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# The Oklahoma Register

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Oklahoma  
Secretary of State  
Office of Administrative Rules



**Mary Fallin, Governor**  
**V. Glenn Coffee,**  
**Secretary of State**  
**Peggy Coe, Editor-in-Chief**

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# Notices of Rulemaking Intent

Prior to adoption and gubernatorial/legislative review of a proposed PERMANENT rulemaking action, an agency must publish a Notice of Rulemaking Intent in the *Register*. In addition, an agency may publish a Notice of Rulemaking Intent in the *Register* prior to adoption of a proposed EMERGENCY or PREEMPTIVE rulemaking action.

A Notice of Rulemaking Intent announces a comment period, or a comment period and public hearing, and provides other information about the intended rulemaking action as required by law, including where copies of proposed rules may be obtained.

*For additional information on Notices of Rulemaking Intent, see 75 O.S., Section 303.*

## **TITLE 245. STATE BOARD OF LICENSURE FOR PROFESSIONAL ENGINEERS AND LAND SURVEYORS CHAPTER 2. ADMINISTRATIVE OPERATIONS**

*[OAR Docket #12-950]*

### **RULEMAKING ACTION:**

Notice of proposed PERMANENT rulemaking

### **PROPOSED RULES:**

Chapter 2. Administrative Operations [AMENDED]

### **SUMMARY:**

The proposed revisions to Chapter 2 are as follows:

Chapter 2 Provides language to comply with the Post-Military Service Occupation, Education and Credentialing Act; clean-up language;

### **AUTHORITY:**

59 O.S. 475.1 et seq; 65 O.S., 1991 Sections 3-116 et seq; 75 O.S. Sections 301 et seq; State Board of Licensure for Professional Engineers and Land Surveyors

### **COMMENT PERIOD:**

Persons wishing to present their views orally or in writing may do so before 4:30 p.m., December 31, 2012 at: Oklahoma Engineering Center, 201 N.E. 27<sup>th</sup> St., Room 120, Oklahoma City, OK 73105, Attn: Kathy Hart.

### **PUBLIC HEARING:**

A public hearing has not been scheduled; however, pursuant to 75 O.S., Section 303(B)(9), "persons may demand a hearing" by contacting Kathy Hart at (405) 521-2874 no later than 4:30 p.m. on December 31, 2012.

### **REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:**

N/A

### **COPIES OF PROPOSED RULES:**

Copies of the rules may be obtained by contacting Kathy Hart at the Board office, 201 N.E. 27<sup>th</sup> St., Room 120, Oklahoma City, OK 73105. Persons requesting more than one copy of the proposed rules will be charged \$.25 per page plus actual mailing costs. Copies of the proposed rules may also be downloaded from our website at [www.pels.ok.gov](http://www.pels.ok.gov).

### **RULE IMPACT STATEMENT:**

Pursuant to 75 O.S., § 303(D), a rule impact statement will be issued and made available at the offices of the Board (address above).

### **CONTACT PERSON:**

Kathy Hart, Executive Director, (405) 521-2874 ext. 24

*[OAR Docket #12-950; filed 10-26-12]*

## **TITLE 245. STATE BOARD OF LICENSURE FOR PROFESSIONAL ENGINEERS AND LAND SURVEYORS CHAPTER 15. LICENSURE AND PRACTICE OF PROFESSIONAL ENGINEERS AND LAND SURVEYORS**

*[OAR Docket #12-949]*

### **RULEMAKING ACTION:**

Notice of proposed PERMANENT rulemaking

### **PROPOSED RULES:**

Subchapter 1. General Provisions [AMENDED]

Subchapter 3. Application and Eligibility for Licensing [AMENDED]

Subchapter 5. Examinations [AMENDED]

Subchapter 7. Licensure [AMENDED]

Subchapter 9. Rules of Professional Conduct [AMENDED]

Subchapter 11. Continuing Education [AMENDED]

Subchapter 13. Minimum Standards for the Practice of Land Surveying [AMENDED]

Subchapter 15. Ethical Marketing of Services [AMENDED]

Subchapter 17. Licensee's Seal [AMENDED]

Subchapter 19. Organizational Practice [AMENDED]

Subchapter 21. Corner Perpetuation and Filing Act Requirements [AMENDED]

Subchapter 23. Violations [AMENDED]

### **SUMMARY:**

The proposed revisions to the subchapters are as follows:

Subchapter 1 General Provisions: The proposed amendments will clarify and modify the definitions of "Oklahoma Model Law Engineer", "Related science degree", and the "Practice of Engineering". It will also revise the "Statutory charges to the Board" to reflect statutory language.

Subchapter 3 Application and Eligibility for Licensing: The proposed amendments will modify the non-resident applications for original license to include all U.S. citizens who are lawfully present in the U.S. and allow for administrative changes required for national computer based testing. Additionally, it provides rule language to further define new statutory language regarding waiving the fundamentals of engineering examination in certain circumstances, and

## Notices of Rulemaking Intent

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clarification on accepting foreign experience to qualify for licensure. Additionally, it further defines the type of engineering and surveying experience acceptable for licensure.

Subchapter 5 Examinations: Updates language to reflect administrative changes required for national computer based testing and the new national structural engineering professional engineer examination.

Subchapter 7 Licensure: Provides language to comply with the Post-Military Service Occupation, Education and Credentialing Act

Subchapter 9 Rules of Professional Conduct: Clean up existing language

Subchapter 11 Continuing Education: Provide language to comply with Post-Military Service Occupation, Education and Credentialing Act and clean-up language

Subchapter 13 Minimum Standards for Land Surveying: Clarify the accuracy of measurement statement; allow for a written report to be prepared in some circumstances in lieu of a survey plat when a land or boundary survey is done; create a separate section for Mortgage Inspection Reports.

Subchapter 15 Ethical Marketing of Services: Clarify that the definition of "Ethical marketing of professional services" is for governmental clients only; clarify that contingency basis contracts are only allowed when there is a conflicting federal funding requirements; clarify that the ethical marketing of services must comply with the State Consultants Act.

Subchapter 17 Licensee's Seal: Clean up language

Subchapter 19 Organizational Practice: Clarify the provision that a full-time licensee is required to be in responsible charge of the professional practice of the firm; further define the requirements when using a consultant; clarify exception for the practice of software engineering since there is now a national PE Software Engineering examination.

Subchapter 21 Corner Perpetuation and Filing Act Requirements: Include language that was formerly included in the Instruction Manual for Oklahoma Land Surveyors regarding the preparation and filing of Corner Records.

Subchapter 23 Violations: Revise to be in accordance with recent statute revisions; provide a definition to clarify the requirement for an expert witness must be licensed in Oklahoma; further modify definitions of "Fraud or misrepresentation", "Gross negligence", "Gross incompetence", "Misconduct or dishonest practice". Clarify the procedure for filing a formal complaint,

### **AUTHORITY:**

59 O.S. 475.1 et seq; 65 O.S., 1991 Sections 3-116 et seq; 75 O.S. Sections 301 et seq; State Board of Licensure for Professional Engineers and Land Surveyors

### **COMMENT PERIOD:**

Persons wishing to present their views orally or in writing may do so before 4:30 p.m., December 31, 2012 at: Oklahoma Engineering Center, 201 N.E. 27<sup>th</sup> St., Room 120, Oklahoma City, OK 73105, Attn: Kathy Hart.

### **PUBLIC HEARING:**

A public hearing has not been scheduled; however, pursuant to 75 O.S., Section 303(B)(9), "persons may demand a hearing"

by contacting Kathy Hart at (405) 521-2874 no later than 4:30 p.m. on December 31, 2012.

### **REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:**

N/A

### **COPIES OF PROPOSED RULES:**

Copies of the rules may be obtained by contacting Kathy Hart at the Board office, 201 N.E. 27<sup>th</sup> St., Room 120, Oklahoma City, OK 73105. Persons requesting more than one copy of the proposed rules will be charged \$.25 per page plus actual mailing costs. Copies of the proposed rules may also be downloaded from our website at [www.pels.ok.gov](http://www.pels.ok.gov).

### **RULE IMPACT STATEMENT:**

Pursuant to 75 O.S., § 303(D), a rule impact statement will be issued and made available at the offices of the Board (address above).

### **CONTACT PERSON:**

Kathy Hart, Executive Director, (405) 521-2874 ext. 24

*[OAR Docket #12-949; filed 10-26-12]*

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## **TITLE 252. DEPARTMENT OF ENVIRONMENTAL QUALITY CHAPTER 4. RULES OF PRACTICE AND PROCEDURE**

*[OAR Docket #12-954]*

### **RULEMAKING ACTION:**

Notice of proposed PERMANENT rulemaking

### **PROPOSED RULES:**

Subchapter 7. Environmental Permit Process  
Part 7. Water Quality Division Tiers and Time Lines  
252:4-7-73 Water quality applications - Tier I [AMENDED]  
252:4-7-74 Water quality applications - Tier II [AMENDED]

### **SUMMARY:**

The changes being proposed are to correct unintended consequences from the amendments made during last year's rulemaking effort to include reclaimed water permits in the Tier classifications. By replacing "wastewater" with "reclaimed water" the Department inadvertently caused the land application of "biosolids" and "industrial wastewater" to be omitted from the Tier classifications.

### **AUTHORITY:**

Environmental Quality Board, 27A O.S. § 2-2-101; Water Quality Management Advisory Council, 27A O.S. § 2-2-201; and 27A O.S. §§ 1-3-101, 2-3-202, 2-3-402, 2-3-501, 2-6-103, 2-6-203, 2-6-402 and 2-6-501.

### **COMMENT PERIOD:**

Written comments may be made, delivered or mailed to the contact person from December 1, 2012, through December 31, 2012. Oral comments may be made at the Water Quality Management Advisory Council meeting on January 8, 2013,

and at the Environmental Quality Board meeting on February 22, 2013.

**PUBLIC HEARING:**

Before the Water Quality Management Advisory Council on January 8, 2013, at 1:00 p.m. in the multi-purpose room on the first floor of the Department of Environmental Quality at 707 N. Robinson, Oklahoma City, Oklahoma 73102.

Before the Environmental Quality Board on February 22, 2013, at 9:30 a.m. in the multi-purpose room on the first floor of the Department of Environmental Quality at 707 N. Robinson, Oklahoma City, Oklahoma 73102.

**REQUEST FOR COMMENTS FROM BUSINESS ENTITIES:**

The Department requests that business entities affected by these rules provide the Department, within the comment period, the increase in the level of direct costs (e.g., fees) and the indirect costs (e.g., reporting, record keeping, equipment, construction, labor, professional services, revenue loss, or other costs expected to be incurred) in dollar amounts by a particular entity due to compliance with the proposed rule.

**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 a.m. - 4:30 p.m. Monday through Friday) or reviewed online at <http://www.deq.state.ok.us/wqdnew/index.htm>.

**RULE IMPACT STATEMENT:**

Copies of the rule impact statement may be obtained from the contact person or may be reviewed online at <http://www.deq.state.ok.us/wqdnew/index.htm>.

**CONTACT PERSON:**

The contact person is Mark Hildebrand. Mark may be contacted at: [mark.hildebrand@deq.ok.gov](mailto:mark.hildebrand@deq.ok.gov) (e-mail), (405) 702-8100 (phone) or (405) 702-8101 (fax). DEQ is located at 707 N. Robinson, Oklahoma City, Oklahoma 73102. DEQ's mailing address is P.O. Box 1677, Oklahoma City, Oklahoma 73101-1677.

**ADDITIONAL INFORMATION:**

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.

*[OAR Docket #12-954; filed 10-26-12]*

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

*[OAR Docket #12-955]*

**RULEMAKING ACTION:**

Notice of proposed PERMANENT rulemaking

**PROPOSED RULES:**

Subchapter 1. Introduction

252:606-1-3. Adoption of U.S. EPA regulations by reference [AMENDED]

252:606-1-4. Date of federal regulations incorporated [AMENDED]

**SUMMARY:**

The Department proposes to update its rules concerning the date of the incorporation by reference for federal regulations from July 1, 2011, to July 1, 2012, and incorporates by reference the section relating to the process for appealing NPDES permits.

**AUTHORITY:**

Environmental Quality Board, 27A O.S. § 2-2-101; Water Quality Management Advisory Council, 27A O.S. § 2-2-201; and 27A O.S. §§ 2-6-103, 2-6-203, 2-6-402 and 2-6-501.

**COMMENT PERIOD:**

Written comments may be submitted to the contact person from December 1, 2012, through December 31, 2012.

Oral comments may be made at the Water Quality Management Advisory Council meeting on January 8, 2013, and at the Environmental Quality Board meeting on February 22, 2013.

**PUBLIC HEARING:**

Before the Water Quality Management Advisory Council on January 8, 2013, at 1:00 p.m. in the Multi-Purpose Room on the first floor of the Department of Environmental Quality, 707 N. Robinson, Oklahoma City, Oklahoma 73102.

