		
Unnamed tributary of Canadian River at SE 1/4, Sec. 22, T6N, R10E, IM	220600010128_00		HLAC	●	SBCR		●		

APPENDIX A.3
Designated Beneficial Uses of Surface Waters
Water Quality Management Basin 3, Upper Red River Basin

Waterbody Name and Sequence	Waterbody ID Numbers	Water Supply	F&W Prop	Ag	Rec	Nav	Aes	Limitations	Remarks
Lake Texoma	311100010020, 311100010030, 311100010080, 310800010011, 310800010050	PPWS	WWAC	•	PBCR		•		
Glasses Creek including Carter Lake	310800010020, 310800010040	PPWS	WWAC	•	PBCR		•		
Tributary at Old Channel Washita, NE 1/4, Sec. 33, T5S, R7E, IM	310800010055_00	EWS	HLAC	•	SBCR		•		
Pennington Creek	310800010120	PPWS	CWAC	•	PBCR		•	HQW	
Spring Creek	310800010160	PPWS	WWAC	•	PBCR		•		
Mill Creek	310800010190	PPWS	WWAC	•	PBCR		•		
Tributary of Three Mile Creek at SW Sec. 7, T2S, R5E, IM to SE Sec. 12, T2S, R4E, IM	310800010205		HLAC	•	SBCR		•		
Washita River from Lake Texoma including Foss Reservoir	310800010010, 310800020010, 310810010010, 310810020010, 310820010010, 310830010010, 310830020010, 310830030010, 310840010010, 310840010020, 310840020010	PPWS	WWAC	•	PBCR		•		
Cool Creek	310800020010	PPWS	WWAC	•	PBCR		•		
Oil Creek	310800010240	PPWS	WWAC	•	PBCR		•		
Caddo Creek	310800030010	PPWS	WWAC	•	PBCR		•		
Sand Creek	310800030020		WWAC	•	PBCR		•		
Unnamed tributary to Caddo Creek	310800030035		HLAC		SBCR				
Ardmore City Lake	310800030070		WWAC	•	PBCR		•		
Rock Creek downstream from Lake Scott King Dam	310800030100	PPWS	WWAC	•	PBCR		•		
Lake Scott King (Rock Creek Reservoir) including Watershed	310800030100, 310800030110, 310800030120	PPWS	WWAC	•	PBCR		•	SWS	

Waterbody Name and Sequence	Waterbody ID Numbers	Water Supply	F&W Prop	Ag	Rec	Nav	Aes	Limitations	Remarks
Lake Jean Neustadt	310800030140	PPWS	WWAC	•	PBCR		•		
Hickory Creek downstream from Mountain Lake	310800030190_00	PPWS	WWAC	•	PBCR		•		
Mountain Lake and Watershed	310800030190, 310800030200, 310800030210	PPWS	WWAC	•	PBCR		•	SWS	
Rock Creek including Lake of the Arbuckles	310800020080, 310800020090, 310800020100, 310800020122	PPWS	WWAC	•	PBCR		•	SWS	
Guy Sandy Creek	310800020130	PPWS	WWAC	•	PBCR		•	HQW	
Falls Creek	310800020140	PPWS	WWAC	•	PBCR		•		
Dry Sandy Creek	310800020150	PPWS	WWAC	•	PBCR		•		
Tributary of Dry Sandy Creek at Sec. 7, T1S, R2E, IM	310800020152_00		HLAC	•	SBCR		•		
Honey Creek	310800020160	PPWS	WWAC	•	PBCR		•	HQW	
Chigley Sandy Creek	310800020190	PPWS	WWAC	•	PBCR		•		
Wildhorse Creek	310810010020, 310810030010, 310810040010, 310810040140	PPWS	WWAC	•	PBCR		•		
Sandy Creek	3108100030020	PPWS	WWAC	•	PBCR		•		
Rock Creek	310810030040	PPWS	WWAC	•	PBCR		•		
Elmore City Lake	310810030060	PPWS	WWAC	•	PBCR		•		
Salt Creek	310810030080	PPWS	WWAC	•	PBCR		•		
Black Bear Creek downstream from Lake Fuqua	310810040030, 310810040040	PPWS	WWAC	•	PBCR		•		
Lake Fuqua and Watershed	310810040030, 310810040040, 310810040050	PPWS	WWAC	•	PBCR		•	SWS	
Duncan Lake and Watershed	310810040070, 310810040080, 310810040090	PPWS	WWAC	•	PBCR		•	SWS	
Clear Creek downstream from Clear Creek Lake	310810040130	PPWS	WWAC	•	PBCR		•		
Clear Creek Lake and Watershed	310810040110, 310810040120, 310810040130	PPWS	WWAC	•	PBCR		•	SWS	
Lake Humphreys and Watershed	310810040140, 310810040150, 310810040160	PPWS	WWAC	•	PBCR		•	SWS	

Waterbody Name and Sequence	Waterbody ID Numbers	Water Supply	F&W Prop	Ag	Rec	Nav	Aes	Limitations	Remarks
Kickapoo Sandy Creek	310810010050	PPWS	WWAC	●	PBCR		●		
Turkey Sandy Creek	310810010060		WWAC	●	PBCR		●		
Tributary of Turkey Sandy Creek at SE 1/4, Sec. 26, T2N, R1E, IM	310810010062_00		WWAC	●	PBCR		●		
W. Sandy Creek (upper) upstream from Sec. 34, T2N, R1E, IM	310810010065_10		HLAC	●	SBCR		●		
W. Sandy Creek (lower) downstream from Sec. 27, T2N, R1E, IM	310810010065_00		WWAC	●	PBCR		●		
Red Branch	310810010070		WWAC	●	SBCR		●		
Rush Creek downstream from U.S. Hwy. 77 near Pauls Valley	310810010090_00		WWAC	●	SBCR		●		
Rush Creek upstream from U.S. Hwy. 77 near Pauls Valley	310810010090_10, 310810050010		WWAC	●	PBCR		●		
Taylor (Marlow) Lake near Rush Springs	310810050060	PPWS	WWAC	●	PBCR		●		NLW
Cherokee Sandy Creek	310810010100	PPWS	WWAC	●	PBCR		●		
R. C. Longmire Lake	310810010186		WWAC	●	PBCR		●		
Peavine Creek	310810010120	PPWS	WWAC	●	PBCR		●		
Washington Creek	310810010170, 310810010190	PPWS	WWAC	●	PBCR		●		
Pauls Valley Lake and Watershed	310810010170, 310810010180, 310810010190	PPWS	WWAC	●	PBCR		●	SWS	
Owl Creek	310810010200		WWAC	●	PBCR		●		
Wiley Post Memorial Lake	310810010220	PPWS	WWAC	●	PBCR		●		
Beef Creek	310810010230	EWS	HLAC	●	SBCR		●		
Tributary of Beef Creek at SE 1/4, Sec.15, T4N, R2W, IM	310810010232_00	EWS	HLAC	●	SBCR		●		
Finn Creek	310810020020	PPWS	WWAC	●	PBCR		●		
Criner Creek	310810020050	PPWS	WWAC	●	PBCR		●		
Colbert Creek	310810020160	PPWS	WWAC	●	PBCR		●		
Roaring Creek	310810020170	PPWS	WWAC	●	PBCR		●		
East Roaring Creek	310810020180		WWAC		PBCR		●		

Waterbody Name and Sequence	Waterbody ID Numbers	Water Supply	F&W Prop	Ag	Rec	Nav	Acs	Limitations	Remarks
Laffin Creek	310810020200	PPWS	WWAC	•	PBCR		•		
Winter Creek	310810020220	PPWS	WWAC	•	PBCR		•		
Little Washita River	310820020010	PPWS	WWAC	•	PBCR		•		
Lake Burtshi	310800020070		WWAC	•	PBCR		•		
Gladys Creek downstream from U.S. Hwy. 277	310820020150 00		HLAC	•	SBCR		•		
Gladys Creek upstream from U.S. Hwy. 277	310820020150 10	PPWS	WWAC	•	PBCR		•		
Bitter Creek	310820010030	PPWS	WWAC	•	PBCR		•		
East Fork of Bitter Creek	310820010040	PPWS	WWAC	•	PBCR		•		
West Fork of Bitter Creek	310820010060	PPWS	WWAC	•	PBCR		•		
Tributary of Washita River at NE 1/4, Sec. 35, T7N, R7W, IM	310820		HLAC	•	SBCR		•		
Ionine Creek	310820010160	PPWS	WWAC	•	PBCR		•		
Jack Hollow Creek	310820010170	PPWS	WWAC	•	PBCR		•		
Spring Creek including Lake Chickasha	310830040010, 310830040020	PPWS	WWAC	•	PBCR		•		NLW
Stinking Creek	310830040030	PPWS	WWAC	•	PBCR		•		
Delaware Creek	310830010030		WWAC	•	SBCR		•		
Sugar Creek	310830050010		WWAC	•	SBCR		•		
Tributary of Sugar Creek at NW 1/4, Sec. 29, T11N, R11W, IM	310830		HLAC	•	SBCR		•		
Cobb Creek downstream from Fort Cobb Reservoir	310830060010	PPWS	WWAC	•	PBCR		•		
Fort Cobb Lake and Watershed including Crowder Lake and watershed	310830060010, 310830060020, 310830060030, 310830060040, 310830060050, 310830060060, 310830060070, 310830060080, 310830060090, 310830060100, 310830060110, 310830060120, 310830060130, 310830060140	PPWS	WWAC	•	PBCR		•	SWS	NLW
Lake Creek	310830060040	PPWS	WWAC	•	PBCR		•	SWS	
Stinking Creek	310830020020	PPWS	WWAC	•	PBCR		•		

Waterbody Name and Sequence	Waterbody ID Numbers	Water Supply	F&W Prop	Ag	Rec	Nav	Aes	Limitations	Remarks
Rainy Mountain Creek downstream from S.H. 9	310830020060 00		WWAC	●	PBCR		●		
Rainy Mountain Creek upstream from S.H. 9	310830020060 10		WWAC	●	SBCR		●		
Oak Creek	310830020090	PPWS	WWAC	●	PBCR		●		
Lake Vanderwork and watershed	310830020100, 310830020110		WWAC	●	PBCR		●		NLW
Two Baby Creek	310830030060		WWAC	●	PBCR		●		
Cavalry Creek	310830030070	PPWS	WWAC	●	PBCR		●		
South Fork of Cavalry Creek	310830030080		WWAC	●	PBCR		●		
N. Cavalry Creek	310830030090	EWS	HLAC	●	SBCR		●		
Tributary to N. Cavalry Creek at NW 1/4, Sec. 11, T9N, R17W, IM	310830030095_00	EWS	HLAC	●	SBCR		●		
Boggy Creek	310830030100		WWAC	●	PBCR		●		
Beaver Creek	310830030190		WWAC	●	SBCR		●		
Barnitz Creek	310830030200	PPWS	WWAC	●	PBCR		●		
East Barnitz Creek	310830030210	PPWS	WWAC	●	PBCR		●		
West Barnitz Creek	310830030230	PPWS	WWAC	●	PBCR		●		
Turkey Creek downstream from Clinton Lake	310830030260		WWAC	●	PBCR		●		
Clinton Lake	310830030280	PPWS	WWAC	●	PBCR		●	SWS	NLW
Oak Creek	310830030310	PPWS	WWAC	●	PBCR		●		
Panther Creek	310840010050	PPWS	WWAC	●	PBCR		●		
Quartermaster Creek	310840010060	PPWS	WWAC	●	PBCR		●		
Tributary of Quartermaster Creek at Sec. 17, T16N, R20W, IM (North Branch)	310840010080		HLAC	●	SBCR		●		
Hay Creek	310840010100	PPWS	WWAC	●	PBCR		●		
White Shield Creek	310840010120		HLAC	●	SBCR		●		
Sandstone Creek	310840020020, 310840020070	PPWS	WWAC	●	PBCR		●		
Dead Indian Creek	310840020120	PPWS	WWAC	●	PBCR		●		
Sergeant Major Creek	310840020140	PPWS	HLAC	●	SBCR		●		
Croton Creek	310840020190	PPWS	WWAC	●	PBCR		●		
Rush Creek	310840020210	PPWS	WWAC	●	PBCR		●		
Buncombe Creek	311100010070	PPWS	WWAC	●	PBCR		●		

Waterbody Name and Sequence	Waterbody ID Numbers	Water Supply	F&W Prop	Ag	Rec	Nav	Aes	Limitations	Remarks
Hauani Creek including Hauani Lake	311100010130, 311100010140	PPWS	WWAC	●	PBCR		●		
Hickory Creek	311100020010	PPWS	WWAC	●	PBCR		●		
Anadarche Creek downstream from Lake Murray	311100020020	PPWS	WWAC	●	PBCR		●		
Lake Murray and Watershed	311100020020, 311100020030, 311100020040, 311100020050, 311100020060, 311100020070, 311100020080, 311100020090	PPWS	WWAC	●	PBCR		●	SWS	
Red River from headwaters of Lake Texoma to Cache Creek	311100010190, 311200000010	PPWS	WWAC	●	PBCR		●		
Walnut Bayou	311100030010, 311100010250	PPWS	WWAC	●	PBCR		●		
Simon Creek	311100030020	PPWS	WWAC	●	PBCR		●		
Walnut Creek	311100030070	PPWS	WWAC	●	PBCR		●		
Tributary of Walnut Creek at Sec. 28, T4S, R2W, IM	311100030180_00		HLAC	●	SBCR		●		
Healdton Lake	311100030130	PPWS	WWAC	●	PBCR		●		
Whiskey Creek	311100030140		HLAC	●	SBCR		●		
Cottonwood Creek	311100030090	PPWS	WWAC	●	PBCR		●		
Tributary of Cottonwood Creek at Sec. 28, T4S, R1W, IM	311100030190_00		HLAC	●	SBCR		●		
Bull Creek	311100030060		HLAC	●	SBCR		●		
Mud Creek	311100040010	PPWS	WWAC	●	PBCR		●		
Clear Creek	311100040020	PPWS	WWAC	●	PBCR		●		
North Mud Creek	311100040030	PPWS	HLAC	●	PBCR		●		
Tributary of North Mud Creek at SW 1/4, Sec. 34, T4S, R4W, IM	311100040035_00		HLAC	●	SBCR		●		
West Mud Creek	311100040200	PPWS	WWAC	●	PBCR		●		
Negro Creek	311100040100	PPWS	WWAC	●	PBCR		●		
Willow Branch	311100040110	PPWS	WWAC	●	PBCR		●		
Crooked Creek	311100040120	PPWS	WWAC	●	PBCR		●		

Waterbody Name and Sequence	Waterbody ID Numbers	Water Supply	F&W Prop	Ag	Rec	Nav	Aes	Limitations	Remarks
Deer Creek	311100040130	PPWS	WWAC	●	PBCR		●		
Comanche Lake	311100040170		WWAC	●	PBCR		●		
Red Creek	311100010290	PPWS	WWAC	●	PBCR		●		
Fleetwood Creek	311100010300	PPWS	WWAC	●	PBCR		●		
Beaver Creek downstream from Waurika Lake	311200000030, 311200000010	PPWS	WWAC	●	PBCR		●		
Cow Creek	311200000060	EWS	WWAC	●	PBCR		●		
Dry Creek	311200000080	PPWS	WWAC	●	PBCR		●		
Cotton Creek	311200000090	PPWS	WWAC	●	PBCR		●		
Claridy (Clarity) Creek	311200000110	EWS	WWAC		PBCR		●		
East Cow Creek	311200000100	EWS	HLAC	●	SBCR		●		
Tributary of East Cow Creek SW 1/4, Sec. 15, T1S, R7W, IM	311200000160_00	EWS	HLAC	●	SBCR		●		
Beaver Creek upstream from and including Waurika Lake	311210000010, 311210000020	PPWS	WWAC	●	PBCR		●	SWS	
Walker Creek	311210000030	PPWS	WWAC	●	PBCR		●	SWS	
Little Beaver Creek	311210000050	PPWS	WWAC	●	PBCR		●	SWS	
Stage Stand Creek	311210000060	PPWS	WWAC	●	PBCR		●	SWS	
Hell Creek	311210000080	PPWS	WWAC	●	PBCR		●	SWS	
Ninemile Beaver Creek	311210000130	PPWS	WWAC	●	PBCR		●		
Cache Creek	311300010010	PPWS	WWAC	●	PBCR		●		
West Cache Creek downstream from Panther Creek	311310020010, 311310020020, 311310020140	PPWS	WWAC	●	PBCR		●		
Deep Red Creek including Lake Fredrick	311310030010, 311310030110, 311310030120	PPWS	WWAC	●	PBCR		●		
Pecan Creek	311310020030	PPWS	WWAC	●	PBCR		●		
Little Deep Red Creek	311310030040	PPWS	WWAC	●	PBCR		●		
Jack Creek	311310030030	PPWS	WWAC	●	PBCR		●		
East Jack Creek	311310030070	PPWS	WWAC	●	PBCR		●		
Horse Creek	311310030080	PPWS	WWAC	●	PBCR		●		
Deadman Creek	311310030090	PPWS	WWAC	●	PBCR		●		

Waterbody Name and Sequence	Waterbody ID Numbers	Water Supply	F&W Prop	Ag	Rec	Nav	Aes	Limitations	Remarks
Blue Beaver Creek	311310020050, 311310020060	PPWS	WWAC	•	PBCR		•		
Post Oak Creek	311310020070	PPWS	WWAC	•	PBCR		•		
Crater Creek	311310020100	PPWS	WWAC	•	PBCR		•	HQW	
Panther Creek	311310020150	PPWS	WWAC	•	PBCR		•	HQW	
West Cache Creek upstream from Panther Creek	311310020140	PPWS	WWAC	•	PBCR		•	HQW	
East Cache Creek downstream from Lake Ellsworth	311300010020, 311300020010	PPWS	WWAC	•	PBCR		•		
Temple Lake (Mooney) and Watershed	311300010040, 311300010050	PPWS	WWAC	•	PBCR		•	SWS	
Walters Lake (Dave Boyer Lake) and Watershed	311300010070, 311300010080	PPWS	WWAC	•	PBCR		•	SWS	
Ninemile Creek	311300020030		WWAC	•	PBCR		•		
Tributary to Ninemile Creek within Sec. 23, T1N, R11W, IM including Comanche Lake	311300020032_00		WWAC		PBCR		•		
Wolf Creek	311300020040	PPWS	WWAC	•	PBCR		•		
Medicine Creek downstream from Lake Lawtonka	311300040010, 311300040060	PPWS	WWAC	•	PBCR		•		
Elmer Thomas Lake and Watershed	311300040040, 311300040050	PPWS	WWAC	•	PBCR		•	SWS	
Lake Lawtonka and Watershed	311300040060, 311300040070, 311300040080, 311300040090, 311300040110_00, 311300040100_00	PPWS	WWAC	•	PBCR		•	SWS	
Lake Ellsworth and Watershed	311300030010, 311300030020, 311300030030, 311300030040, 311300030050, 311300030060, 311300030070, 311300030080	PPWS	WWAC	•	PBCR		•	SWS	
Red River from Cache Creek to North Fork of the Red River	311310010010	EWS	WWAC	•	PBCR		•		
Rabbit Creek	311310010020	PPWS	WWAC	•	PBCR		•		

Waterbody Name and Sequence	Waterbody ID Numbers	Water Supply	F&W Prop	Ag	Rec	Nav	Aes	Limitations	Remarks
Tributary of Red River at Sec. 29, T4S, R13W, IM	311310010035_00		HLAC	●	SBCR		●		
Blue Creek	311310010040	PPWS	WWAC	●	PBCR		●		
Suttle Creek	311310010070		WWAC	●	SBCR		●		
Tributary of Suttle Creek at SW 1/4, Sec. 20, T3S, R17W, IM	311310010090_00		HLAC	●	SBCR		●		
North Fork of the Red River including Lugert-Altus Reservoir	311500010020, 311510010010, 311510010020, 311510020010	PPWS	WWAC	●	PBCR		●		
Stinking Creek	311500010050	PPWS	WWAC	●	PBCR		●		
Tributary of Stinking Creek at SE 1/4, Sec. 30, T2N, R19W, IM	311500010055_00	EWS	HLAC	●	SBCR		●		
Otter Creek	311500010080	PPWS	WWAC	●	PBCR		●		
West Otter Creek downstream from Tom Steed Reservoir	311500020040	PPWS	WWAC	●	PBCR		●		
Tom Steed Reservoir (Mountain Park) and Watershed	311500020040, 311500020050, 311500020060, 311500020070	PPWS	WWAC	●	PBCR		●	SWS	
Glen Creek	311500020070	PPWS	WWAC	●	PBCR		●	SWS	
Elk Creek downstream from the confluence with Little Elk Creek	311500030010, 311500030030_00	PPWS	WWAC	●	PBCR		●		
Elk Creek from headwaters to confluence with Little Elk Creek	311500030030_10		HLAC	●	SBCR		●		
Little Elk Creek downstream from Lake Hobart	311500030040	PPWS	WWAC	●	PBCR		●		
Hobart (Rocky Hobart) Lake	311500030060	PPWS	WWAC	●	PBCR		●	SWS	NLW
Spring Creek	311500030080	PPWS	WWAC	●	PBCR		●		
Elk City Reservoir	311500030120		WWAC	●	PBCR		●		NLW
Elm Fork of the Red River	311800000010	PPWS	WWAC	●	PBCR		●		
Haystack Creek	311800000040	PPWS	WWAC	●	PBCR		●		
Deer Creek	311800000070	PPWS	WWAC	●	PBCR		●		
Fish Creek	311800000130	PPWS	WWAC	●	PBCR		●		
Bull Creek	311800000150	PPWS	WWAC	●	PBCR		●		

Waterbody Name and Sequence	Waterbody ID Numbers	Water Supply	F&W Prop	Ag	Rec	Nav	Aes	Limitations	Remarks
North Elm Creek (West Elm Creek)	311800000170	PPWS	WWAC	•	PBCR		•		
Flat Creek	311510010070		WWAC	•	PBCR		•		
Timber Creek	311510010090	PPWS	WWAC	•	PBCR		•		
Sand Creek	311510020040	PPWS	WWAC	•	PBCR		•		
Long Creek	311510020050	PPWS	WWAC	•	PBCR		•		
Turkey Creek	311510020060	PPWS	WWAC	•	PBCR		•		
Starvation Creek	311510020070	PPWS	WWAC	•	PBCR		•		
Buffalo Creek	311510020090	PPWS	WWAC	•	PBCR		•		
Sweetwater Creek	311510020120	PPWS	WWAC	•	PBCR		•		
Red River from confluence of the North Fork of the Red River to Buck Creek	311600010010	EWS	WWAC	•	PBCR		•		
Salt Fork of the Red River to the Texas State Line	311600020010	PPWS	WWAC	•	PBCR		•		
Turkey Creek	311600020060	PPWS	WWAC	•	PBCR		•		
Bitter Creek downstream of the boundary of Sec. 3 & 2, T1N, R21W, IM	311600020110_00	EWS	WWAC	•	SBCR		•		
Bitter Creek upstream of the boundary of Sec. 3 & 2, T1N, R21W, IM	311600020110_05, 311600020110_10	EWS	HLAC	•	SBCR		•		
Gypsum Creek	311600010020	PPWS	WWAC	•	PBCR		•		
Sandy Creek (Lebos)	311600010040	EWS	HLAC	•	SBCR		•		
Lebos Creek	311600010060_00		HLAC	•	SBCR		•		
Tributary of Lebos Creek at Sec. 2, T2N, R26W, IM	311600010065_00		HLAC	•	SBCR		•		
Prairie Dog Town Fork of the Red River from confluence of Buck Creek to 100 degree West Longitude	311600010080	EWS	WWAC	•	PBCR		•		

APPENDIX A.4
Designated Beneficial Uses of Surface Waters
Water Quality Management Basin 4, Lower Red River

Waterbody Name and Sequence	Waterbody ID Numbers	Water Supply	F&W Prop	Ag	Rec	Nav	Aes	Limitations	Remarks
Red River from the Arkansas State Line to the Kiamichi River	410100010010	PPWS	WWAC	●	PBCR		●		
Norwood Creek	410100010050	PPWS	WWAC	●	PBCR		●		
Waterhole Creek	410100010340	PPWS	WWAC	●	PBCR		●		
Buzzard Creek	410100010450		WWAC	●	PBCR		●		
Tributary of Buzzard Creek at NW 1/4, Sec. 5, T7S, R22E, IM (Millerton Trib)	410100010456_00		HLAC	●	SBCR		●		
Garland Creek	410100010460		WWAC		PBCR				
Tributary of Garland Creek at SE 1/4, Sec. 34, T6S, R21E, IM (Valiant Creek)	410100010470		HLAC	●	SBCR		●		
Little River from the Arkansas State Line to Pine Creek Dam	410200010010, 410200010200, 410210010010, 410210020010	PPWS	CWAC	●	PBCR		●	HQW	
Rock Creek	410200010220	PPWS	CWAC	●	PBCR		●		
Mountain Fork River downstream from U.S. Hwy 70 bridge	410210040010_00	PPWS	CWAC	●	PBCR		●	HQW	
Mountain Fork River upstream from U.S. Hwy 70 bridge to Broken Bow Dam	410210040010_10, 410210040050, 410210050010	PPWS	Trout	●	PBCR		●	HQW	
Upper Mountain Fork River from Dam including Broken Bow Lake to the 600 foot elevation level	410210050020, 410210060010_00	PPWS	CWAC	●	PBCR		●	SWS	
Egypt Creek	410210050140	PPWS	CWAC	●	PBCR		●	SWS	
Otter Creek	410210050190	PPWS	CWAC	●	PBCR		●	SWS	
Panther Creek	410210050360	PPWS	CWAC	●	PBCR		●	ORW	
Buffalo Creek	410210060020	PPWS	CWAC	●	PBCR		●	SWS	
Big Hudson	410210060030		CWAC		PBCR		●		

Waterbody Name and Sequence	Waterbody ID Numbers	Water Supply	F&W Prop	Ag	Rec	Nav	Aes	Limitations	Remarks
Mine Creek	410210060060		CWAC	●	PBCR		●		
Upper Mountain Fork River upstream from the 600 foot elevation level	410210060010_10	PPWS	CWAC	●	PBCR		●	ORW	Scenic River
Boktuklo Creek	410210060100	PPWS	CWAC	●	PBCR		●	ORW	
Blue Creek	410210060110	PPWS	CWAC	●	PBCR		●	ORW	
Big Eagle Creek	410210060160	PPWS	CWAC	●	PBCR		●	ORW	
Little Eagle Creek	410210060170	PPWS	CWAC	●	PBCR		●	ORW	
Dry Creek	410210060270		CWAC	●	PBCR		●		
Cucumber Creek	410210060210	PPWS	CWAC	●	PBCR		●	ORW	
Beech Creek	410210060320	PPWS	CWAC	●	PBCR		●	ORW	
Cow Creek	410210060350	PPWS	CWAC	●	PBCR		●	ORW	
Yanubbe Creek	410200010150	PPWS	CWAC	●	PBCR		●		
Tributary of Yanubbe Creek at NE 1/4, Sec. 29, T6S, R25E, IM	410200010155_00		HLAC	●	SBCR		●		
Mud Creek	410200010210	EWS	WWAC	●	SBCR		●		
Tributary of Mud Creek at SE 1/4, Sec. 31, T7S, R24E, IM	410200010218_00		HLAC	●	SBCR		●		
Yashau (Yashoo) Creek	410200010230	PPWS	CWAC	●	PBCR		●		
Lukfata Creek	410210070010	PPWS	CWAC	●	PBCR		●	HQW	
Glover River	410210080010	PPWS	CWAC	●	PBCR		●	HQW	
Cedar Creek	410210080120	PPWS	CWAC	●	PBCR		●	HQW	
Carter Creek	410210080210	PPWS	CWAC	●	PBCR		●	HQW	
Pine Creek	410210080270	PPWS	CWAC	●	PBCR		●	HQW	
West Fork	410210090070	PPWS	CWAC	●	PBCR		●	HQW	
Silver Creek	410210090100		CWAC	●	PBCR		●		
Bluff Creek	410210090160	PPWS	CWAC	●	PBCR		●	HQW	
East Fork	410210090010	PPWS	CWAC	●	PBCR		●	HQW	
Horse Head Creek	410210010060	PPWS	WWAC	●	PBCR		●		

Waterbody Name and Sequence	Waterbody ID Numbers	Water Supply	F&W Prop	Ag	Rec	Nav	Aes	Limitations	Remarks
Tributary of Horse Head Creek at Sec. 10, T6S, R22E, IM	410210010065_00		HLAC	•	SBCR		•		
Cypress Creek	410210010070	PPWS	CWAC	•	PBCR		•	HQW	
Little River upstream from and including Pine Creek Lake	410210020010, 410210020140, 410210020020, 410210030010	PPWS	CWAC	•	PBCR		•	HQW	
Pine Creek	410210020030	PPWS	CWAC	•	PBCR		•	HQW	
Terrapin Creek	410210020150	PPWS	CWAC	•	PBCR		•	HQW	
Houston Creek	410210020210	PPWS	CWAC	•	PBCR		•	HQW	
Caney Creek	410210020240		CWAC	•	PBCR		•		
Cloudy Creek	410210020300	PPWS	CWAC	•	PBCR		•	HQW	
Jack Creek	410210020430	PPWS	CWAC	•	PBCR		•	HQW	
Black Fork	410210030020	PPWS	CWAC	•	PBCR		•	HQW	
Red River upstream from the Kiamichi River to the Blue River	410400010010	PPWS	WWAC	•	PBCR		•		
Kiamichi River including Hugo Lake to U.S. Hwy. 271 Bridge near Clayton	410300010010, 410300020010, 410300020020, 410300030010_00	PPWS	WWAC	•	PBCR		•		
Gates Creek	410300010020, 410300010030	PPWS	CWAC	•	PBCR		•		
Lake Raymond Gary	410300010040		WWAC	•	PBCR		•		
Negro Creek	410300010060		HLAC	•	SBCR		•		
Bird Creek	410300010100	PPWS	WWAC	•	PBCR		•		
Long Creek	410300020080	PPWS	WWAC	•	PBCR		•		
North Fork	410300020060	PPWS	WWAC	•	PBCR		•		
Frazier Creek	410300020130	PPWS	CWAC	•	PBCR		•		
Rock Creek	410300020190	PPWS	CWAC	•	PBCR		•		
Cedar Creek	410300030020	PPWS	CWAC	•	PBCR		•	HQW	
Beaver Creek	410300030200	PPWS	WWAC	•	PBCR		•		
Tenmile Creek	410300030270	PPWS	WWAC	•	PBCR		•		

Waterbody Name and Sequence	Waterbody ID Numbers	Water Supply	F&W Prop	Ag	Rec	Nav	Aes	Limitations	Remarks
Buck Creek	410300030420	PPWS	WWAC	•	PBCR		•		
Clayton Lake and Watershed	410300030760, 410300030780	PPWS	WWAC	•	PBCR		•	SWS	
Kiamichi River upstream from U.S. Hwy 271 Bridge near Clayton	410300030010_10, 410300030570, 410310010010, 410310020010	PPWS	WWAC	•	PBCR		•		
Jackfork Creek including Sardis Lake	410310010020, 410310030020, 410310030100	PPWS	WWAC	•	PBCR		•	SWS	
Buffalo Creek	410310030030	PPWS	WWAC	•	PBCR		•	SWS	
Lake Nanih Waiya	410310010050		WWAC	•	PBCR		•		
Rock Creek	410310010170	PPWS	WWAC	•	PBCR		•		
Lake Ozzie Cobb and watershed	410300020190, 410300020220		WWAC	•	PBCR		•		NLW
Carl Albert Lake and Watershed	410310010210, 410310010220	PPWS	WWAC	•	PBCR		•	SWS	
Talihina Lake and Watershed	410310010230	PPWS	WWAC	•	PBCR		•	SWS	
Pigeon Creek	410310020110	PPWS	CWAC	•	PBCR		•		
Horse Creek downstream from the borders of Sec. 10 & 15, T7S, R17E, IM	410400010040_00	PPWS	WWAC	•	PBCR		•		
Horse Creek upstream from the borders of Sec. 10 & 15, T7S, R17E, IM	410400010040_10		WWAC	•	SBCR		•		
Tributary of Horse Creek at NE 1/4, Sec. 4, T7S, R17E, IM	410400010045_00		HLAC	•	SBCR		•		
Unnamed tributary of Red River at SW SE SE Sec. 22, T7S, R17E, IM	410400010090_00		HLAC	•	SBCR		•		
Muddy Boggy Creek	410400010070, 410400050010, 410400050270, 410400060010	PPWS	WWAC	•	PBCR		•		
Tributary of Muddy Boggy Creek at NW 1/4, Sec. 12, T2S, R11E, IM	410400050495_00		HLAC	•	SBCR		•		
Lick Creek	410400010130	PPWS	WWAC	•	PBCR		•		
Clear Boggy Creek	410400020010, 410400030010, 410400030230, 410400040010	PPWS	WWAC	•	PBCR		•		

Waterbody Name and Sequence	Waterbody ID Numbers	Water Supply	F&W Prop	Ag	Rec	Nav	Aes	Limitations	Remarks
Mayhew Creek	410400020020		WWAC	•	PBCR		•		
Unnamed tributary to Mayhew Creek at Sec. 7, T6S, R14E, IM (Boswell Creek)	410400020025_00		HLAC		SBCR		•		
Caney Creek	410400030020		WWAC	•	SBCR		•		
Delaware Creek	410400030240	PPWS	WWAC	•	PBCR		•		
Sandy Creek	410400030280	PPWS	WWAC	•	PBCR		•		
Tributary of Sandy Creek at SE 1/4, Sec. 14, T2S, R8E, IM (Wapanucka Creek)	410400030290		HLAC	•	SBCR		•		
Wide Springs Branch	410400030320	PPWS	WWAC	•	PBCR		•		
Bois D' Arc Creek	410400020160		WWAC		PBCR		•		
(Byrds) Mill Creek	410400040090	PPWS	WWAC	•	PBCR		•		
McGee Creek including McGee Creek Reservoir	410400070010, 410400070020	PPWS	WWAC	•	PBCR		•	SWS	
North Boggy Creek downstream from Atoka Reservoir	410400050410_00	PPWS	WWAC	•	PBCR		•		
Tributary of North Boggy Creek at NW1/4, Sec. 29, T1S, R12E, IM	410400050415_00		HLAC	•	SBCR		•		
North Boggy Creek upstream from and including Atoka Reservoir	410400080010, 410400080020	PPWS	WWAC	•	PBCR		•	SWS	
Sub Penitentiary Lake (Blue Stem)	410400080060	PPWS	WWAC	•	PBCR		•		
Kiowa City Lake on trib to Buck Creek	410400080200	PPWS	WWAC	•	PBCR		•		
Coal Creek	410400050540	PPWS	WWAC	•	PBCR		•		
Tributary of Brier Creek at Sec. 35, T1N, R10E, IM	410400050585_00		HLAC	•	SBCR		•		
Caney Creek	410400060020	PPWS	WWAC	•	PBCR		•		
Coon Creek	410400060030	PPWS	WWAC	•	PBCR		•		
Coalgate Reservoir and Watershed	410400060030, 410400060040, 410400060050	PPWS	WWAC	•	PBCR		•	SWS	
Caney Boggy Creek	410400060120	PPWS	WWAC	•	PBCR		•		

Waterbody Name and Sequence	Waterbody ID Numbers	Water Supply	F&W Prop	Ag	Rec	Nav	Aes	Limitations	Remarks
Sandy Creek	410400030280	PPWS	WWAC	●	PBCR		●		
Little Sandy Creek	410400060270		HLAC	●	SBCR		●		
Town Branch	410400060310_00		HLAC	●	SBCR		●		
Whitegrass Creek	410400010210	PPWS	WWAC	●	PBCR		●		
Blue River downstream from the State Hwy. 48A Bridge	410600010010, 410600010290, 410600020010	PPWS	WWAC	●	PBCR		●		
Tributary of Bokchito Creek at Sec. 22, T6S, R11E, IM	410600010095		HLAC	●	SBCR		●		
Caddo Creek	410600010140		WWAC	●	PBCR		●		
Mineral Bayou	410600010300	EWS	WWAC	●	PBCR		●		
Little Blue River	410600010340	PPWS	WWAC	●	PBCR		●		
Sandy Creek	410600010250	PPWS	WWAC	●	PBCR		●		
Blue River upstream from State Hwy. 48A Bridge to State Hwy. 7 Bridge	410600020010_10	PPWS	Trout	●	PBCR		●	HQW	
Blue River upstream from State Hwy. 7 Bridge	410700020010_20	PPWS	CWAC	●	PBCR		●	HQW	
Red River upstream from the Blue River to Lake Texoma Dam	410700000010	PPWS	WWAC	●	PBCR		●		
Island Bayou	410700000040	EWS	WWAC	●	SBCR		●		
Sandy Creek	410700000250	PPWS	WWAC	●	PBCR		●		
Tributary of Sandy Creek at Sec. 20, T8S, R8E, IM	410700000250_00		HLAC	●	SBCR		●		

APPENDIX A.5
Designated Beneficial Uses of Surface Waters
Water Quality Management Basin 5, Canadian River

Waterbody Name and Sequence	Waterbody ID Numbers	Water Supply	F&W Prop	Ag	Rec	Nav	Aes	Limitations	Remarks
North Canadian River from Canadian River to S.H. 99 bridge	520500010110_10, 520510000010, 520510000110_00	PPWS	WWAC	●	PBCR		●		
Deep Fork of Canadian River downstream from Arcadia Lake	520700010120, 520700020010, 520700030010, 520700040010, 520700050010, 520710010010, 520710020010	PPWS	WWAC	●	PBCR		●		
Wolf Creek downstream from Lake Henryetta	520700010130, 520700010170_00		WWAC	●	PBCR		●		
Coal Creek	520700010140	EWS	WWAC	●	SBCR		●		
Henryetta Lake and Watershed	520700010170_10, 520700010180	PPWS	WWAC	●	PBCR		●	SWS	
Moore Creek	520700010190		WWAC	●	PBCR		●		
Burgess Creek at Montezuma Creek NE 1/4, Sec. 8, T12N, R13E, IM	520700010230	EWS	WWAC	●	PBCR		●		
Cussetah (Cosseetta) Creek	520700010250		WWAC	●	PBCR		●		
Tributary of Cussetah at NE 1/4, Sec. 12, T13N, R13E, IM	520700010310_00		HLAC	●	SBCR		●		
Salt Creek downstream from Okmulgee Lake	520700020020	PPWS	WWAC	●	PBCR		●		
Dripping Springs Lake	520700020060	PPWS	WWAC	●	PBCR		●		
Okmulgee Lake and Watershed	520700020040, 520700020050, 520700020060	PPWS	WWAC	●	PBCR		●	SWS	
Adams Creek including Beggs Lake	520700020080, 520700020110	PPWS	WWAC		PBCR		●		
Flat Rock Creek	520700020090	PPWS	WWAC	●	PBCR		●		
New Beggs Lake	520700020130	PPWS	WWAC	●	PBCR		●		