Before the Environmental Quality Board on February 22, 2013, at 9:30 a.m. in the Multi-Purpose Room on the first floor of the Department of Environmental Quality, 707 North Robinson, Oklahoma City, Oklahoma 73102.

**REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:**

The DEQ requests that business entities affected by the proposed 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

# Notices of Rulemaking Intent

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- 4:30 pm Monday through Friday) or reviewed online at <http://www.deq.state.ok.us/wqdnew/index.htm>.

## **RULE IMPACT STATEMENT:**

Copies of the rule impact statement may be obtained from the contact person or may be reviewed online at <http://www.deq.state.ok.us/wqdnew/index.htm>.

## **CONTACT PERSON:**

The contact person is Mark Hildebrand. Mark may be contacted at: Mark.Hildebrand@deq.ok.gov (e-mail), (405) 702-8100 (phone) or (405) 702-8101 (fax). The DEQ is located at 707 N. Robinson, Oklahoma City, Oklahoma 73102. The DEQ's mailing address is P.O. Box 1677, Oklahoma City, Oklahoma 73101-1677.

## **ADDITIONAL INFORMATION:**

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.

*[OAR Docket #12-955; filed 10-26-12]*

## **TITLE 252. DEPARTMENT OF ENVIRONMENTAL QUALITY CHAPTER 616. INDUSTRIAL WASTEWATER SYSTEMS**

*[OAR Docket #12-953]*

## **RULEMAKING ACTION:**

Notice of proposed PERMANENT rulemaking.

## **PROPOSED RULES:**

Subchapter 1. Introduction

252:616-1-2. Definitions [AMENDED]

Subchapter 3. Permit Procedures

252:616-3-3. Fees [AMENDED]

Subchapter 7. Surface Impoundment Standards

252:616-7-4. ~~Flexible membrane~~ Synthetic liners [AMENDED]

252:616-7-5. Composite liners [AMENDED]

Subchapter 9. Tank System Standards

252:616-9-1. Authorized use of tank systems [AMENDED]

Subchapter 11. Land Application Standards

252:616-11-5. Recordkeeping [AMENDED]

Subchapter 13. Closure Standards

252:616-13-3. Closure plan submittal and amendment [AMENDED]

Appendix C. Table of Rainfall and Evaporation Data [REVOKED]

Appendix C. Table of Rainfall and Evaporation Data [NEW]

## **SUMMARY:**

The Department proposes to amend this Chapter to do the following: update the definitions; clarify that the application fees and annual fees for Class III systems apply to applications for coverage under general permits; change the term "flexible

membrane liner" to "synthetic liner" throughout the Chapter; eliminate the use of lateral lines for new industrial tank systems; clarify and update the recordkeeping and reporting requirements for land application systems; and update Appendix C with the latest rainfall and evaporation data.

## **AUTHORITY:**

Environmental Quality Board, 27A O.S. § 2-2-101; Water Quality Management Advisory Council, 27A O.S. § 2-2-201; and 27A O.S. §§ 2-6-103, 2-6-203, 2-6-402 and 2-6-501

## **COMMENT PERIOD:**

Written comments may be submitted to the contact person from December 1, 2012, through December 31, 2012. Oral comments may be made at the Water Quality Management Advisory Council meeting on January 8, 2013, and at the Environmental Quality Board meeting on February 22, 2013.

## **PUBLIC HEARING:**

Before the Water Quality Management Advisory Council on January 8, 2013, at 1:00 p.m. in the Multi-Purpose Room on the first floor of the Department of Environmental Quality, 707 N. Robinson, Oklahoma City, Oklahoma 73102.

Before the Environmental Quality Board on February 22, 2013, at 9:30 a.m. in the Multi-Purpose Room on the first floor of the Department of Environmental Quality, 707 N. Robinson, Oklahoma City, Oklahoma 73102.

## **REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:**

The DEQ requests that business entities affected by the proposed 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 <http://www.deq.state.ok.us/wqdnew/index.htm>.

## **RULE IMPACT STATEMENT:**

Copies of the rule impact statement may be obtained from the contact person or may be reviewed online at <http://www.deq.state.ok.us/wqdnew/index.htm>.

## **CONTACT PERSON:**

The contact person is Mark Hildebrand. Mark may be contacted at: Mark.Hildebrand@deq.ok.gov (e-mail), (405) 702-8100 (phone) or (405) 702-8101 (fax). The DEQ is located at 707 N. Robinson, Oklahoma City, Oklahoma 73102. The DEQ's mailing address is P.O. Box 1677, Oklahoma City, Oklahoma 73101-1677.

## **ADDITIONAL INFORMATION:**

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.

[OAR Docket #12-953; filed 10-26-12]

**TITLE 252. DEPARTMENT OF ENVIRONMENTAL QUALITY  
CHAPTER 631. PUBLIC WATER SUPPLY OPERATION**

[OAR Docket #12-952]

**RULEMAKING ACTION:**

Notice of proposed PERMANENT rulemaking

**PROPOSED RULES:**

Subchapter 1. Introduction

252:631-1-3. Adoption of U.S. EPA regulations by reference [AMENDED]

Subchapter 3. Operations

252:631-3-3. Disinfection requirements [AMENDED]

252:631-3-21. Public water supply annual service fees [AMENDED]

**SUMMARY:**

The Department proposes to: update its rules concerning the date of the incorporation by reference of certain federal regulations from July 1, 2011, to July 1, 2012; incorporate by reference the federal regulations relating to the Ground Water Rule, the Long-term 2 Enhanced Surface Water Treatment Rule, and the Stage 2 Disinfectants and Disinfection Byproducts Rule; update the analytical testing methods when using chloramines as a disinfectant; and increase the annual fees for public water supply systems.

**AUTHORITY:**

Environmental Quality Board, 27A O.S. § 2-2-101; Water Quality Management Advisory Council, 27A O.S. § 2-2-201; and 27A O.S. §§ 2-6-103 and 2-6-306

**COMMENT PERIOD:**

Written comments may be submitted to the contact person from December 1, 2012, through December 31, 2012. Oral comments may be made at the Water Quality Management Advisory Council meeting on January 8, 2013, and at the Environmental Quality Board meeting on February 22, 2013.

**PUBLIC HEARING:**

Before the Water Quality Management Advisory Council on January 8, 2013, at 1:00 p.m. in the Multi-Purpose Room on the first floor of the Department of Environmental Quality, 707 N. Robinson, Oklahoma City, Oklahoma 73102.

Before the Environmental Quality Board on February 22, 2013, at 9:30 a.m. in the Multi-Purpose Room on the first floor of the Department of Environmental Quality, 707 N. Robinson, Oklahoma City, Oklahoma 73102.

**REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:**

The Department requests that business entities affected by these rules provide the Department, within the comment period, the increase in the level of direct costs (e.g., fees) and

the indirect costs (e.g., reporting, record keeping, equipment, construction, labor, professional services, revenue loss, or other costs expected to be incurred) in dollar amounts by a particular entity due to compliance with the proposed rule.

**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 a.m. - 4:30 p.m. Monday through Friday) or reviewed online at <http://www.deq.state.ok.us/wqdnew/index.htm>.

**RULE IMPACT STATEMENT:**

Copies of the rule impact statement may be obtained from the contact person or may be reviewed online at <http://www.deq.state.ok.us/wqdnew/index.htm>.

**CONTACT PERSON:**

The contact person is Mark Hildebrand. Mark may be contacted at: [mark.hildebrand@deq.ok.gov](mailto:mark.hildebrand@deq.ok.gov) (e-mail), (405) 702-8100 (phone) or (405) 702-8101 (fax). The DEQ is located at 707 N. Robinson, Oklahoma City, Oklahoma 73102. The DEQ's mailing address is P.O. Box 1677, Oklahoma City, Oklahoma 73101-1677.

**ADDITIONAL INFORMATION:**

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.

[OAR Docket #12-952; filed 10-26-12]

**TITLE 252. DEPARTMENT OF ENVIRONMENTAL QUALITY  
CHAPTER 690. WATER QUALITY STANDARDS IMPLEMENTATION**

[OAR Docket #12-951]

**RULEMAKING ACTION:**

Notice of proposed PERMANENT rulemaking

**PROPOSED RULES:**

Subchapter 1. Introduction

252:690-1-4. Incorporation of EPA regulations by reference [AMENDED]

Subchapter 3. Point Source Discharges

252:690-3-5. CE(mean) for effluent characterization for determining reasonable potential for parameters other than temperature [AMENDED]

252:690-3-8. C95 for determining reasonable potential for parameters other than temperature [AMENDED]

252:690-3-12. Background monitoring and frequency [AMENDED]

252:690-3-19. TREs, TIEs and WET limits [AMENDED]

252:690-3-32. Test failure notification and retesting [AMENDED]

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252:690-3-86. Implementation of bacteriological criteria to protect the Primary Body Contact Recreation (PBCR) and the Secondary Body Contact Recreation (SBCR) beneficial use [AMENDED]

252:690-3-89. Effluent monitoring frequency ~~where~~ when permit limitations are required [AMENDED]

252:690-3-91. Performance-based monitoring frequency reductions and increases [AMENDED]

APPENDIX C. Methodology and Equations for Characterizing Effluent and Background Concentrations in Determination of Reasonable Potential to Exceed Numerical Criteria [REVOKED]

APPENDIX C. Methodology and Equations for Characterizing Effluent and Background Concentrations in Determination of Reasonable Potential to Exceed Numerical Criteria [NEW]

APPENDIX I. Performance-Based Effluent Monitoring Frequency Reductions [REVOKED]

APPENDIX I. Performance-Based Effluent Monitoring Frequency Reductions and Increases [NEW]

APPENDIX J. Background Monitoring [REVOKED]

APPENDIX J. Background Monitoring [NEW]

### SUMMARY:

The Department proposes to: update the publication date of the federal rules incorporated by reference from July 1, 2010, to July 1, 2012; clarify when and how to use geometric and arithmetic means for determining "reasonable potential" for pollutants; update formulas used to determine when background monitoring is required; clarify testing requirements for facilities with WET limits during a TIE or TRE; update bacteriological indicators to reflect water quality standards for E. coli and Enterococci; require permittees to monitor for bacteria once a week if the receiving stream has a Secondary Body Contact Recreation beneficial use and is impaired for bacteria; eliminate monitoring frequency reductions for bacteriological testing to be consistent with Oklahoma Water Resources Board rules; and make other minor clarifications.

### AUTHORITY:

Environmental Quality Board, 27A O.S. § 2-2-101; Water Quality Management Advisory Council, 27A O.S. § 2-2-201; and Water Quality, 27A O.S. § 2-6-101 *et seq.*

### COMMENT PERIOD:

Written comments may be submitted to the contact person from December 1, 2012 through December 31, 2012.

Oral comments may be made at the Water Quality Management Advisory Council meeting on January 8, 2013, and at the Environmental Quality Board meeting on February 22, 2013.

### PUBLIC HEARING:

Before the Water Quality Management Advisory Council on January 8, 2013, at 1:00 p.m. in the Multi-Purpose Room on the first floor of the Department of Environmental Quality, 707 N. Robinson, Oklahoma City, Oklahoma 73102.

Before the Environmental Quality Board on February 22, 2013, at 9:30 a.m. in the Multi-Purpose Room on the first

floor of the Department of Environmental Quality, 707 North Robinson, Oklahoma City, Oklahoma 73102.

### REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

The DEQ requests that business entities affected by the proposed 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 <http://www.deq.state.ok.us/wqdnew/index.htm>.

### RULE IMPACT STATEMENT:

Copies of the rule impact statement may be obtained from the contact person or may be reviewed online at <http://www.deq.state.ok.us/wqdnew/index.htm>.

### CONTACT PERSON:

The contact person is Mark Hildebrand. Mark may be contacted at: Mark.Hildebrand@deq.ok.gov (e-mail), (405) 702-8100 (phone) or (405) 702-8101 (fax). The DEQ is located at 707 N. Robinson, Oklahoma City, Oklahoma 73102. The DEQ's mailing address is P.O. Box 1677, Oklahoma City, Oklahoma 73101-1677.

### ADDITIONAL INFORMATION:

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.

*[OAR Docket #12-951; filed 10-26-12]*

## TITLE 325. OKLAHOMA HORSE RACING COMMISSION CHAPTER 1. COMMISSION POWERS AND JURISDICTION

*[OAR Docket #12-919]*

### RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking.

### PROPOSED RULE:

325:1-1-14. Location for information or filing with Commission [AMENDED]

### SUMMARY:

Commission Staff propose to correct a scrivener's error and update the Commission's address.

**AUTHORITY:**

75 O.S., §303; Title 3A O.S. §204(A); Oklahoma Horse Racing Commission.

**COMMENT PERIOD:**

Persons wishing to present their views in writing may do so before 4:30 p.m., Monday, January 7, 2013, at the following address: Oklahoma Horse Racing Commission, Shepherd Mall, 2401 N.W. 23, Suite 78, Oklahoma City, OK 73107.

**PUBLIC HEARING:**

A public hearing will be held between the hours of 9:00 a.m. and 12:00 p.m. and 1:00 p.m. and 4:30 p.m. on Monday, January 7, 2013, at the following address: Oklahoma Horse Racing Commission, Shepherd Mall, 2401 N.W. 23, Suite 78, Oklahoma City, OK 73107.

**REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:**

The Oklahoma Horse Racing Commission requests that business entities affected by this proposed rule amendment provide the Commission, within the comment period, in dollar amounts, if possible, the increase in the level of direct costs, indirect costs, or other costs expected to be incurred by the business entity due to compliance with the proposed rule amendments. Business entities may submit this information in writing to the Commission, at the above address, before the close of the comment period on January 7, 2013.

**COPIES OF PROPOSED RULE AMENDMENTS:**

A copy of the proposed rule amendments may be obtained from the Oklahoma Horse Racing Commission, Shepherd Mall, 2401 N.W. 23, Suite 78, Oklahoma City, OK 73107.

**RULE IMPACT STATEMENT:**

Pursuant to 75 O.S. §303(D), a rule impact statement will be prepared by November 26, 2012 and may be obtained from the Oklahoma Horse Racing Commission at the above address.

**CONTACT PERSON:**

Bonnie Morris, Agency Rulemaking Liaison, (405) 943-6472.

*[OAR Docket #12-919; filed 10-25-12]*

**TITLE 325. OKLAHOMA HORSE RACING COMMISSION  
CHAPTER 1. COMMISSION POWERS AND JURISDICTION**

*[OAR Docket #12-920]*

**RULEMAKING ACTION:**

Notice of proposed PERMANENT rulemaking.

**PROPOSED RULE:**

325:1-1-16. Release of record(s); copying charges [AMENDED]

325:1-1-22. Procedure for submitting requests to be placed on Commission agendas [AMENDED]

**SUMMARY:**

For Rule 325:1-1-16, the Commission proposes a new paragraph for a document search fee to be charged when the request is solely for commercial purpose or clearly would cause excessive disruption of the Horse Racing Commission's essential functions. For Rule 325:1-1-22, the Commission proposes to delineate who sets matters on meeting agendas. These amendments were originally adopted under emergency rulemaking in CY 2001 but inadvertently not subsequently forwarded under permanent rulemaking.

**AUTHORITY:**

75 O.S., §303; Title 3A O.S. §204(A); Oklahoma Horse Racing Commission.

**COMMENT PERIOD:**

Persons wishing to present their views in writing may do so before 4:30 p.m., Monday, January 7, 2013, at the following address: Oklahoma Horse Racing Commission, Shepherd Mall, 2401 N.W. 23, Suite 78, Oklahoma City, OK 73107.

**PUBLIC HEARING:**

A public hearing will be held between the hours of 9:00 a.m. and 12:00 p.m. and 1:00 p.m. and 4:30 p.m. on Monday, January 7, 2013, at the following address: Oklahoma Horse Racing Commission, Shepherd Mall, 2401 N.W. 23, Suite 78, Oklahoma City, OK 73107.

**REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:**

The Oklahoma Horse Racing Commission requests that business entities affected by these proposed rule amendments provide the Commission, within the comment period, in dollar amounts, if possible, the increase in the level of direct costs, indirect costs, or other costs expected to be incurred by the business entity due to compliance with the proposed rule amendments. Business entities may submit this information in writing to the Commission, at the above address, before the close of the comment period on January 7, 2013.

**COPIES OF PROPOSED RULE AMENDMENTS:**

A copy of the proposed rule amendments may be obtained from the Oklahoma Horse Racing Commission, Shepherd Mall, 2401 N.W. 23, Suite 78, Oklahoma City, OK 73107.

**RULE IMPACT STATEMENT:**

Pursuant to 75 O.S. §303(D), a rule impact statement will be prepared by November 26, 2012 and may be obtained from the Oklahoma Horse Racing Commission at the above address.

**CONTACT PERSON:**

Bonnie Morris, Agency Rulemaking Liaison, (405) 943-6472.

*[OAR Docket #12-920; filed 10-25-12]*

## Notices of Rulemaking Intent

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### TITLE 325. OKLAHOMA HORSE RACING COMMISSION CHAPTER 1. COMMISSION POWERS AND JURISDICTION

*[OAR Docket #12-921]*

#### **RULEMAKING ACTION:**

Notice of proposed PERMANENT rulemaking.

#### **PROPOSED RULE:**

325:1-1-21. Meeting notices [AMENDED]

#### **SUMMARY:**

Commission Staff propose to eliminate the annual fee charge of \$18.00 for mailing notice of Commission meetings to reflect the current ability to obtain meeting notice on the Commission website or request notice of the agenda to be forwarded by an e-mail attachment.

#### **AUTHORITY:**

75 O.S., §303; Title 3A O.S. §204(A); Oklahoma Horse Racing Commission.

#### **COMMENT PERIOD:**

Persons wishing to present their views in writing may do so before 4:30 p.m., Monday, January 7, 2013, at the following address: Oklahoma Horse Racing Commission, Shepherd Mall, 2401 N.W. 23, Suite 78, Oklahoma City, OK 73107.

#### **PUBLIC HEARING:**

A public hearing will be held between the hours of 9:00 a.m. and 12:00 p.m. and 1:00 p.m. and 4:30 p.m. on Monday, January 7, 2013, at the following address: Oklahoma Horse Racing Commission, Shepherd Mall, 2401 N.W. 23, Suite 78, Oklahoma City, OK 73107.

#### **REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:**

The Oklahoma Horse Racing Commission requests that business entities affected by these proposed rule amendments provide the Commission, within the comment period, in dollar amounts, if possible, the increase in the level of direct costs, indirect costs, or other costs expected to be incurred by the business entity due to compliance with the proposed rule amendments. Business entities may submit this information in writing to the Commission, at the above address, before the close of the comment period on January 7, 2013.

#### **COPIES OF PROPOSED RULE AMENDMENTS:**

A copy of the proposed rule amendments may be obtained from the Oklahoma Horse Racing Commission, Shepherd Mall, 2401 N.W. 23, Suite 78, Oklahoma City, OK 73107.

#### **RULE IMPACT STATEMENT:**

Pursuant to 75 O.S. §303(D), a rule impact statement will be prepared by November 26, 2012 and may be obtained from the Oklahoma Horse Racing Commission at the above address.

#### **CONTACT PERSON:**

Bonnie Morris, Agency Rulemaking Liaison, (405) 943-6472.

*[OAR Docket #12-921; filed 10-25-12]*

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### TITLE 325. OKLAHOMA HORSE RACING COMMISSION CHAPTER 10. RACING ORGANIZATION

*[OAR Docket #12-922]*

#### **RULEMAKING ACTION:**

Notice of proposed PERMANENT rulemaking.

#### **PROPOSED RULE:**

325:10-1-2. Definitions [AMENDED]

325:10-1-11. Horsemen's Bookkeeper [AMENDED]

#### **SUMMARY:**

Commission Staff propose to correct scrivener's errors.

#### **AUTHORITY:**

75 O.S., §303; Title 3A O.S. §204(A); Oklahoma Horse Racing Commission.

#### **COMMENT PERIOD:**

Persons wishing to present their views in writing may do so before 4:30 p.m., Monday, January 7, 2013, at the following address: Oklahoma Horse Racing Commission, Shepherd Mall, 2401 N.W. 23, Suite 78, Oklahoma City, OK 73107.

#### **PUBLIC HEARING:**

A public hearing will be held between the hours of 9:00 a.m. and 12:00 p.m. and 1:00 p.m. and 4:30 p.m. on Monday, January 7, 2013, at the following address: Oklahoma Horse Racing Commission, Shepherd Mall, 2401 N.W. 23, Suite 78, Oklahoma City, OK 73107.

#### **REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:**

The Oklahoma Horse Racing Commission requests that business entities affected by these proposed rule amendments provide the Commission, within the comment period, in dollar amounts, if possible, the increase in the level of direct costs, indirect costs, or other costs expected to be incurred by the business entity due to compliance with the proposed rule amendments. Business entities may submit this information in writing to the Commission, at the above address, before the close of the comment period on January 7, 2013.

#### **COPIES OF PROPOSED RULE AMENDMENTS:**

A copy of the proposed rule amendments may be obtained from the Oklahoma Horse Racing Commission, Shepherd Mall, 2401 N.W. 23, Suite 78, Oklahoma City, OK 73107.

#### **RULE IMPACT STATEMENT:**

Pursuant to 75 O.S. §303(D), a rule impact statement will be prepared by November 26, 2012 and may be obtained from the Oklahoma Horse Racing Commission at the above address.

#### **CONTACT PERSON:**

Bonnie Morris, Agency Rulemaking Liaison, (405) 943-6472.

*[OAR Docket #12-922; filed 10-25-12]*

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**TITLE 325. OKLAHOMA HORSE RACING COMMISSION  
CHAPTER 10. RACING ORGANIZATION**

*[OAR Docket #12-923]*

**RULEMAKING ACTION:**

Notice of proposed PERMANENT rulemaking.

**PROPOSED RULE:**

325:10-1-30. Minimum standards for pari-mutuel racing facility [AMENDED]

**SUMMARY:**

The Commission proposes to change the length of a racetrack's straightaway course and to reduce the number of entrances to the Test Barn enclosure. These amendments were originally adopted under emergency rulemaking in CY 2001 but inadvertently not subsequently forwarded under permanent rulemaking.

**AUTHORITY:**

75 O.S., §303; Title 3A O.S. §204(A); Oklahoma Horse Racing Commission.

**COMMENT PERIOD:**

Persons wishing to present their views in writing may do so before 4:30 p.m., Monday, January 7, 2013, at the following address: Oklahoma Horse Racing Commission, Shepherd Mall, 2401 N.W. 23, Suite 78, Oklahoma City, OK 73107.

**PUBLIC HEARING:**

A public hearing will be held between the hours of 9:00 a.m. and 12:00 p.m. and 1:00 p.m. and 4:30 p.m. on Monday, January 7, 2013,, at the following address: Oklahoma Horse Racing Commission, Shepherd Mall, 2401 N.W. 23, Suite 78, Oklahoma City, OK 73107.

**REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:**

The Oklahoma Horse Racing Commission requests that business entities affected by these proposed rule amendments provide the Commission, within the comment period, in dollar amounts, if possible, the increase in the level of direct costs, indirect costs, or other costs expected to be incurred by the business entity due to compliance with the proposed rule amendments. Business entities may submit this information in writing to the Commission, at the above address, before the close of the comment period on January 7, 2013.

**COPIES OF PROPOSED RULE AMENDMENTS:**

A copy of the proposed rule amendments may be obtained from the Oklahoma Horse Racing Commission, Shepherd Mall, 2401 N.W. 23, Suite 78, Oklahoma City, OK 73107.

**RULE IMPACT STATEMENT:**

Pursuant to 75 O.S. §303(D), a rule impact statement will be prepared by November 26, 2012 and may be obtained from the Oklahoma Horse Racing Commission at the above address.

**CONTACT PERSON:**

Bonnie Morris, Agency Rulemaking Liaison, (405) 943-6472.

*[OAR Docket #12-923; filed 10-25-12]*

**TITLE 325. OKLAHOMA HORSE RACING COMMISSION  
CHAPTER 15. LICENSING**

*[OAR Docket #12-924]*

**RULEMAKING ACTION:**

Notice of proposed PERMANENT rulemaking.

**PROPOSED RULE:**

Subchapter 1. General Provisions  
325:15-1-2. Definitions [AMENDED]

**SUMMARY:**

Commission Staff propose to correct scrivener's errors.

**AUTHORITY:**

75 O.S., §303; Title 3A O.S. §204(A); Oklahoma Horse Racing Commission.

**COMMENT PERIOD:**

Persons wishing to present their views in writing may do so before 4:30 p.m., Monday, January 7, 2013, at the following address: Oklahoma Horse Racing Commission, Shepherd Mall, 2401 N.W. 23, Suite 78, Oklahoma City, OK 73107.

**PUBLIC HEARING:**

A public hearing will be held between the hours of 9:00 a.m. and 12:00 p.m. and 1:00 p.m. and 4:30 p.m. on Monday, January 7, 2013, at the following address: Oklahoma Horse Racing Commission, Shepherd Mall, 2401 N.W. 23, Suite 78, Oklahoma City, OK 73107.

**REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:**

The Oklahoma Horse Racing Commission requests that business entities affected by these proposed rule amendments provide the Commission, within the comment period, in dollar amounts, if possible, the increase in the level of direct costs, indirect costs, or other costs expected to be incurred by the business entity due to compliance with the proposed rule amendments. Business entities may submit this information in writing to the Commission, at the above address, before the close of the comment period on January 7, 2013.

**COPIES OF PROPOSED RULE AMENDMENTS:**

A copy of the proposed rule amendments may be obtained from the Oklahoma Horse Racing Commission, Shepherd Mall, 2401 N.W. 23, Suite 78, Oklahoma City, OK 73107.