Waterbody Name and Sequence	Waterbody ID Numbers	Water Supply	F&W Prop	Ag	Rec	Nav	Aes	Limitations	Remarks
Tributary of Adams Creek at NW 1/4, Sec. 5, T14N, R12E, IM (West Beggs Creek)	520700020100	EWS	WWAC	●	PBCR		●		
Little Deep Fork Creek downstream from Sand Creek	520700060010, 520700060100		WWAC	●	PBCR		●		
Brown's Creek	520700060050	PPWS	WWAC		PBCR		●		
Little Deep Fork Creek upstream from Sand Creek to State Hwy. 48 Bridge	520700060130_00	PPWS	HLAC	●	SBCR		●		
Little Deep Fork Creek upstream from State Hwy. 48 Bridge	520700060130_10	PPWS	WWAC	●	PBCR		●		
Catfish Creek	520700060140	PPWS	WWAC	●	PBCR		●		
Tributary of Little Deep Fork Creek at SE 1/4, Sec. 6, T15N, R8E, IM	520700060220_00		HLAC	●	SBCR		●		
Nuyaka Creek	520700020200	PPWS	WWAC	●	PBCR		●		
Buckeye Creek	520700020270, 520700020280	PPWS	WWAC	●	PBCR		●		
Okemah Lake and Watershed	520700020280, 520700020290, 520700020300	PPWS	WWAC	●	PBCR		●	SWS	
Salt Creek	520700030100	PPWS	WWAC	●	PBCR		●		
Camp Creek downstream from Stroud Lake	520700030220	PPWS	WWAC	●	PBCR		●		
Stroud Lake and Watershed	520700030220, 520700030230, 520700030240	PPWS	WWAC	●	PBCR		●	SWS	
Gray Horse Creek	520700040030		HLAC	●	SBCR		●		
Dry Creek	520700040020	PPWS	WWAC	●	PBCR		●		
Chuckaho Creek	520700040060	PPWS	WWAC	●	PBCR		●		
West Beaver Creek	520700040170		WWAC	●	SBCR		●		
Deer Creek	520700040190	PPWS	WWAC	●	PBCR		●		
Robinson Creek	520700040180	PPWS	WWAC	●	PBCR		●		
Prague Lake	520720040025		WWAC	●	PBCR		●		
Quapaw Creek	520700040260	PPWS	WWAC	●	PBCR		●		
Sparks City Lake	520700040280	PPWS	WWAC	●	PBCR		●		

Waterbody Name and Sequence	Waterbody ID Numbers	Water Supply	F&W Prop	Ag	Rec	Nav	Aes	Limitations	Remarks
Meeker Lake and Watershed	520700040350, 520700040360, 520700040370	PPWS	WWAC	●	PBCR		●	SWS	
Bellcow Creek including Bellcow Lake	520700050020, 520700050030, 520720050025	PPWS	WWAC	●	PBCR		●		
Chandler Lake and Watershed	520700050050, 520700050060, 520700050250	PPWS	WWAC	●	PBCR		●	SWS	
Tributary of Bellcow Creek at Sec. 6, T15N, R3E, IM	520700050260_00		HLAC	●	SBCR		●		
Kickapoo Creek	520700050090	PPWS	WWAC	●	PBCR		●		
East Captain Creek	520700050150	PPWS	WWAC	●	PBCR		●		
Bear Creek	520700050170	PPWS	WWAC	●	PBCR		●		
Smith Creek	520710010020	PPWS	HLAC	●	PBCR		●		
Coon Creek	520710010030		WWAC	●	PBCR		●		
Coffee Creek downstream from the boundaries of Sec. 22 & 23, T14N, R02W, IM	520710010090_00	PPWS	HLAC	●	PBCR		●		
Coffee Creek upstream from the boundaries of Sec. 22 & 23, T14N, R02W, IM	520710010090_10, 520710010100	PPWS	WWAC	●	PBCR		●		
Arcadia Lake and Watershed	520710020010, 520710020020, 520710020030, 520710020040, 520710020050, 520710020060, 520710020070, 520710020080, 520710020090, 520710020100, 520710020110, 520710020120, 520710020130, 520710020140, 520710020150, 520710020160	PPWS	WWAC	●	PBCR		●	SWS	
Bad Creek	520500010170	PPWS	WWAC	●	PBCR		●		
Dustin Lake	520500010152	PPWS	WWAC	●	PBCR		●		
Alabama Creek	520500010200	PPWS	WWAC	●	PBCR		●		
Weleetka Lake and Watershed	520500010210, 520500010220	PPWS	WWAC	●	PBCR		●	SWS	

Waterbody Name and Sequence	Waterbody ID Numbers	Water Supply	F&W Prop	Ag	Rec	Nav	Aes	Limitations	Remarks
Wewoka Creek downstream from the boundaries of Sec. 27 & 28, T9N, R6E, IM	520500020010, 520500020240_00	EWS	WWAC	•	PBCR		•		
Sportsman Lake	520500020220	PPWS	WWAC	•	PBCR		•		
Fish Creek	520500020030	PPWS	WWAC	•	PBCR		•		
Tributary of Wewoka Creek at SE NE SW Sec. 27, T9N, R10E, IM (Wetumka Creek)	520500020035		HLAC	•	SBCR		•		
Graves Creek	520500020060	PPWS	WWAC	•	PBCR		•		
Little Wewoka Creek	520500020090	PPWS	WWAC	•	PBCR		•		
Tributary of Wewoka Creek at Sec. 20, T8N, R8E, IM (Oakwood Cemetery Creek)	520500020280		HLAC	•	SBCR		•		
Wewoka Lake and Watershed	520500020170, 520500020180, 520500020190	PPWS	WWAC	•	PBCR		•	SWS	
Wewoka Creek upstream from the boundaries of Sec. 27 & 28, T9N, R6E, IM	520500020240_10	PPWS	HLAC	•	SBCR		•		
Tributary of Wewoka Creek at NW 1/4, Sec. 16, T9N, R5E, IM	520500020290_00		HLAC	•	SBCR		•		
Tributary of North Canadian River at Sec. 22, T10N, R11E, IM	520500		HLAC	•	SBCR		•		
Lake Wetumka	520500010270	PPWS	WWAC	•	PBCR		•		
Flat Rock Creek	520500010280_00	PPWS	WWAC	•	PBCR		•		
Sand Creek	520510000050		HLAC	•	SBCR		•		
Tributary of Sand Creek at SW 1/4, Sec. 34, T11N, R8E, IM	520510000053_00		HLAC	•	SBCR		•		
Boley Creek	520510000055		HLAC	•	SBCR		•		
Turkey Creek	520510000100	PPWS	WWAC	•	PBCR		•		
Tecumseh Lake and Watershed	520510000200, 520510000210, 520510000220	PPWS	WWAC	•	PBCR		•	SWS	
Shan Creek	520510000120		HLAC	•	SBCR		•		
Tributary of Squirrel Creek at SE 1/4 of NW 1/4 of SW 1/4 of Sec. 6, T9N, R4E, IM	520510000390_00		WWAC	•	PBCR		•		

Waterbody Name and Sequence	Waterbody ID Numbers	Water Supply	F&W Prop	Ag	Rec	Nav	Aes	Limitations	Remarks
Shawnee Twin Lakes and Watershed	520510000250, 520510000280, 520510000290, 520510000300	PPWS	WWAC	●	PBCR		●	SWS	
North Deer Creek including Wes Watkins Reservoir (N. Deer Creek Lake)	520510000310, 520510000255	PPWS	WWAC	●	PBCR		●		
Tributary of the North Canadian River at NE 1/4, Sec. 36, T12N, R1E, IM	520510000320_00		HLAC	●	SCBR		●		
Horseshoe Lake	520510000330		WWAC		PBCR		●		
North Canadian River from State Hwy. 99 Bridge to Portland Street Bridge, Oklahoma City	520510000110, 520520000010_40	EWS	WWAC	●	PBCR		●		
Choctaw Creek	520520000030	EWS	HLAC	●	SBCR		●		
Tributary of Choctaw Creek at NW 1/4, Sec. 27, T12N, R1W, IM	520520000035_00		HLAC	●	PBCR		●		
Crutcho Creek from North Canadian River to S.E. 15th Street, Del City	520520000070_00		WWAC	●	PBCR		●		
Soldier Creek	520520000080		WWAC	●	PBCR		●		
Tributary of Soldier Creek at NW 1/4, Sec. 13, T11N, R02W, IM	520520000290		WWAC	●	SBCR		●		
Crutcho Creek upstream from S.E. 15th Street, Del City	520520000070_10, 520520000090		HLAC	●	SBCR		●		
Tributary of Crutcho Creek at SW 1/4, Sec. 16, T11N, R2W, IM	520520000190_00		WWAC	●	PBCR		●		
Cherry Creek	520520000110		HLAC	●	SBCR		●		
Crooked Oak Creek	520520000150	PPWS	WWAC	●	PBCR		●		
North Canadian River from Portland Street Bridge to Canton Lake Dam	520520000010_50, 520520000250, 520530000010	PPWS	WWAC	●	PBCR		●		
Mustang Creek	520520000240		WWAC	●	PBCR		●		
Lake Overholser	520520000260	PPWS	WWAC	●	PBCR		●		NLW
Shell Creek	520530000030	PPWS	WWAC	●	PBCR		●		
Purcell Creek	520530000040	PPWS	WWAC	●	PBCR		●		

Waterbody Name and Sequence	Waterbody ID Numbers	Water Supply	F&W Prop	Ag	Rec	Nav	Aes	Limitations	Remarks
Six Mile Creek	520530000050	PPWS	WWAC	●	PBCR		●		
Lake El Reno	520530000080		WWAC	●	PBCR		●		
Unnamed tributary of North Canadian River at Sec. 6, T13N, R10W, IM and NW SE NE 1/4 of Sec. 31, T14N, R10W, IM	520530000200_00		HLAC	●	SBCR		●		
Minnehaha Creek	520530000190	PPWS	WWAC	●	SBCR		●		
Canadian River from its confluence with Little River to Buckhead Creek	520600010010, 520600020010, 520610010010	PPWS	WWAC	●	PBCR		●		
Little River	520800010010, 520800010090, 520800010130, 520800020010	PPWS	WWAC	●	PBCR		●		
Lake Holdenville and Watershed	520800010030, 520800010040	PPWS	WWAC	●	PBCR		●	SWS	
Bird Creek	520800010050		HLAC	●	SBCR		●		
Tributary of Bird Creek at NW 1/4, Sec. 6, T6N, R9E, IM	520800010150_00		WWAC	●	SBCR		●		
Salt Creek	520800030010	PPWS	WWAC	●	PBCR		●		
Tributary to Salt Creek at NW SW Sec. 33, T8N R5E, IM (Maud Creek)	520800030040_00		WWAC	●	PBCR		●		
Unnamed tributary of Little River at Sec. 33, T8N, R6E, IM	520800010200_00		HLAC	●	SBCR		●		
Lake Thunderbird and Watershed	520810000010, 520810000020, 520810000030, 520810000040, 520810000050, 520810000060, 520810000070, 520810000080, 520810000090, 520810000100, 520810000110, 520810000120, 520810000130, 520810000140, 520810000150, 520810000170, 520810000175, 520810000180	PPWS	WWAC	●	PBCR		●	SWS	NLW
Stanley Draper Lake	520810000130	PPWS	WWAC	●	PBCR		●		
Tributary of Canadian River at SE 1/4, Sec.18, T5N, R7E, IM	520600010120_00		HLAC	●	SBCR		●		

Waterbody Name and Sequence	Waterbody ID Numbers	Water Supply	F&W Prop	Ag	Rec	Nav	Aes	Limitations	Remarks
Jumper Creek including Lake Konawa	520600010080, 520600010090, 520600010100	EWS	WWAC	●	PBCR		●		
Canadian Sandy Creek	520600030010	PPWS	WWAC	●	PBCR		●		
Little Sandy Creek	520600030020	PPWS	WWAC	●	PBCR		●		
Spring Brook Creek	520600030030	PPWS	WWAC	●	PBCR		●		
Tributary of Cat Creek at Sec. 7, T6N, R4E, IM	520600020165_00		HLAC	●	SBCR		●		
Pond Creek	520600020190	PPWS	WWAC	●	PBCR		●		
Canadian River upstream from its confluence with Buckhead Creek to the US Hwy. 81 bridge	520610010010, 520610020010, 520610020150_00		WWAC	●	PBCR		●		
Buckhead Creek	520610010020	PPWS	WWAC	●	PBCR		●		
Tributary of Canadian River at NE 1/4, Sec. 35, T6N, R1W, IM	520610		HLAC	●	SBCR		●		
Walnut Creek	520610030010		WWAC	●	PBCR		●		
Purcell Lake	520610030040		WWAC	●	PBCR		●		
Bridge Creek at Sec. 22, T9N, R5W, IM	520610030100		WWAC	●	PBCR		●		
Pond Creek (return flow, City of Newcastle)	520610010210	PPWS	WWAC	●	PBCR		●		
Tributary of Pond Creek at NE 1/4, Sec. 14, T9N, R4W, IM (Tim's Creek)	520610010215		HLAC	●	SBCR		●		
Cow Creek	520610010230	PPWS	WWAC	●	PBCR		●		
Dry Creek	520610020070	PPWS	WWAC	●	PBCR		●		
Store Creek	520610020080	PPWS	WWAC	●	PBCR		●		
West Creek	520610020090		HLAC	●	SBCR		●		
Buggy Creek	520610020120	EWS	WWAC	●	PBCR		●		
Tributary of Canadian River at SW 1/4, Sec. 3, T10N, R7W, IM	520610020155_00		HLAC	●	SBCR		●		

Waterbody Name and Sequence	Waterbody ID Numbers	Water Supply	F&W Prop	Ag	Rec	Nav	Aes	Limitations	Remarks
Canadian River upstream from US Hwy. 81 bridge	520610020150 10, 520620010010, 520620020010, 520620030010, 520620040010, 520620050010	EWS	WWAC	•	PBCR		•		
Deer Creek	520620060010	PPWS	WWAC	•	PBCR		•		
Little Deep Creek	520620060040		HLAC	•	PBCR		•		
Little Deer Creek	520620060070	PPWS	WWAC	•	PBCR		•		
Horse Creek	520620060080	PPWS	WWAC	•	PBCR		•		
American Horse Lake	520620010100		WWAC	•	PBCR		•		
Tributary of Canadian River at SE 1/4, Sec. 4, T15N, R14W, IM (West Fay Creek)	520620010160		HLAC	•	SBCR		•		
Squirrel Creek	520620020080	PPWS	WWAC	•	PBCR		•		
Lone Creek	520620030020	PPWS	WWAC	•	PBCR		•		
Trail Creek	520620020090	EWS	HLAC	•	SBCR		•		
Gyp Creek	520620030100	PPWS	WWAC	•	PBCR		•		
Red Creek	520620030110	PPWS	WWAC	•	PBCR		•		
Turkey Creek	520620030130	PPWS	WWAC	•	PBCR		•		
South Turkey Creek	520620030150	PPWS	WWAC	•	PBCR		•		
Hackberry Creek	520620040050	PPWS	WWAC	•	PBCR		•		
Trib to Mosquito Creek downstream from Sec. 31, T19N, R24W, IM	520620050110	PPWS	WWAC	•	PBCR		•		
Trib to Mosquito Creek upstream from Sec. 6, T18N, R24W, IM	520620050120	EWS	HLAC	•	SBCR		•		
Red Bluff Creek	520620050140	PPWS	WWAC	•	PBCR		•		
Commission Creek	520620050160	PPWS	WWAC	•	PBCR		•		
Lake Lloyd Vincent	520620050200		WWAC	•	PBCR		•		

APPENDIX A.6
Designated Beneficial Uses of Surface Waters
Water Quality Management Basin 6, Upper Arkansas River

Waterbody Name and Sequence	Waterbody ID Numbers	Water Supply	F&W Prop	Ag	Rec	Nav	Aes	Limitations	Remarks
Arkansas River upstream from and including Keystone Reservoir to Kaw Dam	620900010020, 620900010090, 621200010020, 621200010040, 621200010050, 621200020010	PPWS	WWAC	•	PBCR		•		
Cimarron River upstream from Keystone Reservoir to the Kansas State Line	620900010170, 620900020010, 620900030010, 620910010010, 620910020010, 620920010010, 620920020010, 620920030010	EWS	WWAC	•	PBCR		•		
Buckeye Creek	620900010220		WWAC		PBCR		•		
Tiger Creek	620900010250		WWAC	•	PBCR		•		
Euchee Creek downstream from Sec. 5, T17N, R6E, IM	620900010290_00	EWS	WWAC	•	PBCR		•		
Euchee Creek upstream from Sec. 5, T17N, R6E, IM	620900010290_10	EWS	WWAC	•	SBCR		•		
Cottonwood Creek	620900010310	EWS	WWAC	•	PBCR		•		
Wildhorse Creek	620900010320	EWS	WWAC	•	PBCR		•		
Skull Creek	620900010360	EWS	WWAC	•	PBCR		•		
Salt Creek	620900020020	PPWS	WWAC	•	PBCR		•		
Council Creek	620900020050	PPWS	WWAC	•	PBCR		•		
Big Creek downstream from Cushing Lake	620900020100	PPWS	WWAC	•	PBCR		•		
Cushing Lake and Watershed	620900020110, 620900020120, 620900020130	PPWS	WWAC	•	PBCR		•	SWS	
Stillwater Creek downstream from Little Stillwater Creek	620900040040	PPWS	WWAC	•	PBCR		•		
Little Stillwater Creek	620900040050	PPWS	WWAC	•	PBCR		•		
Stillwater Creek from Little Stillwater Creek to Sec. 32, T19N, R3E, IM	620900040070_00	EWS	HLAC	•	PBCR		•		

Waterbody Name and Sequence	Waterbody ID Numbers	Water Supply	F&W Prop	Ag	Rec	Nav	Aes	Limitations	Remarks
Stillwater Creek upstream from Sec. 33, T19N, R3E, IM to the Carl Blackwell Lake Dam	620900040070_10, 620900040270_00	EWS	HLAC	•	SBCR		•		
Brush Creek	620900040090		HLAC	•	SBCR		•		
Boomer Creek below Boomer Lake	620900040140, 620900040180	PPWS	WWAC	•	PBCR		•		
Boomer Lake and Watershed	620900040180, 620900040190	PPWS	WWAC	•	PBCR		•	SWS	
Lake McMurtry and Watershed	620900040220, 620900040230, 620900040240	PPWS	WWAC	•	PBCR		•	SWS	
Carl Blackwell Lake and Watershed	620900040270_10, 620900040280, 620900040290, 620900040300	PPWS	WWAC	•	PBCR		•	SWS	
Sand Creek	620900030040		HLAC	•	SBCR		•		
Dugout Creek	620900030080	PPWS	WWAC	•	PBCR		•		
Fitzgerald Creek	620900030150	PPWS	WWAC	•	PBCR		•		
Langston Lake and Watershed	620900030170, 620900030180	PPWS	WWAC	•	PBCR		•	SWS	
Beaver Creek	620900030230	PPWS	WWAC	•	PBCR		•		
Skeleton Creek downstream from Bitter Creek	620910030010, 620910030170_00	PPWS	WWAC	•	PBCR		•		
Wolf Creek	620910030020	PPWS	WWAC	•	PBCR		•		
Otter Creek	620910030040	PPWS	WWAC	•	PBCR		•		
Horse Creek	620910030110	PPWS	WWAC	•	PBCR		•		
Bitter Creek	620910030180	PPWS	WWAC	•	PBCR		•		
Skeleton Creek from Bitter Creek to Boggy Creek	620910030170_10,	EWS	HLAC	•	SBCR		•		
Hackberry Creek	620910030220	EWS	WWAC	•	SBCR		•		
Tributary of Skeleton Creek at Sec. 27, T22N, R5W, IM (Fairmont Creek)	620910030230_00		HLAC	•	SBCR		•		
Skeleton Creek upstream from Boggy Creek	620900030240_00	PPWS	WWAC	•	PBCR		•		

Waterbody Name and Sequence	Waterbody ID Numbers	Water Supply	F&W Prop	Ag	Rec	Nav	Aes	Limitations	Remarks
Tributary of Boggy Creek at NW 1/4, Sec. 14, T22N, R6W, IM	621010		HLAC	•	SBCR		•		
Cottonwood Creek	620910040010	PPWS	WWAC	•	PBCR		•		
Guthrie Lake and Watershed	620910040050, 620910040060	PPWS	WWAC	•	PBCR		•	SWS	
Liberty Lake and Watershed	620910040070, 620910040080	PPWS	WWAC	•	PBCR		•	SWS	
Chisholm Creek	620910040100	PPWS	WWAC	•	PBCR		•		
Deer Creek	620910040120	PPWS	WWAC	•	PBCR		•		
Bluff Creek	620910040140	PPWS	WWAC	•	PBCR		•		
Hefner Lake	620910040200_00	PPWS	WWAC	•	PBCR		•		
Kingfisher Creek	620910050010		WWAC	•	PBCR		•		
Uncle John Creek	620910050030		WWAC	•	PBCR		•		
Winter Camp Creek	620910050080	PPWS	WWAC	•	PBCR		•		
Tributary of Winter Camp Creek at NE 1/4, Sec. 19, T15N, R8W, IM	620910050085_00	EWS	HLAC	•	SBCR		•		
Otter Creek	620910050130	PPWS	WWAC	•	PBCR		•		
Turkey Creek	620910060010	PPWS	WWAC	•	PBCR		•		
Unnamed tributary of Turkey Creek at Sec. 23, T19N, R7W, IM (Narragansett Creek)	620910060025_00		HLAC	•	SBCR		•		
Dry Salt Creek	620910060140		HLAC	•	SBCR		•		
Tributary of Dry Salt Creek at NW 1/4, Sec. 15, T21N, R8W, IM	620910060145_00		HLAC	•	SBCR		•		
Cooper Creek	620910020040	PPWS	WWAC	•	PBCR		•		
Salt Creek downstream from the Blaine-Kingfisher County Line	620910020100_00	EWS	WWAC	•	SBCR		•		
Salt Creek upstream from the Blaine-Kingfisher County Line	620910020100_10	EWS	HLAC	•	SBCR		•		
Spring Creek	620910020110	PPWS	WWAC	•	PBCR		•		
Tributary of Spring Creek at Sec. 19, T19N, R10W, IM	620910020115_00		HLAC	•	SBCR		•		

Waterbody Name and Sequence	Waterbody ID Numbers	Water Supply	F&W Prop	Ag	Rec	Nav	Aes	Limitations	Remarks
Tributary of Salt Creek at Sec. 11, T17N, R11W, IM (Hitchcock Creek)	620910020120_00		HLAC	•	SBCR		•		
Hoyle Creek	620910020210	PPWS	WWAC	•	PBCR		•		
Deep Creek	620910020250	PPWS	WWAC	•	PBCR		•		
Elm Creek	620910020270	PPWS	WWAC	•	PBCR		•		
Indian Creek	620910020310	PPWS	WWAC	•	PBCR		•		
Sand Creek	620920010020	PPWS	WWAC	•	PBCR		•		
Gypsum Creek	620920010030	PPWS	WWAC	•	PBCR		•		
Cottonwood Creek	620920010080	PPWS	WWAC	•	PBCR		•		
Eagle Chief Creek	620920040010	PPWS	WWAC	•	PBCR		•		
Tributary of Eagle Chief Creek at Sec. 36, T24N, R12W, IM (Big Timber Lake Creek)	620920040030		HLAC	•	SBCR		•		
Lake Creek	620920040100		WWAC	•	PBCR		•		
Cheyenne Creek	620920010100	PPWS	WWAC	•	PBCR		•		
Barney Creek	620920010110	PPWS	WWAC	•	PBCR		•		
Griever Creek	620920010130	PPWS	WWAC	•	PBCR		•		
East Griever Creek	620920010140	PPWS	WWAC	•	PBCR		•		
Main Creek	620920010180	PPWS	WWAC	•	PBCR		•		
Ewers Creek	620920010190	PPWS	WWAC	•	PBCR		•		
Dog Creek	620920020020	EWS	WWAC	•	PBCR		•		
Sand Creek	620920020030	PPWS	WWAC	•	PBCR		•		
Chimney Creek	620920020040	PPWS	WWAC	•	PBCR		•		
White Horse Creek	620920020050	PPWS	WWAC	•	PBCR		•		
Doe Creek	620920020060	PPWS	WWAC	•	PBCR		•		
Long Creek	620920020080	PPWS	WWAC	•	PBCR		•		
Red Horse Creek	620920020110	PPWS	WWAC	•	PBCR		•		
Anderson Creek	620920020120	PPWS	WWAC	•	PBCR		•		
Traders Creek	620920020170	PPWS	WWAC	•	PBCR		•		
Moccasin Creek	620920020180	PPWS	WWAC	•	PBCR		•		

Waterbody Name and Sequence	Waterbody ID Numbers	Water Supply	F&W Prop	Ag	Rec	Nav	Aes	Limitations	Remarks
Sand Creek	620920020200	PPWS	WWAC	•	PBCR		•		
Buffalo Creek	620920050010	PPWS	WWAC	•	PBCR		•		
Sleeping Bear Creek	620920050030	PPWS	WWAC	•	PBCR		•		
Sand Creek	620920050050	PPWS	WWAC	•	PBCR		•		
Day Creek	620920030030	PPWS	WWAC	•	PBCR		•		
Keno Creek	620920030040	PPWS	WWAC	•	PBCR		•		
Cimarron River from Kansas State Line near Englewood, Kansas to the Kansas State Line near Forgan, Oklahoma	620930000010	PPWS	WWAC	•	PBCR		•		
Snake Creek	620930000020	PPWS	WWAC	•	PBCR		•		
Redoubt Creek	620930000030	PPWS	WWAC	•	PBCR		•		
Horse Creek	620930000060	EWS	WWAC	•	SBCR		•		
Crooked Creek	620930000100	PPWS	WWAC	•	PBCR		•		
Cottonwood Creek	620930000110	PPWS	WWAC	•	PBCR		•		
Bug Creek	621200010320	PPWS	WWAC	•	PBCR		•		
Ranch Creek including Cleveland Lake	621200010260, 621200010270	PPWS	WWAC	•	PBCR		•		
Black Bear Creek	621200030010, 621200030260	PPWS	WWAC	•	PBCR		•		
Camp Creek including Lone Chimney Lake	621200030040, 621200030060	PPWS	WWAC	•	PBCR		•		
Pawnee Lake and Watershed	621200030080, 621200030090, 621200030100, 621200030110, 621200030120	PPWS	WWAC	•	PBCR		•	SWS	
Oak Creek	621200030190	PPWS	WWAC	•	PBCR		•		
Tributary of Oak Creek at SE 1/4, Sec. 27, T21N, R3E, IM	621200030195_00		WWAC	•	PBCR		•		
Mule Creek	621200030230	PPWS	WWAC	•	PBCR		•		
Cow Creek downstream from Lake Perry	621200030270,	PPWS	WWAC	•	PBCR		•		
Lake Perry and Watershed	621200030340, 621200030350	PPWS	WWAC	•	PBCR		•	SWS	
West Warren Creek	621200030390	PPWS	WWAC	•	PBCR		•		
Salt Creek	621200040010	PPWS	WWAC	•	PBCR		•		

Waterbody Name and Sequence	Waterbody ID Numbers	Water Supply	F&W Prop	Ag	Rec	Nav	Aes	Limitations	Remarks
Fairfax City Lake and Watershed	621200040030, 621200040040	PPWS	WWAC	•	PBCR		•	SWS	
Little Chief Creek	621200040070	PPWS	WWAC	•	PBCR		•		
Phillips Lake (Shidler) and Watershed	621200040170, 621200040180	PPWS	WWAC	•	PBCR		•	SWS	
Tributary of Salt Creek at SW 1/4, Sec. 34, T27N, R6E, IM	621200040270_00		HLAC	•	SBCR		•		
Elm Creek	621200040210	PPWS	WWAC	•	PBCR		•		
Doga Creek	621200020020	PPWS	WWAC	•	PBCR		•		
Greasy Creek including Sooner Lake	621200020110, 621200020130		WWAC	•	PBCR		•		
Red Rock Creek	621200050010		WWAC	•	PBCR		•		
Tributary of Red Rock Creek at NW 1/4, Sec. 7, T23N, R2E, IM (Marland Creek)	621200050070_00		HLAC	•	SBCR		•		
Salt Fork of the Arkansas River	621000010010, 621000020010, 621010010010, 621010010160, 621010010220	PPWS	WWAC	•	PBCR		•		
Great Salt Plains Reservoir	621010010010, 621010010050, 621010010060, 621010010100, 621010010020_00		WWAC		PBCR		•		NLW
Bois d'Arc Creek	621000030010	PPWS	WWAC	•	PBCR		•		
Spring Creek downstream from Sec. 3, T27N, R2E, IM	621000030070, 621000030090_00	EWS	WWAC	•	PBCR		•		
Spring Creek upstream from Sec. 10, T27N, R2E, IM to Sec. 27, T28N, R2E, IM	621000030110_00	EWS	HLAC	•	SBCR		•		
Spring Creek upstream from Sec. 34, T28N, R2E, IM	621000030110_10	EWS	WWAC	•	PBCR		•		
Chikaskia River	621100000010, 621100000190	PPWS	WWAC	•	PBCR		•		
Duck Creek	621100000030	PPWS	WWAC	•	PBCR		•		
Stink Creek	621100000050	PPWS	WWAC	•	PBCR		•		
Bitter Creek	621100000100	PPWS	WWAC	•	PBCR		•		
Doe Creek	621100	PPWS	WWAC	•	PBCR		•		

Waterbody Name and Sequence	Waterbody ID Numbers	Water Supply	F&W Prop	Ag	Rec	Nav	Aes	Limitations	Remarks
Bluff Creek	621100000230	PPWS	WWAC	•	PBCR		•		
Deer Creek	621000040010	PPWS	WWAC	•	PBCR		•		
Pond Creek	621000050010	PPWS	WWAC	•	PBCR		•		
Polecat Creek	621000050030	PPWS	WWAC	•	PBCR		•		
Bullwacker Creek	621000050080	EWS	HLAC	•	SBCR		•		
Osage Creek	621000050100	PPWS	WWAC	•	PBCR		•		
Crooked Creek	621000060010	PPWS	WWAC	•	PBCR		•		
Sand Creek	621000060030	PPWS	WWAC	•	PBCR		•		
Wagon Creek	621000020200	PPWS	WWAC	•	PBCR		•		
Tributary of Wagon Creek at Sec. 10, T25N, R9W, IM	621000020210_00		HLAC	•	SBCR		•		
Clay Creek	621010010090	EWS	WWAC	•	PBCR		•		
East Clay Creek	621010010110	PPWS	WWAC	•	PBCR		•		
West Clay Creek	621010010130	PPWS	WWAC	•	PBCR		•		
Sandy Creek	621010020010	PPWS	WWAC	•	PBCR		•		
Little Sandy Creek	621010020030	PPWS	WWAC	•	PBCR		•		
Medicine Lodge River	621010030010	PPWS	WWAC	•	PBCR		•		
Driftwood Creek	621010030030	PPWS	WWAC	•	PBCR		•		
Turkey Creek	621010010230	PPWS	WWAC	•	PBCR		•		
Greenleaf Creek	621010010250	PPWS	WWAC	•	PBCR		•		
Yellowstone Creek	621010010270	PPWS	WWAC	•	PBCR		•		
Hoover Ditch	621200		HLAC	•	SBCR		•		
Lake Ponca and Watershed	621200020190, 621200020200, 621200020210, 621200020220	PPWS	WWAC	•	PBCR		•	SWS	
Arkansas River upstream from Kaw Dam to Kansas State Line including Kaw Lake	62121000020, 621210000030, 62121000040	PPWS	WWAC	•	PBCR		•		
Beaver Creek	621210000050	PPWS	WWAC	•	PBCR		•		

APPENDIX A.7
Designated Beneficial Uses of Surface Waters
Water Quality Management Basin 7, Panhandle Region

Waterbody Name and Sequence	Waterbody ID Numbers	Water Supply	F&W Prop	Ag	Rec	Nav	Aes	Limitations	Remarks
North Canadian River upstream from and including Canton Lake (Crystal Beach Lake) to Hwy 50	720500010010, 720500010020, 720500010140_00	PPWS	WWAC	●	PBCR		●		
Cheyenne Creek	720500010040	PPWS	WWAC	●	PBCR		●		
Deep Creek	720500010060	PPWS	WWAC	●	PBCR		●		
Bent Creek	720500010070	PPWS	WWAC	●	PBCR		●		
Camp Creek	720500010080	PPWS	WWAC	●	PBCR		●		
Kizer Creek	720500010090	PPWS	WWAC	●	PBCR		●		
Cottonwood Creek	720500010110	PPWS	WWAC	●	PBCR		●		
Persimmon Creek	720500010150	PPWS	WWAC	●	PBCR		●		
North Persimmon Creek	720500010170	PPWS	WWAC	●	PBCR		●		
South Persimmon Creek	720500010180	PPWS	WWAC	●	PBCR		●		
Indian Creek	720500010200	PPWS	WWAC	●	PBCR		●		
North Canadian (Beaver) River upstream from Hwy. 50 to Optima Lake	720500010140_10, 720500010140_20, 720500020010, 720500020140, 720500020290, 720500020450		WWAC	●	PBCR		●		
Wolf Creek	720500020030, 720500030010	PPWS	WWAC	●	PBCR		●	SWS	
Fort Supply Reservoir	720500030020	PPWS	WWAC	●	PBCR		●	SWS	NLW
Sixteenmile Creek	720500030050	PPWS	WWAC	●	PBCR		●	SWS	
Little Wolf Creek	720500030070	PPWS	WWAC	●	PBCR		●	SWS	
Buzzard Creek	720500030080	PPWS	WWAC	●	PBCR		●	SWS	
Twentyfive mile Creek	720500030090	PPWS	WWAC	●	PBCR		●	SWS	
Willow Creek	720500030100	PPWS	WWAC	●	PBCR		●	SWS	
Rock Creek	720500030110	PPWS	WWAC	●	PBCR		●	SWS	
Otter Creek	720500020050	PPWS	WWAC	●	PBCR		●		

Waterbody Name and Sequence	Waterbody ID Numbers	Water Supply	F&W Prop	Ag	Rec	Nav	Aes	Limitations	Remarks
Clear Creek	720500020070	PPWS	WWAC	●	PBCR		●		
Kiowa Creek	720500020130	PPWS	WWAC	●	PBCR		●		
Camp Creek	720500020150	PPWS	WWAC	●	PBCR		●		
Sand Creek	720500020160	PPWS	WWAC	●	PBCR		●		
Coon Creek	720500020190	PPWS	WWAC	●	PBCR		●		
Mexico Creek	720500020210	PPWS	WWAC	●	PBCR		●		
Duck Pond Creek	720500020250	PPWS	WWAC	●	PBCR		●		
Camp Creek	720500020260	PPWS	WWAC	●	PBCR		●		
Clear Creek	720500020300	PPWS	WWAC	●	PBCR		●		
Cottonwood Creek	720500020310	PPWS	WWAC	●	PBCR		●		
South Fork of Clear Creek	720500020330	PPWS	WWAC	●	PBCR		●		
North Fork of Clear Creek	720500020340	PPWS	WWAC	●	PBCR		●		
Home Creek	720500020380	PPWS	WWAC	●	PBCR		●		
Sixmile Creek	720500020390	PPWS	WWAC	●	PBCR		●		
Willow Creek	720500020420	PPWS	WWAC	●	PBCR		●		
Sharp Creek	720500020430	PPWS	WWAC	●	PBCR		●		
Jackson Creek	720500020460	PPWS	WWAC	●	PBCR		●		
Bull Creek	720500020480	PPWS	WWAC	●	PBCR		●		
Fulton Creek	720500020510	PPWS	WWAC	●	PBCR		●		
Sand Creek	720500020520	PPWS	WWAC	●	PBCR		●		
Palo Duro Creek	720500020500	PPWS	WWAC	●	PBCR		●		
Chiquita Creek	720500020530	PPWS	WWAC	●	PBCR		●		
Hackberry Creek	720500020560	PPWS	WWAC	●	PBCR		●		
North Canadian (Beaver) River upstream from Optima Lake to Texas State Line	720510010020, 720510000100, 720510000190 00	PPWS	WWAC	●	PBCR		●		
Coldwater Creek	720510000040	PPWS	WWAC	●	PBCR		●		
Pony Creek	720510000090	PPWS	WWAC	●	PBCR		●		
Goff Creek	720510000110	PPWS	WWAC	●	PBCR		●		
Dry Sand Draw	720510000150								(4)
Tepee Creek	720510000200	PPWS	WWAC	●	PBCR		●		

Waterbody Name and Sequence	Waterbody ID Numbers	Water Supply	F&W Prop	Ag	Rec	Nav	Aes	Limitations	Remarks
Sand Creek	720510000220	PPWS	WWAC	•	PBCR		•		
North Canadian (Beaver) River upstream from Texas State Line to New Mexico State Line	720510000190_10, 720510000275	PPWS	WWAC	•	PBCR		•	HQW	
Cienequilla Creek from mouth to New Mexico State Line	720510000240	PPWS	WWAC	•	PBCR		•		
Cimarron River upstream from the Colorado State Line to the New Mexico State Line	720900000010, 720900000180	PPWS	WWAC	•	PBCR		•	HQW	
South Picket House Draw	720900000050	PPWS	WWAC	•	PBCR		•		
Cold Springs Creek	720900000100	PPWS	WWAC	•	PBCR		•		
Gallinas Cañon	720900000130	PPWS	WWAC	•	PBCR		•		
Water Canyon	720900000190	PPWS	WWAC	•	PBCR		•		
South Carrizo Creek	720900000200	PPWS	WWAC	•	PBCR		•		
Lake Carl Etling	720900000240	PPWS	WWAC	•	PBCR		•		NLW
Cottonwood Canyon Creek	720900000210	PPWS	WWAC	•	PBCR		•		
Tesesquite Creek	720900000260	PPWS	WWAC	•	PBCR		•		
North Carrizo Creek	720900000280	PPWS	WWAC	•	PBCR		•		
Carrizozo Creek	720900000320	PPWS	WWAC	•	PBCR		•		

APPENDIX E. REQUIREMENTS FOR DEVELOPMENT OF SITE-SPECIFIC CRITERIA FOR CERTAIN PARAMETERS

A. General Applicability to Metals

Numerical criteria for metals to protect aquatic life are referenced in OAC 252:730-5-12(f)(6)(G) and Table 2 of Appendix G of this Chapter. For permitting purposes, such criteria for total recoverable Arsenic, Cadmium, Chromium, Copper, Lead, Mercury, Nickel, Silver, and Zinc may be translated into dissolved metals criteria using the conversion factors referenced in OAC 252:730-5-12(f)(6)(H) and Table 3 of Appendix G. Criteria for parameters other than metals are also located in Table 2 of Appendix G.

An additional alternative which may be utilized for permitting purposes is to determine site-specific criteria from either the total recoverable or the dissolved criteria. However, federal regulations found at 40 CFR 122.45(c) require that NPDES permit limits must express metals concentrations as total recoverable, not dissolved. Therefore, if dissolved criteria for metals are implemented, they must be translated to site-specific total metals criteria to be used in the issuance of permit limits consistent with OAC 252:740.

The permitting authority may issue a total recoverable permit limit if statewide total recoverable criteria are appropriate in the permitting authority's view, and/or satisfactory in the permittee's view. If permit limits obtained using total recoverable criteria are unsatisfactory to the permittee, the permittee may attempt to obtain different permit limits by developing site-specific criteria in accordance with the provisions of this Appendix.

Implementation of site-specific criteria may reduce the margin of safety afforded by implementation of criteria per OAC 252:730-5-12(f)(6)(G) and Table 2 of Appendix G. Therefore, it is important that background concentration (which reduces the assimilation capacity of receiving water) be accounted for when site-specific criteria are implemented. Determination of background concentration requires a minimum of twelve samples collected over twelve months.

In order to develop permissible site-specific criteria, this Appendix must be followed to the satisfaction of the permitting authority and DEQ. A work plan explaining sampling and analysis procedures and quality assurance/quality control must be approved by DEQ prior to commencing the site-specific study. Upon completion, results must be submitted to DEQ and the permitting authority. Permittees are strongly encouraged to evaluate both the discharge and receiving water using clean sampling techniques.

Upon DEQ approval, site-specific criteria shall be promulgated as part of this Appendix following the next subsequent permanent rulemaking to amend OAC 252:730. These site-specific criteria supersede other numeric criteria promulgated elsewhere in this Chapter if it is shown to the satisfaction of DEQ that properties of the discharge or the circumstances surrounding the development of the site-specific criteria have not significantly changed since the promulgation of those site-specific criteria. Such criteria and the conditions around which they were derived, including but not limited to local environmental factors and effluent characteristics, shall be re-evaluated by the permit holder with each subsequent discharge permit renewal application or major

modification request to determine if any significant changes have affected the propriety of the site-specific criteria.

B. Site-Specific Criteria Applicability for NPDES Permit Activities

Oklahoma's site-specific criteria, except as otherwise specified, apply where the maximum concentration on the chronic regulatory mixing zone boundary occurs under critical conditions for receiving streams where $Q^* > 0.1823$ and on the acute regulatory mixing zone boundary for streams where $Q^* \leq 0.1823$. Critical conditions include regulatory effluent and receiving stream flows. OAC 252:740-5-2(C) requires that effluent flow, Q_e , be the highest monthly averaged discharge if sufficient data is available or the design flow otherwise. When chronic criteria implementation is appropriate, OAC 252:730-5-4 requires that the receiving stream flow, Q_u , be the larger of $7Q_2$ or 1 cfs. 1 cfs shall be used if the regulatory low flow cannot be determined. The discharger shall be required to determine the regulatory low flow per OAC 252:740-1-6 prior to the next permit cycle at which time the permit limits may be revised using the newly calculated Q_u (252:740-1-6(d)).

The maximum concentration on the mixing zone boundary may be simulated by mixing effluent and receiving water. Percent effluent in receiving water, PE, depends upon the dilution capacity of the stream and shall not exceed 100%. Dilution capacity, for streams, is represented as $Q^* = Q_e/Q_u$.

The following formulas shall be used to determine PE for receiving streams:

For streams with large dilution capacities ($Q^* < \text{or equal to } 0.1823$), PE equals $(194Q^*)$ divided by $(1 + Q^*)$. PE for $Q^* < \text{or equal to } 0.1823$ shall not be less than 10%.

For streams with intermediate dilution capacities ($0.1823 < Q^* < 0.3333$), PE equals (100) divided by $(6.17 - 15.51Q^*)$.

For streams with small dilution capacities ($Q^* > \text{or equal to } 0.3333$), PE equals 100%.

Site-specific criteria in Oklahoma lakes are also based on the maximum concentration on the mixing zone boundary. The following formulas shall be used to determine PE for lakes:

PE equals $4.96D$, $D > \text{or equal to } 3$ feet where D is pipe diameter.

PE equals $23.8\sqrt{W}$, $W > \text{or equal to } 3$ feet where W is canal width.

As with streams, PE is always less than or equal to 100% for lakes.

If PE is calculated to be less than 10%, then effluent water effect ratios shall use $PE = 10\%$.

"Waterbody-specific" criteria, such as segment-specific metals, may not have limitations on its applicability. Rather, it may be used a substitute for other applicable statewide criteria for the entire waterbody.

Site-specific criteria are dependent, in part, on specific properties of the effluent that influence the bioavailability and toxicity of metals. Substantial changes in the quality or quantity of the effluent may affect the resulting site-specific criterion. Therefore, if the existing permit contains requirements for toxicity reduction evaluations (TREs) or pollution prevention efforts, a site-specific criterion should not be developed until after these efforts have been completed. A new site-specific criteria study would likely have to be performed after those requirements are met because the characteristics of the effluent may significantly change (e.g., hardness, pH, TDS). In cases where the quality or quantity of an effluent changes, the burden rests on the permittee to demonstrate that the effluent characteristics are not significantly altered to a degree that would affect the validity of the outcomes of the original site-specific criteria study. A site-specific criterion may need to be re-evaluated periodically to reflect changes in the system that may alter the characteristics of either the receiving water or effluent.

C. Site-Specific Criteria Applicability for Activities Not Related to NPDES Permits

In certain circumstances, statewide numeric criteria for parameters other than metals may be replaced by segment-specific criteria for specific parameters applicable to just one waterbody. These criteria will be applicable to any point in the waterbody. These criteria must be shown to be protective of native aquatic life through procedures similar to those used in the WER procedures detailed here and in DEQ approved technical guidance.

Development of segment-specific criteria for minerals should follow DEQ approved technical guidance. Certain cases may require additional data or justification, but this document should provide sufficient basic guidance for the development of alternative criteria. Development of site-specific or segment-specific criteria for parameters for other than metals or minerals and lacking specific guidance documents will require extensive coordination with technical staff from DEQ and the permitting authority.

D. Sampling Procedures

General guidance for field sampling can be found in DEQ approved technical guidance. The permittee shall collect both receiving water and effluent, and mix them together to obtain PE. Ambient water collections shall be representative of low stream flow events and collected at a location unaffected by the discharge being permitted. Twenty-four (24) hour composite effluent samples representative of normal operation shall be collected at the outfall such that any periodic toxic discharges are captured and average effluent conditions are represented. Outfalls may be combined proportional to flow if in close proximity. Clean sampling techniques shall be used where possible and samples shall be analyzed by an Oklahoma certified laboratory utilizing generally accepted methods. Dilution water must be made in accordance with approved methods. The pH, hardness, conductivity and alkalinity must be similar to that of the receiving water.

Site-specific criteria development for lakes should employ DEQ approved sampling procedures. Deviation from approved procedures and techniques must be justified to DEQ and the permitting authority prior to initiation of the sampling. Excursions from these techniques that occur as a result of on-site conditions must be reported to DEQ and the permitting authority as soon as possible. Implications of these deviations on the data quality and their appropriateness to the outcomes of

the study must be reviewed and agreed upon by DEQ and the permitting authority prior to their use in the derivation of any criteria.

For systems lacking NPDES permitted dischargers, sampling procedures for determining background concentration should follow DEQ approved technical guidance for characterizing local conditions.

E. Site-Specific Criteria Development Methods for Metals:

A proposal based on one or more of the site-specific criteria development options provided in this appendix may be submitted to DEQ for potential adoption. Prior to the initiation of any work toward development of a site-specific criterion, interested parties must coordinate with DEQ technical staff. Such coordination will require, at a minimum, a workplan addressing project goals, sample collection and testing methods, quality assurance measures, and output schedules. This workplan will need to be reviewed and approved by DEQ and the permitting authority prior to initiation of any work.

The methods provided in this appendix are to be used to develop site-specific metals criteria as an alternative to utilizing the total recoverable criteria referenced in OAC 252:730-5-12(f)(6)(G) and Table 2 of Appendix G. The results of a site-specific criteria development study will be approved if shown to be scientifically defensible and adequately protective of the waterbody's beneficial uses.

1. Method 1: Copper Biotic Ligand Model

The BLM for copper uses inputs for ten water chemistry parameters (pH, dissolved organic carbon, calcium, magnesium, sodium, sulfate, potassium, chloride, alkalinity, and temperature) to determine site-specific dissolved copper criteria that are representative of toxicity to aquatic life. This method for the calculation of site-specific criteria reflects the best available science for determining biologically available copper. Further information about the model can be found in the document "Aquatic Life Ambient Freshwater Quality Criteria - Copper 2007 Revision" (EPA-822-R-07-001).

2. Method 2: Water Effects Ratio (WER)

The permittee may obtain a site-specific water effects ratio (WER) to translate a statewide total criterion to a site-specific total criterion if the existing permit does not contain requirements for toxicity reduction evaluations or implementation of pollution prevention efforts. Toxicity tests using both laboratory dilution water and PE water must be performed. PE water is obtained by first determining the amount of water required for the toxicity test (e.g. 1L). Since $PE = 100V_e / (V_e + V_r)$, where V_e and V_r are volumes of effluent and receiving water required for the toxicity test, respectively, then $V_e = PE / 100$ (L). If $PE = 25\%$, then $V_e = 0.25L$. Given that $V_e + V_r = 1$ (L) in this example, $V_r = 1 - PE / 100$, or 0.75L.

Toxicity tests using two different species are required. Acute 48-hour static renewal definitive toxicity tests shall be performed by the permittee in accordance with approved methods for

acute testing identified above. LC₅₀ tests shall be used to determine WERs for both acute and chronic criteria. Toxicity tests require adding metal to both PE and dilution water. It shall not be acceptable to estimate metal concentrations by measuring the amount added. Total recoverable concentrations must be used to obtain LC₅₀ values for both test species for PE and laboratory water in Method 2.

Multiple WERs must be performed. At a minimum, three tests in three different seasons must be performed for two test species. WER is computed as LC_{50dilution}/LC_{50PE}. A geometric mean of the WERs is the final water effect ratio, FWER. A minimum of four WERs must be used in the computation of FWER. An explanation of any WERs obtained but not used in computation of FWER must be provided to the permitting authority and DEQ. The total criterion specified in Table 2 of Appendix G is divided by FWER to obtain a site-specific total criterion. Background concentration must be determined to use with the site-specific criterion to develop permit limits.

3. Method 3: Dissolved to Total Fraction

Dissolved and total recoverable concentrations must be obtained to determine a dissolved to total fraction. Samples must be taken from the effluent, receiving water and PE water. The dissolved to total fraction must be successfully computed a minimum of ten times.

The dissolved to total fraction is defined as $f_i = C_{Di}/C_{Ti}$, where C_{Di} is the dissolved concentration in the i th PE sample, and C_{Ti} is the total recoverable concentration. The dissolved fraction for the site shall be determined as the geometric mean for the n samples.

$$\therefore f = \exp \left[\sum_{i=1}^n [\ln(f_i)]/n \right]$$

To develop a site-specific criterion from the dissolved fraction alone, divide the dissolved criterion determined from Table 3 of Appendix G by f . The result is a site-specific total recoverable criterion.

4. Method 4: Combining f and FWER

The most definitive method of developing a site-specific criterion is to modify a dissolved criterion to account for both the fraction of the concentration biologically available and the difference between the toxicity of the metal in the laboratory dilution water and in PE water. In order to perform method 4, WERs must be obtained using dissolved concentrations. This accounts for differences between the toxicity of the dissolved metal in laboratory dilution water and dissolved metal in PE water.

A translator, T, is obtained as the product of f and dissolved FWER. T is divided into the dissolved criterion determined from Table 3 of Appendix G to obtain a site-specific total recoverable criterion.

5. Method 5: Selenium BAF Fish Tissue Study

Site-specific criteria for selenium shall be developed using a BAF study approvable by DEQ. Prior to the start of any study, the workplan and appropriate quality assurance project plan need to be approved by DEQ. A site-specific BAF study requires both fish tissue (muscle or whole-body) and water column data.

6. Method 6: Multiple Linear Regression Model

A Multiple Linear Regression model, or other scientifically defensible criteria development model, may be utilized to develop site-specific criteria for copper. The entity requesting the site-specific criterion must provide sufficient justification for the use of the model subject to DEQ's discretion.

F. Site-Specific Criteria for Metals Which Have Been Developed for Particular Waterbodies

Subsequent to the initial promulgation of this Appendix, there have been cases in which interested persons have developed site-specific criteria for particular discharges or other circumstances in accordance with this Appendix. Such site-specific criteria are set forth below. These site-specific criteria shall be interpreted according to the following:

C_{ast} = acute statewide total criterion
 C_{cst} = chronic statewide total criterion
 C_{asd} = acute statewide dissolved criterion
 C_{csd} = chronic statewide dissolved criterion
 S_{ast} = acute site-specific total criterion
 S_{cst} = chronic site-specific total criterion
 $FWER_t$ = final total water effects ratio
 $FWER_d$ = final dissolved water effect ratio
f = dissolved to total fraction

Acute site-specific criteria are appropriate for large streams and chronic site-specific criteria are appropriate for small and medium size streams.

Methods Allowed in Appendix E:

$$\begin{aligned} &\text{Method 2} \\ S_{ast} &= C_{ast}/FWER_t \\ S_{cst} &= C_{cst}/FWER_t \end{aligned}$$

$$\begin{aligned} &\text{Method 3} \\ S_{ast} &= C_{csd}/f \\ S_{cst} &= C_{csd}/f \end{aligned}$$

$$\begin{aligned} &\text{Method 4} \\ S_{ast} &= C_{csd}/(fxFWER_d) \\ S_{cst} &= C_{csd}/(fxFWER_d) \end{aligned}$$

1. City of Blackwell Discharge to Chikaskia River (OK621100000010_10): Cadmium

A site-specific criteria modification study has been satisfactorily completed for cadmium for the City of Blackwell.

$$\begin{aligned} FWER_t &= 0.0989 \\ FWER_d &= 0.2905 \\ f &= 0.18 \end{aligned}$$

The results of the study allow any of the four following criteria to be utilized.

$C_{cst} = 0.51 \text{ } \mu\text{g/L}$	Statewide criterion
$S_{cst} = 5.1 \text{ } \mu\text{g/L}$	Method 2
$S_{cst} = 2.45 \text{ } \mu\text{g/L}$	Method 3
$S_{cst} = 8.45 \text{ } \mu\text{g/L}$	Method 4

The discharger may choose the above criterion it wishes to use for discharge permit calculations.

2. AES Shady Point Discharge to Poteau River (OK220100010010_20): Copper

A site-specific criteria modification study has been satisfactorily completed for copper for AES Shady Point.

$$\begin{aligned} FWER_t &= 0.0876 \\ FWER_d &= 0.1306 \\ f &= 0.5936 \end{aligned}$$

The results of the study allow any of the four following criteria to be utilized.

$C_{cst} = 9.50 \text{ } \mu\text{g/L}$	Statewide criterion
$S_{cst} = 65 \text{ } \mu\text{g/L}$	Method 2
$S_{cst} = 15.3 \text{ } \mu\text{g/L}$	Method 3
$S_{cst} = 74 \text{ } \mu\text{g/L}$	Method 4

The discharger may choose the above criterion it wishes to use for discharge permit calculations.

3. City of Idabel Discharge to Mud Creek (OK410200010210_00) at SW 1/4 of SW 1/4 of SW 1/4 of Section 15, T8S, R24E, IM, McCurtain County, Oklahoma (Latitude 33° 51' 14.621" North, Longitude 94° 47' 22.200" West)

A. Lead

A site-specific criteria modification study has been satisfactorily completed for lead for the City of Idabel.

$$FWER_t = 2.5912$$

$$FWER_d = 0.2914$$

$$f = 0.7157$$

The results of the study allow any of the four following criteria to be utilized.

$$C_{cst} = 2.3492 \text{ } \mu\text{g/L} \quad \text{Statewide criterion}$$

$$S_{cst} = 0.9066 \text{ } \mu\text{g/L} \quad \text{Method 2}$$

$$S_{cst} = 2.7104 \text{ } \mu\text{g/L} \quad \text{Method 3}$$

$$S_{cst} = 9.3036 \text{ } \mu\text{g/L} \quad \text{Method 4}$$

The discharger may choose the above criterion it wishes to use for discharge permit calculations.

B. Nickel

A site-specific criteria modification study has been satisfactorily completed for nickel for the City of Idabel.

$$FWER_t = 1.1244$$

$$FWER_d = 0.9735$$

$$f = 0.5798$$

The results of the study allow any of the four following criteria to be utilized.

$$C_{cst} = 46.82 \text{ } \mu\text{g/L} \quad \text{Statewide criterion}$$

$$S_{cst} = 41.6 \text{ } \mu\text{g/L} \quad \text{Method 2}$$

$$S_{cst} = 80.50 \text{ } \mu\text{g/L} \quad \text{Method 3}$$

$$S_{cst} = 82.69 \text{ } \mu\text{g/L} \quad \text{Method 4}$$

The discharger may choose the above criterion it wishes to use for discharge permit calculations.

C. Zinc

A site-specific criteria modification study has been satisfactorily completed for zinc for the City of Idabel.

$$FWER_t = 0.6714$$

$$\text{FWER}_d = 0.7178$$

$$f = 0.6213$$

The results of the study allow any of the four following criteria to be utilized.

$C_{ast} = 107.52 \text{ } \mu\text{g/L}$	Statewide criterion
$S_{ast} = 160.14 \text{ } \mu\text{g/L}$	Method 2
$S_{ast} = 169.24 \text{ } \mu\text{g/L}$	Method 3
$S_{ast} = 235.78 \text{ } \mu\text{g/L}$	Method 4

The discharger may choose the above criterion it wishes to use for discharge permit calculations.

4. Oklahoma Gas & Electric Mustang Generating Station Discharge to North Canadian River (OK520520000250_00) at NE 1/4 of NE 1/4 of SE 1/4 of Section 36, T12N, R5W, IM, Canadian County, Oklahoma: Copper

A site-specific criteria modification study has been satisfactorily completed for copper for the Oklahoma Gas & Electric Mustang Generating Station discharge to the North Canadian River.

$$\text{FWER}_t = 0.053$$

$$\text{FWER}_d = 0.224$$

$$f = 0.368 (0.37)$$

The results of the study allow any of the four following criteria to be utilized. All criteria are calculated at an in-stream hardness of 334 mg/L.

$C_{cst} = 35.9 \text{ } \mu\text{g/L}$	Statewide criterion
$S_{cst} = 677 \text{ } \mu\text{g/L}$	Method 2
$S_{cst} = 94.0 \text{ } \mu\text{g/L}$	Method 3
$S_{cst} = 416.0 \text{ } \mu\text{g/L}$	Method 4 (Recommended in OG&E study)
$C_{ast} = 59.8 \text{ } \mu\text{g/L}$	Statewide criterion
$S_{ast} = 1,128 \text{ } \mu\text{g/L}$	Method 2
$S_{ast} = 156.0 \text{ } \mu\text{g/L}$	Method 3
$S_{ast} = 692.0 \text{ } \mu\text{g/L}$	Method 4 (Recommended in OG&E study)

The discharger may choose the above criterion it wishes to use for discharge permit calculations.

5. City of Poteau Discharge to Poteau River (OK220200010010_40) at SE 1/4 of NW 1/4 of Section 30, T7N, R26E, IM, LeFlore County, Oklahoma

A. Copper

A site-specific criteria modification study has been satisfactorily completed for copper for the City of Poteau discharge to the Poteau River.

$FWER_t = 0.1850$
 $FWER_d = 0.1765$
 $f = 0.2969$

The results of the study allow any of the four following criteria to be utilized. All criteria are calculated at an in-stream hardness of 25.75 mg/L.

$C_{cst} = 4.02 \text{ } \mu\text{g/L}$ Statewide criterion
 $S_{cst} = 21.73 \text{ } \mu\text{g/L}$ Method 2
 $S_{cst} = 13.0 \text{ } \mu\text{g/L}$ Method 3
 $S_{cst} = 73.66 \text{ } \mu\text{g/L}$ Method 4 (Recommended in Poteau study)

$C_{ast} = 5.35 \text{ } \mu\text{g/L}$ Statewide criterion
 $S_{ast} = 28.92 \text{ } \mu\text{g/L}$ Method 2
 $S_{ast} = 17.31 \text{ } \mu\text{g/L}$ Method 3
 $S_{ast} = 98.09 \text{ } \mu\text{g/L}$ Method 4 (Recommended in Poteau study)

The discharger may choose the above criterion it wishes to use for discharge permit calculations.

B. Zinc

A site-specific criteria modification study has been satisfactorily completed for zinc for the City of Poteau discharge to the Poteau River.

$FWER_t = 0.4040$
 $FWER_d = 0.4276$

The results of the study allow any of the four following criteria to be utilized. All criteria are calculated at an in-stream hardness of 25.75 mg/L. However, method 2 was deemed sufficient to provide relief from a zinc limit in the discharge permit.

$C_{ast} = 37.95 \text{ } \mu\text{g/L}$ Statewide criterion
 $S_{ast} = 93.95 \text{ } \mu\text{g/L}$ Method 2 (Recommended in Poteau study)

6. City of Heavener Discharge to Morris Creek (OK220100020100_00) at SE 1/4 of NW 1/4 of Section 30, T7N, R26E, IM, LeFlore County, Oklahoma: Copper

A site-specific criteria modification study has been satisfactorily completed for copper for the City of Heavener discharge to Morris Creek.

$FWER_t = 0.1294$
 $FWER_d = 0.1216$
 $f = 0.8595$

The results of the study allow any of the four following criteria to be utilized. All criteria are calculated at an in-stream hardness of 25.75 mg/L.

$C_{cst} = 4.02 \text{ } \mu\text{g/L}$ Statewide criterion
 $S_{cst} = 31.07 \text{ } \mu\text{g/L}$ Method 2
 $S_{cst} = 4.68 \text{ } \mu\text{g/L}$ Method 3
 $S_{cst} = 38.50 \text{ } \mu\text{g/L}$ Method 4 (Recommended in Morris Ck. study)

$C_{ast} = 5.35 \text{ } \mu\text{g/L}$ Statewide criterion
 $S_{ast} = 41.34 \text{ } \mu\text{g/L}$ Method 2
 $S_{ast} = 6.22 \text{ } \mu\text{g/L}$ Method 3
 $S_{ast} = 51.19 \text{ } \mu\text{g/L}$ Method 4 (Recommended in Morris Ck. study)

The discharger may choose the above criterion it wishes to use for discharge permit calculations.

**7. City of Broken Bow to Unnamed Tributary of Yanubbe Creek (OK410200010155_00)
at SE 1/4 of SE 1/4 of SE 1/4 of Section 18, T6S, R24E, IM, McCurtain County, Oklahoma
(Latitude 34° 01' 37.165" North, Longitude 94° 43' 22.270" West)**

A. Copper

A site-specific criteria modification study has been satisfactorily completed for copper for the City of Broken Bow Public Works Authority discharge to Unnamed Tributary of Yanubbe Creek. All criteria are calculated at an in-stream hardness of 34.9 mg/L.

$FWER_i = 0.0995$
 $FWER_d = 0.1253$
 $f = 0.6544$

The results of the study allow any of the four following criteria to be utilized

$C_{cst} = 5.20 \text{ } \mu\text{g/L}$ Statewide criterion
 $S_{cst} = 52.28 \text{ } \mu\text{g/L}$ Method 2
 $S_{cst} = 7.628 \text{ } \mu\text{g/L}$ Method 3
 $S_{cst} = 60.87 \text{ } \mu\text{g/L}$ Method 4

$C_{ast} = 7.12 \text{ } \mu\text{g/L}$ Statewide criterion
 $S_{ast} = 71.58 \text{ } \mu\text{g/L}$ Method 2
 $S_{ast} = 10.45 \text{ } \mu\text{g/L}$ Method 3
 $S_{ast} = 83.34 \text{ } \mu\text{g/L}$ Method 4

B. Zinc

A site-specific criteria modification study has been satisfactorily completed for zinc for the City of Broken Bow Public Works Authority discharge to Unnamed Tributary of Yanubbe Creek. All criteria are calculated at an in-stream hardness of 34.9 mg/L.

FWER_i = 0.6312
FWER_d = 0.7502
f = 0.7343

C _{ast} = 49.11 µg/L	Statewide criterion
S _{ast} = 77.77 µg/L	Method 2
S _{ast} = 65.32 µg/L	Method 3
S _{ast} = 86.87 µg/L	Method 4

G. Site-Specific Criteria for Parameters Other Than Metals

The purpose of site-specific criteria investigations may not necessarily be intended to prevent toxicity as a result of the substance of concern. Various substances may produce various types of adverse impacts in the environment. For example, minerals may produce a toxic response due to ionic imbalance while nutrients may produce various impacts depending upon algal response to various conditions within the system. Examples of such systems include those where there may be nitrogen, phosphorus or light limitations. Resulting site-specific criteria may involve seasonal, spatial or other limitations as well as specific numeric limitations.

"Waterbody-specific" criteria, such as certain nutrients in waters designated SWS or SWS-R, or segment-specific metals, may not have limitations on its applicability. Rather, it may be used a substitute for other applicable statewide criteria.

Development of site-specific criteria for minerals should follow approved methods. Certain cases may require additional data or justification, but approved guidance documents should provide sufficient basic guidance for the development of site-specific criteria.

Development of site-specific criteria for parameters other than metals or minerals and lacking specific guidance documents will require extensive coordination with technical staff from DEQ and the permitting authority. Such coordination will require, at a minimum, a workplan addressing project goals, collection and testing methods, quality assurance measures and output schedules. This workplan will need to be reviewed and approved by DEQ and the permitting authority prior to initiation of any work.

Those instances in which site-specific phosphorus or nitrogen criteria may be promulgated pursuant to OAC 252:730-5-10(7) titled "Chlorophyll-a numerical criterion for certain waters" will be limited to those waterbodies that have been shown to be impaired by nutrients and a numeric nutrient criterion has been determined to be the best way to affect reductions in the target nutrient. Such a demonstration will follow procedures outlined in OAC 252:740-15-10. Criteria may be derived from the result of "Clean Lake Studies" or other site-specific investigations performed by an agency of competent authority or a designee.

In cases where toxicity may be a concern due to the parameter in question, toxicity testing using two different species is required. Such testing should comply with the procedures detailed in OAC 252:606 and approved guidance. Exceptions to or deviations from these protocols should be

brought to the attention of DEQ and the permitting authority prior to completion of the testing and thoroughly detailed in the final report.

H. Site-Specific Criteria for Nutrients Which Have Been Developed for Particular Waterbodies
(reserved)

I. Site-Specific Criteria for Other Parameters Which Have Been Developed for Particular Waterbodies

1. **PSO Comanche Power Station discharge to a tributary of Ninemile Creek (OK311300020032_00) and Ninemile Creek (OK311300020030_00) upstream of the confluence with East Cache Creek (OK31130020010_00) at Section 4, T1S, R11W, IM, Comanche County.**

A site-specific mineral study has been satisfactorily completed on these waterbodies indicating that the actual agricultural uses of the waterbody are capable of tolerating more mineral input than currently allowed by the default values in Appendix F for segment 311300. The following criteria are allowed for the protection of the actual agricultural usage of the water.

	<u>Total Dissolved Solids</u>	<u>Sulfate</u>	<u>Chloride</u>
Yearly mean standard (mg/L)	1,680	338	499
Sample standard (mg/L)	2,100	423	624

**APPENDIX F. STATISTICAL VALUES OF THE HISTORICAL DATA FOR MINERAL
CONSTITUENTS OF WATER QUALITY (BEGINNING OCTOBER 1976 ENDING
SEPTEMBER 1983, EXCEPT AS INDICATED)**

The numbers in the "Segment" column on the far left of this Appendix refer to "WQM Segment" numbers which are described in the Introduction to Appendix A of this Chapter. Wherever a segment appears that is identified with an eight-digit segment number, such segment is a sub-watershed of the preceding six-digit WQM Segment. Details of the locations of these sub-watersheds are available from the Department of Environmental Quality. The numbers in the "Monitoring Station" column refer to the abbreviated numbers of the monitoring stations administered by the U.S. Geological Survey ("USGS"); to change an abbreviated number to the complete number used by the USGS, add the prefix digits "07" and add suffix digits of zeroes in order to produce an eight-digit number. In some cases, "Ambient Trend Monitoring" ("ATM") stations were used from streams where no USGS gauge was located. Numbering of these ATM stations complied with the USGS numbering format. The ATM station data have been considered for all stations, including USGS gauges, where available and have been incorporated into the results for that segment where appropriate. The letters "AVG" in the "Monitoring Station" column indicate an average wherever there are multiple monitoring stations in a WQM Segment; the numbers to the right of the "AVG" represent the averages of the historical data for the various monitoring stations.

SEGMENT	MONITORING STATION	CHLORIDE (mg/L)		SULFATE (mg/L)		TOTAL DISSOLVED SOLIDS AT 180°C (mg/L)	
		YEARLY MEAN STANDARD	SAMPLE STANDARD	YEARLY MEAN STANDARD	SAMPLE STANDARD	YEARLY MEAN STANDARD	SAMPLE STANDARD
120400	1945	492	703	116	153	726	998
	1946	304	393	91	115		
	AVG	398	548	104	134	726	998
120410	16557	629	810	140	172	1,419	1,782
120420	1644	743	971	143	172	1,608	2,033
	1645	694	878	150	183	1,482	1,827
	(1)					1,398	1,743
	AVG	719	925	147	178	1,496	1,868
121300	1765	89	123	30	41	334	396
	17805	93	119	60	76		
	1784	85	109	60	78		
	(1)					440	544
	AVG	89	117	50	65	387	470
121400	1730	40	55	27	35	264	313
	1742	123	172	32	45	457	590

SEGMENT	MONITORING STATION	CHLORIDE (mg/L)		SULFATE (mg/L)		TOTAL DISSOLVED SOLIDS AT 180°C (mg/L)	
		YEARLY MEAN STANDARD	SAMPLE STANDARD	YEARLY MEAN STANDARD	SAMPLE STANDARD	YEARLY MEAN STANDARD	SAMPLE STANDARD
	1755	131	177	42	56	457	576
	(1)					461	585
	AVG	98	135	34	45	410	516
121500	1714	38	51	86	129	367	512
	1760	74	102	69	93		
	17862	62	81	64	80	332	399
	1788	56	72	67	90		
	1790	70	96	58	76		
	AVG	60	80	69	94	350	456
121510	1710	65	88	88	135	326	411
121600	1850	29	41	126	183	442	547
	1880	19	27	62	82	283	324
	1905	15	20	43	57	184	205
	19122	18	24	29	48		
	1915	29	43	53	73	176	195
	19155	23	34	60	88	241	287
	1935	16	20	43	50	189	207
	AVG	21	30	59	83	253	294
121610	19156	100	148	121	162		
121700	1955	17	23	20	27	184	230
	1960	19	26	23	32	171	219
	1965	17	25	26	37	158	184
	1970	13	19	22	31	133	156
	1980	37	56	35	57	160	195
	AVG	21	30	25	37	161	197
220100	2485	13	19	21	29	104	125
	24944	41	67	48	69	171	228
	AVG	27	43	35	49	138	177
220200	2464	225	295	71	87	534	644
	(1)					490	596
	AVG	225	295	71	87	512	620
220300	2450	83	96	52	60	320	357
220600	2315	346	456	244	335	1,062	1,328

SEGMENT	MONITORING STATION	CHLORIDE (mg/L)		SULFATE (mg/L)		TOTAL DISSOLVED SOLIDS AT 180°C (mg/L)	
		YEARLY MEAN STANDARD	SAMPLE STANDARD	YEARLY MEAN STANDARD	SAMPLE STANDARD	YEARLY MEAN STANDARD	SAMPLE STANDARD
	2316	63	109	70	112		
	2317	281	371	232	317		
	(1)					612	777
	AVG	230	312	182	255	837	1,053
310800	3310	134	184	521	702	1,187	1,524
310810	3281	109	142	788	983		
	3285	144	198	721	933	3,008	4,409
	AVG	127	170	755	958	3,008	4,409
310820							
310830	3244	92	131	1,196	1,461	2,010	2,396
	3255	137	176	1,190	1,463	2,237	2,733
	3265	247	387	1,004	1,287	2,457	3,157
	AVG	159	231	1,130	1,404	2,235	2,762
310840	3242	115	173	1,281	1,654	2,368	3,042
311100	3155	1,797	2,464	866	1,161	4,746	6,290
	3157	310	451	150	237		
	3159	328	447	172	253		
	3160	1,594	2,175	751	1,013	3,956	5,154
	AVG	1,007	1,384	485	666	4,351	5,722
311200	31272	2,112	2,834	948	1,231		
	3135	142	195	221	307	904	1,137
	3136	395	561	266	376		
	AVG	883	1,197	478	638	904	1,137
311210	3134	69	93	344	478		
311300	3090	65	92	135	173		
	3110	81	102	82	102	472	560
	AVG	73	97	109	138	472	560
311300 trib to Nine Mile Ck ²		231	262	128	145	809	879

SEGMENT	MONITORING STATION	CHLORIDE (mg/L)		SULFATE (mg/L)		TOTAL DISSOLVED SOLIDS AT 180°C (mg/L)	
		YEARLY MEAN STANDARD	SAMPLE STANDARD	YEARLY MEAN STANDARD	SAMPLE STANDARD	YEARLY MEAN STANDARD	SAMPLE STANDARD
311300 Nine Mile CK ²		232	279	124	150	830	950
311500	3045	243	353	781	1,040	1,777	2,284
311310	3112	16	23	21	27	126	151
	311505	357	547	136	209		
	AVG	187	285	79	118	126	151
311510	3015	2,328	3,924	1,413	1,869		
	3030	5,612	8,948	1,308	1,703		
	(1)					2,334	2,815
	AVG	3,970	6,436	1,361	1,786	2,334	2,815
311600	3005	645	963	1,720	2,114		
	30111	690	856	1,451	1,755	3,331	3,969
	AVG	668	910	1,586	1,935	3,331	3,969
311800	3035	9,875	13,569	1,939	2,401		
	(1)					37,568	58,087
	AVG	9,875	13,569	1,939	2,401	37,568	58,087
410100	33682	285	397	200	277	913	1,220
410200	3385	42	64	20	28	125	165
410210	3371	10	14	17	22	62	81
	3379	12	17	19	25	69	89
	AVG	11	16	18	24	66	85
410300	3362	16	24	21	28	1,174	2,023
410310	3357	7	10	13	18	31	38
410400	3340	38	53	44	65	235	283
	3350	106	149	59	90	427	537
	(1)					114	172
	AVG	72	101	52	78	259	331
410400 Red River Near Hugo ³	3355	388	503	345	478	1,080	1,405
410600	3325	34	55	31	44	312	357

SEGMENT	MONITORING STATION	CHLORIDE (mg/L)		SULFATE (mg/L)		TOTAL DISSOLVED SOLIDS AT 180°C (mg/L)	
		YEARLY MEAN STANDARD	SAMPLE STANDARD	YEARLY MEAN STANDARD	SAMPLE STANDARD	YEARLY MEAN STANDARD	SAMPLE STANDARD
410700							
520500	2420	349	451	168	217	1,030	1,284
	2422	319	409	141	189		
	AVG	334	430	155	203	1,030	1,284
520510	2417	305	395	148	192		
520520	2399	219	261	260	317		
	24155	451	620	188	239	1,196	1,523
	AVG	335	441	224	278	1,196	1,523
520530	2390	270	318	369	469	1,156	1,240
	2395	267	337	475	640	1,300	1,552
	(1)					1,145	1,399
	AVG	269	328	422	555	1,200	1,397
520600	2294	259	342	309	414		
520610	2292	255	353	433	570	1,114	1,410
520620	2285	336	488	568	724	1,458	1,849
520700	2424	211	276	127	175		
	2425	219	291	117	165		
	2435	222	292	98	134	721	926
	AVG	217	286	114	158	721	926
520710	24235	253	342	159	207	841	1,085
520800	2300	104	130	50	73	486	581
	2310	765	1,065	75	115	1,538	2,063
	(1)					1,551	2,083
	AVG	435	598	63	94	1,192	1,576
520810	(1)					265	294
620900	1610	4,233	5,650	519	650	7,941	10,357
620910	1584	12,076	17,506	1,670	2,171	18,760	26,005
	1591	7,464	10,162	729	921	14,809	19,580
	15972	174	218	255	304	901	1,072
	15975	182	233	242	301	879	1,091
	1600	4,813	6,431	633	799		
	1605	597	864	548	744	1,834	2,391
	AVG	4218	5,902	680	873	7,437	10,028

SEGMENT	MONITORING STATION	CHLORIDE (mg/L)		SULFATE (mg/L)		TOTAL DISSOLVED SOLIDS AT 180°C (mg/L)	
		YEARLY MEAN STANDARD	SAMPLE STANDARD	YEARLY MEAN STANDARD	SAMPLE STANDARD	YEARLY MEAN STANDARD	SAMPLE STANDARD
620920	15795	8,436	12,508	1,141	1,740	16,954	25,129
	15796	423	604	2,058	2,616	3,752	4,781
	AVG	4,430	6,556	1,600	2,178	10,353	14,955
621000	1505	5,658	8,174	706	918	10,577	14,972
	15226	1,089	1,473	283	360		
	AVG	3,374	4,824	495	639	10,577	14,972
621010	14845	288	388	936	1,173	1,886	2,306
621100	1520	388	586	175	247	1,091	1,417
621200	14814	252	321	115	157		
	1525	536	738	144	185	1,111	1,405
	1530	544	811	45	65		
	AVG	444	623	101	136	1,111	1,405
621210	(1)	482	728	132	182		
720500	2340	1,455	1,893	890	1,192	3,847	4,938
	2375	450	562	597	785	1,878	2,359
	2380	300	379	681	955	1,602	1,732
	AVG	735	945	723	977	2,442	3,010
720900							
Notes:							
(1)		Indicates data obtained from Appendix B, WQS 1982					
(2)		Data collected from June 1999 through September 2000					
(3)		Data collected from November 1959 through December 1982 AND November 1998 through August 2000					

APPENDIX G. NUMERICAL CRITERIA TO PROTECT BENEFICIAL USES

(a) **Introduction.** This Appendix prescribes numerical limits for certain criteria which are necessary to protect beneficial uses as and wherever designated. Table 1 is a chart that states the numerical limits to protect the beneficial use and subcategories of Fish and Wildlife Propagation for the single parameter of dissolved oxygen as set forth in OAC 252:730-5-12(f)(1). The latter limits vary depending upon several factors including the pertinent subcategory or fishery class, the time of the year, and the seasonal temperature. Table 2 prescribes the numerical limits for certain substances or parameters in order to protect beneficial uses and subcategories as set forth in OAC 252:730-5-10(1), 252:730-5-10(6), 252:730-5-12(f)(6), and 252:730-5-20. The numerical limits may vary from one beneficial use or subcategory to another according to how the criteria are required by OAC 252:730 or OAC 252:740 to be implemented.