**RULE IMPACT STATEMENT:**

Pursuant to 75 O.S. §303(D), a rule impact statement will be prepared by November 26, 2012 and may be obtained from the Oklahoma Horse Racing Commission at the above address.

## Notices of Rulemaking Intent

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**CONTACT PERSON:**

Bonnie Morris, Agency Rulemaking Liaison, (405) 943-6472.

*[OAR Docket #12-924; filed 10-25-12]*

**TITLE 325. OKLAHOMA HORSE RACING  
COMMISSION  
CHAPTER 15. LICENSING**

*[OAR Docket #12-925]*

**RULEMAKING ACTION:**

Notice of proposed PERMANENT rulemaking.

**PROPOSED RULE:**

Subchapter 5. Occupation Licensing

325:15-5-8. Certain prohibited licenses [AMENDED]

325:15-5-17. Qualifications for Apprentice Jockey  
[AMENDED]

**SUMMARY:**

Commission Staff propose to correct scrivener's errors. The proposed amendment to Rule 25:15-5-17 was originally adopted under emergency rulemaking in CY 2001 but inadvertently not subsequently forwarded under permanent rulemaking.

**AUTHORITY:**

75 O.S., §303; Title 3A O.S. §204(A); Oklahoma Horse Racing Commission.

**COMMENT PERIOD:**

Persons wishing to present their views in writing may do so before 4:30 p.m., Monday, January 7, 2013, at the following address: Oklahoma Horse Racing Commission, Shepherd Mall, 2401 N.W. 23, Suite 78, Oklahoma City, OK 73107.

**PUBLIC HEARING:**

A public hearing will be held between the hours of 9:00 a.m. and 12:00 p.m. and 1:00 p.m. and 4:30 p.m. on Monday, January 7, 2013, at the following address: Oklahoma Horse Racing Commission, Shepherd Mall, 2401 N.W. 23, Suite 78, Oklahoma City, OK 73107.

**REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:**

The Oklahoma Horse Racing Commission requests that business entities affected by this proposed rule amendment provide the Commission, within the comment period, in dollar amounts, if possible, the increase in the level of direct costs, indirect costs, or other costs expected to be incurred by the business entity due to compliance with the proposed rule amendments. Business entities may submit this information in writing to the Commission, at the above address, before the close of the comment period on January 7, 2013.

**COPIES OF PROPOSED RULE AMENDMENTS:**

A copy of the proposed rule amendment may be obtained from the Oklahoma Horse Racing Commission, Shepherd Mall, 2401 N.W. 23, Suite 78, Oklahoma City, OK 73107.

**RULE IMPACT STATEMENT:**

Pursuant to 75 O.S. §303(D), a rule impact statement will be prepared by November 26, 2012 and may be obtained from the Oklahoma Horse Racing Commission at the above address.

**CONTACT PERSON:**

Bonnie Morris, Agency Rulemaking Liaison, (405) 943-6472.

*[OAR Docket #12-925; filed 10-25-12]*

**TITLE 325. OKLAHOMA HORSE RACING  
COMMISSION  
CHAPTER 20. RACING OFFICIALS AND  
RACING PERSONNEL**

*[OAR Docket #12-926]*

**RULEMAKING ACTION:**

Notice of proposed PERMANENT rulemaking.

**PROPOSED RULE:**

325:20-1-2. Definitions [AMENDED]

325:20-1-4. Responsibility to the Commission  
[AMENDED]

325:20-1-18. Duties of the Clerk of Scales [AMENDED]

**SUMMARY:**

Commission Staff propose to correct scrivener's errors.

**AUTHORITY:**

75 O.S., §303; Title 3A O.S. §204(A); Oklahoma Horse Racing Commission.

**COMMENT PERIOD:**

Persons wishing to present their views in writing may do so before 4:30 p.m., Monday, January 7, 2013, at the following address: Oklahoma Horse Racing Commission, Shepherd Mall, 2401 N.W. 23, Suite 78, Oklahoma City, OK 73107.

**PUBLIC HEARING:**

A public hearing will be held between the hours of 9:00 a.m. and 12:00 p.m. and 1:00 p.m. and 4:30 p.m. on Monday, January 7, 2013, at the following address: Oklahoma Horse Racing Commission, Shepherd Mall, 2401 N.W. 23, Suite 78, Oklahoma City, OK 73107.

**REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:**

The Oklahoma Horse Racing Commission requests that business entities affected by these proposed rule amendments provide the Commission, within the comment period, in dollar amounts, if possible, the increase in the level of direct costs, indirect costs, or other costs expected to be incurred by the business entity due to compliance with the proposed rule amendments. Business entities may submit this information in writing to the Commission, at the above address, before the close of the comment period on January 7, 2013.

**COPIES OF PROPOSED RULE AMENDMENTS:**

A copy of the proposed rule amendments may be obtained from the Oklahoma Horse Racing Commission, Shepherd Mall, 2401 N.W. 23, Suite 78, Oklahoma City, OK 73107.

**RULE IMPACT STATEMENT:**

Pursuant to 75 O.S. §303(D), a rule impact statement will be prepared by November 26, 2012 and may be obtained from the Oklahoma Horse Racing Commission at the above address.

**CONTACT PERSON:**

Bonnie Morris, Agency Rulemaking Liaison, (405) 943-6472.

*[OAR Docket #12-926; filed 10-25-12]*

**TITLE 325. OKLAHOMA HORSE RACING COMMISSION  
CHAPTER 25. ENTRIES AND DECLARATIONS**

*[OAR Docket #12-927]*

**RULEMAKING ACTION:**

Notice of proposed PERMANENT rulemaking.

**PROPOSED RULE:**

- 325:25-1-2. Definitions [AMENDED]
- 325:25-1-23. Nomination payment races [AMENDED]

**SUMMARY:**

Commission Staff propose to correct scrivener's errors.

**AUTHORITY:**

75 O.S., §303; Title 3A O.S. §204(A); Oklahoma Horse Racing Commission.

**COMMENT PERIOD:**

Persons wishing to present their views in writing may do so before 4:30 p.m., Monday, January 7, 2013, at the following address: Oklahoma Horse Racing Commission, Shepherd Mall, 2401 N.W. 23, Suite 78, Oklahoma City, OK 73107.

**PUBLIC HEARING:**

A public hearing will be held between the hours of 9:00 a.m. and 12:00 p.m. and 1:00 p.m. and 4:30 p.m. on Monday, January 7, 2013, at the following address: Oklahoma Horse Racing Commission, Shepherd Mall, 2401 N.W. 23, Suite 78, Oklahoma City, OK 73107.

**REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:**

The Oklahoma Horse Racing Commission requests that business entities affected by these proposed rule amendments provide the Commission, within the comment period, in dollar amounts, if possible, the increase in the level of direct costs, indirect costs, or other costs expected to be incurred by the business entity due to compliance with the proposed rule amendments. Business entities may submit this information in writing to the Commission, at the above address, before the close of the comment period on January 7, 2013.

**COPIES OF PROPOSED RULE AMENDMENTS:**

A copy of the proposed rule amendments may be obtained from the Oklahoma Horse Racing Commission, Shepherd Mall, 2401 N.W. 23, Suite 78, Oklahoma City, OK 73107.

**RULE IMPACT STATEMENT:**

Pursuant to 75 O.S. §303(D), a rule impact statement will be prepared by November 26, 2012 and may be obtained from the Oklahoma Horse Racing Commission at the above address.

**CONTACT PERSON:**

Bonnie Morris, Agency Rulemaking Liaison, (405) 943-6472.

*[OAR Docket #12-927; filed 10-25-12]*

**TITLE 325. OKLAHOMA HORSE RACING COMMISSION  
CHAPTER 25. ENTRIES AND DECLARATIONS**

*[OAR Docket #12-928]*

**RULEMAKING ACTION:**

Notice of proposed PERMANENT rulemaking.

**PROPOSED RULE:**

- 325:25-1-11. Age restrictions [AMENDED]
- 325:25-1-30.1. Naming/engaging of riders [NEW]

**SUMMARY:**

For Rule 325:25-1-11, Mary Alice Nelson, an Oklahoma horsewoman, requested that the rule be amended to allow maidens of any age to race rather than exclude maidens six years or older from racing or participating in schooling races. For Rule 325:25-1-30.1, a new rule is proposed to require that riders be named at the time of entry or no later than scratch time and that before naming a rider, the trainer, owner or person authorized to name the rider must first engage the services of that rider for a particular race. These amendments and proposed new rule were originally adopted under emergency rulemaking in CY 2001 but inadvertently not subsequently forwarded under permanent rulemaking.

**AUTHORITY:**

75 O.S., §303; Title 3A O.S. §204(A); Oklahoma Horse Racing Commission.

**COMMENT PERIOD:**

Persons wishing to present their views in writing may do so before 4:30 p.m., Monday, January 7, 2013, at the following address: Oklahoma Horse Racing Commission, Shepherd Mall, 2401 N.W. 23, Suite 78, Oklahoma City, OK 73107.

**PUBLIC HEARING:**

A public hearing will be held between the hours of 9:00 a.m. and 12:00 p.m. and 1:00 p.m. and 4:30 p.m. on Monday, January 7, 2013, at the following address: Oklahoma Horse Racing Commission, Shepherd Mall, 2401 N.W. 23, Suite 78, Oklahoma City, OK 73107.

**REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:**

The Oklahoma Horse Racing Commission requests that business entities affected by these proposed rule amendments and proposed new rule provide the Commission, within the comment period, in dollar amounts, if possible, the increase in the level of direct costs, indirect costs, or other costs expected

## Notices of Rulemaking Intent

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to be incurred by the business entity due to compliance with the proposed rule amendments. Business entities may submit this information in writing to the Commission, at the above address, before the close of the comment period on January 7, 2013.

### **COPIES OF PROPOSED RULE AMENDMENTS:**

A copy of the proposed rule amendments and proposed new rule may be obtained from the Oklahoma Horse Racing Commission, Shepherd Mall, 2401 N.W. 23, Suite 78, Oklahoma City, OK 73107.

### **RULE IMPACT STATEMENT:**

Pursuant to 75 O.S. §303(D), a rule impact statement will be prepared by November 26, 2012 and may be obtained from the Oklahoma Horse Racing Commission at the above address.

### **CONTACT PERSON:**

Bonnie Morris, Agency Rulemaking Liaison, (405) 943-6472.

*[OAR Docket #12-928; filed 10-25-12]*

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## **TITLE 325. OKLAHOMA HORSE RACING COMMISSION CHAPTER 25. ENTRIES AND DECLARATIONS**

*[OAR Docket #12-929]*

### **RULEMAKING ACTION:**

Notice of proposed PERMANENT rulemaking.

### **PROPOSED RULE:**

325:25-1-32. Coggins test [AMENDED]

### **SUMMARY:**

Commission Staff propose to correct a scrivener's error.

### **AUTHORITY:**

75 O.S., §303; Title 3A O.S. §204(A); Oklahoma Horse Racing Commission.

### **COMMENT PERIOD:**

Persons wishing to present their views in writing may do so before 4:30 p.m., Monday, January 7, 2013, at the following address: Oklahoma Horse Racing Commission, Shepherd Mall, 2401 N.W. 23, Suite 78, Oklahoma City, OK 73107.

### **PUBLIC HEARING:**

A public hearing will be held between the hours of 9:00 a.m. and 12:00 p.m. and 1:00 p.m. and 4:30 p.m. on Monday, January 7, 2013, at the following address: Oklahoma Horse Racing Commission, Shepherd Mall, 2401 N.W. 23, Suite 78, Oklahoma City, OK 73107.

### **REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:**

The Oklahoma Horse Racing Commission requests that business entities affected by this proposed rule amendment provide the Commission, within the comment period, in dollar amounts, if possible, the increase in the level of direct costs, indirect costs, or other costs expected to be incurred by the business entity due to compliance with the proposed rule amendment. Business entities may submit this information

in writing to the Commission, at the above address, before the close of the comment period on January 7, 2013.

### **COPIES OF PROPOSED RULE AMENDMENTS:**

A copy of the proposed rule amendment may be obtained from the Oklahoma Horse Racing Commission, Shepherd Mall, 2401 N.W. 23, Suite 78, Oklahoma City, OK 73107.

### **RULE IMPACT STATEMENT:**

Pursuant to 75 O.S. §303(D), a rule impact statement will be prepared by November 26, 2012 and may be obtained from the Oklahoma Horse Racing Commission at the above address.

### **CONTACT PERSON:**

Bonnie Morris, Agency Rulemaking Liaison, (405) 943-6472.

*[OAR Docket #12-929; filed 10-25-12]*

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## **TITLE 325. OKLAHOMA HORSE RACING COMMISSION CHAPTER 30. CLAIMING RACES**

*[OAR Docket #12-930]*

### **RULEMAKING ACTION:**

Notice of proposed PERMANENT rulemaking.