For the Fish and Wildlife Propagation criteria in Table 2, unless otherwise noted, the acute criterion is the Criterion Maximum Concentration (CMC) applied as a one-hour average concentration, and the chronic criterion is the Criterion Continuous Concentration (CCC) applied as a 96-hour (4 days) average concentration. The CMC and CCC criteria may not be exceeded more than once every three years on the average. Footnotes 1 and 2, associated with 14 pollutants in Table 2, provide exceptions to the duration and frequency components described in this paragraph.

Table 3 is a chart that sets forth conversion factors that can be used to determine Fish and Wildlife Propagation criteria for dissolved metals (where not already expressed as dissolved criteria in Table 2) in order to protect the beneficial use of Fish and Wildlife Propagation and all its subcategories as set forth in OAC 252:730-5-12(f)(6)(H).

(b) **Explanations for abbreviations and certain terms in Tables.**

(1) "CAS #" refers to a parameter's Chemical Abstract Service registry number. Each of these numbers is a unique identifier of a particular compound with a particular structure; the number provides additional and further specificity for the parameter in question than simply identifying it by a systematic, generic, proprietary, or [trivial] name. The CAS number has no particular chemical significance.

(2) Equations are prescribed for those substances the toxicity of which varies with water chemistry.

TABLE 1.

**Dissolved Oxygen Criteria to Protect Fish and Wildlife Propagation
and All Subcategories Thereof ¹**

SUBCATEGORY OF FISH AND WILDLIFE PROPAGATION (FISHERY CLASS)	DATES APPLICABLE	DO CRITERIA ⁴ (MINIMUM) (mg/L)	SEASONAL TEMPERATURE (°C)
Habitat Limited Aquatic Community			
Early Life Stages	4/1 - 6/15	4.0	25 ³
Other Life Stages			
Summer Conditions	6/16 - 10/15	3.0	32
Winter Conditions	10/16 - 3/31	3.0	18
Warm Water Aquatic Community⁵			
Early Life Stages	4/1 - 6/15	6.0 ²	25 ³
Other Life Stages			
Summer Conditions	6/16 - 10/15	5.0 ²	32
Winter Conditions	10/16 - 3/31	5.0	18
Cool Water Aquatic Community & Trout			
Early Life Stages	3/1 - 5/31	7.0 ²	22
Other Life Stages			
Summer Conditions	6/1 - 10/15	6.0 ²	29
Winter Conditions	10/16 - 2/28	6.0	18

¹ For use in calculation of the allowable load.

² Because of natural diurnal dissolved oxygen fluctuation, a 1.0 mg/L dissolved oxygen concentration deficit shall be allowed for not more than eight (8) hours during any twenty-four (24) hour period.

³ Discharge limits necessary to meet summer conditions will apply from June 1 of each year. However, where discharge limits based on Early Life Stage (spring) conditions are more restrictive, those limits may be extended to July 1.

⁴ DO shall not exhibit concentrations less than the criteria magnitudes expressed above in greater than 10% of the samples as assessed across all life stages and seasons.

⁵ For Lakes, the warm water aquatic community dissolved oxygen criteria expressed above are applicable to the surface waters.

Table 2.
Numerical Criteria to Protect Beneficial Uses and All Subcategories Thereof

Parameter	CAS#	Fish and Wildlife Propagation		Public and Private Water Supply (Raw Water)	Fish Consumption (+Other Organisms and Water)	Fish Consumption (+Other Organisms)
		Acute	Chronic			
Inorganic		µg/L	µg/L	µg/L	µg/L	µg/L
Antimony	7440360				5.6	640
Arsenic III	7440382	340	150	40		205
Asbestos	1332214				7 million fibers/liter	
Barium	7440393			1,000	1000	
Cadmium (Dissolved)	7440439	$e(1.0166[\ln(\text{hardness})]-3.924) * [1.136672-0.041838 \ln(\text{hardness})]$	$e(0.7409[\ln(\text{hardness})]-4.719) * [1.101672-0.041838 \ln(\text{hardness})]$	20	14.49	84.13
Chromium (total)				50	166.3	3,365
Chromium (III) (Dissolved)	16065831	$e(0.819[\ln(\text{hardness})] + 3.7256) * 0.316$	$e(0.819[\ln(\text{hardness})] + 0.6848) * 0.860$			
Chromium (VI) (Dissolved)	18540299	16	11			
Copper	7440508	$e(0.9422[\ln(\text{hardness})] - 1.3844)$	$e(0.8545[\ln(\text{hardness})] - 1.386)$	1,000		
Cyanide	57125	45.93	10.72	200		
Fluoride @ 90°F				4,000		
Lead	7439921	$e(1.273[\ln(\text{hardness})]-1.460)$	$e(1.273[\ln(\text{hardness})]-4.705)$	100	5	25

Mercury	7439976	2.4	1.302	2	0.05	0.051
Nickel (Dissolved)	7440020	$e^{(0.846[\ln(\text{hardness})] + 2.255 * 0.998)}$	$e^{(0.8460[\ln(\text{hardness})] + 0.0584) * 0.997}$		607.2	4,583
Nitrates (as N)	14797558			10,000		
Selenium	7782492	See Table 4	See Table 4	10		
Silver (Dissolved)	7440224	$e^{(1.72[\ln(\text{hardness})] - 6.59 * 0.85)}$ (footnote 1)		50	104.8	64,620
Thallium	7440280	1,400 ²			0.24	0.47
Zinc (Dissolved)	7440666	$e^{(0.8473[\ln(\text{hardness})] + 0.884) * 0.978}$		5,000		

1 This criterion is based on EPA 304(a) recommendations issued in 1980 that were derived using guidelines that differed from EPA's 1985 *Guidelines for Deriving Numerical National Water Quality Criteria for the Protection of Aquatic Organisms and Their Uses* (1985 Guidelines), which update minimum data requirements and derivation procedures. Therefore, the acute criterion (CMC) may not be exceeded at any time and the chronic criterion (CCC) may not be exceeded based on a 24-hour average. However, the acute criterion may be applied using a one hour averaging period not to be exceeded more than once every three years on the average, if the acute value given in Table 2 is divided by 2 to obtain a value that is more comparable to an acute criterion derived using the 1985 Guidelines.

2 This criterion was adopted as a magnitude value only.

Numerical Criteria to Protect Beneficial Uses and All Subcategories Thereof						
Parameter	CAS#	Fish and Wildlife Propagation		Public and Private Water Supply (Raw Water)	Fish Consumption (+Other Organisms and Water) ³	Fish Consumption (+Other Organisms) ³
		Acute	Chronic			
Organic		µg/L	µg/L	µg/L	µg/L	µg/L
1-1-1-Trichloroethane	71556				3,094.0	173,100.0
1,1,2,2,-Tetrachloroethane	79345				2.0	30
1,1,2-Trichloroethane	79005				5.5	89
2-4-5-TP Silvex	93721			10	100	400
2-4-6-TNT		450.0 ²				
2-4-D	94757			100		
2,4-Dinitrotoluene	121142				0.49	17
2-Chloronaphthalene	91587				800	1,000
Acrolein	107028	3	3		6.0	9.0
Acrylonitrile	107131	7,550.0 ²			0.51	2.5
Aldrin	309002	3.0 ¹			0.00049	0.00050
Alpha-Endosulfan	959988	0.22 ¹	0.056 ¹		20	30
Alpha-Hexachlorocyclohexane	319846				0.0036	0.0039
Benzene	71432		2,200.0 ²		22	510
Benzidine	92875			1		
Benzo(a)pyrene	50328				0.0012	0.0013
Benzo(b)fluoranthene	205992				0.012	0.013
Benzo(k)fluoranthene	207089				0.12	0.13
Beta-Endosulfan	33213659	0.22 ¹	0.056 ¹		20	40
Beta-Hexachlorocyclohexane	319857				0.08	0.14
Bis(2-chloro-1-methylethyl) Ether	108601				200	4,000
Bis(2-chloroethyl) Ether	111444				0.3	22
Bis(chloromethyl)ether	542881				0.0015	0.17
Bromoform	75252				70	1,200
Carbaryl	63252	2.1	2.1			

Numerical Criteria to Protect Beneficial Uses and All Subcategories Thereof						
Parameter	CAS#	Fish and Wildlife Propagation		Public and Private Water Supply (Raw Water)	Fish Consumption (+Other Organisms and Water) ³	Fish Consumption (+Other Organisms) ³
		Acute	Chronic			
Organic		µg/L	µg/L	µg/L	µg/L	µg/L
Carbon Tetrachloride	56235				2.3	16
Chlordane	57749	2.4 ¹	0.17 ¹		0.0080	0.0081
Chlorobenzene	108907				100	800
Chloroform	67663				56.69	4,708.0
Chlorpyrifos (Dursban)	2921882	0.083	0.041			
Chrysene	218019				1.2	1.3
4,4'-DDD	72548				0.0031	0.0031
4,4'-DDE	72559				0.00018	0.00018
4,4'-DDT	50293	1.1 ¹	0.001 ¹		0.0022	0.0022
Demeton	8065483		0.1			
Detergents (total)				200		
Diazinon	333415	0.17				
Dibenzo(a,h)anthracene	53703				0.0012	0.0013
Dichlorobromomethane	75274				5.5	170
Dieldrin	60571	0.24	0.056		0.00052	0.00054
Dinitrophenols	25550587				10	1,000
Dioxin (TCDD)	1746016				0.00000005	0.000000051
Endosulfan		0.22 ¹	0.056 ¹			
Endosulfan Sulfate	1031078				20	40
Endrin	72208	0.086	0.036	0.2	0.059	0.06
Endrin Aldehyde	7421934				1	1
Ethylbenzene	100414				530	2,100
Fluoranthene	206440				20	20
Guthion	86500		0.01			
gamma BHC (Lindane)	58899	0.95		4	0.98	1.8
Heptachlor	76448	0.52 ¹	0.0038 ¹		0.00079	0.00079
Heptachlor Epoxide	1024573	0.52 ¹	0.0038 ¹		0.00032	0.00032

Numerical Criteria to Protect Beneficial Uses and All Subcategories Thereof						
Parameter	CAS#	Fish and Wildlife Propagation		Public and Private Water Supply (Raw Water)	Fish Consumption (+Other Organisms and Water) ³	Fish Consumption (+Other Organisms) ³
		Acute	Chronic			
Organic		µg/L	µg/L	µg/L	µg/L	µg/L
Hexachlorobenzene	118741				0.0028	0.0029
Hexachlorobutadiene	87683				0.1	0.1
Hexachlorocyclohexane (HCH) - Technical	608731				0.066	0.10
Indeno(1,2,3-cd)pyrene	193395				0.012	0.013
Malathion	121755		0.10			
Methoxychlor	72435		0.03	100		
Methylene blue active substances				500		
Mirex	2385855		0.001			
Nitrosodibutylamine	924163				0.063	2.2
Nitrosopyrrolidine	930552				0.16	340
Nonylphenol	25154523	28	6.6			
Parathion	56382	0.065	0.013			
PCB			0.044		0.00064	0.00064
PCE (Tetrachloroethylene)	127184	5,280.0 ²			6.9	33
Pentachlorobenzene	608935				0.1	0.1
Pentachlorophenol	87865	c[1.005(pH)-4.869]	c[1.005(pH)-5.134]		2.7	30
Perchlorate	7601-90-3	6,600 ²	1,800 ²		9-5	
Phenol	108952				10,000	860,000
Phthalate esters				3		
Bis(2-ethylhexyl) phthalate (BEHP)	117817				12	22
Butylbenzyl phthalate	85687			150	1,500	1,900
Diethyl phthalate	84662				17,000	44,000
Dimethyl phthalate	131113				270,000	1,100,000
Di- <i>n</i> -Butyl phthalate	84742				2,000	4,500

Numerical Criteria to Protect Beneficial Uses and All Subcategories Thereof						
Parameter	CAS#	Fish and Wildlife Propagation		Public and Private Water Supply (Raw Water)	Fish Consumption (+Other Organisms and Water) ³	Fish Consumption (+Other Organisms) ³
		Acute	Chronic			
Organic		µg/L	µg/L	µg/L	µg/L	µg/L
RDX	121824	2,591.5 ²				
Toluene	108883		875.0 ²		1,300	15,000
Toxaphene	8001352	0.78	0.0002	5		
Tributyltin (TBT)		0.46	0.072			
¹ This criterion is based on EPA 304(a) recommendations issued in 1980 that were derived using guidelines that differed from EPA's <i>1985 Guidelines for Deriving Numerical National Water Quality Criteria for the Protection of Aquatic Organisms and Their Uses</i> (1985 Guidelines), which update minimum data requirements and derivation procedures. Therefore, the acute criterion (CMC) may not be exceeded at any time and the chronic criterion (CCC) may not be exceeded based on a 24-hour average. However, the acute criterion may be applied using a one hour averaging period not to be exceeded more than once every three years on average, if the acute value given in Table 2 is divided by 2 to obtain a value that is more comparable to an acute criterion derived using the 1985 Guidelines.						
² This criterion was adopted as a magnitude value only.						
³ A carcinogenicity value of 10 ⁻⁵ was used where applicable.						

TABLE 3

Conversion Factors for Total to Dissolved Fractions
[H=hardness as CaCO₃ (mg/L)]

METAL	CAS#	ACUTE	CHRONIC
Arsenic	7440382	1.000	1.000
Cadmium	7440439	1.136672 – 0.041838 lnH	1.101672 – 0.041838 lnH
Copper	7440508	0.960	0.960
Chromium III	16065831	0.316	0.860
Chromium VI	18540299	0.982	0.962
Lead	7439921	1.46203 – 0.145712lnH	1.46203 – 0.145712lnH
Mercury	7439976	0.850	N/A
Nickel	7440020	0.998	0.997
Silver	7440224	0.850	N/A
Selenium	7782492	NA	1.000
Zinc	7440666	0.978	0.986

Table 4
Surface Water Quality Aquatic Life Criterion for Selenium

Media Type	Fish Tissue ¹	Water Column ³	
Criterion Element	Egg/Ovary or Fish Whole-body or Muscle ²	Monthly Average Exposure	Intermittent Exposure ⁴
Magnitude	15.1 mg/kg dry weight (egg/ovary) or 8.5 mg/kg dry weight whole-body or 11.3 mg/kg dry weight muscle (skinless, boneless fillet)	1.5 µg/L in lakes aquatic systems 3.1 µg/L in rivers/streams aquatic systems	WQC_{int} $= \frac{WQC_{30-day} - C_{bkgrnd}(1 - f_{int})}{f_{int}}$
Duration	Instantaneous measurement ⁵	30 days	Number of days/month with an elevated concentration
Frequency	Not to be exceeded	Not more than once in three years on average	Not more than once in three years on average

1. Fish tissue elements are expressed as steady-state.
2. Egg/ovary supersedes any whole-body, muscle, or water column element if fish egg/ovary concentration data are available, except as noted in footnote 3 below. Fish whole-body or muscle tissue supersedes water column element when both fish tissue and water concentrations are measured, except as noted in footnote 3 below.
3. Water column values are based on dissolved total selenium (TDSe) in water and are derived from fish tissue values via bioaccumulation modeling. When selenium inputs are increasing, water column values are the applicable criterion element in the absence of steady-state condition fish tissue data.
4. Where WQC_{30-day} is the water column monthly element for either lake or river/stream waters; C_{bkgrnd} is the average background selenium concentration; and f_{int} is the fraction of any 30-day period during which elevated selenium concentrations occur, with f_{int} assigned a value ≥ 0.033 (corresponding to 1 day).
5. Fish tissue data provide instantaneous point measurements that reflect integrative accumulation of selenium over time and space in fish population(s) at a given site.

APPENDIX H. BENEFICIAL USE DESIGNATIONS FOR CERTAIN LIMITED AREAS OF GROUNDWATER

A. Within Oklahoma there are some bodies or areas of groundwater the quality of which is not suitable for the beneficial uses that are designated on a default basis in OAC 252:730-7-3(b). In most cases this unsuitability is caused by natural conditions or irreversible human-induced impacts such as pollution. Consequently, it is necessary to provide for beneficial use designations for these limited areas of groundwater which are more accurate and appropriate than the default designations in OAC 252:730-7-3(b). The absence of an area of a groundwater formation from this appendix does not indicate that area is free from contamination or has quality suitable for any beneficial use.

B. The groundwater formations or portions thereof that require special designations are identified in the tables that follow in this Appendix. The groundwater formations or units are identified by their name (e.g., "Garber Wellington") and legal description (e.g., "2-4, 9-11, 13-16 T2N R20W " denoting section(s), Township and Range). The area identified may be localized and not necessarily inclusive of the entire hydrogeologic basin or groundwater formation. The tables also set forth a general description of the physical location above the groundwater formation or unit for use as a general point of reference. The tables also set forth columns to show the groundwater classifications and beneficial uses which are designated for each identified area of groundwater. A "Depth Zone" also is indicated, to which the beneficial uses and "Remarks" listed in following columns are applicable.

C. Designations of beneficial uses for an identified groundwater formation or portion thereof are reflected in the tables by the presence of a dot ("•") in the columns to the right of the groundwater name and location. An empty space in a column means that column's beneficial use or subcategory thereof is not designated for that groundwater. Groundwater not identified in this Appendix is subject to the default designations detailed in OAC 252:730-7-3.

D. The state environmental agency that requested the groundwater formation or unit to be so identified and designated with certain beneficial uses and/or limitations is shown in the column headed "Agency". A specific division within that agency may also be listed. Questions relating to the quality of the groundwater found in any particular formation or unit, or concerns related to any comment in the "Remarks" column, should be addressed to the agency denoted in the "Agency" column.

E. The presence of any comment in the "Remarks" column denotes special circumstances which are applicable only to the groundwater formation or unit so identified. These comments may refer to certain constituents of the groundwater at that location, special well construction requirements, or other information deemed pertinent by the agency that requested this listing.

F. Definitions

"ACOG" means Association of Central Oklahoma Governments

"Corp Comm" means Oklahoma Corporation Commission

"DEQ" means Oklahoma Department of Environmental Quality

"SEP" means Supplemental Environmental Projects

"RCRA" means Resource Conservation and Recovery Act

"VCP" means Voluntary Cleanup Program

Groundwater formation name (Site name)	Location	Address	Depth Zone (upper- lower limit) feet (ft)	Class* (1-4)	Water Supply	Ag /	M&I	Agency	Remarks
Garber Wellington (Thunderhead Hills)	W 1/2 of W 1/2 of Section 20, T14N, R2W, IM; W 1/2 of NW 1/4 and NW 1/4 of SW 1/4 of Section 29, T14N, R2W, IM	Along and 1/4 mile east of Coltrane from Danforth Rd to Sherrywood Rd, Edmond, Oklahoma County	85-200 ft deep; 1/4 mile wide by at least 1 3/4 mile long	2		•		Corp Comm, Oil and Gas Div & ACOG	Brine plume moving south about 80 feet/year. Case/cement new wells through upper affected zone.
Garber Wellington (Double Eagle / 4 th St superfund site)	SE 1/4 of Section 35, T12N, R3W, IM and SW 1/4 of Section 36, T12N, R3W, IM	Oklahoma County	0-160	2		•	•	DEQ	Brine, chlorinated solvents and hydrocarbons. Special well construction required.

Groundwater formation name (Site name)	Location	Address	Depth Zone (upper- lower limit) feet (ft)	Class* (1-4)	Water Supply	Ag	M&I	Agency	Remarks
Boone (Tar Creek superfund site)	Sections 13, 14, 23, 24, 25, 26, 35, and 36 of T29N, R22E, IM. Sections 13-36 of T29N, R23E, IM. Sections 17-19, W 1/2 of Section 20, W 1/2 of Section 29, and Sections 30-32 of T29N, R24E, IM. Section 1, E 1/2 of Section 2, E 1/2 of Section 11, Section 12, N 1/2 of Section 13, NE 1/4 of Section 14 all in T28N, R22E, IM. Section 1, W 1/2 of Section 5, Section 6, Section 7, W 1/2 of Section 8, NW 1/4 of Section 17, N 1/2 of Section 18 all in T28N, R23E, IM, W 1/2 of Section 5, Section 6 all in T28N, R24E, IM.	Ottawa County	0-350	2	•	•	•	DEQ	Toxic metals, special well construction required

Groundwater formation name (Site name)	Location	Address	Depth Zone (upper- lower limit) feet (ft)	Class* (1-4)	Water Supply	Ag	M&I	Agency	Remarks
Quaternary Terrace (Kingfisher Wellhead Protection Area)	Section 33, SW 1/4 of Section 36 in T18N, R7W, IM. SW 1/4 of Section 1, NW 1/4 and S 1/2 of Section 2, N 1/2 of Section 3, N 1/2 of Section 4, NE 1/4 of Section 11, and Section 12 all in T17N, R7W, IM	Kingfisher County	0-100	1	•	•	•	DEQ	Zone 1 Wellhead Protection Area, no pollution sources
Southwestern Oklahoma (Altus AFB area)	Sections 34-36 in T3N, R20W, IM. Sections 1-3, Sections 10-15, and Sections 22-24 all in T2N, R20W, IM	North of US 62, eastern edge of City of Altus and entire AFB, Jackson County	0-60	3		•	•	OWRB	TCE and by-products, remediation activity in-place
Ogallala (Dobson Ranch)	One square acre within NW 1/4 of Section 17, T11N, R26W, IM	State Highway 152, approximately four miles west of Sweetwater, OK, Roger Mills County	0-20	2	•	•	•	DEQ - VCP	Restriction on groundwater use within the 1 square mile recorded on a deed notice due to Benzene contamination. See DEQ or county clerk for location details

Groundwater formation name (Site name)	Location	Address	Depth Zone (upper- lower limit) feet (ft)	Class* (1-4)	Water Supply	Ag M&I	Agency	Remarks
Quaternary Terrace Deposits - (Cornerstone Shopping Center)	SE 1/4 of Section 16, T12N, R4W, IM, Approx six (6) acres of WEST PARK ADDITION to Oklahoma County, Oklahoma.	3900 N. MacArthur Avenue, Oklahoma City, Oklahoma County, Oklahoma	0-22	2	•	•	DEQ - VCP	Tetrachloro-ethene - Deed restriction on file. See DEQ or county clerk for location details.

Groundwater formation name (Site name)	Location	Address	Depth Zone (upper- lower limit) feet (ft)	Class* (1-4)	Water Supply	Ag M&I	Agency	Remarks
Alluvium & Terrace Deposits - (OKC Urban Renewal Phase I)	21.6 acres of the NW 1/4 of Section 3, T11N, R3W, IM	An area bounded to the South of Reno Avenue, East of the BNSF railroad tracks, North of Interstate 40/or its replacement street and west of a line extended from Stiles Avenue to Interstate 40/or its replacement street in Oklahoma City, Oklahoma County, Oklahoma.	0-30	2	•	•	DEQ - VCP	Deed restriction on groundwater use. See DEQ or county clerk for location details.

Groundwater formation name (Site name)	Location	Address	Depth Zone (upper- lower limit) feet (ft)	Class* (1-4)	Water Supply	Ag	M&I	Agency	Remarks
Coffeyville Formation (Compass Industries Landfill Superfund site)	SE 1/4 of NE 1/4 and NE 1/4 of SE 1/4 of Section 13, T19N, R11E, IM, and S 1/2 of NW 1/4 and N 1/2 of SW 1/4 of Section 18, T19N, R12E, IM	7600 W 26th St, Tulsa, Tulsa County, Oklahoma	0-105	2	•	•	•	DEQ-Superfund	Deed restriction on groundwater use for any purpose. See DEQ or county clerk for location details.
Weatherford Member of the Cloud Chief Formation & Rush Springs Sandstone Formation (Oklahoma Refining Company Superfund site)	S 1/2 of SW 1/4 of Section 18, T5N, R9W, IM and NW 1/4 of Section 19, T5N, R9W, IM, and NW 1/4 of Section 19, T5N, R9W, IM, and SE 1/4 of SE 1/4 of Section 13, T5N, R10W, IM and E 1/2 of NE 1/4 of NE 1/4 of Section 24, T5N, R10W, IM	South Baskett St, Cyril, Caddo County, Oklahoma	0-145	2	•	•	•	DEQ - Superfund	Deed restriction on disturbing landfill caps and on groundwater use for any purpose due to hydrocarbon contamination. See DEQ or county clerk for location details.
North Canadian Alluvium (Tenth Street Superfund site)	2.931 acres in the NW 1/4 of Section 31, T12N, R2W, IM	3200 NE 10th St Oklahoma City, Oklahoma County, Oklahoma	0-20		•	•	•	DEQ - Superfund	Deed restriction on drilling of any type of wells through the landfill cap or into the landfill. See DEQ or county clerk for location details.

Groundwater formation name (Site name)	Location	Address	Depth Zone (upper- lower limit) feet (ft)	Class* (1-4)	Water Supply	Ag	M&I	Agency	Remarks
North Canadian Alluvium and Garber (Mosley Road Landfill Superfund site)	71.765 acres in NE 1/4 of Section 21, T12N, R2W, IM	Mosely Road Between NE 23 & NE 36 Oklahoma City, Oklahoma County, Oklahoma	0-150	2	•	•	•	DEQ - Superfund	Restriction on groundwater use for any purpose. See DEQ or county clerk for location details
Tallant Formation (Blackstar Performance)	SE 1/4 of Section 25, T20N, R8E, IM and NE 1/4 of Section 25, T20N, R8E, IM	East of Highway OK-48, about 4 miles north of Highway OK-51 intersection, in Terlton, Pawnee County, Oklahoma	0-30; depth of contamination not yet defined	2	•	•	•	DEQ - RCRA	1,1,1-Trichloroethane and 1,1-Dichloroethene Depth of contamination unknown, private wells to 200 feet are impacted. See DEQ for additional details.

Groundwater formation name (Site name)	Location	Address	Depth Zone (upper- lower limit) feet (ft)	Class* (1-4)	Water Supply	Ag	M&I	Agency	Remarks
N. Canadian Terrace Deposits underlain by Hennesey Group (OKC Solvent Plume)	Approximately 80 acres in NE 1/4 of Section 27, T12N, R4W, IM and NW 1/4 of Section 27, T12N, R4W, IM	Between NW 23rd and NW 19th and N Meridian and Ann Arbor, Oklahoma City, Oklahoma County, Oklahoma	0-30; depth of contam ination not yet defined .	2	•	•	•	DEQ -SEP	Tetrachloro-ethylene (max 1200 ppb) and Trichloro-ethylene (max 35 ppb). Plume not delineated; private wells impacted. See DEQ for details.
Garber-Wellington (Eagle Industries)	Approximately 6 acres in SE 1/4 of Section 7, T11N, R1W, IM	North of SE 29th & West of Westminister Road, Midwest City, Oklahoma County, Oklahoma	0-50; depth of contam ination not yet defined .	2	•	•	•	DEQ - RCRA	Trichloro-ethylene (max 2280 ppb). Plume not delineated. See DEQ for details.
East Central Oklahoma bedrock	SE 1/4 of SE 1/4 of SE 1/4 of Section 5, T7N, R9E, IM	Hughes County	200; Aerial extent unkno wn	2	•	•	•	Corp. Comm. O & G Division	Brine affecting aquifer. Disposal well offsetting old (now plugged) oil well was the most likely conduit.

Groundwater formation name (Site name)	Location	Address	Depth Zone (upper- lower limit) feet (ft)	Class* (1-4)	Water Supply	Ag	M&I	Agency	Remarks
Garber-Wellington Sandstone Formation	NW 1/4 of SE 1/4 of Section 1, T9N, R2E, IM	Pottawatomie County	160- 200; 20 acres	2	•	•	•	Corp. Comm. O & G Division	Brine affecting aquifer. Now plugged disposal well was the most likely source.
Rush Springs Sandstone, Marlow Formation. (Cyril Plume)	Portions of Sections 1 and 12 in T5N, R10W, IM and Sections 6 and 7 in T5N, R9W, IM and Section 36, T6N, R10, WIM and Section 31, T6N, R9W, IM	2-3 miles north of Cyril, Caddo County.	Up to 450 ft deep; some saline ground- water dischar- ge into Little Washit a River tributar- ies. ~960 acre plume	2	•	•	•	Corp Comm, Oil and Gas Div	~960 acre plume moving S-SW @ 90"/year; 30 year monitoring program started in 1999. Cyril municipal wells affected were abandoned.

Groundwater formation name (Site name)	Location	Address	Depth Zone (upper- lower limit) feet (ft)	Class* (1-4)	Water Supply	Ag	M&I	Agency	Remarks
Blaine (Drummond Flats)	NE 1/4 of Section 33, T22N, R8W, IM	From NE corner of Drummond 4 miles north, 1 west, 1 south and 3/8 west. Near Turkey creek.	20-50 ft in affecte d wells.	2	•	•	•	Corp Comm, Oil and Gas Div	Drummond Flats, water has historical contamination.
Terrace Deposits (Drummond Flats)	SW 1/4 of Section 12, T21N, R9W, IM	From Ames, 1/2 mile east, 4 miles north, 3 3/4 east, north into site.	About 40 ft in affecte d wells.	2	•	•	•	Corp Comm, Oil and Gas Div	Drummond Flats, water has historical contamination.
Arkansas River Alluvium (Sand Springs Petrochemical Superfund Site)	W 1/2 of NW 1/4 of Section 13, T19N, R11E, IM and NE 1/4 of Section 14, T19N, R11E, IM	Tulsa County	0-37	2		•	•	DEQ Land Protection Division	Metals, VOC, Special Well Construction Required.
Vamoosa, Tallant, and Barnsdall Formations (Kwikset)	Part of SE 1/4 of NE 1/4 Section 31, T16N, R9E, IM	1201 South Maple Street, Bristow, Creek County	0-60	2	•	•	•	DEQ, Land Protection Division	Property has restrictions on groundwater and land use. Groundwater is contaminated with VOCs. See DEQ-Land Protection Division or county clerk for details.

Groundwater formation name (Site name)	Location	Address	Depth Zone (upper- lower limit) feet (ft)	Class* (1-4)	Water Supply	Ag	M&I	Agency	Remarks
Savanna and McAlester Formations and Arkansas River Alluvium and Terrace Deposits (Fansteel Metals, a/k/a FMRI)	Part E 1/2 of SE 1/4 Section 17, T15N, R19E, IM; SE 1/4 of SE 1/4 of NE 1/4 Section 17, T15N, R19E, IM; part of W 1/2 of SW 1/4 Section 16, T15N, R19E, IM; S 1/2 of SW 1/4 of NW 1/4 Section 16, T15N, R19E, IM	10 Tantalum Place, Muskogee, Muskogee County	0-40	2	•	•	•	DEQ, Land Protection Division	Trichloroethylene contamination above USEPA MCL of 5 µg/L in Section 17; Uranium contamination above USEPA MCL of 30 µg/L in Section 16. Property in Section 16 and part of S 1/2 of SE 1/4 of SE 1/4 of Section 17 is also under Nuclear Regulatory Commission License SMB- 911.
Garber-Wellington and Cimarron River Alluvium (Cimarron Environmental Trust Site, formerly KerrMcGee)	Part of N 1/2 Section 12, T16N R4W, IM; Part of S 1/2 of S 1/2 Section 1, T16N, R4W, IM	100 N US Hwy 74, Guthrie, Logan County	0-80	2	•	•	•	DEQ, Land Protection Division	Uranium, Nitrates and Fluoride contamination are present above USEPA MCLs of 30 µg/L (Uranium), 10 mg/L(Nitrate as N) and 4 mg/L (Fluoride). Site is subject to Nuclear Regulatory Commission License SNM- 0928.
Vamoosa-Ada Aquifer and overlying Unconsolidated Materials (Cleveland, KerrMcGee Refinery)	NE 1/4 Section 18, T21N, R8E, IM; E 1/2 of E 1/2 of E 1/2 of NW 1/4 Section 18, T21N, R8E, IM	Southwest of Cleveland, Pawnee County	0-60	2	•	•	•	DEQ, Land Protection Division	Benzene, Toluene, Xylenes, Benzo(a) Pyrene, Arsenic, and Lead are present above USEPA MCLs; Light Non-Aqueous- Phase Liquids (LNAPL) present on-site

Groundwater formation name (Site name)	Location	Address	Depth Zone (upper- lower limit) feet (ft)	Class* (1-4)	Water Supply	Ag	M&I	Agency	Remarks
Terrace Deposits, Upper and Lower Vanoss (Cushing KerrMcGee Refinery)	Part of S 1/2 Section 22, T18N, R5E, IM; NE 1/4 Section 27, T18N, R5E, IM; SW 1/4 Section 23, T18N, R5E, IM	North of Cushing, Payne County	0-80	2	•	•	•	DEQ, Land Protection Division	No use of groundwater other than for monitoring purposes. Groundwater contamination includes hydrocarbons, sulfate, acid, and metals. See DEQ-Land Protection Division or county clerk for details.
Garber Wellington (Duncan Refinery)	Part of Section 32, T1S, R7W, IM; N 1/2 Section 5, T2S, R7W, IM; SW 1/4 of NW 1/4 of NW 1/4 Section 4, T2S, R7W, IM	South of Duncan, Stephens County	14-40	2	•	•	•	DEQ, Land Protection Division	No use of groundwater other than for monitoring purposes. Groundwater contamination includes: Light Non-Aqueous-Phase Liquids (LNAPL), VOCs, SVOCs, Metals. See DEQ-Land Protection Division or county clerk for details.
Enid Isolated Terrace Aquifer (Former Champlin Refinery)	Sections 3 and 4, T22N, R6W, IM; S 1/2 of SE 1/4 Section 33, T23N, R6W, IM	2529 E. Willow Road, Enid, OK, Garfield County	0-55	2	•	•	•	DEQ, Land Protection Division	Benzene contamination above USEPA MCL of 5 µg/L

Groundwater formation name (Site name)	Location	Address	Depth Zone (upper- lower limit) feet (ft)	Class* (1-4)	Water Supply	Ag	M&I	Agency	Remarks
Alluvium and Terrace Deposits (Former Okmulgee Refinery)	Parts of SE 1/4 Section 31, T14N, R13E, IM; W 1/2 of NE 1/4 Section 6, T13N, R13E, IM; E 1/2 of E1/2 of NW 1/4 Section 6, T13N, R13E, IM	North of Okmulgee, Okmulgee County	0-40	2	•	•	•	DEQ, Land Protection Division	No use of groundwater other than for monitoring purposes and no drilling of groundwater well for domestic consumption, irrigation, or industrial purposes. See DEQ-Land Protection Division or county clerk for details.
Garber Sandstone - Central Oklahoma Aquifer (Boulevard Market Cleaners, Weingarten Nostat, Inc)	Parts of S 1/2, S 1/2, SE 1/4 Section 35, T12N, R2W, IM	101 N. Douglas Voulevard, Midwest City, Oklahoma County	0-65	2	•	•	•	DEQ, Land Protection Division	Groundwater contamination includes VOCs. See DEQ-Land Protection Division for details.
Poteau River Alluvium and Terrace Deposits (Former Rab Valley Wood Preserving Site)	Parts of SW 1/4 Section 15, T8N, R25E, IM and E 1/2 of NE 1/4 of SE 1/4 Section 16, T8N, R25E, IM	Tecumseh St., Panama, OK 74951	0-40	2	•	•	•	DEQ, Land Protection Division	No on-site groundwater use except for monitoring purposes due to NAPL, VOC, and SVOC contamination. See DEQ or county clerk for details.

Groundwater formation name (Site name)	Location	Address	Depth Zone (upper- lower limit) feet (ft)	Class* (1-4)	Water Supply	Ag	M&I	Agency	Remarks
Vanoss Group (Hudson Refinery Superfund site)	NE 1/4 of NW 1/4 of Section 4, T17N, R5E, IM and SW 1/4 of Section 33, T18N, R5E, IM	Payne County	18-168	2	•	•	•	DEQ, Land Protection Division	Deed restriction was filed with county prohibiting ground water use for any purpose due to hydrocarbon contamination. See DEQ Land Protection Division (405-702-5100) or county clerk for location details.
North-Central Oklahoma (Blackwell Zinc Company ("BZC") site)	Portions of Sections 14, 15, 16, 21, 22, 23, 26, 27 and 28 of T27N, R1W, IM. Generally located to the north and south between 500 ft. north of Doolin Avenue and Adams Avenue and to the east and west between 21st Street and 200 ft. east of main Street, City of Blackwell.	Kay County	0-40	2	•	•	•	DEQ, Land Protection Division	City Ordinance No. 2801 prohibiting installation of ground water wells within the ground water protective area due to cadmium and zinc contamination. Contact DEQ Land Protection Division (405-702-5100) or city for location details.

Groundwater formation name (Site name)	Location	Address	Depth Zone (upper- lower limit) feet (ft)	Class* (1-4)	Water Supply	Ag M&I	Agency	Remarks
North-Central Oklahoma (Former Farmland Feedmill site)	36.26 acres in SW 1/4, Section 19, T22N, R6W, IM	3013 South Van Buren Street, Enid, Garfield County, Oklahoma	0-30; depth of contam- ination not defined	2	•	•	DEQ, Water Quality Division	Restriction on groundwater use due to nitrate contamination. Nitrate concentrations exceed drinking water standards. Drinking water wells should not be constructed in this area. See DEQ Water Quality Division for location details.
Atoka and Overlying Alluvium (Sequoyah Fuels Corporation)	Section 21, T12N, R21E, IM	Sequoyah County	0-100	2	•	•	DEQ, Land Protection Division	Uranium, Nitrates, and Arsenic contamination are present above USEPA MCLs of 30 µg/L (Uranium), 10 mg/L (Nitrate as N) and 10 µg/L (Arsenic). Site is subject to Nuclear Regulatory Commission License SUB- 1010

Groundwater formation name (Site name)	Location	Address	Depth Zone (upper- lower limit) feet (ft)	Class* (1-4)	Water Supply	Ag M&I	Agency	Remarks
Duncan Sandstone (Osage Road Site Plume)	Portions of Sections 8, 9, 16, and 17 in T1N, R7W, IM as follows: 8-1N-7W, SW/4 SW/4; 9-1N-7W, NE/4 NE/4; 17-1-7W, NW; 16-1N-7W	605 West Osage Road, Duncan, Oklahoma, Stephens County	25 up to 200	2	•	•	DEQ, Land Protection Division	Approximately 275-acre perchlorate groundwater plume. Partial coverage of deed restrictions on groundwater use. Groundwater remediation is in progress and public water connection is available. Drinking water wells should not be constructed in this area. Contact DEQ Land Protection Division for location details (405-702-5100).

Groundwater formation name (Site name)	Location	Address	Depth Zone (upper- lower limit) feet (ft)	Class* (1-4)	Water Supply	Ag M&I	Agency	Remarks
Boone and Roubidoux Aquifers (Tar Creek Superfund Site)	Sections 13, 14, 23, 24, 25, 26, 35, and 36 of T29N, R22E, IM. Sections 13-36 of T29N, R23E, IM. Sections 17-19, W 1/2 of Section 20, W 1/2 of Section 29, and Sections 30-32 of T29N, R24E, IM. Section 1, E 1/2 of Section 2, E 1/2 of Section 11, Section 12, N 1/2 of Section 13, NE 1/4 of Section 14 all in T28N, R22E, IM. Section 1, W 1/2 of Section 5, Section 6, Section 7, W 1/2 of Section 8, NW 1/4 of Section 17, N 1/2 of Section 18 all in T28N, R23E, IM, W 1/2 of Section 5, Section 6 all in T28N, R24E, IM.	Ottawa County	0-350 (Boone) & 500-1500 (Roubidoux Aquifer)	2	•	•	DEQ, Land Protection Division	Boone Aquifer is impacted by former mining activities and may contain toxic metals. For Boone wells, groundwater testing is recommended and treatment is required if lead or arsenic are $\geq 10 \mu\text{g/L}$, or if cadmium is $\geq 5 \mu\text{g/L}$. For Roubidoux wells, special protective well construction is required to entirely case off the Boone Aquifer. Follow OWRB (785:35-7-1) and DEQ (252:626-7-4) construction standards. See Special Well Construction Fact Sheet on DEQ's Tar Creek webpage for recommendations.

CHAPTER 730. OKLAHOMA'S WATER QUALITY STANDARDS

SUBCHAPTER 1. GENERAL PROVISIONS

252:730-1-2. Definitions

The following words and terms, when used in this Chapter, shall have the following meaning unless the context clearly indicates otherwise:

"7Q2" ~~means the seven-day, two-year low flow.~~ means the 7-day low flow of a stream likely to occur with a 50% probability each year. The procedure for determining a site-specific 7Q2 is described at OAC 252:740-1-6.

"30Q2" means the 30-day low flow of a stream likely to occur with a 50% probability each year. The procedure for determining a site-specific 30Q2 is described at OAC 252:740-1-6.

"Acute test failure" means greater than or equal to 50% mortality to appropriate test species at or below the critical effluent dilution after a ~~48-hour~~ 48-hour test as provided in OAC 252:606-6-29.

"Acute toxicity" means greater than or equal to 50% lethality to appropriate test organisms in a test sample.

"Alpha particle" means a positively charged particle emitted by certain radioactive materials. It is the least penetrating of the three common types of radiation (alpha, beta, and gamma) and usually is not dangerous to plants, animals or humans.

"Ambient" means surrounding, especially of or pertaining to the environment about an entity, but undisturbed and unaffected by it.

"Aquifer" means a formation that contains sufficient saturated, permeable material to yield significant quantities of water to wells and springs. This implies an ability to store and transmit water; unconsolidated sands and gravels are typical examples.

"Aquifer Storage and Recovery Activities" or ("ASR") **"ASR"** means activities that exclusively include activities for the storage of water in and recovery of water from an aquifer pursuant to a site-specific aquifer storage and recovery plan authorized by 82 O.S. § 1020.2A. Activities not conducted pursuant to a site-specific aquifer storage and recovery plan shall not be considered ASR activities. For purposes of this chapter, ASR activities also shall not include groundwater recharge or augmentation through a natural connection with a farm pond or other impoundment otherwise authorized by law.

"Artificial Aquifer Recharge" means activities with the primary purpose of recharging or augmenting an aquifer with no intention of recovering such water for future use. For purposes of this chapter, Artificial Aquifer Recharge activities shall not include activities specifically authorized pursuant to 82 O.S. § 1020.2(G) or stormwater runoff management practices otherwise authorized by law.

"Assimilative capacity" means the amount of pollution a waterbody can receive and still maintain the water quality standards designated for that waterbody.

"Attainable uses" means the best uses achievable for a particular waterbody given water of adequate quality. The process of use attainability analysis can, and in certain cases must, be used to determine attainable uses for a waterbody.

"Background" means the ambient condition upstream or upgradient from a facility, practice, or activity which has not been affected by that facility, practice, or activity.

"Beneficial uses" means a classification of the waters of the State, according to their best uses in the interest of the public.

"Benthic macroinvertebrates" means invertebrate animals that are large enough to be seen by the unaided eye, can be retained by a U. S. Standard No. 30 sieve, and live at least part of their life cycles within or upon available substrate in a body of water or water transport system.

"Best available technology" means the best proven technology, treatment techniques, or other economically viable means which are commercially available.

"Best management practices" or "BMPs" means schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to prevent or reduce the pollution of waters of the

state or United States. BMPs also include treatment requirements, operating procedures, and practices to control plant site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw material storage.

"Beta particle" means a negatively charged elementary particle emitted by radioactive decay that may cause skin burns. It is easily stopped by a thin sheet of metal.

"Bioaccumulation Factor" or **"BAF"** is the ratio of the concentration of a chemical in the tissue of an aquatic organism to the concentration of the chemical dissolved in ambient water at the site of sampling.

"Bioconcentration factor" or **"BCF"** means the relative measure of the ability of a contaminant to be stored in tissues and thus to accumulate through the food chain and is shown as the following formula: $BCF = \text{Tissue Concentration} \div \text{Water Concentration}$.

"Biotic Ligand Model" or **"BLM"** means a metal bioavailability model that uses receiving waterbody characteristics and monitoring data to develop site-specific water quality criteria.

"Board" means the Environmental Quality Board

"BOD" means biochemical oxygen demand.

"Carcinogenic" means cancer producing.

"Chronic test failure" means the statistically significant difference (at the 95% confidence level) between survival, reproduction, or growth of the test organism at or below the chronic critical dilution after completion of a 7-day test as provided in OAC 252:606-6-29, or other test as approved by the permitting authority and the EPA Regional Administrator, and a control.

"Chronic toxicity" means a statistically significant difference (at the 95% confidence level) between longer-term survival and/or reproduction, or growth of the appropriate test organisms in a test sample and a control. Teratogenicity and mutagenicity are considered to be effects of chronic toxicity.

"Coliform group organisms" means all of the aerobic and facultative anaerobic gram-negative, non-spore-forming rod shaped bacteria that ferment lactose broth with gas formation within 48 hours at 35°C. Measurements of bacteria can be expressed as either colony forming units (cfu) or most probable number (MPN).

"Color" means true color as well as apparent color. True color is the color of the water from which turbidity has been removed. Apparent color includes not only the color due to substances in solution (true color), but also that color due to suspended matter.

"Conservation plan" means, but is not limited to, a written plan which lists activities, management practices, and maintenance or operating procedures designed to promote natural resource conservation and is intended for the prevention and reduction of pollution of waters of the state.

"Cool Water Aquatic Community" or **"CWAC"** means a subcategory of the beneficial use category "Fish and Wildlife Propagation" where the water quality, water temperature, and habitat are adequate to support cool water climax fish communities and includes an environment suitable for the full range of cool water benthos. Typical species may include smallmouth bass, certain darters, and stoneflies.

"Criterion" means a number or narrative statement assigned to protect a designated beneficial use.

"Critical dilution" means, for chronic whole effluent toxicity testing, an effluent dilution expressed as a percentage representative of the dilution afforded a wastewater discharge according to the appropriate Q*-dependent chronic mixing zone equation.

"Critical temperature" means the higher of the seven-day maximum temperature likely to occur with a 50% probability each year, or 29.4°C (85°F).

~~**"Criterion"** means a number or narrative statement assigned to protect a designated beneficial use.~~

"Degradation" means any condition caused by the activities of humans which result in the prolonged impairment of any constituent of the aquatic environment.

"DEQ" means the Oklahoma Department of Environmental Quality.

"Designated beneficial uses" means those uses specified for each waterbody or segment whether or not they are being attained.

"Dissolved oxygen" or **"DO"** means the amount of oxygen dissolved in water at any given time, depending upon the water temperature, the partial pressure of oxygen in the atmosphere in contact with the water, the concentration of dissolved organic substances in the water, and the physical aeration of the water.

"DRASTIC" means that standardized system developed by the United States Environmental Protection Agency for evaluating groundwater vulnerability to pollution, based upon consideration of depth to water (D),

net recharge (R), aquifer media (A), soil media (S), topography (T), impact of the vadose zone media (I), and hydraulic conductivity (C) of the aquifer.

"EPA" means the United States Environmental Protection Agency.

"Ephemeral stream" means an entire stream which flows only during or immediately after a rainfall event and contains no refuge pools capable of sustaining a viable community of aquatic organisms.

"Epilimnion" means the uppermost homothermal region of a stratified lake.

"Eutrophication" means the process whereby the condition of a waterbody changes from one of low biologic productivity and clear water to one of high productivity and water made turbid by the accelerated growth of algae.

"Existing beneficial uses" means those uses listed in Title 40 ~~C.F.R.~~ CFR §131.3 actually attained by a waterbody on or after November 28, 1975. These uses may include public water supplies, fish and wildlife propagation, recreational uses, agriculture, industrial water supplies, navigation, and aesthetics.

"Existing point source discharge(s)" means, for purposes of OAC 252:730-5-25, point source discharges other than stormwater which were/are in existence when the ORW, HQW, ~~or~~ SWS, or SWS-R designation was/is assigned to the water(s) which receive(s) the discharge. The load from a point source discharge which is subject to the no increase limitation shall be based on the permitted mass loadings and concentrations, as appropriate, in the discharge permit effective when the limitation was assigned. Publicly owned treatment works may use design flow, mass loadings, or concentration as appropriate if those flows, loadings, or concentrations were approved as a portion of Oklahoma's Water Quality Management Plan prior to the application of the ORW, HQW, SWS or SWS-R limitation.

"Fresh groundwater" means groundwater with ~~naturally-occurring~~ naturally occurring concentrations of total dissolved solids less than 10,000 mg/L, or with levels of total dissolved solids of 10,000 or more mg/L caused by human activities.

"Geometric mean" means the nth root of the product of the samples.

"Groundwater" means *"waters of the state under the surface of the earth regardless of the geologic structure in which it is standing or moving outside the cut bank of any definite stream."* [82 O.S. § 1020.1(1)].

"Groundwater basin" means a distinct underground body of water overlain by contiguous land and having substantially the same geological and hydrological characteristics and yield capabilities.

"Habitat Limited Aquatic Community" or "HLAC" means a subcategory of the beneficial use "Fish and Wildlife Propagation" meeting the conditions specified in OAC 252:730-5-12(b).

"High Quality Water" or "HQW" means those waters of the state whose historic water quality and physical habitat provide conditions suitable for the support of sensitive and intolerant climax communities of aquatic organisms, whether or not that waterbody currently contains such a community, and support high levels of recreational opportunity.

"HUC" means hydrologic unit code utilized by the United States Geologic Survey and other federal and state agencies as a way of identifying all drainage basins in the United States in a nested arrangement from largest to smallest, consisting of a multi-digit code which identifies each of the levels of classification within two-digit fields.

"Intolerant climax fish community" means habitat and water quality adequate to support game fishes or other sensitive species introduced or native to the biotic province or ecological region, which require specific or narrow ranges of high quality environmental conditions.

"Lake" means:

(A) An impoundment of waters of the state over 50 acre-feet in volume which is either:

(i) owned or operated by federal, state, county, or local government or

(ii) appears in Oklahoma's Clean Lakes Inventory.

(B) Surface impoundments which are used as a treatment works for the purpose of treating, stabilizing, or holding wastes are excluded from this definition.

"LC50" means lethal concentration and is the concentration of a toxicant in an external medium that is lethal to fifty percent of the test animals for a specified period of exposure.

"Long-term average flow" means an arithmetic average stream flow over a representative period of record.

"MDL" means the Method Detection Limit and is defined as the minimum concentration of an analyte that can be measured and reported with 99% confidence that the analyte concentration is greater than zero. MDL is dependent upon the analyte of concern.

"Mixing zone" means when a liquid of a different quality than the receiving water is discharged into the receiving water, a mixing zone is formed. Concentration of the liquid within the mixing zone decreases until it is completely mixed with receiving water. A regulatory mixing zone is described in OAC 252:730-5-26.

"Narrative criteria" means statements or other qualitative expressions of chemical, physical or biological parameters that are assigned to protect a beneficial use.

"Natural source" means source of contamination which is not human induced.

"NLW impairment study" means a scientific process of surveying the chemical, physical, and biological characteristics of a nutrient-threatened reservoir to determine whether the reservoir's beneficial uses are being impaired by human-induced eutrophication.

"Nonpoint source" means a source of pollution without a well defined point of origin.

"NTU" means Nephelometric Turbidity Unit, which is the unit of measure using the method based upon a comparison of the intensity of light scattered by the sample under defined conditions with the intensity of light scattered by a standard reference suspension (formazin). The higher the intensity of scattered light, the higher the turbidity.

"Numerical criteria" means concentrations or other quantitative measures of chemical, physical, or biological parameters that are assigned to protect a beneficial use.

"Numerical standard" means the most stringent of the numerical criteria assigned to the beneficial uses for a given stream.

"Nutrient impaired reservoir" means a reservoir with a beneficial use or uses determined by an NLW Impairment Study to be impaired by human-induced eutrophication.

"Nutrient-limited watershed" means a watershed of a waterbody with a designated beneficial use which is adversely affected by excess nutrients as determined by Carlson's Trophic State Index (using chlorophyll-a) of 62 or greater or is otherwise listed as "NLW" in Appendix A of this Chapter.

"Nutrients" means elements or compounds essential as raw materials for an organism's growth and development; these include carbon, oxygen, nitrogen, and phosphorus.

"ORW" means Outstanding Resource Water.

"OWRB" means Oklahoma Water Resources Board.

"Picocurie" means that quantity of radioactive material producing 2.22 nuclear transformations per minute.

"Point source" means any discernable, confined, and discrete conveyance, including but not limited to any pipe, ditch, channel, tunnel, well, discrete fissure, container, rolling stock, or concentrated animal feeding operation from which pollutants are or may be discharged. This term does not include return flows from irrigation agriculture.

"Pollutant" means any material, substance, or property which may cause pollution.

"Pollution" means *"contamination or other alteration of the physical, chemical or biological properties of any natural waters of the State, or such discharge of any liquid, gaseous or solid substance into any waters of the State as will or is likely to create a nuisance or render such waters harmful, or detrimental or injurious to public health, safety or welfare, or to domestic, commercial, industrial, agricultural, recreational, or other legitimate beneficial uses, or to livestock, wild animals, birds, fish or other aquatic life."* [82 O.S. §1084.2(1)].

"Polychlorinated biphenyls" or "PCBs" means a group of organic compounds (206 possible) which are constructed of two phenyl rings and more than one chlorine atom.

"PQL" means Practical Quantitation Limit and is defined as 5 times the MDL. The PQL represents a practical and routinely achievable detection limit with high confidence.

"Put and take fishery" means the introduction of a fish species into a body of water for the express purpose of sport fish harvest where existing conditions preclude a naturally reproducing population.

"Q*" means dilution capacity.

"Regulatory low flow" means a condition where the flow of water in a stream is significantly reduced, often during prolonged dry weather. This phenomenon is characterized by a decrease in stream flow, which can be defined by specific statistics such as 7Q2 or 30Q2. Regulatory low flow is important for setting permit

discharge limits and ensuring ecological protection, as it can lead to water quality issues and affect water resources. 30Q2 shall be used only for setting discharge permit limits for selenium.

"Salinity" means the concentration of salt in water.

"Sample standard" means the arithmetic mean of historical data from October 1976 to September 1983 except as otherwise provided in Appendix F of this Chapter, plus two standard deviations of the mean.

"Seasonal base flow" means the sustained or fair-weather runoff, which includes but is not limited to groundwater runoff and delayed subsurface runoff.

"Seasonal seven-day, two-year low flow" means the 7-day low flow of a stream likely to occur with a 50% probability for a season with the applicable dates in Table 1 of Appendix G of this Chapter.

"Seasonal 7Q2" means the seasonal seven-day, two-year low flow.

"Sensitive Public and Private Water Supply" or "SWS" means those waters of the state which constitute sensitive public and private water supplies as a result of their unique physical conditions.

"Sensitive representative species" means ~~Ceriodaphnia dubia, Daphnia magna, Daphnia pulex, Pimphales promelas (Fathead minnow), Lepomis macrochirus (Bluegill sunfish),~~ Ceriodaphnia dubia, Daphnia magna, Daphnia pulex, Pimphales promelas (Fathead minnow), Lepomis macrochirus (Bluegill sunfish), which may either be indigenous to a particular waterbody or used as a surrogate species to represent sensitive vertebrate or invertebrate species indigenous to a particular waterbody.

~~**"Sensitive Public and Private Water Supply" or "SWS"** means those waters of the state which constitute sensitive public and private water supplies as a result of their unique physical conditions.~~

"SWS-R" means waterbodies classified as sensitive public and private water supplies that may be augmented with reclaimed water for the purpose of indirect potable reuse.

"Seven-day, two-year low flow" means the 7-day low flow of a stream likely to occur with a 50% probability each year.

"Standard deviation" means a statistical measure of the dispersion around the arithmetic mean of the data.

"Standard Methods" means the publication "Standard Methods for the Examination of Water and Wastewater," published jointly by the American Public Health Association, American Water Works Association, and Water Environment Federation.

"Standards" means, when capitalized, this Chapter, which constitutes the Oklahoma Water Quality Standards described in 82 O.S. §1085.30. Whenever this term is not capitalized or is singular, it means the most stringent of the criteria assigned to protect the beneficial uses designated for a specified water of the State.

"Steady-state" refers to an aquatic ecosystem where the inputs are stable, and the bioaccumulation of toxins or inputs has reached homeostasis within organisms in the system. DEQ will require a waiting period of 6 months in rivers and streams, and 3 years in lakes following any major changes to system inputs or discharges.

"Stormwater" means storm water runoff, snow melt runoff, and surface runoff and drainage.

"Subwatershed" means a smaller component of the larger watershed.

~~**"Total Dissolved Selenium" or "TDSe"** means the measure of the combined content of all species of selenium that are dissolved in the water column and small enough to pass through a 0.45 micron (µm) filter.~~

"Thermal stratification" means horizontal layers of different densities produced in a lake caused by temperature.

"Total Dissolved Selenium" or "TDSe" means the measure of the combined content of all species of selenium that are dissolved in the water column and small enough to pass through a 0.45 micron (µm) filter.

"Variance" means a time-limited designated use and criterion for a specific pollutant(s) or water quality parameter(s) that reflect the highest attainable condition during the term of the water quality standards variance.

"Warm Water Aquatic Community" or "WWAC" means a subcategory of the beneficial use category "Fish and Wildlife Propagation" where the water quality and habitat are adequate to support intolerant climax fish communities and includes an environment suitable for the full range of warm water benthos.

"Wastes" means "industrial waste and all other liquid, gaseous or solid substances which may pollute or tend to pollute any waters of the state." [82 O. S. §1084.2(2)].

"Water quality" means physical, chemical, and biological characteristics of water which determine diversity, stability, and productivity of the climax biotic community or affect human health.

"Waterbody" means any specified segment or body of waters of the state, including but not limited to an entire stream or lake or a portion thereof.

~~**"Water quality"** means physical, chemical, and biological characteristics of water which determine diversity, stability, and productivity of the climax biotic community or affect human health.~~

"Waters of the state" means *"all streams, lakes, ponds, marshes, watercourses, waterways, wells, springs, irrigation systems, drainage systems, and all other bodies or accumulations of water, surface and underground, natural or artificial, public or private, which are contained within, flow through, or border upon this State or any portion thereof."* [82 O.S. § 1084.2(3)].

"Watershed" means the drainage area of a waterbody including all direct or indirect tributaries.

"Yearly mean standard" means the arithmetic mean of historical data from October 1976 to September 1983 except as otherwise provided in Appendix F of this Chapter, plus one standard deviation of the mean. The moving yearly mean standard is an average of the last five years of available data.

"Zone of passage" means a three-dimensional zone expressed as a volume in the receiving stream through which mobile aquatic organisms may traverse the stream past a discharge without being affected by it. A regulatory zone of passage is described in OAC 252:730-5-26.

SUBCHAPTER 3. ANTIDegradATION REQUIREMENTS

252:730-3-2. Applications of antidegradation policy

(a) **Application to Outstanding Resource Waters (ORW).** Certain waters of the state constitute an outstanding resource or have exceptional recreational and/or ecological significance. These waters include streams designated "Scenic River" or "ORW" in Appendix A of this Chapter, and waters of the State located within watersheds of Scenic Rivers. Additionally, these may include waters located within National and State parks, forests, wilderness areas, wildlife management areas, and wildlife refuges, and waters which contain species listed pursuant to the federal Endangered Species Act as described in OAC 252:730-5-25(c)(2)(A) and OAC 252:740-13-6(c). No degradation of water quality shall be allowed in these waters.

(b) **Application to High Quality Waters (HQW).** It is recognized that certain waters of the state possess existing water quality which exceeds those levels necessary to support propagation of fishes, shellfishes, wildlife, and recreation in and on the water. These high quality waters shall be maintained and protected.

(c) **Application to Sensitive Public and Private Water Supplies (SWS) and SWS-R.** It is recognized that certain public and private water supplies possess conditions that make them more susceptible to pollution events and require additional protection. These sensitive water supplies shall be maintained and protected.

(d) **Application to beneficial uses.** Except as provided by ~~2727A~~ O.S. § 1-3-101(B), and subject to the provisions of ~~85 O.S. § 1085-3027A~~ O.S. § 2-6-103.2, no water quality degradation which will interfere with the attainment or maintenance of an existing or designated beneficial use shall be allowed.

(e) **Application to improved waters.** As the quality of any waters of the state improve, no degradation of such improved waters shall be allowed.

SUBCHAPTER 5. SURFACE WATER QUALITY STANDARDS

PART 1. GENERAL PROVISIONS

252:730-5-2. Beneficial uses: existing and designated

(a) Beneficial uses are designated for all waters of the state. Such uses are protected through the restrictions imposed by the antidegradation policy statement, narrative criteria and numerical standards. Some uses require higher quality water than others. When multiple uses are assigned to the same waters, all such uses shall be protected. Beneficial uses are also protected by permits or other authorizations issued to meet these Standards for point sources and through practical management or regulatory programs for nonpoint sources. The criteria to protect the beneficial uses designated in OAC 252:730-5-3 or in Appendix A of this Chapter for certain surface waters of the state are described in sections OAC 252:730-5-10 through OAC 252:730-5-20 of this Chapter.

(b) Beneficial uses designated in OAC 252:730-5-3 or in Appendix A of this Chapter for certain surface waters of the state may be downgraded to a lower use or removed entirely, or subcategories of such designated uses may be established, if:

- (1) the use, despite being designated, is not a use which is or has been actually attained in the water body on or after November 28, 1975; and
- (2) for the use of Fish and Wildlife Propagation, Primary Body Contact Recreation or Secondary Body Contact Recreation, or any subcategory of such use or uses, it is demonstrated to the satisfaction of DEQ and the ~~U.S. E.P.A.~~ EPA that attaining the designated use is not feasible because:
 - (A) naturally occurring pollutant concentrations prevent the attainment of the use, or
 - (B) natural, ephemeral, intermittent or low flow conditions or water levels prevent the attainment of the use, unless these conditions may be compensated for by the discharge of sufficient volume of effluent discharges without violating state water conservation requirements to enable uses to be met, or
 - (C) human caused conditions or sources of pollution prevent the attainment of the use and cannot be remedied or would cause more environmental damage to correct than to leave in place, or
 - (D) dams, diversions or other types of hydrologic modifications preclude the attainment of the use, and it is not feasible to restore the water body to its original condition or to operate such modification in a way that would result in the attainment of the use, or
 - (E) physical conditions related to the natural features of the water body, such as the lack of a proper substrate, cover, flow, depth, pools, riffles, and the like, unrelated to water quality, preclude attainment of aquatic life protection uses, or
 - (F) controls more stringent than those required by sections 301(b) and 306 of the federal Clean Water Act as amended would result in substantial and widespread economic and social impact; and
- (3) such downgrade, removal, or establishment of a subcategory will maintain or improve the quality of water affected.

252:730-5-4. Applicability of narrative and numerical criteria

- (a) For purposes of permitting discharges for attainment of numerical criteria or establishing ~~site-specific site-specific~~ criteria, streamflows of the greater of ~~1.0~~ 1 cfs or ~~702~~ the regulatory low flow shall be used to determine appropriate permit conditions unless otherwise provided in OAC 252:730 or OAC 252:740.
- (b) When numerical criteria do not apply, water column conditions including dissolved oxygen concentrations, organoleptic compounds, nutrients, and oil and grease shall be maintained to prevent nuisance conditions caused by man's activities.
- (c) Narrative criteria listed in this Chapter shall be maintained at all times and apply to all surface waters of the state.
- (d) If more than one narrative or numerical criteria is assigned to a stream, the most stringent shall be maintained.

PART 3. BENEFICIAL USES AND CRITERIA TO PROTECT USES

252:730-5-9. General narrative criteria

- (a) **Minerals.** Increased mineralization from elements such as, but not limited to, calcium, magnesium, sodium and their associated anions shall not impair any beneficial use. Derivations of certain historic concentrations can be found in Appendix F of this Chapter.
- (b) **Solids (suspended and/or settleable).** The surface waters of the state shall be maintained so as to be essentially free of floating debris, bottom deposits, scum, foam and other materials, including suspended substances of a persistent nature, from other than natural sources.
- (c) **Taste and odor.** Taste and odor producing substances from other than natural origin shall not interfere with the production of a potable water supply by modern treatment methods; or produce abnormal flavors, colors,

tastes, and odors in fish flesh or other edible wildlife;; or result in offensive odors in the vicinity of the water;; or otherwise impair any beneficial use.

(d) **Nutrients.** Nutrients from point source discharges or other sources shall not cause excessive growth of periphyton, phytoplankton, or aquatic macrophyte communities which impairs any existing or designated beneficial use.

252:730-5-10. Public and private water supplies

The following criteria apply to surface waters of the state having the designated beneficial use of Public and Private Water Supplies:

(1) **Raw water numerical criteria.** For surface water designated as public and private water supplies, the numerical criteria for substances identified under the "Public and Private Water Supply (Raw Water)" column in Table 2 of Appendix G of this Chapter shall not be exceeded. Raw water numerical criteria are considered long-term average standards. For purposes of permitting discharges for attainment of these standards, the permitting authority shall use long-term average receiving stream flows and complete mixing of effluent and receiving water to determine appropriate permit limits.

(2) **Radioactive materials.**

(A) There shall be no discharge of radioactive materials in excess of the criteria found in Title 10 Code of Federal Regulations Part 20, Appendix B, Table 2.

(B) The concentration of gross alpha particles shall not exceed the criteria specified in ~~(A)~~ (i) through ~~(D)~~ (iv) of this subparagraph, or the naturally occurring concentration, whichever is higher.

(i) The combined dissolved concentration of Radium-226 and Radium-228, and Strontium-90, shall not exceed 5 picocuries/liter, and 8 picocuries/liter, respectively.

(ii) Gross alpha particle concentrations, including Radium-226 but excluding radon and uranium, shall not exceed 15 picocuries/liter.

(iii) The gross beta concentration shall not exceed 50 picocuries/liter.

(iv) The average annual concentration of beta particle and photon radioactivity from man-made radionuclides in waters having the designated use of Public and Private Water Supply shall not produce an annual dose equivalent to the total body or any internal organ greater than 4 millirem/year.

(3) **Coliform bacteria.**

(A) The bacteria of the total coliform group shall not exceed a monthly geometric mean of 5,000/100 ~~ml~~ mL at a point of intake for public or private water supply.

(B) The geometric mean will be determined by multiple tube fermentation or membrane filter procedures based on a minimum of not less than ~~five (5)~~ four (4) samples taken over a period of not more than thirty (30) days.

(C) Further, in no more than 5% of the total samples during any thirty (30)-day period shall the bacteria of the total coliform group exceed ~~20,000/100~~ 20,000 cfu per 100 mL.

(D) In cases where both public and private water supply and primary body contact recreation uses are designated, the primary body contact criteria will apply.

(4) **Oil and grease (petroleum and non-petroleum related).** For Public and Private Water Supplies, surface waters of the state shall be maintained free from oil and grease and taste and odors.

(5) **General criteria.**

(A) The quality of the surface waters of the state which are designated as public and private water supplies shall be protected, maintained, and improved when feasible, so that the waters can be used as sources of public and private raw water supplies.

(B) These waters shall be maintained so that they will not be toxic, carcinogenic, mutagenic, or teratogenic to humans.

(6) **Water column criteria to protect for the consumption of fish flesh and water.**

(A) Surface waters of the state with the designated beneficial use of Public and Private Water Supply shall be protected to allow for the consumption of fish, shellfish, and water.

(B) The water column numerical criteria to protect human health for the consumption of fish flesh and water for the substances identified in Table 2 of Appendix G of this Chapter shall be as prescribed under the "Fish Consumption and Water" column in Table 2 of Appendix G in all surface waters designated with the beneficial use of Public and Private Water Supply. Water column numerical criteria to protect human health for the consumption of fish flesh and water are considered long-term average standards. For purposes of permitting discharges for attainment of these standards, the permitting authority shall use long-term average receiving stream flows and complete mixing of effluent and receiving water to determine appropriate permit limits. Water column criteria to protect human health for the consumption of fish flesh only may be found in the column "Fish Consumption" in Table 2 of Appendix G of this Chapter.

(7) **Chlorophyll-a numerical criterion for certain waters.** The long-term average concentration of chlorophyll-a at a depth of 0.5 meters below the surface shall not exceed 0.010 ~~milligrams per liter~~ mg/L in Wister Lake, Tenkiller Ferry Reservoir, nor any waterbody designated SWS or SWS-R in Appendix A of this Chapter. Wherever such criterion is exceeded, numerical phosphorus or nitrogen criteria or both may be promulgated.

(8) **Phosphorus numerical criterion applicable to certain waters.** The long-term average total phosphorus concentration at a depth of 0.5 meters below the surface shall not exceed 0.0168 ~~milligrams per liter~~ mg/L in Lake Eucha and 0.0141 ~~milligrams per liter~~ mg/L in Spavinaw Lake.

252:730-5-12. Fish and wildlife propagation

(a) **List of subcategories.** The narrative and numerical criteria in this section are designed to maintain and protect the beneficial use classification of "Fish and Wildlife Propagation". This classification encompasses several subcategories which are capable of sustaining different climax communities of fish and shellfish. These subcategories are Habitat Limited Aquatic Community, Warm Water Aquatic Community, Cool Water Aquatic Community (Excluding Lake Waters), and Trout Fishery (Put and Take).

(b) **Habitat Limited Aquatic Community subcategory.**

(1) ~~Habitat limited aquatic community~~ Habitat Limited Aquatic Community means a subcategory of the beneficial use "Fish and Wildlife Propagation" where the water chemistry and habitat are not adequate to support a "Warm Water Aquatic Community" because:

- (A) Naturally occurring water chemistry prevents the attainment of the use; or
- (B) Naturally occurring ephemeral, intermittent or low flow conditions, or water levels prevent the attainment of the use, unless these conditions may be compensated for by the discharge of a sufficient volume of effluent to enable uses to be met; or
- (C) Human caused conditions or sources of pollution prevent the attainment of the use and cannot be remedied or would cause more environmental damage to correct than to leave in place; or
- (D) Dams, diversions, or other types of hydrologic modifications preclude the attainment of the use, and it is not feasible to restore the waterbody to its original condition or to operate such modification in a way that would result in the attainment of the use; or
- (E) Physical conditions related to the natural features of the waterbody, such as the lack of a proper substrate, cover, flow, depth, pools, riffles, and the like, unrelated to water quality, preclude attainment of the "Warm Water Aquatic Community" beneficial use.

(2) Habitat Limited Aquatic Community may also be designated where controls more stringent than those required by sections 301(b) and 306 of the federal Clean Water Act as amended, which would be necessary to meet standards or criteria associated with the beneficial use subcategories of Cool Water Aquatic Community or Warm Water Aquatic Community, would result in substantial and widespread economic and social impact.

(c) **Warm Water Aquatic Community subcategory.** Warm Water Aquatic Community means a subcategory of the beneficial use category "Fish and Wildlife Propagation" where the water quality and habitat are adequate to support intolerant climax fish communities and includes an environment suitable for the full range of warm water benthos.

(d) **Cool Water Aquatic Community subcategory.** Cool Water Aquatic Community means a subcategory of the beneficial use category "Fish and Wildlife Propagation" where the water quality, water temperature, and habitat are adequate to support cool water climax fish communities and includes an environment suitable for the full range of cool water benthos. Typical species may include smallmouth bass, certain darters, and stoneflies.

(e) **Trout Fishery subcategory.** Trout Fishery (Put and Take) means a subcategory of the beneficial use category "Fish and Wildlife Propagation" where the water quality, water temperature, and habitat are adequate to support a seasonal put and take trout fishery. Typical species may include trout.

(f) **Criteria used in protection of Fish and Wildlife Propagation.** The narrative and numerical criteria to maintain and protect the use of "Fish and Wildlife Propagation" and its subcategories shall include:

(1) Dissolved oxygen.

(A) Dissolved oxygen (DO) criteria are designed to protect the diverse aquatic communities of Oklahoma.

(B) Allowable loadings designed to attain these dissolved oxygen criteria are provided as follows:

(i) For streams with sufficient historical data, the allowable load shall be based on meeting the dissolved oxygen concentration standard at the seven-day, two-year low flow and the appropriate seasonal temperatures prescribed in Table 1 of Appendix G of this Chapter.

(ii) For streams lacking sufficient historical data, or when the appropriate flow is less than ~~one (1) cubic foot per second (cfs)~~ 1 cfs, the allowable load shall be based on meeting the dissolved oxygen concentration standard at ~~one (1)~~ 1 cfs and the appropriate seasonal temperature.

(iii) Provided, for streams designated in OAC 252:730 Appendix A as HLAC or WWAC which have sufficient historical data as determined by the permitting authority, the allowable BOD load may be based upon meeting the dissolved oxygen concentration standard at the applicable seasonal temperature and corresponding seasonal seven-day, two-year low flow.

(iv) Provided further, in stream segments where dams or other structures have substantially affected the historic flow regime of the stream segment, including but not limited to the portions of the Verdigris and Arkansas Rivers constituting the McClellan-Kerr Arkansas River Navigation System, a properly designed and implemented site-specific hydrologic study approved by the permitting authority and DEQ may be used to determine the appropriate regulatory low flow. In such circumstances, the allowable BOD load may be based upon meeting the dissolved oxygen concentration standard at the applicable seasonal temperature and the site-specific regulatory low flow.

(C) Except for naturally occurring conditions, the dissolved oxygen criteria are as set forth in Table 1 of Appendix G of this Chapter. Additionally;

(i) For streams, no more than two DO samples shall exhibit a DO concentration of less than 2.0 mg/L in any given year.

(ii) For lakes, no more than 50% of the water volume shall exhibit a DO concentration less than 2.0 mg/L. If no volumetric data is available, then no more than 70% of the water column at any given sample site shall exhibit a DO concentration less than 2.0 mg/L. If a lake-specific study including historical analysis demonstrates that a different percent volume or percent water column than described above is protective of the WWAC use, then that lake-specific result takes precedence.

(2) Temperature.

(A) At no time shall heat be added to any surface water in excess of the amount that will raise the temperature of the receiving water more than 2.8°C outside the mixing zone.

(B) The normal daily and seasonal variations that were present before the addition of heat from other than natural sources shall be maintained.

(C) In streams, temperature determinations shall be made by averaging representative temperature measurements of the ~~cross-sectional~~ cross-sectional area of the stream at the end of the mixing zone.

(D) In lakes, the temperature of the water column and/or epilimnion, if thermal stratification exists, shall not be raised more than 1.7°C above that which existed before the addition of heat of artificial origin, based upon the average of temperatures taken from the surface to the bottom of the lake, or surface to the bottom of the epilimnion if the lake is stratified.

(E) No heat of artificial origin shall be added that causes the receiving stream water temperature to exceed the maximums specified below:

(i) The critical temperature plus 2.8°C in ~~warm water and habitat limited aquatic community~~ Warm Water and Habitat Limited Aquatic Community streams and lakes, except in the segment of the Arkansas River from Red Rock Creek to the headwaters of Keystone Reservoir where the maximum temperature shall not exceed 34.4°C.

(ii) 28.9°C in streams designated ~~cool water aquatic community~~ Cool Water Aquatic Community.

(iii) 20°C in streams designated ~~trout fishery~~ Trout Fishery (~~put and take~~) (Put and Take).

(F) Water in privately-owned reservoirs used in the process of cooling water for industrial purposes is exempt from these temperature restrictions, provided the water released from any such lake or reservoir into a stream system shall meet the water quality standards of the receiving stream.

(3) **pH (hydrogen ion activity).** The pH values shall be between 6.5 and 9.0 in waters designated for ~~fish and wildlife propagation~~ Fish and Wildlife Propagation, unless pH values outside that range are due to natural conditions.

(4) **Oil and grease (petroleum and non-petroleum related).**

(A) All waters having the designated beneficial use of any subcategory of Fish and Wildlife Propagation shall be maintained free of oil and grease to prevent a visible sheen of oil or globules of oil or grease on or in the water.

(B) Oil and grease shall not be present in quantities that adhere to stream banks and coat bottoms of water courses or which cause deleterious effects to the biota.

(5) **Biological criteria.**

(A) Aquatic life in all waterbodies with the beneficial use designation of Fish and Wildlife Propagation (excluding waters designated "Trout, ~~put and take~~ Put and Take") shall not exhibit degraded conditions as indicated by one or both of the following:

(i) Comparative regional reference data from a station of reasonably similar watershed size or flow, habitat type, and Fish and Wildlife beneficial use subcategory designation or

(ii) By comparison with historical data from the waterbody being evaluated.

(B) Compliance with the biological criteria to protect Fish and Wildlife Propagation set forth in this paragraph shall be based upon measures including, but not limited to, diversity, similarity, community structure, species tolerance, trophic structure, dominant species, indices of biotic integrity (~~IBIs~~) (IBIs), indices of wellbeing (~~IWBs~~) (IBWs), or other measures.

(6) **Toxic substances (for protection of fish and wildlife).**

(A) Surface waters of the state shall not exhibit acute toxicity and shall not exhibit chronic toxicity outside the chronic regulatory mixing zone. Acute test failure and chronic test failure shall be used to determine discharger compliance with these narrative aquatic life toxics criteria. The narrative criterion specified in this subparagraph (~~A~~) which prohibits acute toxicity shall be maintained at all times and shall apply to all surface waters of the state. The narrative criterion specified in this subparagraph (A) which prohibits chronic toxicity shall apply at all times outside the chronic regulatory mixing zone and within the zone of passage to all waters of the state except:

(i) When a discharge into surface waters designated with the Fish and Wildlife Propagation beneficial use complies with and meets the discharge permit limitations but the flow immediately upstream from the discharge is less than ~~one (1) cubic foot per second~~ 1 cfs or when the flow falls below the seven-day, two-year low flow, whichever is larger. For purposes of the permitting process, the regulatory low flow shall be the larger of ~~one (1) cubic foot per second~~ 1 cfs or the seven-day, two-year low flow; and

(ii) To streams listed as ephemeral in Appendix A.