### **PROPOSED RULE:**

325:30-1-2. Definitions [AMENDED]

325:30-1-5. Prohibited actions with respect to claim [AMENDED]

### **SUMMARY:**

Commission Staff propose to correct scrivener's errors.

### **AUTHORITY:**

75 O.S., §303; Title 3A O.S. §204(A); Oklahoma Horse Racing Commission.

### **COMMENT PERIOD:**

Persons wishing to present their views in writing may do so before 4:30 p.m., Monday, January 7, 2013, at the following address: Oklahoma Horse Racing Commission, Shepherd Mall, 2401 N.W. 23, Suite 78, Oklahoma City, OK 73107.

### **PUBLIC HEARING:**

A public hearing will be held between the hours of 9:00 a.m. and 12:00 p.m. and 1:00 p.m. and 4:30 p.m. on Monday, January 7, 2013, at the following address: Oklahoma Horse Racing Commission, Shepherd Mall, 2401 N.W. 23, Suite 78, Oklahoma City, OK 73107.

### **REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:**

The Oklahoma Horse Racing Commission requests that business entities affected by these proposed rule amendments provide the Commission, within the comment period, in dollar amounts, if possible, the increase in the level of direct costs, indirect costs, or other costs expected to be incurred by the business entity due to compliance with the proposed rule amendments. Business entities may submit this information in writing to the Commission, at the above address, before the close of the comment period on January 7, 2013.

**COPIES OF PROPOSED RULE AMENDMENTS:**

A copy of the proposed rule amendments may be obtained from the Oklahoma Horse Racing Commission, Shepherd Mall, 2401 N.W. 23, Suite 78, Oklahoma City, OK 73107.

**RULE IMPACT STATEMENT:**

Pursuant to 75 O.S. §303(D), a rule impact statement will be prepared by November 26, 2012 and may be obtained from the Oklahoma Horse Racing Commission at the above address.

**CONTACT PERSON:**

Bonnie Morris, Agency Rulemaking Liaison, (405) 943-6472.

*[OAR Docket #12-930; filed 10-25-12]*

**TITLE 325. OKLAHOMA HORSE RACING COMMISSION  
CHAPTER 35. GENERAL CONDUCT**

*[OAR Docket #12-931]*

**RULEMAKING ACTION:**

Notice of proposed PERMANENT rulemaking.

**PROPOSED RULE:**

- 325:35-1-2. Definitions [AMENDED]
- 325:35-1-37. Agreements to be filed [AMENDED]
- 325:35-1-38. Prohibited provisions of horsemen's agreements [AMENDED]

**SUMMARY:**

Commission Staff propose to correct scrivener's errors.

**AUTHORITY:**

75 O.S., §303; Title 3A O.S. §204(A); Oklahoma Horse Racing Commission.

**COMMENT PERIOD:**

Persons wishing to present their views in writing may do so before 4:30 p.m., Monday, January 7, 2013, at the following address: Oklahoma Horse Racing Commission, Shepherd Mall, 2401 N.W. 23, Suite 78, Oklahoma City, OK 73107.

**PUBLIC HEARING:**

A public hearing will be held between the hours of 9:00 a.m. and 12:00 p.m. and 1:00 p.m. and 4:30 p.m. on Monday, January 7, 2013, at the following address: Oklahoma Horse Racing Commission, Shepherd Mall, 2401 N.W. 23, Suite 78, Oklahoma City, OK 73107.

**REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:**

The Oklahoma Horse Racing Commission requests that business entities affected by these proposed rule amendments provide the Commission, within the comment period, in dollar amounts, if possible, the increase in the level of direct costs, indirect costs, or other costs expected to be incurred by the business entity due to compliance with the proposed rule amendments. Business entities may submit this information in writing to the Commission, at the above address, before the close of the comment period on January 7, 2013.

**COPIES OF PROPOSED RULE AMENDMENTS:**

A copy of the proposed rule amendments may be obtained from the Oklahoma Horse Racing Commission, Shepherd Mall, 2401 N.W. 23, Suite 78, Oklahoma City, OK 73107.

**RULE IMPACT STATEMENT:**

Pursuant to 75 O.S. §303(D), a rule impact statement will be prepared by November 26, 2012 and may be obtained from the Oklahoma Horse Racing Commission at the above address.

**CONTACT PERSON:**

Bonnie Morris, Agency Rulemaking Liaison, (405) 943-6472.

*[OAR Docket #12-931; filed 10-25-12]*

**TITLE 325. OKLAHOMA HORSE RACING COMMISSION  
CHAPTER 35. GENERAL CONDUCT**

*[OAR Docket #12-932]*

**RULEMAKING ACTION:**

Notice of proposed PERMANENT rulemaking.

**PROPOSED RULE:**

- 325:35-1-13. Possession of contraband [AMENDED]

**SUMMARY:**

At the March 20, 2012 Commission meeting, the Ad Hoc Committee on Medications presented proposed rule amendments to address the improper use of Clenbuterol, used for treating horses affected with airway construction, since it was also being used for its anabolic effect of increasing muscle mass which increased its usage after anabolic steroids were banned in 2008. In the September, 2011 issue of the Journal of American Veterinary Medicine, the researchers found that abuse through overdose and the use of compounds of the therapeutic medication Clenbuterol have profound negative effects on the health of horses, which include muscle tremors evident over the entire body, an unwillingness to bear weigh on all limbs, much sweating and tachycardia (increased heart rate), and neurologic abnormalities including loss of coordinated motor activities, which can and have lead to the death of horses, Further, the overdose of Clenbuterol in broodmares and stallions has the potential to affect their reproductive ability.

The Ad Hoc Committee on Medications recommended that the proposed rule amendments be adopted under both emergency and permanent rulemaking processes so that the amendments would take effect on an emergency basis upon gubernatorial approval through July 14, 2013 while the proposed rule amendments would go through the permanent rulemaking process with a possible May or June, 2013 effective date.

The Commission adopted proposed rule amendments on an emergency basis to restrict the non-FDA-approved forms of Clenbuterol Specifically, the rule amendment addressed the contraband already in effect, reflecting that possession

## Notices of Rulemaking Intent

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of adulterated forms of Clenbuterol at the racetrack, in a form other than the FDA approved Ventipulmin Syrup or Aeropulmin Syrup, would be prohibited. The amendment took effect on April 19, 2012 with the Governor's signature to be effective through July 14, 2013. At its October 18, 2012 meeting, the Commission approved the opening of the permanent rulemaking process for these amendments.

**AUTHORITY:**

75 O.S., §303; Title 3A O.S. §204(A); Oklahoma Horse Racing Commission.

**COMMENT PERIOD:**

Persons wishing to present their views in writing may do so before 4:30 p.m., Monday, January 7, 2013, at the following address: Oklahoma Horse Racing Commission, Shepherd Mall, 2401 N.W. 23, Suite 78, Oklahoma City, OK 73107.

**PUBLIC HEARING:**

A public hearing will be held between the hours of 9:00 a.m. and 12:00 p.m. and 1:00 p.m. and 4:30 p.m. on Monday, January 7, 2013, at the following address: Oklahoma Horse Racing Commission, Shepherd Mall, 2401 N.W. 23, Suite 78, Oklahoma City, OK 73107.

**REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:**

The Oklahoma Horse Racing Commission requests that business entities affected by these proposed rule amendments provide the Commission, within the comment period, in dollar amounts, if possible, the increase in the level of direct costs, indirect costs, or other costs expected to be incurred by the business entity due to compliance with the proposed rule amendments. Business entities may submit this information in writing to the Commission, at the above address, before the close of the comment period on January 7, 2013.

**COPIES OF PROPOSED RULE AMENDMENTS:**

A copy of the proposed rule amendments may be obtained from the Oklahoma Horse Racing Commission, Shepherd Mall, 2401 N.W. 23, Suite 78, Oklahoma City, OK 73107.

**RULE IMPACT STATEMENT:**

Pursuant to 75 O.S. §303(D), a rule impact statement will be prepared by November 26, 2012 and may be obtained from the Oklahoma Horse Racing Commission at the above address.

**CONTACT PERSON:**

Bonnie Morris, Agency Rulemaking Liaison, (405) 943-6472.

*[OAR Docket #12-932; filed 10-25-12]*

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### TITLE 325. OKLAHOMA HORSE RACING COMMISSION CHAPTER 35. GENERAL CONDUCT

*[OAR Docket #12-933]*

**RULEMAKING ACTION:**

Notice of proposed PERMANENT rulemaking.

**PROPOSED RULE:**

325:35-1-34. Election of horsemen's representative organizations and agreements [AMENDED]

**SUMMARY:**

Commission Staff propose three changes: (1) eliminate the word 'initial' from the term 'initial election' so that the subsequent list of procedures will be the same for all elections; (2) eliminate the word 'cashier's' from 'cashier's check' as one of the approved methods of payment for election expenses; and (3) change the amount of time the ballots will be prepared by an independent party from 'within twenty days' to 'a time set by the Commission.' These amendments were originally adopted under emergency rulemaking in CY 2001 but inadvertently not subsequently forwarded under permanent rulemaking.

**AUTHORITY:**

75 O.S., §303; Title 3A O.S. §204(A); Oklahoma Horse Racing Commission.

**COMMENT PERIOD:**

Persons wishing to present their views in writing may do so before 4:30 p.m., Monday, January 7, 2013, at the following address: Oklahoma Horse Racing Commission, Shepherd Mall, 2401 N.W. 23, Suite 78, Oklahoma City, OK 73107.

**PUBLIC HEARING:**

A public hearing will be held between the hours of 9:00 a.m. and 12:00 p.m. and 1:00 p.m. and 4:30 p.m. on Monday, January 7, 2013, at the following address: Oklahoma Horse Racing Commission, Shepherd Mall, 2401 N.W. 23, Suite 78, Oklahoma City, OK 73107.

**REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:**

The Oklahoma Horse Racing Commission requests that business entities affected by these proposed rule amendments provide the Commission, within the comment period, in dollar amounts, if possible, the increase in the level of direct costs, indirect costs, or other costs expected to be incurred by the business entity due to compliance with the proposed rule amendments. Business entities may submit this information in writing to the Commission, at the above address, before the close of the comment period on January 7, 2013.

**COPIES OF PROPOSED RULE AMENDMENTS:**

A copy of the proposed rule amendments may be obtained from the Oklahoma Horse Racing Commission, Shepherd Mall, 2401 N.W. 23, Suite 78, Oklahoma City, OK 73107.

**RULE IMPACT STATEMENT:**

Pursuant to 75 O.S. §303(D), a rule impact statement will be prepared by November 26, 2012 and may be obtained from the Oklahoma Horse Racing Commission at the above address.

**CONTACT PERSON:**

Bonnie Morris, Agency Rulemaking Liaison, (405) 943-6472.

*[OAR Docket #12-933; filed 10-25-12]*

**TITLE 325. OKLAHOMA HORSE RACING COMMISSION  
CHAPTER 40. VETERINARIAN PRACTICES**

*[OAR Docket #12-934]*

**RULEMAKING ACTION:**

Notice of proposed PERMANENT rulemaking.

**PROPOSED RULE:**

- 325:40-1-2. Definitions [AMENDED]
- 325:40-1-8. Postmortem examination [AMENDED]

**SUMMARY:**

Commission Staff propose to correct scrivener's errors.

**AUTHORITY:**

75 O.S., §303; Title 3A O.S. §204(A); Oklahoma Horse Racing Commission.

**COMMENT PERIOD:**

Persons wishing to present their views in writing may do so before 4:30 p.m., Monday, January 7, 2013, at the following address: Oklahoma Horse Racing Commission, Shepherd Mall, 2401 N.W. 23, Suite 78, Oklahoma City, OK 73107.

**PUBLIC HEARING:**

A public hearing will be held between the hours of 9:00 a.m. and 12:00 p.m. and 1:00 p.m. and 4:30 p.m. on Monday, January 7, 2013, at the following address: Oklahoma Horse Racing Commission, Shepherd Mall, 2401 N.W. 23, Suite 78, Oklahoma City, OK 73107.

**REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:**

The Oklahoma Horse Racing Commission requests that business entities affected by these proposed rule amendments provide the Commission, within the comment period, in dollar amounts, if possible, the increase in the level of direct costs, indirect costs, or other costs expected to be incurred by the business entity due to compliance with the proposed rule amendments. Business entities may submit this information in writing to the Commission, at the above address, before the close of the comment period on January 7, 2013.

**COPIES OF PROPOSED RULE AMENDMENTS:**

A copy of the proposed rule amendments may be obtained from the Oklahoma Horse Racing Commission, Shepherd Mall, 2401 N.W. 23, Suite 78, Oklahoma City, OK 73107.

**RULE IMPACT STATEMENT:**

Pursuant to 75 O.S. §303(D), a rule impact statement will be prepared by November 26, 2012 and may be obtained from the Oklahoma Horse Racing Commission at the above address.