(B) Procedures to implement these narrative criteria are found in OAC 252:740 Subchapter 3.

(C) Toxicants for which there are specific numerical criteria are listed in Table 2 of Appendix G of this Chapter.

(D) For toxicants not specified in Table 2 of Appendix G of this Chapter, concentrations of toxic substances with bio-concentration factors of 5 or less shall not exceed 0.1 of published LC50 value(s) for sensitive representative species using standard testing methods, giving consideration to site-specific water quality characteristics.

(E) Concentrations of toxic substances with bio-concentration factors greater than 5 shall not exceed 0.01 of published LC50 value(s) for sensitive representative species using standard testing methods, giving consideration to site-specific water quality characteristics.

(F) Permit limits to prevent toxicity caused by discharge of chlorine and ammonia are determined pursuant to the narrative criteria contained within (A) and (B) of this paragraph.

(G) The acute and chronic numerical criteria listed in the "Fish and Wildlife Propagation" column in Table 2 of Appendix G of this Chapter apply to all waters of the state designated with any of the beneficial use sub-categories of Fish and Wildlife Propagation. The numerical criteria which prohibit acute toxicity apply outside the acute regulatory mixing zone.

(i) The numerical criteria specified in Table 2 of Appendix G which prohibit chronic toxicity shall apply at all times outside the chronic regulatory mixing zone and within the zone of passage to all waters of the state except:

(I) When a discharge into surface waters designated with the Fish and Wildlife Propagation beneficial use complies with and meets the discharge permit limitations but the flow immediately upstream from the discharge is less than ~~one (1) cubic foot per second~~ 1 cfs or when the flow falls below the seven-day, two-year low flow, whichever is larger. For purposes of the permitting process, the regulatory low flow shall be the larger of ~~one (1) cubic foot per second~~ 1 cfs or the seven-day, two-year low flow; and

(II) To streams listed as ephemeral in Appendix A.

(ii) Equations are presented in Table 2 of Appendix G for those substances whose toxicity varies with water chemistry.

(H) For purposes of assessment per OAC 252:740-15-5, the conversion factors identified in Table 3 of Appendix G of this Chapter may be used to convert the total recoverable metals criteria set forth in Table 2 of Appendix G into dissolved metals values. Such dissolved metals values may be determined by multiplying the total recoverable numerical criteria in OAC 252:730 Appendix G, Table 2 by the conversion factors identified in Table 3 of Appendix G.

(7) Turbidity.

(A) Turbidity from other than natural sources shall be restricted to not exceed the following numerical limits:

(i) Cool Water Aquatic Community/Trout Fisheries: 10 NTUs;

(ii) Lakes: 25 NTUs; and

(iii) Other surface waters: 50 NTUs.

(B) In waters where background turbidity exceeds these values, turbidity from point sources shall be restricted to not exceed ambient levels.

(C) Numerical criteria listed in (A) of this paragraph apply only to seasonal base flow conditions.

(D) Elevated turbidity levels may be expected during, and for several days after, a runoff event.

(8) **Sediments.** Concentrations or loads of suspended or bedded sediments that are caused by human activity shall not impair the Fish and Wildlife Propagation use or any subcategory thereof.

252:730-5-13. Agriculture

(a) **General.** The surface waters of the state shall be maintained so that toxicity does not inhibit continued ingestion by livestock or irrigation of crops.

(b) **Definitions.** The following words and terms, when used in this Section, shall have the following meaning unless the context clearly indicates otherwise:

(1) "Long-term average concentration" means the arithmetic mean of at least ten samples taken across at least twelve months.

(2) "Short-term average concentration" means the arithmetic mean of all samples taken during any 30-day period.

(c) **Subcategories of the Agriculture beneficial use.**

(1) The narrative and numerical criteria stated or referenced in this ~~section~~Section and in Appendix F of this ~~chapter~~Chapter are designed to maintain and protect the beneficial use classification of "Agriculture". This classification encompasses two subcategories which are capable of sustaining different agricultural applications. These subcategories are Irrigation Agriculture and Livestock Agriculture.

(2) Irrigation Agriculture means a subcategory of the Agriculture beneficial use requiring water quality conditions that are dictated by individual crop tolerances.

(3) Livestock Agriculture is a subcategory of the Agriculture beneficial use requiring much less stringent protection than crop irrigation.

(4) If a waterbody is designated in Appendix A of this Chapter with the Agriculture beneficial use but does not have a designation of a subcategory thereof, the criteria for Irrigation Agriculture shall be applicable.

(d) **Highly saline water.** Highly saline water should be used with best management practices as outlined in "Diagnosis and Reclamation of Saline Soils," United States Department of Agriculture Handbook No. 60 (1958).

(e) **General criteria for the protection of Irrigation Agriculture.** This subsection prescribes general criteria to protect the Irrigation Agriculture subcategory. For chlorides, sulfates and total dissolved solids at 180 °C (see Standard Methods), the arithmetic mean of the concentration of the samples taken for a year in a particular segment shall not exceed the historical "yearly mean standard" determined from the table in Appendix F of this Chapter. For permitting purposes, the long-term average concentration shall not exceed the yearly mean standard. Yearly mean standards shall be implemented by the permitting authority using the greater of 1.47 cfs or long-term average flows and complete mixing of effluent and receiving water. For permitting purposes, the short term average concentration shall not exceed the sample standard. Sample standards shall be implemented by the permitting authority using the greater of ~~1.0~~ 1 cfs or short term average flows and complete mixing of effluent and receiving water. The data from sampling stations in each segment are averaged, and the mean chloride, sulfate, and total dissolved solids at 180 °C are presented in Appendix F of this Chapter. Segment averages shall be used unless more appropriate data are available.

(f) **Historic concentrations.** The table in Appendix F of this Chapter contains statistical values from historical water quality data of mineral constituents. In cases where mineral content varies within a segment, the most pertinent data available should be used.

(g) **Criteria to protect Irrigation Agriculture subcategory.** For the purpose of protecting the Irrigation Agriculture subcategory, neither long-term average concentrations nor ~~short-term~~ short-term average concentrations of minerals shall be required to be less than 700 mg/L for TDS, nor less than 250 mg/L for either chlorides or sulfates.

(h) **Criteria to protect Livestock Agriculture subcategory.** For the purpose of protecting the Livestock Agriculture subcategory, neither long-term average concentrations nor ~~short-term~~ short-term average concentrations of minerals shall be required to be less than 2500 mg/L for TDS.

(i) **Support tests.** For purposes of assessment, listing and reporting under ~~sections~~ Sections 303(d) and 305(b) of the federal Clean Water Act as amended, the procedure for determining use support of the Agriculture beneficial use or any subcategory thereof with respect to TDS, chlorides and sulfates shall be as follows:

(1) The Agriculture beneficial use designated for a waterbody shall be deemed to be fully supported with respect to TDS or chlorides or sulfates if both the mean of all sample concentrations calculated for that parameter from that waterbody do not exceed the yearly mean standard prescribed in OAC 252:730 Appendix F or ~~site-specific~~ site-specific criteria prescribed in OAC 252:730 Appendix E, and no more than 10% of the sample concentrations from that waterbody exceed the sample standard prescribed in OAC 252:730 Appendix F or ~~site-specific criteria~~ site-specific criteris prescribed in OAC 252:730 Appendix E.

(2) The Agriculture beneficial use designated for a waterbody shall be deemed to be not supported with respect to TDS or chlorides or sulfates if either the mean of all sample concentrations calculated for that parameter from that waterbody exceeds the yearly mean standard prescribed in OAC 252:730 Appendix F or ~~site-specific~~ site-specific criteria prescribed in OAC 252:730 Appendix E, or greater than 10% of the sample concentrations from that waterbody exceed the sample standard prescribed in Appendix F or ~~site-specific~~ site-specific criteria prescribed in OAC 252:730 Appendix E. Provided, if the sample concentrations are each less than 700 mg/L for TDS, or less than 250 mg/L for either chlorides or sulfates, then the Agriculture beneficial use shall be deemed to be fully supported for that parameter.

252:730-5-16. Primary Body Contact Recreation

(a) Primary Body Contact Recreation involves direct body contact with the water where a possibility of ingestion exists. In these cases the water shall not contain chemical, physical or biological substances in concentrations that are irritating to skin or sense organs or are toxic or cause illness upon ingestion by human beings.

(b) In waters designated for Primary Body Contact Recreation the following limits for bacteria set forth in (c) of this ~~section~~ Section shall apply only during the recreation period of May 1 to September 30. The criteria for Secondary Body Contact Recreation will apply during the remainder of the year.

(c) Compliance with OAC 252:730-5-16 shall be based upon meeting the requirements of one of the options specified in (1) or (2) of this subsection (c) for bacteria. Upon selection of one (1) group or test method, said method shall be used exclusively over the time period prescribed therefore. Provided, where concurrent data exist for multiple bacterial indicators on the same waterbody or waterbody segment, no criteria exceedances shall be allowed for any indicator group.

(1) *Escherichia coli* (*E. coli*): ~~The E. coli geometric mean criterion is 126/100 ml. For swimming advisory and permitting purposes, E. coli shall not exceed a monthly geometric mean of 126/100 ml based upon a minimum of not less than five (5) samples collected over a period of not more than thirty (30) days. For swimming advisory and permitting purposes, no sample shall exceed a 75% one-sided confidence level of 235/100 ml in lakes and high use waterbodies and the 90% one-sided confidence level of 406/100 ml in all other Primary Body Contact Recreation beneficial use areas. These values are based upon all samples collected over the recreation period. For purposes of sections 303(d) and 305(b) of the federal Clean Water Act as amended, beneficial use support status shall be assessed using only the geometric mean criterion of 126/100 milliliters compared to the geometric mean of all samples collected over the recreation period. For swimming advisory purposes, no sample shall exceed a 75% one-sided confidence level of 235 cfu per 100 mL in all Primary Body Contact Recreation beneficial use areas. This value is based on samples collected over the recreation period. For permitting purposes, E. coli shall not exceed a monthly geometric mean of 126 cfu per 100 mL based upon a minimum of not less than five (5) samples collected over a period of not more than thirty (30) days. Within the same 30-day interval, there should not be greater than a ten percent excursion of the statistical threshold value of 406 cfu per 100 mL. These values are based upon all samples collected over the recreation period. The Secondary Body Contact Recreation criteria shall apply during the remainder of the year.~~

For purposes of Sections 303(d) and 305(b) of the federal Clean Water Act as amended, beneficial use support status shall be assessed using only the geometric mean criterion of 126 cfu per 100 mL compared to the geometric mean of all samples collected over the recreation period.

(2) Enterococci: The Enterococci geometric mean criterion is 33/100 ml. For swimming advisory and permitting purposes, Enterococci shall not exceed a monthly geometric mean of 33/100 ml based upon a minimum of not less than five (5) samples collected over a period of not more than thirty (30) days. For swimming advisory and permitting purposes, no sample shall exceed a 75% one-sided confidence level of 61/100 ml in lakes and high use waterbodies and the 90% one-sided confidence level of 108/100 ml in all other Primary Body Contact Recreation beneficial use areas. These values are based upon all samples collected over the recreation period. For purposes of sections 303(d) and 305(b) of the federal Clean Water Act as amended, beneficial use support status shall be assessed using only the geometric mean criterion of 33/100 milliliters compared to the geometric mean of all samples collected over the recreation period. For swimming advisory purposes, no sample shall exceed a 75% one-sided confidence level of 61 cfu per 100 mL in all Primary Body Contact Recreation beneficial use areas.

This value is based on samples collected over the recreation period. For permitting purposes, enterococci shall not exceed a monthly geometric mean of 33 cfu per 100 mL based upon a minimum of not less than five (5) samples collected over a period of not more than thirty (30) days. Within the same 30-day interval, there should not be greater than a ten percent excursion of the statistical threshold value of 108 cfu per 100 mL. These values are based upon all samples collected over the recreation period. The Secondary Body Contact Recreation criteria shall apply during the remainder of the year.

For purposes of Sections 303(d) and 305(b) of the federal Clean Water Act as amended, beneficial use support status shall be assessed using only the geometric mean criterion of 33 cfu per 100 mL compared to the geometric mean of all samples collected over the recreation period.

252:730-5-17. Secondary Body Contact Recreation

(a) The water quality requirements for Secondary Body Contact Recreation are usually not as stringent as for Primary Body Contact Recreation. The Secondary Body Contact Recreation beneficial use is designated where ingestion of water is not anticipated. Associated activities may include boating, fishing, or wading.

(b) The Secondary Body Contact Recreation beneficial use is designated where ingestion of water is not anticipated. Secondary Body Contact Recreation criteria are calculated using a ratio of water ingestion during secondary activities compared to primary activities. The criterion was calculated using ingestion numbers for kayaking, the Secondary Body Contact Recreation activity with the highest measured ingestion rate.

(c) Associated activities may include boating, fishing, or wading. *Escherichia coli* (*E. coli*): The *E. coli* geometric mean criterion is 242 per 100 mL, and the statistical threshold value is 781 per 100 mL. For purposes of Sections 303(d) and 305(b) of the Clean Water Act as amended, beneficial use support status shall be assessed using only the geometric mean criterion of 242 per 100 mL. For permitting purposes, *E. coli* shall not exceed a monthly geometric mean of 242 cfu per 100 mL based upon a minimum of not less than four (4) samples collected over a period of not more than thirty (30) days. Within the same 30-day interval, there should not be greater than a ten percent excursion of the statistical threshold value of 781 cfu per 100 mL.

(d) Waters so designated shall be maintained to be free from human pathogens in numbers which may produce adverse health effects in humans. Enterococci: The enterococci geometric mean is 63 per 100 mL, and the statistical threshold value is 208 per 100 mL. For purposes of Sections 303(d) and 305(b) of the Clean Water Act as amended, beneficial use support status shall be assessed using only the geometric mean criterion of 63 per 100 mL. For permitting purposes, enterococci shall not exceed a monthly geometric mean of 63 cfu per 100 mL based upon a minimum of not less than four (4) samples collected over a period of not more than thirty (30) days. Within the same 30-day interval, there should not be greater than a ten percent excursion of the statistical threshold value of 208 cfu per 100 mL.

PART 5. SPECIAL PROVISIONS

252:730-5-25. Implementation policies for the antidegradation policy statement

(a) The following provisions set forth exceptions to the limitations stated in OAC 252:730-5-25(c) for additional protection of certain waters of the state:

(1) The limitations contained in OAC 252:730-5-25(c)(1) for additional protection of Outstanding Resource Waters shall apply to all discharges from point sources, except such limitations do not apply to discharges of stormwater from temporary construction activities. Discharges of stormwater from point sources existing as of June 25, 1992, whether or not such stormwater discharges were permitted as point sources prior to June 25, 1992, are also excepted from the OAC 252:730-5-25(c)(1) rule prohibiting any new point source discharges, but such stormwater discharges are prohibited from increased load of any pollutant.

(2) The limitations for additional protection of Appendix B Waters (OAC 252:730-5-25(c)(2)), High Quality Waters (OAC 252:730-5-25(c)(3)), Sensitive Public and Private Water Supplies (OAC 252:730-5-25(c)(4)), and SWS-R waterbodies (OAC 252:730-5-25(c)(8)) shall apply to discharges from all point sources except point source discharges of stormwater.

(b) For purposes of OAC 252:730-5-25, the term "specified pollutants" means:

(1) Oxygen demanding substances, measured as Carbonaceous Biochemical Oxygen Demand (CBOD) and/or Biochemical Oxygen Demand (BOD);

(2) Ammonia Nitrogen and/or Total Organic Nitrogen;

(3) Phosphorus;

(4) Total Suspended Solids (TSS);

(5) Such other substances as may be determined by DEQ.

(c) The following limitations for additional protection apply to various waters of the state:

(1) Outstanding Resource Waters (ORW).

(A) Outstanding Resource Waters (ORW) are those waters of the state which constitute outstanding resources or are of exceptional recreational and/or ecological significance as described in OAC 252:730-3-2(a).

(B) The following waterbodies are prohibited from having any new point source discharge(s) of any pollutant or increased load of any pollutant from existing point source discharge(s):

(i) Waterbodies designated "ORW" and/or "Scenic River" in Appendix A of this Chapter;

(ii) Waterbodies located within the watersheds of waterbodies designated "Scenic River" in Appendix A of this Chapter; and

(iii) Waterbodies located within the boundaries of Appendix B areas which are specifically designated "ORW" in Appendix A of this Chapter.

(2) Appendix B Waters.

(A) Appendix B waters are those waters of the state which are located within the boundaries of areas listed in Appendix B of this Chapter, including but not limited to the National and State parks, forests, wilderness areas, wildlife management areas, and wildlife refuges.

Appendix B also may include those areas which are inhabited by federally listed, threatened or endangered species, and other appropriate areas.

(B) Only those Appendix B waters specifically designated "ORW" in Appendix A of this Chapter shall be afforded the limitations for additional protection described in OAC 252:730-5-25(c)(1)(B).

(C) New discharges or increased loading from existing discharges to Appendix B waters may be allowed under such conditions that ensure that the recreational and ecological significance of these waters will be maintained.

(D) Discharges or other activities associated with those waters listed in Appendix B, Table 2 containing federally listed threatened or endangered species may be restricted through agreements between appropriate regulatory agencies and the United States Fish and Wildlife Service.

(3) High Quality Waters (HQW).

(A) High Quality Waters (HQW) are those waters of the state whose historic water quality and physical habitat provide conditions suitable for the support of sensitive and intolerant climax communities of aquatic organisms whether or not that waterbody currently contains such a community, support high levels of recreational opportunity, and are designated "HQW" waters in Appendix A of this Chapter. These waters will generally have higher quality habitat, a more diverse and more intolerant biotic community, and, as a result, may provide more ecological refuges and recreational opportunities than other waters in the same ecoregion with similar chemistry and physical conditions.

(B) All waterbodies designated with the limitation indicated by the letters "HQW" in Appendix A are prohibited from having any new point source discharge(s) of any pollutant or increased load or concentration of specified pollutants from existing point source discharge(s), provided however that new point source discharge(s) or increased load of specified pollutants described in OAC 252:730-5-25(b) may be approved by the permitting authority in those circumstances where the discharger demonstrates to the satisfaction of the permitting authority that a new point source discharge or increased load from an existing point source discharge will result in maintaining or improving the level of water quality which exceeds that necessary to support recreation and propagation of fishes, shellfishes, and wildlife of the direct receiving water and downstream waterbodies designated HQW. As specified in OAC 252:730-3-2(b) and (d), no discharge of any pollutant to a water designated HQW may lower existing water quality.

(C) Waters designated HQW after July 1, 2007 will demonstrate (1) 95% of water quality measurements for multiple parameters from metals, organics, and general physicochemical water quality descriptors better than the promulgated criteria in Appendix G of this ~~chapter~~ Chapter at multiple stations on the segment, (2) an unimpaired biological community as determined by the application of Appendix C of Title 252 Chapter 740, and (3) significant local support for promulgation of the HQW designation.

(4) Sensitive Public and Private Water Supplies (SWS).

(A) Waters designated "SWS" are those waters of the state which constitute sensitive public and private water supplies as a result of their unique physical conditions and are listed in Appendix A of this Chapter as "SWS" waters. These are waters (a) currently used as water supply reservoirs, (b) that generally possess a watershed of less than approximately 100 square miles, or (c) as otherwise designated by DEQ.

(B) New point source discharges of any pollutant after June 11, 1989, and increased load of any specified pollutant from any point source discharge existing as of June 11, 1989, shall be prohibited in any waterbody or watershed designated in Appendix A of this Chapter with the limitation "SWS". Any discharge of any pollutant to a waterbody designated "SWS" which would, if it occurred, lower existing water quality shall be prohibited, provided however that new point source discharge(s) or increased load of specified pollutants described in OAC 252:730-5-25(b) may be approved by the permitting authority in those circumstances where the discharger demonstrates to the satisfaction of the permitting authority that a new point source discharge or increased load from an existing point source discharge will result in maintaining or improving the water quality of both the direct receiving water and any downstream waterbodies designated SWS.

(5) Prioritization of limitations. In situations where more than one beneficial use limitation exists for a waterbody, the more stringent limitation shall apply.

(6) Non-Point source discharges or runoff. Best management practices for control of non-point source discharges or runoff should be implemented in watersheds of waterbodies designated "ORW," "HQW," "SWS," or "SWS-R" in Appendix A of this Chapter and/or located within areas listed in Appendix B provided however that development of conservation plans shall be required in sub-watersheds where discharges or runoff from non-point sources are identified as causing, or significantly contributing to, degradation in a waterbody designated "ORW".

(7) Culturally Significant Waters (CSW).

(A) Waters designated as CSW in Appendix A of this Chapter are those identified by recognized tribal authorities as critical to maintaining the waters' utility for cultural, historic, recreational, or ceremonial uses and which may require more stringent protection measures to protect human health or aquatic life or both.

(B) All activities associated with a CSW may require consultation with the duly authorized Tribal authority to assure that the proposed activity is consistent with applicable tribal environmental laws.

(8) Sensitive Public and Private Water Supplies with Reuse (SWS-R).

(A) Waters designated "SWS-R" are those waters of the state which constitute sensitive public and private water supplies that may be augmented with reclaimed municipal water for the purpose of indirect potable reuse (IPR). SWS-R waterbodies are identified in Appendix A of this Chapter. These are waters currently used as water supply reservoirs, that generally possess a watershed of less than approximately 100 square miles, or as otherwise designated by DEQ.

(B) New point source discharges of any pollutant after June 11, 1989, and increased load of any specified pollutant from any point source discharge existing as of June 11, 1989, shall be prohibited in any waterbody or watershed designated in Appendix A of this Chapter with the limitation "SWS-R" except as outlined in 8(C) below.

(C) New point source municipal wastewater discharges or increased loading from existing point source municipal wastewater discharges to a SWS-R waterbody or watershed shall achieve a minimum level of effluent quality that is attainable using demonstrated treatment technologies or other alternatives. Approaches for required technology-based limitations and/or other alternatives are outlined in OAC 252:740-13-4(e). A discharge to a SWS-R waterbody may be permitted provided:

(i) A determination of the waterbody's assimilative capacity for all applicable narrative and numeric criteria shall be the responsibility of the discharger;

(ii) If assimilative capacity exists for any applicable narrative or numeric criteria, the discharger shall document what portion, if any, of the assimilative capacity is reasonable to maintain. If it is proposed that it is not reasonable to maintain any, or a portion, of the assimilative capacity, a report consistent with all 40 ~~CFR~~C.F.R. § 131.12(a)(2) requirements describing the available assimilative capacity and providing justification for consuming all or a portion of the assimilative capacity shall be submitted by the discharger to DEQ for review;

(iii) DEQ may approve both the determination of assimilative capacity and the proposed consumption of any, or all, of the assimilative capacity if it is found to be necessary based on the aforementioned report and consistent with the requirements described in 40 ~~C.F.R.~~ CFR 131.12(a)(2);

(iv) All existing and designated beneficial uses of the receiving waterbody and downstream waterbodies shall be maintained, and the discharge shall not impair human health even during drought of record conditions.

(D) SWS-R waterbodies, with permitted discharge, shall be technically evaluated by permitted parties at least once every five years to determine the attainment or nonattainment of beneficial uses. Technical evaluation reports, including all data and information necessary to allow independent analysis, shall be submitted to the permitting authority for review. If the report documents nonattainment of a beneficial use(s) resulting from the discharge, the permitting authority shall consider actions including, but not limited to, additional permit requirements, cessation of the discharge, and or a recommendation to DEQ to revoke the SWS-R waterbody classification.

252:730-5-26. Mixing zones and zones of passage

(a) Mixing zones.

- (1) In streams, the chronic regulatory mixing zone extends downstream a distance equivalent to thirteen (13) times the width of the water within the receiving stream at the point of effluent discharge and encompasses 25% of the total stream flow of the ~~7Q2 regulatory low flow~~ or 1 cfs, whichever is larger, immediately downstream of the point of effluent discharge.
- (2) The acute regulatory mixing zone is encompassed by the $R = 0.01$ (cfs-1) isopleth. R is the ratio of concentration to wasteload.
- (3) Acute toxicity within the mixing zone is prohibited.
- (4) Mixing zones in lakes shall be designated on a case-by-case basis.
- (5) The water quality in a portion of the mixing zone may be unsuitable for certain beneficial uses.
- (6) Where overlapping mixing zones occur because of multiple outfalls, the total length of the chronic regulatory mixing zone will extend thirteen (13) stream widths downstream from the downstream discharge point.

(b) Zones of passage.

- (1) All discharges permitted for any criteria listed for protection of fish and wildlife propagation shall be regulated to ensure that a zone of passage shall be maintained within the stream at the outfall and adjacent to the mixing zone that shall be no less than seventy-five percent (75%) of the volume of flow.
- (2) Water quality standards shall be maintained throughout the zone of passage.
- (3) Zones of passage in lakes shall be designated on a case-by-case basis.

SUBCHAPTER 7. GROUNDWATER QUALITY STANDARDS

252:730-7-3. Groundwater classifications, beneficial uses and vulnerability levels

(a) Classifications. Classification of all groundwater shall be designated as follows:

- (1) **(Class I): RESERVED**
- (2) **General Use Groundwater (Class II):** These are groundwaters which have good quality due to natural conditions and generally have a mean concentration of total dissolved solids of less than 3,000 ~~milligrams per liter~~ mg/L.
- (3) **Limited Use Groundwater (Class III):** These are groundwaters which have poor quality due to natural conditions and generally have a mean concentration of total dissolved solids of greater than or equal to ~~3000 milligrams per liter~~ 3,000 mg/L but less than ~~5000 milligrams per liter~~ 5,000 mg/L.
- (4) **Highly Mineralized Treatable Groundwater (Class IV):** These are groundwaters which have very poor quality due to natural conditions and generally have a mean concentration of total dissolved solids of greater than or equal to ~~5000 milligrams per liter~~ 5,000 mg/L but less than 10,000 ~~milligrams per liter~~ mg/L.

(b) Beneficial uses. This subsection lists the various beneficial uses of groundwater and designates certain beneficial uses for certain classifications of groundwater.

(1) List of beneficial uses for groundwater.

- (A) **Public Water Supply.** The beneficial use designation of Public Water Supply refers to those groundwaters capable of delivering suitable quantities of groundwater for municipal consumption whether or not treatment is required.
- (B) **Domestic Untreated Water Supply.** The beneficial use designation of Domestic Untreated Water Supply refers to those groundwaters capable of delivering suitable quantities of untreated groundwater for domestic consumption.
- (C) **Agriculture.** The beneficial use designation of Agriculture refers to that groundwater which is or could be used for irrigation or livestock watering.
- (D) **Industrial and Municipal Process and Cooling Water.** The beneficial use designation of Industrial and Municipal Process and Cooling Water refers to that groundwater that is or could be used for a municipal or industrial process or cooling function.

(2) Beneficial use designations.

- (A) The beneficial uses for General Use Groundwater (Class II), not identified in Appendix H of this Chapter, shall be Domestic Untreated Water Supply, Public Water Supply, Agriculture,

and Industrial and Municipal Process and Cooling Water.

(B) The beneficial uses for Limited Use Groundwater (Class III) and Highly Mineralized Treatable Groundwater (Class IV), not identified in Appendix H of this Chapter, shall be Agriculture and Industrial and Municipal Process and Cooling Water.

(C) The beneficial uses for any groundwater identified in Appendix H of this Chapter shall be as designated in that appendix.

(D) The beneficial use for groundwater which is used for water supply purposes on or after July 1, 2000, has a mean concentration of total dissolved solids of less than 5,000 ~~milligrams per liter~~ mg/L, and has not been determined by any state environmental agency to be not suitable for human consumption, shall be Public Water Supply and or Domestic Untreated Water Supply.

(E) A beneficial use designation for groundwater may be amended or removed only after a demonstration to the satisfaction of the Board that meets one of the following tests:

(i) The designated use does not exist due to a condition that was not caused by humans, and treatment using Best Available Technology will not achieve the designated use, or

(ii) The designated use does not exist due to a condition that is attributable to irreversible impacts caused by humans, and the remedy would cause substantial and widespread economic and social impact.

(F) Groundwater which has had a beneficial use designation amended or removed pursuant to

(E) of this paragraph shall be identified in Appendix H of this Chapter.

(c) **Vulnerability level.** Groundwater in certain hydrogeologic basins is further classified according to its vulnerability to contamination as determined by DRASTIC. Such vulnerability levels of hydrogeologic basins shall be identified as Very Low, Low, Moderate, High, and Very High as prescribed in Table 1 of Appendix D of this Chapter. The vulnerability level may vary within each hydrogeologic basin, depending on site-specific hydrogeologic factors.

(d) **Nutrient-vulnerable groundwater.** Certain specified groundwaters shall be further subject to designation in Table 2 of Appendix D of this Chapter as nutrient-vulnerable groundwater.

252:730-7-4. Criteria for groundwater quality protection

(a) Groundwaters of the state support many different beneficial uses. The criteria below do not require improvement over naturally occurring background concentrations. When naturally occurring background concentrations exceed the criterion for a given parameter, the naturally occurring background concentration may be utilized as a criterion, if suitable. If a given parameter has more than one criterion associated with it, the most stringent criteria shall apply to ensure beneficial use protection.

(b) The following criteria apply to all groundwaters for the protection of beneficial uses except those groundwaters specifically referenced in OAC 252:730-7-4(c).

(1) The groundwaters of the state shall be maintained to prevent alteration of their chemical properties by harmful substances not naturally found in groundwater.

(2) Protective measures adequate to preserve and protect background quality of the groundwater and existing and designated groundwater basin classifications shall be maintained at all times.

(3) Protective measures shall also be sufficient to minimize the impact of pollutants on groundwater quality.

(4) The concentration of any synthetic substance or any substance not naturally occurring in that location shall not exceed the PQL in an unpolluted groundwater sample using laboratory technology. If the concentration found in the test sample exceeds the PQL, or if other substances in the groundwater are found in concentrations greater than those found in background conditions, that groundwater shall be deemed to be polluted and corrective action may be required.

(c) For artificial aquifer recharge and/or aquifer storage and recovery activities, the criteria below and presented in Tables 1 and 2 of Appendix I shall apply to ensure the protection of beneficial uses, as specified. Artificial recharge and/or aquifer storage and recovery activities shall not cause or contribute to a condition of pollution or nuisance or result in nonattainment of any applicable groundwater quality standard.

**TITLE 252. DEPARTMENT OF ENVIRONMENTAL QUALITY
CHAPTER 740. IMPLEMENTATION OF OKLAHOMA'S WATER QUALITY
STANDARDS**

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 1. General Provisions

252:740-1-2. Definitions [AMENDED]

252:740-1-6. Determination of regulatory low flow [AMENDED]

Subchapter 3. Implementation of Narrative Toxics Criteria to Protect Aquatic Life Using Whole Effluent Toxicity (WET) Testing

252:740-3-2. Dilutions for whole effluent toxicity testing [AMENDED]

Subchapter 5. Implementation of Numerical Criteria to Protect Fish and Wildlife From Toxicity Due to Conservative Substances

252:740-5-2. Regulatory flow determination [AMENDED]

252:740-5-3. Reasonable potential [AMENDED]

Subchapter 9. Implementation of Criteria to Protect the Agriculture Beneficial Use

252:740-9-3. Regulatory flows [AMENDED]

Subchapter 11. Implementation of Temperature Criteria to Protect Fish and Wildlife Propagation Beneficial Use

252:740-11-3. Regulatory flows [AMENDED]

Subchapter 13. Implementation of Antidegradation Policy

252:740-13-4. Tier 2 protection; maintenance and protection of sensitive water supply-reuse and other tier 2 waterbodies [AMENDED]

252:740-13-5. Tier 2.5 protection; maintenance and protection of High Quality Waters, Sensitive Water Supplies, and other Tier 2.5 waterbodies [AMENDED]

252:740-13-6. Tier 3 protection; prohibition against degradation of water quality in Outstanding Resource Waters [AMENDED]

252:740-13-8. Antidegradation review in surface waters [AMENDED]

Subchapter 15. Use Support Assessment Protocols

252:740-15-5. Assessment of Fish and Wildlife Propagation support [AMENDED]

252:740-15-6. Assessment of Primary Body Contact Recreation support [AMENDED]

252:740-15-7. Assessment of Public and Private Water Supply support [AMENDED]

252:740-15-13. Assessment of Secondary Body Contact Recreation support [NEW]

Subchapter 17. Implementation of Dissolved Oxygen Criteria to Protect Fish and Wildlife Propagation

252:740-17-2. Regulatory flows [AMENDED]

SUMMARY:

The gist of this rule and the underlying reason for the rulemaking is to comply with the Water Quality Standards Triennial Review and includes the following updates: add, remove and/or modify certain definitions; update reasonable potential to allow the use of a fish tissues study to confirm the need for a water quality-based effluent limit; update Assessment of Fish and Wildlife Propagation support to add fish tissue criteria as the preferred method for assessing waterbodies for selenium, with water column criteria being used if fish tissue is unavailable; and, adding Assessment of Secondary Body Contact Recreation support to add criteria values for assessment.

AUTHORITY:

Environmental Quality Board; 27A O.S. § 2-2-101.

Oklahoma Water Quality Standards; 27A O.S. §§ 2-6-103.2 and 2-6-103.3.

Water Quality Standards Implementation Plan; 27A O.S. § 1-1-202.

COMMENT PERIOD:

Written comments may be submitted to the contact person from September 1, 2026, through October 19, 2026. Oral comments may be made at the Formal Rulemaking Meeting on October 16, 2026, at 1:00 PM at the DEQ Headquarters, First Floor, 707 N. Robinson Avenue, Oklahoma City, OK 73102, or at the Environmental Quality Board Meeting on November 10, 2026, at 9:30 AM at the Robert S. Kerr Environmental Research Center, 919 Kerr Research Dr, Ada, OK. 74820.

PUBLIC HEARINGS:

The proposed rules will be discussed at a Formal Rulemaking Meeting scheduled on October 16, 2026, at 1:00 PM at the DEQ Headquarters, First Floor, 707 N. Robinson Avenue, Oklahoma City, OK 73102. The proposed rules will also be considered by the Environmental Quality Board at its scheduled meeting on November 10, 2026, at 9:30 AM at the Robert S. Kerr Environmental Research Center, 919 Kerr Research Dr, Ada, OK 74820.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

DEQ requests that business entities or any other members of the public affected by these rules provide to DEQ (during the comment period) the increase (in dollar amounts if possible) in the level of direct costs (e.g., fees) and indirect costs (e.g., reporting, record keeping, equipment, construction, labor, professional services, revenue loss), or other costs expected to be incurred due to compliance with the proposed rules.

COPIES OF PROPOSED RULES:

Copies of the proposed rules may be obtained from the contact person, reviewed at the Department of Environmental Quality, 707 N. Robinson, Oklahoma City, Oklahoma, during normal business hours (8:00 am - 4:30 pm Monday through Friday) or reviewed online at <https://oklahoma.gov/deq/rules-and-regulations/proposed-rules-regulations.html>.

RULE IMPACT STATEMENT:

Copies of the rule impact statement may be obtained from the contact person or may be reviewed online at <https://oklahoma.gov/deq/rules-and-regulations/proposed-rules-regulations.html>

CONTACT PERSON:

Nicole Newcomer, Water Quality Division, 707 N. Robinson, P.O. Box 1677, Oklahoma City, OK 73101-1677, email nicole.newcomer@deq.ok.gov, phone (405) 702-8290, or fax (405) 702-8101.

PERSONS WITH DISABILITIES:

Persons with disabilities who desire to attend the rulemaking hearing and need an accommodation should notify the contact person three (3) days in advance of the hearing. For hearing impaired, the TDD relay number is 1-800-522-8506 or 1-800-722-0353, for TDD machine use only.

CHAPTER 740. IMPLEMENTATION OF OKLAHOMA'S WATER QUALITY STANDARDS

SUBCHAPTER 1. GENERAL PROVISIONS

252:740-1-2. Definitions

In addition to definitions of terms found in OAC 252:730-1-2, which are incorporated herein by reference, the following words, terms and notations, when used in this Chapter, shall have the following meanings unless the context clearly indicates otherwise:

~~"7T2" means the seven-day maximum temperature likely to occur with a 50% probability each year. The 7T2 is calculated using a moving average of seven consecutive days for each year in a given record. These seven-day receiving stream temperature values are ranked in descending order. An order number, m, is calculated based on the number of years of record, n, with a recurrence interval of 2 years, as $m = (n+1)/2$. The mth highest average temperature is the 7T2.~~

"7Q2" means the 7-day low flow of a stream likely to occur with a 50% probability each year. The procedure for determining a site-specific 7Q2 is described at OAC 252:740-1-6.

"7T2" means the seven-day maximum temperature likely to occur with a 50% probability each year. The 7T2 is calculated using a moving average of seven consecutive days for each year in a given record. These seven-day receiving stream temperature values are ranked in descending order. An order number, m, is calculated based on the number of years of record, n, with a recurrence interval of 2 years, as $m = (n+1)/2$. The mth highest average temperature is the 7T2.

"30Q2" means the 30-day low flow of a stream likely to occur with a 50% probability each year. The procedure for determining a site-specific 30Q2 is described at OAC 252:740-1-6.

"A" means mean annual average flow.

"ACR" means acute to chronic ratio.

"Acute to chronic ratio" means LC50/NOEC. The NOEC is the highest concentration at which no effect on test organisms is observed over a relatively long period. Quarterly biomonitoring over the life of the permit is sufficient to determine the ACR if the NOEC and LC50 may be determined. If the ACR is unknown, a default value of 10 may be used for implementation purposes.

"Background" means the ambient condition upstream or upgradient from a facility, practice or activity which has not been affected by that facility, ~~practice~~ practice, or activity.

"Beneficial use limitation" means a more stringent restriction than that required to protect the beneficial use. A prohibition on new point sources is an example of a beneficial use limitation.

"Bioaccumulation Factor" or "BAF" is the ratio of the concentration of a chemical in the tissue of an aquatic organism to the concentration of the chemical dissolved in ambient water at the site of sampling.

"Board" means the Environmental Quality Board.

"BOD" means biochemical oxygen demand.

"C" means maximum concentration on the mixing zone boundary.

"C₉₅" means the 95th percentile maximum likelihood concentration.

"C_B" means background concentration.

"C_e" means effluent concentration.

"**cfs**" means cubic feet per second.

"**C_{mean}**" means the geometric mean of all effluent concentrations analyzed for the toxicant.

"**C_t**" means the appropriate criterion listed in OAC 252:730.

"**CBOD**" means carbonaceous biochemical oxygen demand.

"**Coefficient of variation**" means standard deviation divided by the mean.

"**Coliform group organisms**" means all of the aerobic and facultative anaerobic gram-negative, non-spore-forming rod-shaped bacteria that ferment lactose broth with gas formation within 48 hours at 35° C. Measurements of bacteria can be expressed as either colony forming units (cfu) or most probable number (MPN).

"**Continuing Planning Process**" or "**CPP**" means the most recent edition of the document produced annually by the Oklahoma Department of Environmental Quality which describes water quality programs implemented within the State.

"**Continuing toxicity**" means a tendency to be toxic.

"**Continuous discharge**" means a discharge which occurs without interruption throughout the operating hours of the facility, except for infrequent shutdowns for maintenance, process changes, or other similar activities.

"**Control**" means test organisms exposed to 0% effluent as part of the whole effluent toxicity testing procedure.

"**Cooling water reservoir**" means a privately owned reservoir used in the process of cooling water for industrial purposes.

"**CV**" means coefficient of variation.

"**D**" means diameter of the discharge pipe in feet.

"**Dilution capacity**" means a measure of the ability of the receiving stream to dilute effluent, defined as the ratio of the regulatory effluent flow to the regulatory receiving stream flow.

"**Dilution factor**" or "**df**" means a measure of the minimum dilution that occurs on the mixing zone boundary.

"**DO**" means dissolved oxygen.

"**Drainage area**" means the area above the discharge drained by the receiving stream.

"**EPA**" means the United States Environmental Protection Agency.

"**Event mean concentration**" means the flow-weighted average for a given storm event. The flow-weighted average is represented as the sum of the loads calculated for a series of storm samples divided by the sum of the discharges calculated for each of the storm samples.

~~"**EPA**" means the United States Environmental Protection Agency.~~

"**HQW**" means high quality waters as defined in OAC 252:730-3-2(b).

"**Implementation Plan**" means a Water Quality Standards Implementation Plan developed and promulgated by a state environmental agency as required by 27A O.S. § 1-1-202.

"**Increased load**" means the mass of pollutant discharged which is greater than the permitted mass loadings and concentrations, as appropriate, in the discharge permit effective when the SWS, SWS-R, HQW, or ORW beneficial use limitation was assigned.

"**Lake mixing zone**" means a volume extending one hundred feet from the source for implementation purposes, unless otherwise specified in OAC 252:730.

"**LC50**" means the lethal concentration as defined in OAC 252:730-1-2.

"**LMFO**" means licensed managed feeding operation as defined in 2 O.S. § 9-202.

"**Mean annual average flow**" means the annual mean flow found in "Statistical Summaries", USGS publication no. 87-4205, or most recent version thereof, or other annual mean flow as

approved by the Oklahoma Water Resources Board or the permitting authority.

"Monthly average level" means the concentration of a toxicant in the permit which may not be exceeded by the observed effluent concentration averaged over a calendar month.

"Naturally occurring condition" means any condition affecting water quality which is not caused by human influence, including, but not limited to, soils, geology, hydrology, climate, wildlife, and water flow with specific consideration given to seasonal and other natural variations.

"NLW" means nutrient-limited watershed as defined in OAC 252:730-1-2.

"NOEC" means no observed effect concentration.

"Normal pool evaluation" means the elevations listed in the "Oklahoma Water Atlas", Oklahoma Water Resources Board publication No. 135, or most recent version thereof.

"NPDES" means National Pollutant Discharge Elimination System.

~~**"Normal pool elevation"** means the elevations listed in the "Oklahoma Water Atlas", Oklahoma Water Resources Board publication no. 135, or most recent version thereof.~~

"ORW" means Outstanding Resource Waters as defined in OAC 252:730-3-2(a).

"Outfall" means a point source which contains all the effluent being discharged to the receiving water.

"Permitting authority" means state environmental agency as defined or provided in Title 27A of the Oklahoma Statutes having jurisdiction as provided by law.

"Persistent toxicity" means toxicity due to effluent constituents which are not subject to decay, degradation, transformation, volatilization, hydrolysis, or photolysis.

"Q*" means dilution capacity.

"Q_e" means the regulatory effluent flow.

"Q_{el}" means long-term average effluent flow.

"Q_{es}" means short-term average effluent flow.

"Q_u" means the regulatory receiving stream flow.

~~**"Regulatory mixing zone"** means the volume of receiving water described in OAC 252:730-5-26.~~

"Reasonable potential factor" means the 95th percentile maximum likelihood estimator for a lognormal distribution.

"Regulatory low flow" means a condition where the flow of water in a stream is significantly reduced, often during prolonged dry weather. This phenomenon is characterized by a decrease in stream flow, which can be defined by specific statistics such as 7Q2 or 30Q2. Regulatory low flow is important for setting permit discharge limits and ensuring ecological protection, as it can lead to water quality issues and affect water resources. 30Q2 shall be used only for setting discharge permit limits for selenium.

~~**"Regulatory mixing zone"** means the volume of receiving water described in OAC 252:730-5-26.~~

"Selenium fish tissue study" means a study designed to assess selenium concentrations in fish tissue to determine if fish tissue concentrations are in compliance with state selenium fish tissue criteria, determine reasonable potential, and/or to derive a site-specific water column criterion element using a translator. Prior to conducting a fish tissue study, a work plan and quality assurance project plan shall be submitted to and approved by DEQ.

"SS" means sample standard as defined in OAC 252:730-1-2.

"Steady-state" refers to an aquatic ecosystem where the inputs are stable, and the bioaccumulation of toxins or inputs has reached homeostasis within organisms in the system. DEQ will require a waiting period of 6 months in rivers and streams, and 3 years in lakes following any major changes to system inputs or discharges.

"Storm event" means precipitation, after a minimum of 72 hours has elapsed since cessation of previous precipitation, in the watershed of a stream segment that produces a 30 percent rise in stream flow over the average flow of the preceding 72 hours resulting from surface run-off.

"SWS" means Sensitive Public and Private Water Supplies.

"SWS-R" means waterbodies classified as sensitive public and private water supplies that may be augmented with reclaimed municipal water for the purpose of indirect potable reuse.

"T" means maximum temperature difference at the edge of the mixing zone boundary.

"T_a" means regulatory ambient temperature.

"T_c" means the temperature criterion.

"T_f" means the 95th percentile maximum observed effluent temperature.

"TDS" means total dissolved solids at 180C.

"Total maximum daily load" or "TMDL" means the sum of individual wasteload allocations for point sources, safety reserves, and loads from nonpoint source and natural backgrounds.

"Trophic State Index" or "TSI" means a numerical quantification of lake productivity. The Trophic State Index shall be determined by $TSI = 9.81 \times \ln(\text{chlorophyll-a}) + 30.6$.

"TSS" means total suspended solids.

"USGS" means United States Geological Survey.

"W" means canal width in feet.

"YMS" means yearly mean standard as defined in OAC 252:730-1-2.

252:740-1-6. Determination of regulatory low flow

(a) General.

(1) **7Q2.** The 7Q2 is calculated as a moving average of seven consecutive days for each year in a given record. These seven-day low flow values are ranked in ascending order. An order number (m) is calculated based upon the number of years of record (n), with a recurrence interval (R) of two years, as $m = (n+1)/R$, where R = two years. A value of flow corresponding to the mth order is taken as the seven-day, two-year low flow for those historical data.

(2) **Seasonal 7Q2.** The seasonal 7Q2 is calculated as a moving average of seven consecutive days for the applicable dates specified in Table 1 of Appendix G of OAC 252:730 in a given period of record. These seven-day low flow values are ranked in ascending order. An order number (m) is calculated based upon the number of seasons (n) specified in Table 1 of OAC 252:730 Appendix G during the period of record, with a recurrence interval (R) of two years, as $m = (n+1)/R$, where R = two years. A value of flow corresponding to the mth order is taken as the seasonal seven-day, two-year low flow for those historical data.

(3) **30Q2.** The 30Q2 is only used in calculations for selenium. The 30Q2 is calculated as a moving average of thirty consecutive days for each year in a given record. These thirty-day low flow values are ranked in ascending order. An order number (m) is calculated based upon the number of years of record (n), with a recurrence interval (R).

of two years, as $m=(n+1)/R$, where R =two years. A value of flow corresponding to the m th order is taken as the thirty-day, two-year low flow for those historical data.

(b) **Primary method for determination.** If the 7Q2 regulatory low flow or seasonal 7Q2 for a given stream or stream segment is determinable from the United States Geological Survey publication entitled "Statistical Summaries of Streamflow in and near Oklahoma Through 2007" or the latest version of the Water Quality Management Plan published by the Department of Environmental Quality, then that 7Q2 regulatory low flow and seasonal 7Q2 shall be conclusive except as provided otherwise in this section.

(c) **Alternative methods for determination of 7Q2 regulatory low flow or seasonal 7Q2.**

(1) In lieu of determining the 7Q2 regulatory low flow or seasonal 7Q2 as provided in (b) of this Section, the 7Q2 regulatory low flow for a given stream or stream segment may be determined by an affected person or the permitting authority if all of the following conditions are satisfied:

(A) A hydrological modification affecting the flow in the stream is documented to the satisfaction of DEQ and the permitting authority;

(B) At least 10 years of daily flow data comporting with the requirements of this section are available; and

(C) Data from the entire period of record for the stream, unless a different time frame of record is approved by the Board and the permitting authority, are used in the calculation.

(2) If the 7Q2 regulatory low flow or seasonal 7Q2 for a given stream or stream segment is not determinable as provided in (b) or (c)(1) of this Section or if additional daily flow data have been collected, then the 7Q2 regulatory low flow or seasonal 7Q2 for that stream or stream segment may be determined by an affected person or the permitting authority using the calculations provided in (a) of this Section, provided at least 10 years of daily flow data are available for that stream.

(3) If the flow is affected by contributions from gaged tributaries or other permitted discharges, then the 7Q2 regulatory low flow or seasonal 7Q2 for a given stream or stream segment may be determined taking those contributions at 7Q2 regulatory low flow or seasonal 7Q2, or both, into account on a case-by-case basis if approved by either DEQ or the permitting authority.

(4) If the 7Q2 regulatory low flow or seasonal 7Q2 for a given stream or stream segment is not determinable as provided in (b), (c)(1), (c)(2) or (c)(3) of this Section, then the 7Q2 regulatory low flow or seasonal 7Q2 for that stream or stream segment may be determined by an affected person or the permitting authority using an estimate based upon limited data only if both the method for estimating, and the estimate itself, are approved by both the Board and permitting authority.

(d) **Additional rules for 7Q2 regulatory low flow and seasonal 7Q2 determinations.**

(1) Any 7Q2 regulatory low flow or seasonal 7Q2 determined with a period of record less than 20 years shall be invalid for any purpose except the issuance of the permit or establishment of the site-specific criteria based upon and developed contemporaneously with such 7Q2 regulatory low flow or seasonal 7Q2. Any subsequent renewal of such permit must be based upon a fresh determination of the 7Q2 regulatory low flow or seasonal 7Q2 until the pertinent period of record equals or exceeds 20 years.

(2) Any subsequent renewal of a permit based upon a ~~7Q2~~ regulatory low flow or seasonal 7Q2 determined pursuant to (c)(3) or (c)(4) of this Section must be based upon a fresh determination of the ~~7Q2~~ regulatory low flow or seasonal 7Q2 that takes into account all discharge and flow data from the time the ~~7Q2~~ regulatory low flow or seasonal 7Q2 was previously determined.

(3) Any subsequent renewal of a permit based upon a ~~7Q2~~ regulatory low flow or seasonal 7Q2 determined pursuant to (c)(1) of this Section must be based upon a fresh determination of the ~~7Q2~~ regulatory low flow or seasonal 7Q2 that takes into account whether the hydrological modification continues to exist.

(e) **Alternative method for determination of regulatory low flow.** In stream segments where dams or other structures have substantially affected the historic flow regime of the stream segment, including but not limited to the portions of the Verdigris and Arkansas Rivers constituting the McClellan-Kerr Arkansas River Navigation System, on a site-specific basis a properly designed and implemented hydrologic study approved by the permitting authority and OWRB may be used to determine the appropriate regulatory low flow.

SUBCHAPTER 3. IMPLEMENTATION OF NARRATIVE TOXICS CRITERIA TO PROTECT AQUATIC LIFE USING WHOLE EFFLUENT TOXICITY (WET) TESTING

252:740-3-2. Dilutions for whole effluent toxicity testing

(a) **General.** Generally, two whole effluent toxicity tests shall be used to implement the narrative criteria to protect fish and wildlife propagation. The 48-hour acute test will be used to protect against acute toxicity in receiving water, and the 7-day or 21-day chronic test will be used to protect against chronic toxicity outside the chronic regulatory mixing zone.

(b) **Differing requirements for WET tests.**

(1) Three different toxicity testing requirements exist. Each is based upon dilution capacity, represented by Q^* .

(2) When Q^* is less than 0.054, acute testing only shall be required.

(3) When Q^* is greater than 0.33, chronic testing only shall be required.

(4) When Q^* is greater than or equal to 0.054 and less than or equal to 0.33, both acute and chronic testing shall be required.

(5) For a discharge directly to a lake, acute testing only shall be required.

(c) **Dilutions for chronic WET tests for streams.** Whole effluent chronic toxicity testing requires that test organisms be subjected to various effluent dilutions. The dilution series for chronic toxicity testing is based on the critical dilution (CD). The chronic critical dilution equations are as follows: $CD = (1.94Q^*) / (1 + Q^*)$ when Q^* is less than or equal to 0.1823, or $CD = 1 / (6.17 - 15.51Q^*)$ when Q^* is greater than 0.1823 and less than 0.3333, or $CD = 1$ when Q^* is greater than or equal to 0.3333. $Q^* = Q_e / Q_u$. Q_e is the largest thirty-day average flow for an industrial discharge, if known, and the design flow otherwise. Q_u is 1 cfs or the ~~7Q2~~ regulatory low flow receiving stream flow, if known to be larger.

(d) **Dilutions for acute WET tests.** The acute critical dilution is 100%.

SUBCHAPTER 5. IMPLEMENTATION OF NUMERICAL CRITERIA TO PROTECT FISH AND WILDLIFE FROM TOXICITY DUE TO CONSERVATIVE SUBSTANCES

252:740-5-2. Regulatory flow determination

(a) **Regulatory receiving stream flow.** Section 252:730-5-12(f)(6)(G) of the OAC defines the regulatory receiving stream flow upstream of the discharge, Q_u , to be used in implementing fish and wildlife propagation criteria. The Q_u is the greater of the ~~7Q2~~ regulatory low flow or 1 cfs. ~~7Q2-Regulatory low flow~~ shall be determined according to OAC 252:740-1-6. Q_u is assumed to be 1 cfs if the ~~7Q2~~ regulatory low flow is unknown or the permittee chooses not to develop an actual ~~7Q2~~ regulatory low flow.

(b) **Regulatory flow for lakes.** No regulatory flow determination is required for lakes.

(c) **Regulatory effluent flows.** The regulatory effluent flow, Q_e , is the highest monthly averaged flow over the previous two years for industrial discharges if the permitting authority determines that sufficient data are available. For other dischargers (e.g. municipalities), Q_e is the design flow. If a significant daily or seasonal variability in effluent flow is present, a regulatory effluent flow should take this variability into account.

252:740-5-3. Reasonable potential

(a) **General.** The need for a permit limit will be determined, on a pollutant-by-pollutant basis, after determination of reasonable potential, which considers assimilation capacity of the receiving water and effluent variability.

(b) **Use of reasonable potential factor; relationship with wasteload allocation process.**

(1) The technical report produced by the Oklahoma Water Resources Board entitled "The Incorporation ~~Of~~ of Ambient Concentration With That Due ~~To~~ to Effluent ~~For~~ for Wasteload Allocation" shall be used to determine if there is a reasonable potential for a criterion exceedance outside the mixing zone. $C_{95} = 2.13C_{\text{mean}}$ is used for effluent concentration in the reasonable potential calculation. C_{mean} is the geometric mean of all effluent concentrations analyzed for the toxicant. If the geometric mean cannot be determined, an arithmetic mean may be substituted. If a large dataset of effluent concentrations is available, the permitting authority may not need to estimate C_{95} ; the 95th percentile value can be calculated from the data.

(2) The wasteload allocation process is used to determine reasonable potential. C is the reasonable potential concentration on the chronic regulatory mixing zone boundary. C is calculated for chronic criteria in streams as: $C = C_B + (1.94Q^*(C_{95} - C_B)) / (1 + Q^*)$ when Q^* is less than or equal to 0.1823, or $C = C_B + (C_{95} - C_B) / (6.17 - 15.51Q^*)$ when Q^* is greater than 0.1823 and less than 0.3333, or $C = C_{95}$ when Q^* is greater than or equal to 0.3333. $Q^* = Q_e/Q_u$. Q^* is the dilution capacity. C is calculated for lakes as: *pipe*: $C = C_B + (D(C_{95} - C_B)) / 20.15$ when D is greater than or equal to 3 feet, or *canal*: $C = C_B + (W/2(C_{95} - C_B)) / 4.2$ when W is greater than or equal to 3 feet. D is the diameter of the discharge pipe in feet and W is the width of the canal in feet. D and W shall not be less than three feet for implementation purposes. When C is the concentration on the acute regulatory mixing zone boundary it is calculated as $C =$

$C_B + (Q_e (C_{95} - C_B) / 100)$. If Q_e is greater than 100 cfs, then 100 cfs shall be substituted for Q_e .

(3) For regulatory purposes, there is a reasonable potential for chronic toxicity if concentrations of ammonia outside the chronic regulatory mixing zone exceed 6 mg/L.

(c) Selenium

(1) If the permitting authority has site-specific, steady-state fish tissue data that were collected under and met appropriate quality-assurance procedures, those data shall be used to determine reasonable potential. If there is no excursion of the selenium fish tissue criterion element, it shall be determined that there is no reasonable potential. If fish tissue data exceed the selenium fish tissue criterion element, a WQBEL shall be established based on a site-specific water column criterion element developed using a translator.

(2) Unless and until a selenium fish tissue study has been completed, the permitting authority shall use the water column criterion element to determine reasonable potential.

(3) Where the permitting authority has information that there are substantial new, known inputs or releases that would affect selenium concentrations in fish relative to environmental concentrations, the fish tissue will not be considered as being in steady-state with respect to selenium, and fish tissue criterion elements shall not be used to assess permit compliance or as permit limits. In these cases, the water column criterion element shall be used to assess reasonable potential and develop selenium WQBELs.

(4) For a continuous discharge, when using a water column criterion element to evaluate reasonable potential, the permitting authority shall use the 30-day chronic criterion element set forth in OAC 252:730 Appendix G, Table 4.

SUBCHAPTER 9. IMPLEMENTATION OF CRITERIA TO PROTECT THE AGRICULTURE BENEFICIAL USE

252:740-9-3. Regulatory flows

(a) **General.** Six regulatory flows are required for implementation of yearly mean standards and sample standards. They include stream flows, regulatory flows for lakes and regulatory effluent flows.

(b) **Long-term average flows for streams.** The greater of 1.47 cfs or mean annual average flow, A, will be used by the permitting authority for long-term average flows to implement yearly mean standards. Mean annual average flows may be obtained from the USGS publication entitled "Statistical Summaries of Streamflow in and near Oklahoma Through 2007". They may also be estimated on streams without gages using the Oklahoma Water Resources Board publication entitled "Estimation of Mean Annual Average Flows" (OWRB Technical Report 96-2).

(c) **Long-term average flow for lakes.** Mean annual average discharge from the lake, A, shall be used to implement the Agriculture beneficial use.

(d) **Regulatory long-term effluent flows.** If the permitting authority determines that sufficient data is available to calculate the mean annual effluent discharge, then such discharge shall be the

long-term effluent flow, Q_{el} . If the permitting authority determines insufficient data is available to calculate the mean annual effluent discharge, then the design flow shall be the long-term effluent flow, Q_{el} .

(e) **Short-term average flow for streams.** OAC 252:730-5-4(d) requires that short-term average flow, Q_s , be used to implement sample standards. The short-term average flow is determined so that short-term and long-term wasteload allocations are equally likely to be more stringent, depending on the historical concentration distribution for a particular segment. Q_s shall equal the greater of ~~1.0~~ 1 cfs or $0.68 A$, where A is mean annual average stream flow.

(f) **Short-term average flows for lakes.** Short-term average flows for lakes are also determined by the formula in OAC 242:740-9-3(e). In this case A is the mean annual average lake discharge.

(g) **Short-term average effluent flows.** If the permitting authority determines that sufficient data is available to calculate the highest monthly average discharge for industrial discharges, then such discharge shall be the short-term average effluent flow, Q_{es} . If the permitting authority determines insufficient data is available to calculate the highest monthly average discharge for industrial discharges, then the design flow shall be the short-term average effluent flow, Q_{es} .

SUBCHAPTER 11. IMPLEMENTATION OF TEMPERATURE CRITERIA TO PROTECT FISH AND WILDLIFE PROPAGATION BENEFICIAL USE

252:740-11-3. Regulatory flows

(a) Regulatory receiving stream flow to protect the Fish and Wildlife Propagation beneficial use, Q_u , is the greater of the ~~7Q2~~ regulatory low flow or 1 cfs. Q_u is assumed to be 1 cfs if the ~~7Q2~~ regulatory low flow is unknown.

(b) The regulatory effluent flow, Q_e , is defined as the highest monthly averaged flow in cfs over the past two years for industrial discharges with adequate data. Q_e is the design flow in cfs for other dischargers.

SUBCHAPTER 13. IMPLEMENTATION OF ANTIDEGRADATION POLICY

252:740-13-4. Tier 2 protection; maintenance and protection of sensitive water supply-reuse and other tier 2 waterbodies

(a) **General rules for Sensitive Water Supply - Reuse (SWS-R) Waters.**

(1) Classification of SWS-R Waters. DEQ may consider classification of a waterbody as an SWS-R waterbody based upon required documentation submitted by any interested party. The interested party shall submit documentation presenting background information and justification to support the classification of a waterbody as SWS-R including, but not limited to, the following:

(A) Determination of the waterbody's assimilative capacity pursuant to OAC 252:740-13-8, including all supporting information and calculations.

(B) Documentation demonstrating that municipal wastewater discharge for the purpose of water supply augmentation has been considered as part of a local water supply plan or other local planning document.

(C) Any additional information or documentation necessary for DEQ's consideration of a request for the classification of a waterbody as SWS-R.

(D) Prior to consideration by DEQ, any interested party seeking the classification of a waterbody as SWS-R shall submit documentation to DEQ staff demonstrating that local stakeholders, including those that use the waterbody for any designated or existing beneficial uses, have been afforded notice and an opportunity for an informal public meeting, if requested, regarding the proposed classification of the waterbody as SWS-R at least one hundred eighty (180) days prior to DEQ consideration. In addition, all information or documentation submitted pursuant to this subsection shall be available for public review.

(2) The drought of record waterbody level shall be considered the receiving water critical condition for SWS-R waterbodies.

(A) All beneficial uses shall be maintained and protected during drought of record conditions.

(B) Drought of record shall be determined with the permitting authority approved monthly time step model using hydrologic data with a minimum period of record from 1950 to the present. If empirical data are not available over the minimum period of record, modeled data shall be included in the analysis, if available.

(3) In accordance with OAC 252:730-5-25(c)(8)(D), SWS-R waterbodies with a permitted discharge shall be monitored and water quality technically evaluated to ensure that beneficial uses are protected and maintained and use of assimilative capacity does not exceed that prescribed by permit. Prior to any monitoring and/or technical analysis, the permittee shall submit a Receiving Water Monitoring and Evaluation Plan to the permitting authority for review and approval.

(A) The Receiving Water Monitoring and Evaluation Plan shall include, at a minimum, the following sections:

(i) Monitoring section that meets the required spatial, temporal, and parametric coverage of this subchapter, OAC 252:740-15, and OAC 252:628-11.

(ii) Analysis and reporting section that meets the requirements of this subchapter, OAC 252:740-15, and OAC 252:628-11.

(iii) Quality Assurance Project Plan that meets the most recent requirements for United States Environmental Protection Agency Quality Assurance Project Plans.

(B) The monitoring section of the Receiving Water Monitoring and Evaluation Plan, at a minimum shall:

(i) Include parametric, temporal (including frequency of sampling events), and spatial sampling design adequate to characterize water quality related to limnological, hydrologic, seasonal, and diurnal influences and variation.

- (ii) Include nutrient monitoring adequate to characterize both external and internal loading and nutrient cycling.
- (iii) Include algal biomass monitoring consistent with this subparagraph (B) and phytoplankton monitoring sufficient to evaluate general shifts and/or trends in phytoplankton community dynamics over time.
- (iv) Include in-situ monitoring of dissolved oxygen, temperature, and pH adequate to characterize diurnal changes and fluctuations during periods of thermal stratification and complete mix.
- (v) Include monitoring of pollutants with a permit effluent limit and/or permit monitoring requirements.

(C) The Receiving Water Monitoring and Evaluation Plan may include special studies, as necessary.

(D) At least biennially and prior to permit renewal, the permittee shall submit a Receiving Water Monitoring and Evaluation Report to the permitting authority that includes, at a minimum:

- (i) Summarized review of monitoring objectives and approach.
- (ii) Presentation and evaluation of monitoring results, including an analysis of both short-term and long-term trends.
- (iii) An assessment of beneficial use attainment that is at a minimum in accordance with OAC 252:740-15.
- (iv) Summarized assessment of data quality objectives, including an explanation of any data quality issues.
- (v) All monitoring data shall be submitted electronically.

(E) If the report documents nonattainment of a beneficial use(s) resulting from the discharge, the permitting authority shall consider actions including, but not limited to, additional permit requirements, cessation of the discharge, and/or a recommendation to DEQ to revoke the SWS-R waterbody classification.

(b) General rules for other Tier 2 ~~Waterbodies~~ waterbodies. General rules for other Tier 2 waterbodies shall be developed as waters are identified.

252:740-13-5. Tier 2.5 protection; maintenance and protection of ~~high quality waters, sensitive water supplies, and other tier~~ High Quality Waters, Sensitive Water Supplies, and other Tier 2.5 waterbodies

(a) General rules for High Quality Waters. New point source discharges of any pollutant after June 11, 1989, and increased load or concentration of any specified pollutant from any point source discharge existing as of June 11, 1989, shall be prohibited in any waterbody or watershed designated in Appendix A of OAC 252:730 with the limitation "HQP". Any discharge of any pollutant to a waterbody designated "HQP" which would, if it occurred, lower existing water quality shall be prohibited. Provided however, new point source discharges or increased load or concentration of any specified pollutant from a discharge existing as of June 11, 1989, may be approved by the permitting authority in circumstances where the discharger demonstrates to the satisfaction of the permitting authority that such new discharge or increased load or concentration would result in maintaining or improving the level of water quality which exceeds

that necessary to support recreation and propagation of fishes, shellfishes, and wildlife in the receiving water.

- (b) **General rules for sensitive ~~public and private water supplies~~ Public and Private Water Supplies.** New point source discharges of any pollutant after June 11, 1989, and increased load of any specified pollutant from any point source discharge existing as of June 11, 1989, shall be prohibited in any waterbody or watershed designated in Appendix A of OAC 252:730 with the limitation "SWS". Any discharge of any pollutant to a waterbody designated "SWS" which would, if it occurred, lower existing water quality shall be prohibited. Provided however, new point source discharges or increased load of any specified pollutant from a discharge existing as of June 11, 1989, may be approved by the permitting authority in circumstances where the discharger demonstrates to the satisfaction of the permitting authority that such new discharge or increased load will result in maintaining or improving the water quality in both the direct receiving water, if designated SWS, and any downstream waterbodies designated SWS.
- (c) **Stormwater discharges.** Regardless of subsections (a) and (b) of this Section, point source discharges of stormwater to waterbodies and watersheds designated "HQW", "SWS" may be approved by the permitting authority.
- (d) **Nonpoint source discharges or runoff.** Best management practices for control of nonpoint source discharges or runoff should be implemented in watersheds of waterbodies designated "HQW", or "SWS" in Appendix A of OAC 252:730.

252:740-13-6. Tier 3 protection; prohibition against degradation of water quality in ~~outstanding resource waters~~ Outstanding Resource Waters

- (a) **General.** New point source discharges of any pollutant after June 11, 1989, and increased load of any pollutant from any point source discharge existing as of June 11, 1989, shall be prohibited in any waterbody or watershed designated in Appendix A of OAC 252:730 with the limitation "ORW" and/or "Scenic River", and in any waterbody located within the watershed of any waterbody designated with the limitation "Scenic River". Any discharge of any pollutant to a waterbody designated "ORW" or "Scenic River" which would, if it occurred, lower existing water quality shall be prohibited.
- (b) **Stormwater discharges.** Regardless of OAC 252:740-13-6(a), point source discharges of stormwater from temporary construction activities to waterbodies and watersheds designated "ORW" and/or "Scenic River" may be permitted by the permitting authority. Regardless of OAC 252:740-13-6(a), discharges of stormwater to waterbodies and watersheds designated "ORW" and/or "Scenic River" from point sources existing as of June 25, 1992, whether or not such stormwater discharges were permitted as point sources prior to June 25, 1992, may be permitted by the permitting authority; provided, however, increased load of any pollutant from such stormwater discharge shall be prohibited.
- (c) **Nonpoint source discharges or runoff.** Best management practices for control of nonpoint source discharges or runoff should be implemented in watersheds of waterbodies designated "ORW" in Appendix A of OAC 252:730, provided, however, that development of conservation plans shall be required in sub-watersheds where discharges or runoff from nonpoint sources are identified as causing or significantly contributing to degradation in a waterbody designated "ORW".
- (d) **LMFO's.** *No licensed managed feeding operation (LMFO) established after June 10, 1998 which applies for a new or expanding license from the State Department of Agriculture after*

March 9, 1998 shall be located...[w]ithin three (3) miles of any designated scenic river area as specified by the Scenic Rivers Act in 82 O.S. Section 1451 and following, or [w]ithin one (1) mile of a waterbody [2:9-210.3(D)] designated in Appendix A of OAC 252:730 as "ORW".

252:740-13-8. Antidegradation review in surface waters

(a) **General.** The antidegradation review process below presents the framework to be used when making decisions regarding the intentional lowering of water quality, where water quality is better than the minimum necessary to protect beneficial uses. ~~OWRB technical guidance TRWQ2017-01 provides additional information.~~

(b) **Determination of Assimilative Capacity in Tier 2, Tier 2.5, and Tier 3 Waters.**

- (1) All water quality monitoring and technical analyses necessary to determine receiving waterbody assimilative capacity for all applicable numeric and narrative criteria and associated parameters protective of waterbody beneficial uses shall be conducted by the interested party.
- (2) Prior to initiating any monitoring or technical analysis to support determination of waterbody assimilative capacity, the interested party shall submit a workplan for review and approval by DEQ staff.
- (3) As part of an approved workplan, the interested party shall characterize existing water quality of the receiving waterbody for each applicable criteria and associated parameters and evaluate if there is available assimilative capacity. Characterization of existing water quality shall address, at a minimum:
 - (A) Measurement of load and or concentration for all applicable criteria and associated parameter(s) in the receiving water; and
 - (B) The measurement of both existing and proposed point and nonpoint source discharge concentrations and/or loadings; and
 - (C) The critical low flow or critical lake level of the receiving waterbody, including drought of record in waterbodies receiving IPR discharges; and
 - (D) The limnological, hydrologic, seasonal, spatial and temporal variability and critical conditions of the waterbody; and
 - (E) Volumetric determination of anoxic dissolved oxygen condition consistent with OAC 252:730 and OAC 252:740; and
 - (F) The bioaccumulative nature of a pollutant shall be considered when determining assimilative capacity; and
 - (G) The 303(d) List as contained in the most recently approved Integrated Water Quality Assessment Report shall be reviewed and any difference between the water quality assessment information and the characterization of existing water quality shall be reconciled.
- (4) Assimilative capacity shall be determined by comparing existing water quality, as determined consistent with subsection (a)(3) above to the applicable narrative and numeric criteria. In Tier 2 waters, assimilative capacity shall be determined and used with a margin(s) of safety (OAC 252:740-13-8(d)(1)(D)), which takes into account any uncertainty between existing or proposed discharges and impacts on receiving water quality.
- (5) When existing water quality does not meet the criterion or associated parameter necessary to support beneficial use(s) or is identified as impaired on Oklahoma's

303(d) List as contained in the most recently approved Integrated Water Quality Assessment Report, no assimilative capacity shall exist for the given criterion.

(c) Use of Assimilative Capacity in Tier 1 Waters. Available assimilative capacity may be used in Tier 1 waters such that water quality is maintained to fully protect all designated and existing beneficial uses.

(d) Use of Assimilative Capacity in Tier 2 Waters.

(1) If it is determined that assimilative capacity is available, the consumption of assimilative capacity may be allowed in a manner consistent with the requirements in 40 CFR 131.12(a)(2) and this subchapter. In allowing the use of assimilative capacity, the state shall assure that:

(A) Water quality shall be maintained to fully protect designated and existing beneficial uses.

(B) Assimilative capacity shall be reserved such that all applicable narrative criteria in OAC 252:730 are attained and beneficial uses are protected.

(C) Fifty percent (50%) of assimilative capacity shall be reserved for all applicable water quality criteria listed in OAC 252:730, Appendix G, Table 2.

(D) In order to preserve a margin of safety, in no case shall any activity be authorized without the application of margin(s) of safety specified below:

(i) A twenty percent (20%) margin of safety shall be applied to an applicable numeric criterion for chlorophyll-a, total phosphorus, and total nitrogen. If numeric criteria are not available, the narrative nutrient criterion (OAC 252:730-5-9(d)) shall be applied and a twenty percent (20%) margin of safety shall be applied to the parameters listed in the criterion.

(ii) No more than forty-five percent (45%) of the lake volume shall be less than the dissolved oxygen criterion magnitude in OAC 252:730-5-12(f)(1)(C)(ii).

(iii) If the existing value of a criterion is within the margin of safety, no assimilative capacity is available and existing water quality shall be maintained or improved.

(E) When existing water quality does not satisfy the applicable criterion and support beneficial use(s) or has been designated as impaired in Oklahoma's 303(d) List as contained in the most recently approved Integrated Water Quality Assessment Report, the applicable criterion shall be met at the point of discharge. If a TMDL has been approved for the impairment, loading capacity for the parameter may be available if TMDL load allocations include the proposed load from the discharge.

(2) An analysis of alternatives shall evaluate a range of practicable alternatives that would prevent or lessen the water quality degradation associated with the proposed activity. When the analysis of alternatives identifies one or more practicable alternatives, the State shall only find that a lowering is necessary if one such alternative is selected for implementation.

(3) After an analysis of alternatives and an option that utilizes any or all of the assimilative capacity is selected, the discharger must demonstrate that the lowering of

water quality is necessary to accommodate important economic or social development in the area in which the waters are located.

(e) **Use of Assimilative Capacity in Tier 2.5 or ~~3.0~~ 3 Waters.** Consistent with OAC 252:730-3-2(a) - (c), 252:730-5-25(a), 252:730-5-25(b), and 252:730-5-25(c)(1) - (c)(6) all available assimilative capacity shall be reserved in waterbodies classified as Tier 2.5 or ~~3.0~~ 3 waters.

(f) **Public Participation.** Agencies implementing subsection 8(d) shall conduct all activities with intergovernmental coordination and according to each agency's public participation procedures, including those specified in Oklahoma's continuing planning process.

SUBCHAPTER 15. USE SUPPORT ASSESSMENT PROTOCOLS

252:740-15-5. Assessment of Fish and Wildlife Propagation support

(a) **Scope.** The provisions of this Section shall be used to determine whether the beneficial use of Fish and Wildlife Propagation or any subcategory thereof designated in OAC 252:730 for a waterbody is supported.

(b) **Dissolved oxygen.** For purposes of assessment, listing and reporting under sections 303(d) and 305(b) of the federal Clean Water Act as amended, the procedure for determining use support of the Fish and Wildlife Propagation beneficial use or any subcategory thereof with respect to dissolved oxygen shall be as follows:

(1) Support tests for HLAC streams.

(A) The HLAC subcategory of the Fish and Wildlife Propagation beneficial use designated for a stream shall be deemed to be fully supported with respect to the DO criterion if 10% or less of the samples across all life stages and seasons exhibit DO concentration below the following season-specific thresholds:

(i) April 1 through June 15: 4.0 mg/L

(ii) June 16 through March 31: 3.0 mg/L

(B) The HLAC subcategory of the Fish and Wildlife Propagation beneficial use designated for a stream shall be deemed to be not supported with respect to the DO criterion if more than 10% of the samples across all seasons exhibit DO concentrations below the following season-specific thresholds due to other than naturally occurring conditions:

(i) April 1 through June 15: 4.0 mg/L

(ii) June 16 through March 31: 3.0 mg/L

(2) Support tests for WWAC streams.

(A) The WWAC subcategory of the Fish and Wildlife Propagation beneficial use designated for a stream shall be deemed to be fully supported with respect to the DO criterion if 10% or less of the samples across all life stages and seasons exhibit DO concentration below the following season-specific thresholds:

(i) April 1 through June 15: 6.0 mg/L

(ii) June 16 through March 31: 5.0 mg/L

(B) The WWAC subcategory of the Fish and Wildlife Propagation beneficial use designated for a stream shall be deemed to be undetermined with respect

to the DO criterion if more than 10% of the samples across all life stages and seasons exhibit DO concentrations below the upper DO threshold and 10% or less of the samples across all seasons exhibit DO concentrations below the lower DO threshold considering the following season-specific ranges:

(i) April 1 through June 15: 5.0 mg/L to 6.0 mg/L

(ii) June 16 through October 15: 4.0 mg/L to 5.0 mg/L

(C) The WWAC subcategory of the Fish and Wildlife Propagation beneficial use designated for a stream shall be deemed to be not supported with respect to the DO criterion if more than 10% of the samples across all life stages and seasons exhibit DO concentrations below the following season-specific thresholds due to other than naturally occurring conditions:

(i) April 1 through June 15: 5.0 mg/L

(ii) June 16 through October 15: 4.0 mg/L

(iii) October 16 through March 31: 5.0 mg/L

(3) Support tests for CWAC and Trout streams.