**CONTACT PERSON:**

Bonnie Morris, Agency Rulemaking Liaison, (405) 943-6472.

*[OAR Docket #12-934; filed 10-25-12]*

**TITLE 325. OKLAHOMA HORSE RACING COMMISSION  
CHAPTER 45. MEDICATION AND EQUINE TESTING PROCEDURES**

*[OAR Docket #12-935]*

**RULEMAKING ACTION:**

Notice of proposed PERMANENT rulemaking.

**PROPOSED RULE:**

- 325:45-1-2. Definitions [AMENDED]
- 325:45-1-20. Split samples [AMENDED]

**SUMMARY:**

Commission Staff propose to correct scrivener's errors.

**AUTHORITY:**

75 O.S., §303; Title 3A O.S. §204(A); Oklahoma Horse Racing Commission.

**COMMENT PERIOD:**

Persons wishing to present their views in writing may do so before 4:30 p.m., Monday, January 7, 2013, at the following address: Oklahoma Horse Racing Commission, Shepherd Mall, 2401 N.W. 23, Suite 78, Oklahoma City, OK 73107.

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**RULE IMPACT STATEMENT:**

Pursuant to 75 O.S. §303(D), a rule impact statement will be prepared by November 26, 2012 and may be obtained from the Oklahoma Horse Racing Commission at the above address.

**CONTACT PERSON:**

Bonnie Morris, Agency Rulemaking Liaison, (405) 943-6472.

*[OAR Docket #12-935; filed 10-25-12]*

## Notices of Rulemaking Intent

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### TITLE 325. OKLAHOMA HORSE RACING COMMISSION CHAPTER 50. HUMAN SUBSTANCE ABUSE TESTING

*[OAR Docket #12-936]*

**RULEMAKING ACTION:**

Notice of proposed PERMANENT rulemaking.

**PROPOSED RULE:**

325:50-1-2. Definitions [AMENDED]

**SUMMARY:**

Commission Staff propose to correct a scrivener's error.

**AUTHORITY:**

75 O.S., §303; Title 3A O.S. §204(A); Oklahoma Horse Racing Commission.

**COMMENT PERIOD:**

Persons wishing to present their views in writing may do so before 4:30 p.m., Monday, January 7, 2013, at the following address: Oklahoma Horse Racing Commission, Shepherd Mall, 2401 N.W. 23, Suite 78, Oklahoma City, OK 73107.

**PUBLIC HEARING:**

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**REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:**

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**COPIES OF PROPOSED RULE AMENDMENTS:**

A copy of the proposed rule amendment may be obtained from the Oklahoma Horse Racing Commission, Shepherd Mall, 2401 N.W. 23, Suite 78, Oklahoma City, OK 73107.

**RULE IMPACT STATEMENT:**

Pursuant to 75 O.S. §303(D), a rule impact statement will be prepared by November 26, 2012 and may be obtained from the Oklahoma Horse Racing Commission at the above address.

**CONTACT PERSON:**

Bonnie Morris, Agency Rulemaking Liaison, (405) 943-6472.

*[OAR Docket #12-936; filed 10-25-12]*

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### TITLE 325. OKLAHOMA HORSE RACING COMMISSION CHAPTER 55. FIRE PREVENTION AND SECURITY

*[OAR Docket #12-937]*

**RULEMAKING ACTION:**

Notice of proposed PERMANENT rulemaking.

**PROPOSED RULE:**

325:55-1-2. Definitions [AMENDED]

**SUMMARY:**

Commission Staff propose to correct a scrivener's error.

**AUTHORITY:**

75 O.S., §303; Title 3A O.S. §204(A); Oklahoma Horse Racing Commission.

**COMMENT PERIOD:**

Persons wishing to present their views in writing may do so before 4:30 p.m., Monday, January 7, 2013, at the following address: Oklahoma Horse Racing Commission, Shepherd Mall, 2401 N.W. 23, Suite 78, Oklahoma City, OK 73107.

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**RULE IMPACT STATEMENT:**

Pursuant to 75 O.S. §303(D), a rule impact statement will be prepared by November 26, 2012 and may be obtained from the Oklahoma Horse Racing Commission at the above address.

**CONTACT PERSON:**

Bonnie Morris, Agency Rulemaking Liaison, (405) 943-6472.

*[OAR Docket #12-937; filed 10-25-12]*

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**TITLE 325. OKLAHOMA HORSE RACING COMMISSION  
CHAPTER 60. RUNNING THE RACE**

[OAR Docket #12-938]

**RULEMAKING ACTION:**

Notice of proposed PERMANENT rulemaking.

**PROPOSED RULE:**

325:60-1-2. Definitions [AMENDED]

**SUMMARY:**

Commission Staff propose to correct scrivener's errors.

**AUTHORITY:**

75 O.S., §303; Title 3A O.S. §204(A); Oklahoma Horse Racing Commission.

**COMMENT PERIOD:**

Persons wishing to present their views in writing may do so before 4:30 p.m., Monday, January 7, 2013, at the following address: Oklahoma Horse Racing Commission, Shepherd Mall, 2401 N.W. 23, Suite 78, Oklahoma City, OK 73107.

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**REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:**

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**COPIES OF PROPOSED RULE AMENDMENTS:**

A copy of the proposed rule amendments may be obtained from the Oklahoma Horse Racing Commission, Shepherd Mall, 2401 N.W. 23, Suite 78, Oklahoma City, OK 73107.

**RULE IMPACT STATEMENT:**

Pursuant to 75 O.S. §303(D), a rule impact statement will be prepared by November 26, 2012 and may be obtained from the Oklahoma Horse Racing Commission at the above address.

**CONTACT PERSON:**

Bonnie Morris, Agency Rulemaking Liaison, (405) 943-6472.

[OAR Docket #12-938; filed 10-25-12]

**TITLE 325. OKLAHOMA HORSE RACING COMMISSION  
CHAPTER 65. PARI-MUTUEL WAGERING**

[OAR Docket #12-939]

**RULEMAKING ACTION:**

Notice of proposed PERMANENT rulemaking.

**PROPOSED RULE:**

Subchapter 1. General Provisions

325:65-1-31.1. Definitions [AMENDED]

325:65-1-35. Pari-mutuel ticket sales; payments and claims; purchasing restrictions [AMENDED]

325:65-1-40. Display of betting information [AMENDED]

325:65-1-43. Coupled entries and mutuel fields [AMENDED]

325:65-1-50. Emergency situations [AMENDED]

**SUMMARY:**

Commission Staff propose to correct scrivener's errors.

**AUTHORITY:**

75 O.S., §303; Title 3A O.S. §204(A); Oklahoma Horse Racing Commission.

**COMMENT PERIOD:**

Persons wishing to present their views in writing may do so before 4:30 p.m., Monday, January 7, 2013, at the following address: Oklahoma Horse Racing Commission, Shepherd Mall, 2401 N.W. 23, Suite 78, Oklahoma City, OK 73107.

**PUBLIC HEARING:**

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**COPIES OF PROPOSED RULE AMENDMENTS:**

A copy of the proposed rule amendments may be obtained from the Oklahoma Horse Racing Commission, Shepherd Mall, 2401 N.W. 23, Suite 78, Oklahoma City, OK 73107.

**RULE IMPACT STATEMENT:**

Pursuant to 75 O.S. §303(D), a rule impact statement will be prepared by November 26, 2012 and may be obtained from the Oklahoma Horse Racing Commission at the above address.

## Notices of Rulemaking Intent

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### CONTACT PERSON:

Bonnie Morris, Agency Rulemaking Liaison, (405) 943-6472.

*[OAR Docket #12-939; filed 10-25-12]*

### TITLE 325. OKLAHOMA HORSE RACING COMMISSION CHAPTER 65. PARI-MUTUEL WAGERING

*[OAR Docket #12-940]*

### RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking.

### PROPOSED RULE:

Subchapter 1. General Provisions

325:65-1-34. Pari-mutuel tickets; validity [AMENDED]

### SUMMARY:

Mr. Neal Leader, Senior Assistant Attorney General and Commission Counsel, proposes amendments regarding the time limit of 60 days after the wager was made for payment of a winning pari-mutuel ticket. This amendment also aligns the language with a 2001 statutory change in Section 208.1 of Title 3A, Oklahoma Horse Racing Act, and the other rules in Chapter 65, Pari-Mutuel Wagering.

### AUTHORITY:

75 O.S., §303; Title 3A O.S. §204(A); Oklahoma Horse Racing Commission.

### COMMENT PERIOD:

Persons wishing to present their views in writing may do so before 4:30 p.m., Monday, January 7, 2013, at the following address: Oklahoma Horse Racing Commission, Shepherd Mall, 2401 N.W. 23, Suite 78, Oklahoma City, OK 73107.

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### REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

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### COPIES OF PROPOSED RULE AMENDMENTS:

A copy of the proposed rule amendment may be obtained from the Oklahoma Horse Racing Commission, Shepherd Mall, 2401 N.W. 23, Suite 78, Oklahoma City, OK 73107.

### RULE IMPACT STATEMENT:

Pursuant to 75 O.S. §303(D), a rule impact statement will be prepared by November 26, 2012 and may be obtained from the Oklahoma Horse Racing Commission at the above address.

### CONTACT PERSON:

Bonnie Morris, Agency Rulemaking Liaison, (405) 943-6472.

*[OAR Docket #12-940; filed 10-25-12]*

### TITLE 325. OKLAHOMA HORSE RACING COMMISSION CHAPTER 65. PARI-MUTUEL WAGERING

*[OAR Docket #12-941]*

### RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking.

### PROPOSED RULE:

Subchapter 1. General Provisions

325:65-1-44. Pools dependent upon betting interests [AMENDED]

### SUMMARY:

Commission Staff propose to change Option (7), currently permitting the racetrack to allow prohibit Trifecta wagering on any contest with six or fewer betting interests scheduled to start' to read 'with six or more betting interests scheduled to start.' This amendment was originally adopted under emergency rulemaking in CY 2001 but inadvertently not subsequently forwarded under permanent rulemaking.

### AUTHORITY:

75 O.S., §303; Title 3A O.S. §204(A); Oklahoma Horse Racing Commission.

### COMMENT PERIOD:

Persons wishing to present their views in writing may do so before 4:30 p.m., Monday, January 7, 2013, at the following address: Oklahoma Horse Racing Commission, Shepherd Mall, 2401 N.W. 23, Suite 78, Oklahoma City, OK 73107.

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**COPIES OF PROPOSED RULE AMENDMENTS:**

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**RULE IMPACT STATEMENT:**

Pursuant to 75 O.S. §303(D), a rule impact statement will be prepared by November 26, 2012 and may be obtained from the Oklahoma Horse Racing Commission at the above address.

**CONTACT PERSON:**

Bonnie Morris, Agency Rulemaking Liaison, (405) 943-6472.

*[OAR Docket #12-941; filed 10-25-12]*

**TITLE 325. OKLAHOMA HORSE RACING COMMISSION  
CHAPTER 65. PARI-MUTUEL WAGERING**

*[OAR Docket #12-942]*

**RULEMAKING ACTION:**

Notice of proposed PERMANENT rulemaking.

**PROPOSED RULE:**

Subchapter 7. Interjurisdiction Common Pool Wagering  
325:65-7-3. Host jurisdiction participation in merged pools

[AMENDED]

**SUMMARY:**

Commission Staff propose to correct scrivener's errors.

**AUTHORITY:**

75 O.S., §303; Title 3A O.S. §204(A); Oklahoma Horse Racing Commission.

**COMMENT PERIOD:**

Persons wishing to present their views in writing may do so before 4:30 p.m., Monday, January 7, 2013, at the following address: Oklahoma Horse Racing Commission, Shepherd Mall, 2401 N.W. 23, Suite 78, Oklahoma City, OK 73107.

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**RULE IMPACT STATEMENT:**

Pursuant to 75 O.S. §303(D), a rule impact statement will be prepared by November 26, 2012 and may be obtained from the Oklahoma Horse Racing Commission at the above address.

**CONTACT PERSON:**

Bonnie Morris, Agency Rulemaking Liaison, (405) 943-6472.

*[OAR Docket #12-942; filed 10-25-12]*

**TITLE 325. OKLAHOMA HORSE RACING COMMISSION  
CHAPTER 65. PARI-MUTUEL WAGERING**

*[OAR Docket #12-943]*

**RULEMAKING ACTION:**

Notice of proposed PERMANENT rulemaking.

**PROPOSED RULE:**

Subchapter 9. Calculation of Payoffs and Distribution of Pools

325:65-9-4. Show pools [AMENDED]

325:65-9-5. Double pools [AMENDED]

325:65-9-6. Win Three pools [AMENDED]

325:65-9-7. Pick (n) pools [AMENDED]

325:65-9-8. Place Pick (n) pools [AMENDED]

325:65-9-10. Quinella Double pools [AMENDED]

325:65-9-18. Exacta (n) pools [AMENDED]

**SUMMARY:**

Commission Staff propose to correct scrivener's errors.