(A) The CWAC or Trout subcategory of the Fish and Wildlife Propagation beneficial use designated for a stream shall be deemed to be fully supported with respect to the DO criterion if 10% or less of the samples across all life stages and seasons exhibit DO concentrations below the following season-specific thresholds:

(i) March 1 through May 31: 7.0 mg/L

(ii) June 1 through last day of February: 6.0 mg/L

(B) The CWAC or Trout subcategory of the Fish and Wildlife Propagation beneficial use designated for a stream shall be deemed to be undetermined with respect to the DO criterion if more than 10% of the samples across all life stages and seasons exhibit DO concentrations below the upper DO threshold and 10% or less of the samples across all seasons exhibit DO concentrations below the lower DO threshold considering the following season-specific ranges:

(i) March 1 through May 31: 7.0 mg/L to 6.0 mg/L

(ii) June 1 through October 15: 6.0 mg/L to 5.0 mg/L

(C) The CWAC or Trout subcategory of the Fish and Wildlife Propagation beneficial use designated for a stream shall be deemed to be not supported with respect to the DO criterion if more than 10% of the samples across all life stages and seasons exhibit DO concentrations below the following season-specific thresholds due to other than naturally occurring conditions:

(i) March 1 through May 31: 6.0 mg/L

(ii) June 1 through October 15: 5.0 mg/L

(iii) October 16 through the last day of February: 6.0 mg/L

(4) Support tests for WWAC lakes. The WWAC subcategory of the Fish and Wildlife Propagation beneficial use designated for a lake shall be deemed to be fully supported with respect to the DO criterion if both the Surface and Water Column criteria prescribed in (5)(A) and (6)(A) of this subsection (b) are satisfied. If either of the Surface or Water Column criteria prescribed in (5)(B) or (6)(B) produce a result of undetermined, then the WWAC subcategory of the Fish and Wildlife Propagation

beneficial use designated for a lake shall be deemed to be undetermined with respect to the DO criterion; provided, if either of the Surface or Water Column criteria prescribed in (5)(C) or (6)(C) produce a result of not supported, then the WWAC subcategory of the Fish and Wildlife Propagation beneficial use designated for a lake shall be deemed to be not supported with respect to the DO criterion.

(5) Surface criteria for WWAC lakes.

(A) The WWAC subcategory of the Fish and Wildlife Propagation beneficial use designated for a lake shall be deemed to be fully supported with respect to the DO criterion if 10% or less of the surface samples across life stages and all seasons exhibit DO concentrations below the following season-specific thresholds:

(i) April 1 through June 15: 6.0 mg/L

(ii) June 16 through March 31: 5.0 mg/L

(B) The WWAC subcategory of the Fish and Wildlife Propagation beneficial use designated for a lake shall be deemed to be undetermined with respect to the DO criterion if more than 10% of the surface samples across all life stages and seasons exhibit DO concentrations below the upper DO threshold and 10% or less of the surface samples across all seasons exhibit DO concentrations below the lower DO threshold considering the following season-specific ranges:

(i) April 1 through June 15: 5.0 mg/L to 6.0 mg/L

(ii) June 16 through October 15: 4.0 mg/L to 5.0 mg/L

(C) The WWAC subcategory of the Fish and Wildlife Propagation beneficial use designated for a lake shall be deemed to be not supported with respect to the DO criterion if more than 10% of the surface samples across all life stages and seasons exhibit DO concentrations below the following season-specific thresholds due to other than naturally occurring conditions:

(i) April 1 through June 15: 5.0 mg/L

(ii) June 16 through October 15: 4.0 mg/L

(iii) October 16 through March 31: 5.0 mg/L

(D) "Surface", when used in this Section, means surface waters or the mixed surface layer, typically represented by a sample taken at least 0.5 m below the surface.

(6) Water column criteria for WWAC lakes.

(A) The WWAC subcategory of the Fish and Wildlife Propagation beneficial use designated for a lake shall be deemed to be fully supported with respect to the DO criterion if less than 50% of the volume (if volumetric data is available) or 50% or less of the water column (if no volumetric data is available) of all sample sites in the lake are less than 2.0 mg/L.

(B) The WWAC subcategory of the Fish and Wildlife Propagation beneficial use designated for a lake shall be deemed to be undetermined with respect to the DO criterion (if no volumetric data is available) if 50% or more, but not greater than 70%, of the water column at any given sample site in the lake is less than 2.0 mg/L due to other than naturally occurring conditions.

(C) The WWAC subcategory of the Fish and Wildlife Propagation beneficial use designated for a lake shall be deemed to be not supported with respect to the DO criterion if 50% or more of the water volume (if volumetric data is available) or more than 70% of the water column (if no volumetric data is available) at any given sample site is less than 2.0 mg/L.

(D) If a lake specific study including historical analysis produces a support status which is contrary to an assessment obtained from the application of (A), (B) or (C) of (b)(6) of this section, then that lake specific result will control.

(7) Additional application/exercise when support undetermined. In instances where application of the tests in this subsection (b) initially produce a result that the pertinent subcategory is undetermined with respect to the DO criterion, such shall be subject to additional investigation that considers diurnal data for further application of such tests in order to resolve the determination of use support.

(c) Toxicants.

(1) Test for Full Support.

(A) The Fish and Wildlife Propagation beneficial use designated for a waterbody shall be deemed to be fully supported with respect to any individual toxicant parameter if no more than one of the sample concentrations from the waterbody exceeds the acute criterion for that toxicant prescribed in the numerical criteria for toxic substances in OAC 252:730-5-12(f)(6)(D) and (E) and OAC 252:730 Appendix G, Table 2.

(B) The Fish and Wildlife Propagation beneficial use designated for a waterbody shall be deemed to be fully supported with respect to any individual toxicant parameter if not more than 1 sample concentration or not more than 10% of the sample concentrations from the waterbody exceeds the chronic criterion for that toxicant prescribed in the numerical criteria for toxic substances in OAC 252:730-5-12(f)(6)(D), (E) and OAC 252:730 Appendix G, Table 2.

(2) Test for Non-Support.

(A) The Fish and Wildlife Propagation beneficial use designated for a waterbody shall be deemed to be not supported with respect to any individual toxicant parameter if more than one of the sample concentrations from the waterbody exceed the acute criterion for that toxicant prescribed in the numerical criteria for toxic substances in OAC 252:730-5-12(f)(6)(D) and (E) and OAC 252:730 Appendix G, Table 2.

(B) The Fish and Wildlife Propagation beneficial use designated for a waterbody shall be deemed to be not supported with respect to any individual toxicant parameter if more than 10 % of the sample concentrations from the waterbody exceed chronic criterion for that toxicant prescribed in the numerical criteria for toxic substances in OAC 252:730-5-12(f)(6)(D) and (E) and OAC 252:730 Appendix G, Table 2

(d) pH.

(1) The Fish and Wildlife Propagation beneficial use designated for a waterbody shall be deemed to be fully supported with respect to pH occurring other than by naturally

occurring conditions if no more than 10% of the sample concentrations from that waterbody fall outside the criteria range prescribed in OAC 252:730-5-12(f)(3).

(2) The Fish and Wildlife Propagation beneficial use designated for a waterbody shall be deemed to be not supported with respect to pH occurring other than by naturally occurring conditions if greater than 10% of the sample concentrations from that waterbody fall outside the criteria range prescribed in OAC 252:730-5-12(f)(3).

(e) **Turbidity.** The criteria for turbidity stated in OAC 252:730-5-12(f)(7) shall constitute the screening levels for turbidity. The tests for use support shall follow the default protocol in OAC 252:740-15-4(b).

(f) **Oil and grease.**

(1) The Fish and Wildlife Propagation beneficial use designated for a waterbody shall be deemed to be fully supported with respect to oil and grease if a visible sheen or bottom deposits of oil or grease are observed on that waterbody in 10% or less of the observations.

(2) The Fish and Wildlife Propagation beneficial use designated for a waterbody shall be deemed to be not supported with respect to oil and grease if a visible sheen or bottom deposits of oil or grease are observed on that waterbody in more than 10% of the observations.

(g) **Suspended and bedded sediments.**

(1) If a stream is supporting the biological criteria assigned to that stream as provided in (e) and (i) through (n) of this section, then that stream will be deemed to be supporting its assigned Fish and Wildlife Propagation beneficial use with respect to suspended and bedded sediments.

(2) If a stream is not supporting the biological criteria assigned to that stream as provided in (e) and (i) through (n) of this section, then a habitat assessment must be conducted using the habitat assessment protocols found in OWRB Technical Report TRWQ2001-1, "Unified Protocols for Beneficial Use Assignment for Oklahoma Wadable Streams." The results of the habitat assessment shall then be compared to either historical conditions or regional reference conditions in order to determine attainment with respect to suspended and bedded sediments in that stream.

(3) The method for establishing reference conditions shall meet the following requirements:

- (A) a minimum of five (5) reference streams or reaches shall be assessed;
- (B) all of the reference streams or reaches must be within the same ecoregion as the test stream;
- (C) all of the reference streams or reaches must be streams with similar flow regimes no more than two (2) stream orders removed from the test stream; and
- (D) the reference streams shall be selected from the least impacted streams in the ecoregion whose watersheds contain soils, vegetation, land uses, and topography typical of the watershed of the test stream(s).

(4) The Fish and Wildlife Propagation beneficial use will be considered to be not supported with respect to suspended and bedded sediments if any of the following habitat parameters deviate from the reference conditions by the specified amount:

- (A) The total percent of clay, silt, and loose sand in the pool bottom substrate of the test stream is increased by more than 30% over the reference condition;
- (B) Cobble embeddedness in the test stream is increased by 15% or more over the reference condition;
- (C) The percentage of the length of the reach containing fresh (non-vegetated) point bars and/or islands in the test stream is 20 or more percentage points above that of the reference condition; or
- (D) The percentage of the length of the reach dominated by pools of a depth of 0.5 meters or more in the test stream is less than 70% of that of the reference condition.

(5) If all of the habitat parameters identified in (h)(4) of this section deviate from the reference conditions by less than the amounts specified in (h)(4) of this section, then the Fish and Wildlife Propagation beneficial use is not impaired due to suspended and bedded sediments.

(h) Metals.

(1) For all metals unless otherwise specified in this subsection, the Fish and Wildlife Propagation beneficial use designated for a waterbody may be assessed using either total recoverable or dissolved metals. When available, the concentrations of dissolved metals shall be compared following the provisions of (c) of this subsection to the criteria in OAC 252:730 Appendix G converted to dissolved criteria by multiplying the total metal criterion listed in ~~table~~ Table 2 by the appropriate conversion factor listed in Table 3. Preference shall be given to the beneficial use determinations based upon dissolved metals. For those metals criteria requiring a hardness component, individual assessment results may be calculated using the average of all hardness data meeting the requirements of OAC 252:740-15-3. The segment-averaged hardness in Appendix B of this Chapter shall be used in the determination of the criterion if there is insufficient site-specific data to determine stream hardness.

(2) For selenium, the Fish and Wildlife Propagation beneficial use designated for a waterbody shall use fish tissue data as the preferred method for assessment and listing purposes if such data are adequate and available. The criteria are established in OAC 252:730 Appendix G, Table 4. In the absence of fish tissue data, either monthly average exposure or intermittent exposure water column criteria may be used. The intermittent exposure criterion element can only be exceeded under the same conditions that would have caused the monthly average exposure criterion element to be exceeded. Thus, evaluating data against the intermittent exposure criterion element and the monthly average exposure criterion element will always result in the same assessment decision. OAC 252:740-15-5(h)(2) provides for the implementation of fish tissue criterion elements and fish tissue studies for the protection of the Fish and Wildlife Propagation beneficial use as an alternative to water column-based criterion. All selenium fish tissue studies shall be approved by DEQ.

(i) Biological criteria.

(1) If data demonstrate that an assemblage of fish or macro invertebrates from a waterbody is significantly degraded, according to OAC 252:730-5-12(f)(5), from that expected for the subcategory of Fish and Wildlife Propagation designated in OAC

252:730 for that waterbody, then that subcategory may be deemed by the appropriate state environmental agency to be not supported.

(2) All physical assessments and biological collections shall be performed in accordance with the requirements set forth in OWRB Technical Report No. 99-3 entitled "Standard Operating Procedures for Stream Assessments and Biological Collections Related to Biological Criteria in Oklahoma".

(3) Evaluation of the biological collections shall include identification of fish samples to species level. Determinations of tolerance level shall be made according to Jester et al. 1992, "The Fishes of Oklahoma, Their Gross Habitats, and Their Tolerance of Degradation in Water Quality and Habitat", Proceedings of Oklahoma Academy of Sciences, 72:7-19.

(4) The determination of whether the use of Fish and Wildlife Propagation is supported in wadable streams in Oklahoma ecoregions shall be made according to all of the requirements of this subsection (e), the application of Appendix C of this Chapter, and the special provisions in subsections (i) through (o), where applicable, of this Section. Streams with undetermined use support status shall be subject to additional investigation that considers stream order, habitat factors and local reference streams before the use support determination is made. A finding of impairment for biocriteria due to any one of the parameters listed in this section shall trigger an evaluation of all likely causes, not precluding monitoring, assessment, and subsequent support determination of the Fish and Wildlife beneficial use for any of the other parameters in this section

(j) Special provisions for Ouachita Mountains wadable streams. The determination of whether the use of Fish and Wildlife Propagation is supported for wadable streams located in the Ouachita Mountains ecoregion shall be made according to the application of Appendix C of this Chapter, together with this subsection, as follows:

(1) Where designated, the subcategory of Warm Water Aquatic Community shall be deemed fully supported if the application of Appendix C produces a score of 35 or more. Such subcategory shall be deemed not supported if the application of Appendix C produces a score of 24 or less. If a score is 25 to 34 inclusive, the issue of whether this subcategory is supported shall be deemed undetermined.

(2) Where designated, the subcategory of Habitat Limited Aquatic Community shall be deemed fully supported if the application of Appendix C produces a score of 27 or more. Such subcategory shall be deemed not supported if the application of Appendix C produces a score of 18 or less. If a score is 19 to 26 inclusive, the issue of whether this subcategory is supported shall be deemed undetermined.

(k) Special provisions for Arkansas Valley wadable streams. The determination of whether the use of Fish and Wildlife Propagation is supported for wadable /streams located in the Arkansas Valley ecoregion shall be made according to the application of Appendix C of this Chapter, together with this subsection, as follows:

(1) Where designated, the subcategory of Warm Water Aquatic Community shall be deemed fully supported if the application of Appendix C produces a score of 35 or more. Such subcategory shall be deemed not supported if the application of Appendix C produces a score of 24 or less. If a score is 25 to 34 inclusive, the issue of whether this subcategory is supported shall be deemed undetermined.

(2) Where designated, the subcategory of Habitat Limited Aquatic Community shall be deemed fully supported if the application of Appendix C produces a score of 27 or more. Such subcategory shall be deemed not supported if the application of Appendix C produces a score of 18 or less. If a score is 19 to 26 inclusive, the issue of whether this subcategory is supported shall be deemed undetermined.

(l) Special provisions for Boston Mountains and Ozark Highlands wadable streams. The determination of whether the use of Fish and Wildlife Propagation is supported for wadable streams located in the Boston Mountains and Ozark Highlands ecoregions shall be made according to the application of Appendix C of this Chapter, together with this subsection, as follows:

(1) Where designated, the subcategory of Cool Water Aquatic Community shall be deemed fully supported if the application of Appendix C produces a score of 37 or more. Such subcategory shall be deemed not supported if the application of Appendix C produces a score of 29 or less. If a score is 30 to 36 inclusive, the issue of whether this subcategory is supported shall be deemed undetermined.

(2) Where designated, the subcategory of Warm Water Aquatic Community shall be deemed fully supported if the application of Appendix C produces a score of 31 or more. Such subcategory shall be deemed not supported if the application of Appendix C produces a score of 22 or less. If a score is 23 to 30 inclusive, the issue of whether this subcategory is supported shall be deemed undetermined.

(m) Special provisions for Central Irregular Plains wadable streams. The determination of whether the use of Fish and Wildlife Propagation is supported for wadable streams located in the Central Irregular Plains ecoregion shall be made according to the application of Appendix C of this Chapter, together with this subsection, as follows:

(1) Where designated, the subcategory of Cool Water Aquatic Community shall be deemed fully supported if the application of Appendix C produces a score of 35 or more. Such subcategory shall be deemed not supported if the application of Appendix C produces a score of 28 or less. If a score is 29 to 34 inclusive, the issue of whether this subcategory is supported shall be deemed undetermined.

(2) Where designated, the subcategory of Warm Water Aquatic Community shall be deemed fully supported if the application of Appendix C produces a score of 30 or more. Such subcategory shall be deemed not supported if the application of Appendix C produces a score of 22 or less. If a score is 23 to 29 inclusive, the issue of whether this subcategory is supported shall be deemed undetermined.

(3) Where designated, the subcategory of Habitat Limited Aquatic Community shall be deemed fully supported if the application of Appendix C produces a score of 25 or more. Such subcategory shall be deemed not supported if the application of Appendix C produces a score of 16 or less. If a score is 17 to 24 inclusive, the issue of whether this subcategory is supported shall be deemed undetermined.

(n) Special provisions for Central Oklahoma - Texas Plains wadable streams. The determination of whether the Warm Water Aquatic Community subcategory of the Fish and Wildlife Propagation beneficial use is supported for wadable streams located in the Central Oklahoma - Texas Plains ecoregion shall be made according to the application of Appendix C of this Chapter, together with this subsection, as follows:

- (1) Such subcategory shall be deemed fully supported if the application of Appendix C produces a score of 26 or more.
- (2) Such subcategory shall be deemed not supported if the application of Appendix C produces a score of 19 or less.
- (3) If the application of Appendix C produces a score of 20 to 25 inclusive, the issue of whether this subcategory is supported shall be deemed undetermined.

(o) **Special provisions for Central Great Plains wadable streams.** The subcategory of Warm Water Aquatic Community of the beneficial use of Fish and Wildlife Propagation in the wadable streams located in the Central Great Plains ecoregion shall be deemed fully supported if the application of Appendix C of this Chapter produces a score of 22 or more. Such subcategory shall be deemed not supported for the streams in the ecoregion of the application of Appendix C produces a score of 18 or less. If the application of Appendix C produces a score of 19 to 21 inclusive, the issue of whether this subcategory is supported for the streams in this ecoregion shall be deemed undermined. Provided, however, this subsection does not apply to the area bounded by State Highway 54 on the west, U.S. Highway 62 on the south, U.S. Highway 281 on the east and State Highway 19 on the north.

252:740-15-6. Assessment of Primary Body Contact Recreation support

(a) **Scope.** The provisions of this Section shall be used to determine whether the subcategory of Primary Body Contact of the beneficial use of Recreation designated in OAC 252:730 for a waterbody is supported during the recreation season from May 1 through September 30 each year. The criteria for Secondary Body Contact Recreation will apply during the remainder of the year. Where data exist for multiple bacterial indicators on the same waterbody or waterbody segment, the determination of use support shall be based upon the use and application of all applicable tests and data.

(b) *Escherichia coli* (~~E. coli~~)(E. Coli).

- (1) The Primary Body Contact Recreation subcategory designated for a waterbody shall be deemed to be fully supported with respect to *E. coli* if the geometric mean of 126 ~~colonies~~ cfu per 100 ~~ml~~ mL is met. These values are based upon all samples collected over the recreation period in accordance with OAC 252:740-15-3(c).
- (2) The Primary Body Contact Recreation subcategory designated for a waterbody shall be deemed to be not supported with respect to *E. coli* if the geometric mean of 126 ~~colonies~~ cfu per 100 ~~ml~~ mL is not met. These values are based upon all samples collected over the recreation period in accordance with OAC 252:740-15-3(c).

(c) *Enterococci*.

- (1) The Primary Body Contact Recreation subcategory designated for a waterbody shall be deemed to be fully supported with respect to enterococci if the geometric mean of 33 ~~colonies~~ cfu per 100 ~~ml~~ mL is met. These values are based upon all samples collected over the recreation period in accordance with OAC 252:740-15-3(c).
- (2) The Primary Body Contact Recreation subcategory designated for a waterbody shall be deemed to be not supported with respect to enterococci if the geometric mean of 33 ~~colonies~~ cfu per 100 ~~ml~~ mL is not met. These values are based upon all samples collected over the recreation period in accordance with OAC 252:740-15-3(c).

252:740-15-7. Assessment of Public and Private Water Supply support

(a) **Scope.** The provisions of this Section shall be used to determine whether the beneficial use of Public and Private Water Supply or any subcategory thereof designated in OAC 252:730 for a waterbody is supported.

(b) **Toxicants.**

(1) The Public and Private Water Supply beneficial use designated for a waterbody shall be deemed to be fully supported with respect to any substance with criteria for such use listed in OAC 252:730 Appendix G if the sample concentrations from that waterbody do not exceed the criterion for that substance prescribed in OAC 252:730 Appendix G in more than 10% of the measurements, or if drinking water use restrictions are not in effect.

(2) The Public and Private Water Supply beneficial use designated for a waterbody shall be deemed to be not supported with respect to any substance with criteria for such use listed in OAC 252:730 Appendix G if the sample concentrations from that waterbody exceed the criterion for that substance prescribed in OAC 252:730 Appendix G in more than 10% of the measurements, or if drinking water use restrictions are put in effect by an agency with jurisdiction that require closure of the water supply.

(c) **Bacteria.** The screening level for total coliform bacteria shall be ~~5000 colonies~~ 5,000 cfu per 100 ~~ml~~ mL. The tests for use support shall follow the default protocol in OAC 252:740-15-4.

(d) **Threatened water supplies.** Waters of the state designated in OAC 252:730 as Public and Private Water Supply shall be presumed to be threatened when toxicants are detected but do not exceed the applicable criteria prescribed in OAC 252:730 Appendix G, or some drinking water use restrictions have been put into effect by an agency with jurisdiction, or the potential for adverse impacts to water quality exists, or more than one such conditions exist.

(e) **Oil and grease.**

(1) The Public and Private Water Supply beneficial use designated for a waterbody shall be deemed to be fully supported with respect to oil and grease if a visible sheen or bottom deposits of oil or grease are observed on that waterbody in 10% or less of the observations, and drinking water use restrictions that require more than conventional treatment related to oil and grease have not been put into effect by an agency with jurisdiction.

(2) The Public and Private Water Supply beneficial use designated for a waterbody shall be deemed to be not supported with respect to oil and grease if a visible sheen or bottom deposits of oil or grease are observed on that waterbody in more than 10% of the observations, or drinking water use restrictions that require more than conventional treatment related to oil and grease have been put into effect by an agency with jurisdiction.

252:740-15-13. Assessment of Secondary Body Contact Recreation support

(a) **Scope.** The provisions of this Section shall be used to determine whether the subcategory of Secondary Body Contact of the beneficial use of Recreation designated in OAC 252:730 for a waterbody is supported. Where data exist for multiple bacterial indicators on the same waterbody or waterbody segment, the determination of use support shall be based upon the use and application of all applicable tests and data.

(b) *Escherichia coli* (*E. coli*).

(1) The Secondary Body Contact Recreation subcategory designated for a waterbody shall be deemed to be fully supported with respect to *E. coli* if the geometric mean of 242 cfu per 100 mL is met. These values are based upon all samples collected in accordance with OAC 252:740-15-3(c).

(2) The Secondary Body Contact Recreation subcategory designated for a waterbody shall be deemed to be not supported with respect to *E. coli* if the geometric mean of 242 cfu per 100 mL is not met. These values are based upon all samples collected in accordance with OAC 252:740-15-3(c).

(c) Enterococci.

(1) The Secondary Body Contact Recreation subcategory designated for a waterbody shall be deemed to be fully supported with respect to enterococci if the geometric mean of 63 cfu per 100 mL is met. These values are based upon all samples collected in accordance with OAC 252:740-15-3(c).

(2) The Secondary Body Contact Recreation subcategory designated for a waterbody shall be deemed to be not supported with respect to enterococci if the geometric mean of 63 cfu per 100 mL is not met. These values are based upon all samples collected in accordance with OAC 252:740-15-3(c).

SUBCHAPTER 17. IMPLEMENTATION OF DISSOLVED OXYGEN CRITERIA TO PROTECT FISH AND WILDLIFE PROPAGATION

252:740-17-2. Regulatory flows

(a) The flow in the receiving stream, Q_u , shall be deemed to be the greater of the ~~7Q2~~ regulatory low flow or 1 cfs. If the ~~7Q2~~ the regulatory low flow is unknown, then Q_u shall be deemed to be 1 cfs.

(b) For industrial dischargers with adequate data as determined by the permitting authority, the effluent flow, Q_e , shall be deemed to be the highest monthly averaged flow over the previous two years. For all other discharges, the effluent flow shall be deemed to be the design flow.

(c) Provided, in stream segments where dams or other structures have substantially affected the historic flow regime of the stream segment, including but not limited to the portions of the Verdigris and Arkansas Rivers constituting the McClellan-Kerr Arkansas River Navigation System, the appropriate regulatory low flow in the receiving stream, Q_u , shall be as determined on a site-specific basis pursuant to properly designed and implemented hydrologic study approved by the permitting authority and DEQ.

Federal EPA Rule Status Updates

Developments through August 30, 2026

Drinking Water

Rule	Final/Proposed Status	Summary of Action
PFAS NPDWR Rescission	Proposed; Hearing held 7/7/26 and comments closed 7/20/26.	Proposed rule to rescind regulatory determinations and related provisions for four PFAS substances (PFHxS, PFNA, HFPO-DA (Gen-X), and the mixture of these three plus PFBS). <i>American Water Works Association v. EPA</i> – Oral argument scheduled for 9/18/26.
PFOA/PFOS Compliance Extension	Proposed; Comments closed 7/20/26.	Proposal for a federal exemption under SDWA 1416(f) and 1450(a)(1) that will extend the dates of compliance with the MCLs for PFOA and PFOS from April 26, 2029 to April 26, 2031. Applies where primacy has not yet been obtained.
CCL 6	Proposed; comment period closed 6/5/26. EPA expects to sign the final list by November 17, 2026.	The draft Drinking water Contaminant Candidate List 6 (CCL6) was published in the Fed Register April 6, 2026, and included 75 chemicals. For the first time it included microplastics and pharmaceuticals as priority contaminant groups. Other groups included are disinfection byproducts and PFAS.
UCMR 6	Proposed; Comments due 8/31/26.	EPA proposed to include 30 contaminants total, in four groups: 1) seven ultrashort-chain organofluorine compounds, including trifluoroacetic acid (TFA); 2) three pesticide metabolites; 3) 13 semivolatile organic compounds; and 4) seven purgeable organic compounds. EPA proposed to determine which PWSs

		are subject to UCMR 6 based on SDWIS information as of Feb. 1, 2026.
Perchlorate NPDWR	Proposed January 2026; Comment period closed.	Proposal was predicated by a 2025 New York court order requiring that EPA must sign a final rule for Perchlorate by May 2027 (<i>NRDC v. EPA</i>). In 2023, the D.C. Circuit held that EPA lacks the authority to withdraw a regulatory determination under SDWA (<i>NRDC v. Regan</i>). EPA stated in the proposed rule that the costs of the rule would outweigh the benefits and that the rule could require approximately 66,000 systems to test and monitor for perchlorate, even though it is unlikely to be found.
Lead and Copper Rule Improvements Rule	Final	Rule has never been stayed and the 2027 compliance date and 2037 replacement deadline remain in effect. <i>American Water Works Association v. EPA</i> – oral argument set for 9/30/26. EPA defending the rule.

Clean Water Act

Rule	Final/Proposed Status	Summary of Action
Draft Guidance for Reducing Risk from PFOA and PFOS in Biosolids	Released for public comment period from 7/6/26 through 9/4/26, extended to 10/5/26.	Draft guidance released on 1/14/25, titled Draft Sewage Sludge Risk Assessment for PFOA and PFOS. New guidance provides voluntary recommendations for potential ways to mitigate risks from PFOA and PFOS when managing sewage sludge and biosolids.
Waters of the US (WOTUS)	Proposed; No final rule yet issued.	Proposed on Nov. 20, 2025. Aligning the definition with Sackett decision; providing greater clarity regarding the definitions of the terms involved, including “relatively permanent” and “continuous surface connection.”
CWA § 401 Certification	Proposed; No final rule yet issued.	Proposed Jan. 15, 2026. Revises procedural and substantive aspects of CWA 401 Water Quality

		Certification Improvement Rule of 2023, to address areas of regulatory uncertainty and implementation challenges.
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RCRA and CERCLA

Rule	Final/Proposed Status	Summary of Action
Corrective Action Hazardous Waste Definition	Withdrawal of previously proposed rule.	EPA proposed in February 2024 to amend the definition of hazardous waste in the CFR so that the broad RCRA statutory definition applied to corrective action rather than the narrower regulatory definition. The withdrawal of this proposal leaves the regulations unchanged.
PFAS as Hazardous Constituents under RCRA	Proposed	In 2024, EPA proposed to add 9 PFAS and their salts and structural isomers to the list of hazardous constituents in Appendix VIII to Part 261.
PFAS as Hazardous Substance under CERCLA	Final	EPA finalized this rule in 2024 to list PFOA and PFOS as hazardous substances under CERCLA. <i>Chamber of Commerce of the United States of America et al v. EPA</i> – D.C. Circuit panel denied petitions to vacate EPA’s 2024 rule listing PFOA and PFOS as hazardous substances.
CCR Legacy Impoundments and CCR Management Units	Proposed; Comments closed 6/29/26.	Provides more flexibility for states in making permitting determinations, including approving alternative technical standards in certain instances such as groundwater monitoring well locations, site-specific groundwater protection standards for constituents without an MCL, extension of closure timeframes when CCR is extracted for beneficial use during post-closure period.

Clean Air Act

Rule	Final/Proposed Status	Summary of Action
Begin Actual Construction Under NSR	Proposed; Comments closed 6/29/26.	Proposal would allow construction, prior to obtaining an NSR permit, of certain components of a source that do not emit air pollutants. The definition of begin actual construction would exclude: (1) Engineering and design planning; (2) geotechnical investigation (surface and subsurface explorations); (3) clearing vegetation, grading, surveying, soil compacting and stabilization (including associated pile driving), and excavating land (including blasting or other removal of hardrock); (4) ordering of equipment and materials; (5) storing of equipment or setting up temporary trailers to house construction management or staff and contractor personnel; (6) paving surfaces. The proposed rule states this is not an exhaustive list.
Rescission of Title V Emergency Affirmative Defense Rule	Final	The final rule rescinds the 2023 Affirmative Defense Rule. The 2023 rule removed emergency-related affirmative defense provisions from Federal regulations governing title V operating permit programs. The EPA is taking this final action in response to a September 5, 2025, decision of the U.S. Court of Appeals for the District of Columbia (DC) Circuit which reversed the EPA's 2023 Affirmative Defense Rule. This rescission reinstates the emergency-related affirmative defense provisions as they existed in the Code of Federal Regulations (CFR) before promulgation of the 2023 Affirmative Defense Rule.

Greenhouse Gas Endangerment Finding and Vehicle Standards Rescission	Final	Rescinds the 2009 findings of contribution and endangerment and repeals all greenhouse gas emission standards for light-duty, medium-duty, and heavy-duty vehicles and engines to effectuate the best reading of the Clean Air Act section 202(a)(1). <i>American Public Health Association (APHA) v. EPA</i>
NSPS OOOOb/OOOOc	Phase 1 reconsideration final on 4/9/26; Broader reconsideration not yet proposed.	EPA has stated there is a forthcoming rule that would cover a broad reconsideration of the rules. April rule addressed temporary flaring of associated gas and vent gas net heating value monitoring.
Carbon Pollution Standards Repeal	Proposed	Proposed in 2025. Would rescind the Carbon Pollution Rule, also called “Clean Power Plan 2.0,” final rule that regulated GHGs from fossil fuel fired power plants.
2024 PM2.5 NAAQS	Final	<i>Commonwealth of Kentucky et al v. EPA</i> – On June 26, the D.C. Circuit denied the consolidated challenges and EPA’s request for vacatur. The 9.0 µg/m ³ annual standard remains effective. On August 28, 2026, a coalition of industry groups and states petitioned the Supreme Court to review the ruling.
PM2.5 Designations	Not yet proposed.	On July 17, a federal district court ordered EPA to complete nationwide designations by 2/6/2027. EPA missed the statutory deadline of 2/7/2026.
Ozone Transport/Good Neighbor SIPs	Not yet proposed <i>for Oklahoma</i> .	Oklahoma’s 2023 SIP disapproval has not been withdrawn or replaced. EPA’s disapproval of Oklahoma’s SIP has been judicially stayed since July 2023. Judicial venue for the Oklahoma SIP disapproval was transferred by the US Supreme Court back to the 10 th Circuit Court of Appeals.
Minor NSR Public Participation	Proposed; Comments closed 8/21/26.	EPA proposed eliminating the federal minimum public-participation requirements for minor NSR programs

		incorporated into SIPs, leaving notice and comment for minor sources and minor modifications to state discretion.
Mercury Air Toxics (MATS) Amendments Repeal	Final	In 2026, EPA repealed amendments that were finalized in 2024. Specifically, the EPA repealed the revised filterable particulate matter (fPM) emission standard, which serves as a surrogate for non-mercury hazardous air pollutant (HAP) metals for existing coal-fired EGUs; the revised fPM emission standard compliance demonstration requirements; and the revised mercury (Hg) emission standard for lignite-fired EGUs. <i>Air Alliance Houston et al v. EPA</i> – 2 separate cases with same caption, one challenging proclamations and one challenging rule repeal
Natural Gas Turbine NOx NSPS	Final	Creates a new NSPS Subpart KKKKa (Quad-Ka) for this source category, which is applicable to affected sources constructed, modified, or reconstructed after Dec. 13, 2024. The rule creates a subcategory for stationary temporary combustion turbines. <i>Environmental Defense Fund v. EPA</i>

ANNUAL OWNERSHIP DISCLOSURE

As of September 1, 2026

Oklahoma Statutes Title 27A, Section 2-3-101(C) states:

Any employee of the Department in a technical, supervisory or administrative position relating to the review, issuance or enforcement of permits pursuant to this Code who is an owner, stockholder, employee or officer of, or who receives compensation from, any corporation, partnership, or other business or entity which is subject to regulation by the Department of Environmental Quality shall disclose such interest to the Executive Director. Such disclosure shall be submitted for Board review and shall be made a part of the Board minutes available to the public. This subsection shall not apply to financial interests occurring by reason of an employee's participation in the Oklahoma State Employees Deferred Compensation Plan or publicly traded mutual funds.

NO	NAME	POSITION	REGULATED ENTITIES	DESCRIPTION OF OWNERSHIP INTEREST, EMPLOYMENT AND/OR COMPENSATION
1	Hillary Young	Engineering Manager IV, LPD	Continental Resources	Employee and employees spouse acquired mineral interests late last year; Continental Resources is the mineral lessee.
2	TJ Wall	Environmental Program Specialist III, AQD	Troy Energy	Employee inherited mineral interests earlier this year; Troy Energy is the mineral lessee.
3				
4				
5				

Suggested Schedule

2027 Environmental Quality Board Meetings

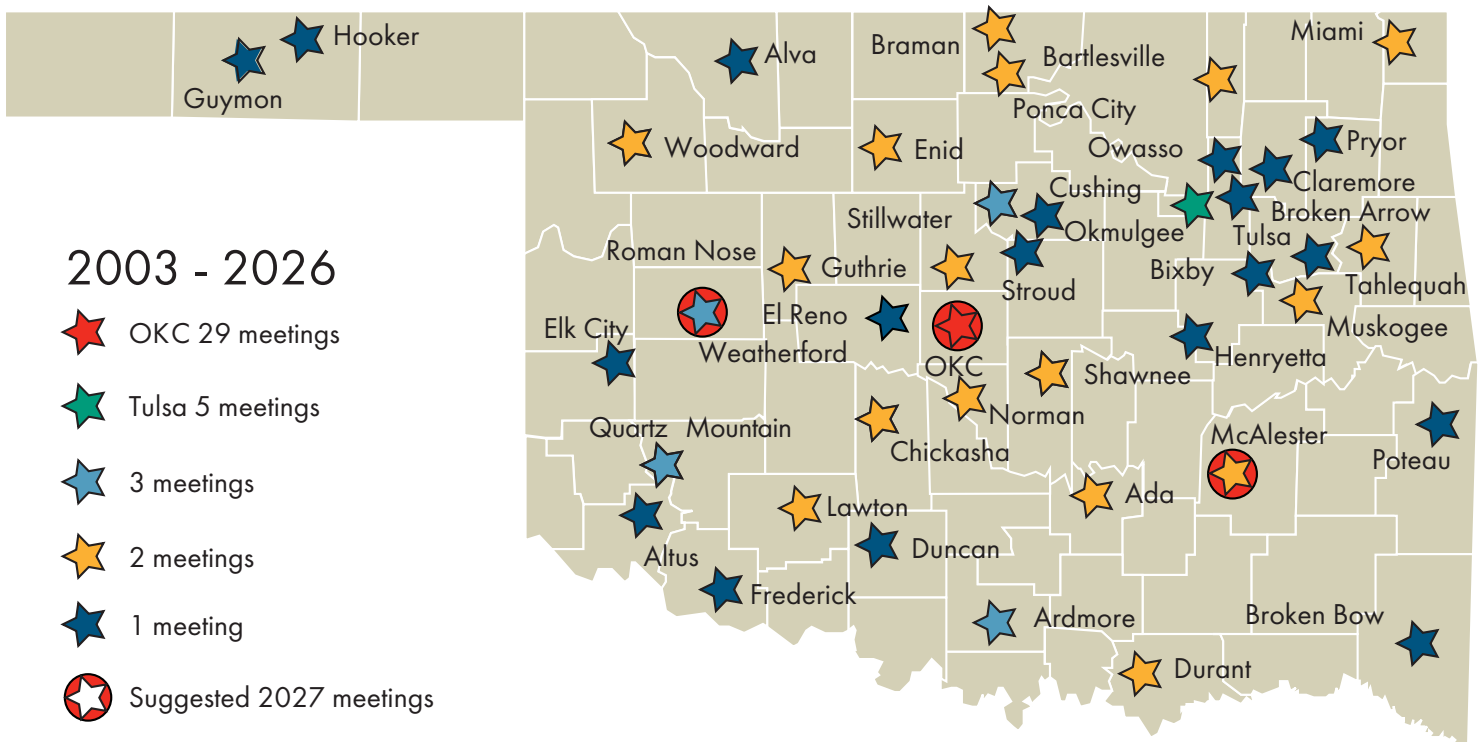
 Wednesday, January 20
Oklahoma City

 Tuesday, June 8
Oklahoma City

 Wednesday,
September 8
Weatherford

 Tuesday, November 9
McAlester

Previous Locations of Environmental Quality Board Meetings



2003	OKC, Tulsa, Quartz Mountain	2011	OKC, Tulsa, Norman	2019	OKC, Ardmore, Woodward
2004	OKC, Stillwater, Shawnee, Miami	2012	OKC, Enid, Lawton	2020	OKC, *OKC, *OKC
2005	OKC, Roman Nose, Pryor, Braman	2013	OKC, Bartlesville, Muskogee	2021	*OKC, OKC, Bartlesville
2006	OKC, Ardmore, Tulsa	2014	OKC, McAlester, Quartz Mountain, Broken Arrow	2022	OKC, OKC, Quartz Mountain, Shawnee
2007	OKC, Guthrie, Weatherford	2015	OKC, OKC, Roman Nose, Chickasha	2023	OKC, Tulsa, Duncan
2008	OKC, Duncan, Tahlequah	2016	OKC, Stillwater, Ponca City	2024	OKC, OKC, Durant, Enid
2009	OKC, Tulsa, Ada	2017	OKC, Durant, Tahlequah	2025	OKC, OKC, Stillwater, Tahlequah
2010	OKC, El Reno, Stillwater	2018	OKC, Weatherford, Guthrie	2026	OKC, OKC, Guymon, Ada

(*Virtual Meeting)