**AUTHORITY:**

75 O.S., §303; Title 3A O.S. §204(A); Oklahoma Horse Racing Commission.

**COMMENT PERIOD:**

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## Notices of Rulemaking Intent

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business entity due to compliance with the proposed rule amendments. Business entities may submit this information in writing to the Commission, at the above address, before the close of the comment period on January 7, 2013.

### **COPIES OF PROPOSED RULE AMENDMENTS:**

A copy of the proposed rule amendments may be obtained from the Oklahoma Horse Racing Commission, Shepherd Mall, 2401 N.W. 23, Suite 78, Oklahoma City, OK 73107.

### **RULE IMPACT STATEMENT:**

Pursuant to 75 O.S. §303(D), a rule impact statement will be prepared by November 26, 2012 and may be obtained from the Oklahoma Horse Racing Commission at the above address.

### **CONTACT PERSON:**

Bonnie Morris, Agency Rulemaking Liaison, (405) 943-6472.

*[OAR Docket #12-943; filed 10-25-12]*

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## **TITLE 325. OKLAHOMA HORSE RACING COMMISSION CHAPTER 70. OBJECTIONS AND PROTESTS; HEARINGS AND APPEALS**

*[OAR Docket #12-944]*

### **RULEMAKING ACTION:**

Notice of proposed PERMANENT rulemaking.

### **PROPOSED RULE:**

325:70-1-2. Definitions [AMENDED]

### **SUMMARY:**

Commission Staff propose to correct scrivener's errors.

### **AUTHORITY:**

75 O.S., §303; Title 3A O.S. §204(A); Oklahoma Horse Racing Commission.

### **COMMENT PERIOD:**

Persons wishing to present their views in writing may do so before 4:30 p.m., Monday, January 7, 2013, at the following address: Oklahoma Horse Racing Commission, Shepherd Mall, 2401 N.W. 23, Suite 78, Oklahoma City, OK 73107.

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### **RULE IMPACT STATEMENT:**

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### **CONTACT PERSON:**

Bonnie Morris, Agency Rulemaking Liaison, (405) 943-6472.

*[OAR Docket #12-944; filed 10-25-12]*

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## **TITLE 325. OKLAHOMA HORSE RACING COMMISSION CHAPTER 70. OBJECTIONS AND PROTESTS; HEARINGS AND APPEALS**

*[OAR Docket #12-945]*

### **RULEMAKING ACTION:**

Notice of proposed PERMANENT rulemaking.

### **PROPOSED RULE:**

325:70-1-23. Appeal from decision of the Stewards [AMENDED]

### **SUMMARY:**

Commission Staff propose to change the number of appeal copies from seven to three since internal distribution is now routinely provided through an e-mail attachment from a scanned document.

### **AUTHORITY:**

75 O.S., §303; Title 3A O.S. §204(A); Oklahoma Horse Racing Commission.

### **COMMENT PERIOD:**

Persons wishing to present their views in writing may do so before 4:30 p.m., Monday, January 7, 2013, at the following address: Oklahoma Horse Racing Commission, Shepherd Mall, 2401 N.W. 23, Suite 78, Oklahoma City, OK 73107.

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**RULE IMPACT STATEMENT:**

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**CONTACT PERSON:**

Bonnie Morris, Agency Rulemaking Liaison, (405) 943-6472.

*[OAR Docket #12-945; filed 10-25-12]*

**TITLE 325. OKLAHOMA HORSE RACING COMMISSION  
CHAPTER 75. OKLAHOMA-BRED PROGRAM**

*[OAR Docket #12-946]*

**RULEMAKING ACTION:**

Notice of proposed PERMANENT rulemaking.

**PROPOSED RULE:**

325:75-1-2. Definitions [AMENDED]

325:75-1-3. Definition of accredited Oklahoma-Bred Thoroughbred [AMENDED]

325:75-1-3.1. Definition of accredited Oklahoma-Bred Quarter Horse, Paint or Appaloosa [AMENDED]

325:75-1-11. Oklahoma-Bred racing program [AMENDED]

325:75-1-12.1. Application requirements, categories and fees for Thoroughbreds beginning with an effective date of January 1, 2010 [AMENDED]

325:75-1-15. Distribution of funds for Oklahoma-Bred pari-mutuel races [AMENDED]

325:75-1-21. Expenditure of Oklahoma Breeding Development Fund Special Account Monies for the purpose of caring for retired and unwanted Oklahoma-Bred racing stock [AMENDED]

**SUMMARY:**

Commission Staff propose to correct scrivener's errors.

**AUTHORITY:**

75 O.S., §303; Title 3A O.S. §204(A); Oklahoma Horse Racing Commission.

**COMMENT PERIOD:**

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**RULE IMPACT STATEMENT:**

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**CONTACT PERSON:**

Bonnie Morris, Agency Rulemaking Liaison, (405) 943-6472.

*[OAR Docket #12-946; filed 10-25-12]*

**TITLE 505. BOARD OF EXAMINERS IN OPTOMETRY  
CHAPTER 10. LICENSURE AND REGULATION OF OPTOMETRISTS**

*[OAR Docket #12-914]*

**RULEMAKING ACTION:**

Notice of proposed PERMANENT rulemaking

**PROPOSED RULES:**

Subchapter 3. Licensing Procedures

505:10-3-7. Acceptance of Military education, training, and experience toward qualification for licensure examination [NEW]

505:10-3-8. Expediting issuances of license or certificate, or temporary permit [NEW]

505:10-3-9. Automatic extension of licenses for those deployed on active duty with the Armed Forces [NEW]

**SUMMARY:**

In May, 2012, the Legislature passed and the Governor signed Enrolled Senate Bill 1863, the Post-Military Service Occupation, Education and Credentialing Act, which required, among other things, boards licensing professionals to offer certain accommodations to members of the Armed Forces and to their spouses. The proposed rulemaking adds three new sections that (1) provide for acceptance of certain military education, training and experience toward optometric licensure, (2) expedite issuance of optometric licenses or certificates, or temporary permits to certain spouses of members of the Armed Forces, and (3) automatically extend

## Notices of Rulemaking Intent

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optometric licenses for those deployed on active duty with the Armed Forces.

**AUTHORITY:**

Oklahoma Optometry Act; 59 O.S. §§ 583, 587.

59 O.S. §§ 4100 et. seq., as enacted by Enrolled Senate Bill 1863.

**COMMENT PERIOD:**

Persons wishing to present their views orally or in writing may do so before 5:00 p.m. on January 11, 2013 at the following address: 2008 S. Post Road, Suite 200, Midwest City, OK 73130, Attn: Mary Walker.

**PUBLIC HEARING:**

The Board of Examiners will hold a public hearing at 7:00 p.m. on Friday, January 18, 2013 at 2008 S. Post Road, Suite 200, Midwest City, OK 73130. Anyone who wishes to speak must sign in at the door by 6:50 p.m.

**REQUESTS FOR COMMENT FROM BUSINESS ENTITIES:**

N/A.

**COPIES OF PROPOSED RULES:**

Copies of the proposed rules may be obtained from the Board of Examiners in Optometry at 2008 S. Post Road, Suite 200, Midwest City, OK 73130, Attn: Mary Walker.

**RULE IMPACT STATEMENT:**

Pursuant to 75 O.S. § 303(D), a rule impact statement has been prepared and may be obtained beginning immediately at the offices of the Board at 2008 S. Post Road, Suite 200, Midwest City 73130, Attn: Mary Walker..

**CONTACT PERSON:**

Mary Walker, Administrative Assistant to the Board, (405) 733-7836.

*[OAR Docket #12-914; filed 10-17-12]*

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**TITLE 712. OKLAHOMA COMMISSION  
FOR TEACHER PREPARATION  
CHAPTER 10. TEACHER PREPARATION  
PROGRAM ACCREDITATION**

*[OAR Docket #12-918]*

**RULEMAKING ACTION:**

Notice of proposed PERMANENT rulemaking

**PROPOSED RULES:**

Subchapter 5. Teacher Preparation Program Accreditation  
712:10-5-3 [AMENDED]

**SUMMARY:**

The proposed Teacher Preparation Program Accreditation revisions would reflect changes in admission requirements for educator preparation and in the hours of required field experiences for educator candidates. The revisions also would set minimum requirements for mentor teachers and reflect accountability measures for state program approval process.

**AUTHORITY:**

Oklahoma Commission for Teacher Preparation

70 O.S. Supp. 1998, §6-180 et seq. Oklahoma Teacher Preparation Act

**COMMENT PERIOD:**

Persons wishing to present their views orally or in writing may do so before 4:30 p.m. On December 17, 2012 at the following address: Renee Launey-Rodolf, Oklahoma Commission For Teacher Preparation, 3545 NW 58<sup>th</sup> Street, Suite 200, Oklahoma City, OK 73112-4725.

**PUBLIC HEARING:**

A public hearing will be held from 9:00 a.m. to 11:00 a.m. on Monday, December 17, 2012 in the Gene Howard Board Room, Landmark Towers, 3545 NW 58<sup>th</sup> St., Oklahoma City, OK, 73112-4725.

**REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:**

Business entities affected by these proposed rules are requested to provide the agency within the comment period, with information, in dollar amounts if possible, about the increase in the level of direct costs, indirect costs, or other costs expected to be incurred by the business entity due to compliance with the proposed rules. Business entities may submit this information in writing to Renee Launey-Rodolf, at the above address, before the close of the comment period.

**COPIES OF PROPOSED RULES:**

Copies of the proposed rule may be obtained from the Commission for Teacher Preparation, 3545 NW 58<sup>th</sup> Street, Suite 200, Oklahoma City, OK 73112-4725.

**RULE IMPACT STATEMENT:**

Pursuant to 75 O.S., §303 (D), a rule impact statement will be prepared and may be obtained from the Commission for Teacher Preparation at the above address beginning on November 30, 2012.

**CONTACT PERSON:**

Renee Launey-Rodolf, Interim Executive Director, (405) 525-2612

*[OAR Docket #12-918; filed 10-23-12]*

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**TITLE 785. OKLAHOMA WATER  
RESOURCES BOARD  
CHAPTER 45. OKLAHOMA'S WATER  
QUALITY STANDARDS**

*[OAR Docket #12-947]*

**RULEMAKING ACTION:**

Notice of proposed PERMANENT rulemaking

**PROPOSED RULES:**

Subchapter 5. Surface Water Quality Standards  
Part 3. Beneficial Uses and Criteria to Protect Uses  
785:45-5-12. Fish and wildlife propagation [AMENDED]  
785:45-5-13. Agriculture [AMENDED]  
785:45-5-19. Aesthetics [AMENDED]  
785:45-5-20. Fish consumption [AMENDED]

- Appendix A. Designated Beneficial Uses of Surface Waters [REVOKED]
- Appendix A. Designated Beneficial Uses of Surface Waters [NEW]
- Appendix A.1. Designated Beneficial Uses of Surface Waters Water Quality Management Basin 1, Middle Arkansas River [REVOKED]
- Appendix A.1. Designated Beneficial Uses of Surface Waters Water Quality Management Basin 1, Middle Arkansas River [NEW]
- Appendix A.2. Designated Beneficial Uses of Surface Waters Water Quality Management Basin 2, Lower Arkansas River Basin [REVOKED]
- Appendix A.2. Designated Beneficial Uses of Surface Waters Water Quality Management Basin 2, Lower Arkansas River Basin [NEW]
- Appendix A.3. Designated Beneficial Uses of Surface Waters Water Quality Management Basin 3, Upper Red River Basin [REVOKED]
- Appendix A.3. Designated Beneficial Uses of Surface Waters Water Quality Management Basin 3, Upper Red River Basin [NEW]
- Appendix A.4. Designated Beneficial Uses of Surface Waters Water Quality Management Basin 4, Lower Red River [REVOKED]
- Appendix A.4. Designated Beneficial Uses of Surface Waters Water Quality Management Basin 4, Lower Red River [NEW]
- Appendix A.5. Designated Beneficial Uses of Surface Waters Water Quality Management Basin 5, Canadian River [REVOKED]
- Appendix A.5. Designated Beneficial Uses of Surface Waters Water Quality Management Basin 5, Canadian River [NEW]
- Appendix A.6. Designated Beneficial Uses of Surface Waters Water Quality Management Basin 6, Upper Arkansas River [REVOKED]
- Appendix A.6. Designated Beneficial Uses of Surface Waters Water Quality Management Basin 6, Upper Arkansas River [NEW]
- Appendix A.7. Designated Beneficial Uses of Surface Waters Water Quality Management Basin 7, Panhandle Region [REVOKED]
- Appendix A.7. Designated Beneficial Uses of Surface Waters Water Quality Management Basin 7, Panhandle Region [NEW]
- Appendix G. Numerical Criteria to Protect Beneficial Uses [REVOKED]
- Appendix G. Numerical Criteria to Protect Beneficial Uses [NEW]
- Appendix H. Beneficial Use Designations for Certain Limited Areas of Groundwater [REVOKED]
- Appendix H. Beneficial Use Designations for Certain Limited Areas of Groundwater [NEW]

**SUMMARY:**

The Oklahoma Water Resources Board ("OWRB") is proposing to amend, or is considering amending, various provisions of Oklahoma Administrative Code ("OAC") 785:45 as follows:

OAC 785:45-5-12, Fish and wildlife propagation, is proposed to be amended in (f)(1) by clarifying that the appropriate seasonal temperatures prescribed in Table 1 of Appendix G of OAC 785:45 are appropriate for calculating biochemical oxygen demand (BOD) load. The circumstance which created the need for this amendment is that the Oklahoma Department of Environmental Quality (DEQ) has encountered problems implementing the existing language. The intended effect of this amendment is to eliminate the ambiguity that causes problems in the permitting process.

OAC 785:45-5-13, Agriculture, is proposed to be amended in (e) by restoring language regarding default low flow. The circumstance which created the need for this amendment is that revisions to the Oklahoma Water Quality Standards in 1997 removed the default low flow. The intended effect of this amendment is to restore the default low flow such that protection for the Agriculture beneficial use at low flow is consistent with implementation for toxic substances.

OAC 785:45-5-19, Aesthetics, is proposed to be amended by removing the numerical color criterion applicable for permitting purposes. The circumstance which created the need for this amendment is that the U.S. Environmental Protection Agency (EPA), pursuant to its authority to approve water quality standards under the federal Clean Water Act, did not approve previous amendments in 2010 that limited the applicability of the color criterion to discharge permits. The intended effect of this proposed amendment is to eliminate unjustifiable determinations of impaired waters based upon an outdated criterion.

OAC 785:45-5-20, Fish consumption, is proposed to be amended by restoring language that clarifies that the criteria for this beneficial use are applicable only to the subcategories of Warm Water Aquatic Community, Cool Water Aquatic Community, or Trout Fishery. The circumstance which created the need for this amendment is that the applicability language was inadvertently deleted in 2006. The intended effect of this amendment is to restore that deleted language and to eliminate the inconsistency for implementing human health criteria in OAC 785:46.

Appendix A, Designated Beneficial Uses for Surface Waters, is proposed to be revoked and reenacted with the addition of paragraphs (c), Limitations for Additional Protection, and (d), Remarks used in Appendices A.1 through A.7. The circumstance which created the need for this amendment is that these paragraphs were inadvertently omitted in a previous revision of this Appendix. The intended effect of these amendments is to provide state environmental agencies with clear consistent water quality standards.

Appendices A.1, A.2, A.3, A.4, A.5, A.6, and A.7, which cumulatively contain all of the waterbodies throughout the state which have had specific beneficial uses designated, are all

## Notices of Rulemaking Intent

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proposed to be revoked and reenacted with several Waterbody Identification numbers and names added or changed. The circumstance which created the need for these amendments is that the DEQ has updated its Waterbody ID coverage. The intended effect of these amendments is to list all the proper Waterbody ID's for each segment.

Appendix A.3, Designated Beneficial Uses of Surface Waters Water Quality Management Basin 3, Upper Red River Basin, is also proposed to be revoked and reenacted to make the Warm Water Aquatic Community beneficial use subcategory applicable to a segment of Rush Creek and to edit various waterbody names and identification numbers to be consistent with new GIS coverage. The circumstance which created the need for this action is that review of recent stream data indicate that the proposed revised beneficial use is now an existing use. The intended effect of these amendments is to satisfy Clean Water Act requirements to review and upgrade less than swimmable and fishable uses where new data indicate otherwise.

Appendix A.5, Designated Beneficial Uses of Surface Waters Water Quality Management Basin 5, Canadian River, is also proposed to be revoked and reenacted to designate the Warm Water Aquatic Community beneficial use subcategory for a segment of Wewoka Creek and to designate the Primary Body Contact Recreation beneficial use for a segment of the Canadian River. The circumstance which created the need for this action is that review of recent stream data indicate that these proposed revised beneficial uses are now existing uses. The intended effect of these amendments is to satisfy Clean Water Act requirements to review and upgrade less than swimmable and fishable uses where new data indicate otherwise.

Appendix G, Numerical Criteria to Protect Beneficial Uses, is proposed to be revoked and reenacted with several revisions. First, the preamble is proposed to be modified with deletion of a contradictory phrase that Table 2 numerical limits "cannot be exceeded". The circumstances the created this need is that many parameters must be implemented as averages. The intended effect is that text in the body will determine implementation of specific parameters rather than the preamble of the Appendix. Second, Table 1, Dissolved Oxygen Criteria to Protect Fish and Wildlife Propagation and All Subcategories Thereof, is proposed to be revised to restore a footnote lost due to a scrivener's error in 2002. The circumstance which created the need for this amendment is the need for clarity in implementing dissolved oxygen criteria. The intended effect of this amendment is to provide state environmental agencies with clear consistent water quality standards. Third, Table 2, Numerical Criteria to Protect Beneficial Uses, and All Subcategories Thereof, is proposed to be revoked and reenacted with several changes. New and revised human health criteria for 25 toxic or carcinogenic chemicals will be added. The circumstance which created the need for these amendments is the absence of current water quality criteria for certain chemicals, and the publication of the new or revised scientific information, guidance documents

assisting states in promulgating appropriately protective criteria, and new minimum fish consumption rates required for use in calculating the remaining criteria. The intended effect of these amendments is to provide state environmental agencies appropriately protective criteria for these compounds on which to base decisions pertinent to their individual areas of jurisdictional responsibility.

Appendix H, Beneficial Use Designations for Certain Limited Areas of Groundwater, is proposed to be revoked and reenacted with a several changes. The first change involves modifications requested by the DEQ to the already existing listing in Appendix H identifying special well construction for toxic metals in the Boone shallow groundwater at the Tar Creek Superfund Site. The circumstance which created the need for this amendment is the need for testing groundwater of the Boone aquifer in this location prior to completing a well. The intended effect of these amendments is to restrict future uses of groundwater from the shallower portion of the Boone aquifer used for potable or domestic supply that is impacted with site-related contaminants. The second change is the addition of 36.26 acres of the North-Central Oklahoma aquifer at the former Farmland Feed Mill Site in Enid, Oklahoma, with a remark limiting groundwater use. The circumstance which created the need for this amendment is that this site has a nitrate concentration that is greater than the allowable concentration under the drinking water standards and has been demonstrated to be technically infeasible to remediate further. The intended effect of these amendments is to limit the future uses of groundwater from the North-Central Oklahoma aquifer at this site. The third change requested by the DEQ is the addition of the site at the former Hudson Refinery Superfund Site in Payne County, Oklahoma with the default class and beneficial uses and a remark prohibiting of groundwater use for any purpose. The circumstance which created the need for this amendment is that hydrocarbon contamination of the groundwater has been documented at the site. The intended effect of these amendments is to be consistent with deed notices that have been filed in county land records prohibiting the use of groundwater for any purpose. The fourth change requested by the DEQ is the addition of the former Blackwell Zinc Company Site in Kay County, Oklahoma and a remark prohibiting groundwater well drilling at the site. The circumstance which created the need for this amendment is cadmium and zinc contamination due to historic smelter operations. The intended effect of these amendments is to be consistent with the City Ordinance No. 2801 passed by the City of Blackwell prohibiting installation of groundwater wells within the groundwater protection area. The fifth change proposed is to provide a Class I designation for the entirety of the Arbuckle-Simpson aquifer. The circumstances which created the need for this amendment is that Class I designations are currently applicable to only small portions of the aquifer, and the organization Citizens for Protection of the Arbuckle Simpson Aquifer and the cities of Tishomingo and Ada have requested this revision. The intended effect of this amendment is to provide a more accurate and appropriate Class designation

for this aquifer. The sixth change is addition of a 20 acre site in Dewey County and to provide remarks directing special well completion requirements. The circumstance which created the need for this amendment is that residue remaining at this site, identified by the Oklahoma Corporation Commission after remediation of a petroleum release that occurred prior to 1999, has been demonstrated to be technically infeasible to remediate further. The intended effect of this amendment is to prevent the spread of residual pollution into the Rush Springs aquifer. The last change is addition of a 40 acre site in Oklahoma County and to provide remarks directing special well completion requirements. The circumstance which created the need for this amendment is historic brine spills and pipeline leaks which have been identified by the Oklahoma Corporation Commission at this site. The intended effect of this amendment is to prevent the spread of old oilfield pollution into more of the Garber Wellington aquifer.

Other amendments may be considered as a result of public comments.

**AUTHORITY:**

Oklahoma Water Resources Board, 82 O.S., §§ 1085.30 and 1085.30a; 27A O.S., § 1-3-101; and 82 O.S., § 1085.2.

**COMMENT PERIOD:**

Persons wishing to present data, views, or arguments orally or in writing may do so at 3800 North Classen, Oklahoma City, Oklahoma 73118 before 5:00 P.M. on January 14, 2013.

**PUBLIC HEARING:**

A public hearing will be held January 15, 2013 during the monthly meeting of the OWRB which will begin at 9:30 A.M. in the Board Room of the OWRB's offices located at 3800 North Classen, Oklahoma City, Oklahoma.

**REQUEST FOR COMMENTS FROM BUSINESS ENTITIES:**

The OWRB requests that any business entities affected by these proposed rules provide the OWRB, within the Comment Period from November 15, 2012 through January 14, 2013, in dollar amounts if possible, the increase in the level of direct costs such as fees, and indirect costs such as reporting, recordkeeping, equipment, construction, labor, professional services, revenue loss, or other costs expected to be incurred by a particular entity due to compliance with the proposed rules. Business entities may submit this information in writing to Phillip Moershel at 3800 North Classen, Oklahoma City, Oklahoma 73118 before 5:00 P.M. on January 14, 2013.

**COPIES OF PROPOSED RULES:**

Copies of the proposed amendments may be reviewed at the OWRB's office location at 3800 North Classen, Oklahoma City, Oklahoma 73118, or may be obtained from the "Contact Person" identified below upon prepayment of the copying charge. The proposed amendments may also be viewed on the OWRB web site at <http://www.owrb.ok.gov>.

**RULE IMPACT STATEMENT:**

Pursuant to 75 O.S., § 303(D), a Rule Impact Statement is available for review at the OWRB's office, 3800 North Classen, Oklahoma City, Oklahoma. The Rule Impact

Statement may also be viewed on the OWRB web site at <http://www.owrb.ok.gov>.

**CONTACT PERSON:**

Phillip Moershel, Water Quality Standards Section Head, 405/530-8800.

*[OAR Docket #12-947; filed 10-26-12]*

**TITLE 785. OKLAHOMA WATER RESOURCES BOARD  
CHAPTER 46. IMPLEMENTATION OF OKLAHOMA'S WATER QUALITY STANDARDS**

*[OAR Docket #12-948]*

**RULEMAKING ACTION:**

Notice of proposed PERMANENT rulemaking

**PROPOSED RULES:**

Subchapter 1. General Provisions

785:46-1-6. Determination of regulatory low flow [AMENDED]

Subchapter 9. Implementation of Criteria to Protect the Agriculture Beneficial Use

785:46-9-3. Regulatory flows [AMENDED]

Subchapter 15. Use Support Assessment Protocols

785:46-15-7. Assessment of Public and Private Water Supply support [AMENDED]

Subchapter 19. Implementation of Dissolved Oxygen Criteria to Protect Fish and Wildlife Propagation

785:46-19-3. Reasonable potential determination [AMENDED]

**SUMMARY:**

The Oklahoma Water Resources Board ("OWRB") is proposing to amend, or is considering amending, various provisions of Oklahoma Administrative Code ("OAC") 785:46 as follows.

OAC 785:46-1-6, Determination of regulatory low flow, is proposed to be amended in (b) to be updated to the latest version of the United States Geological Survey (USGS) publication entitled "Statistical Summaries of Streamflow in and near Oklahoma through 2007". The circumstance which created the need for this amendment is that the currently cited version is out of date. The intended effect of this amendment is to allow application of the most current information for implementing the criteria. Section (c) (2) is also proposed to be revised such that if additional daily flow data have been collected, a new regulatory flow may be calculated. The circumstance which created the need for this amendment is that the current rule does not allow update of the regulatory flow when new data are available. The intended effect of this amendment is to allow application of the most current information for implementing the applicable water quality standards.

OAC 785:46-9-3, Regulatory flows, is proposed to be amended in at least two ways. The first is by restoring default

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regulatory low flows proposed in a corresponding revision to OAC 785:45. The circumstance which created the need for this amendment is that revisions to the Oklahoma Water Quality Standards in 1997 removed the default low flow. The intended effect of this amendment is to restore the default low flow such that protection for the Agriculture beneficial use at low flow is consistent with implementation for toxic substances. The second amendment is to update references to the latest version of the USGS publication entitled "Statistical Summaries of Streamflow in and near Oklahoma through 2007". The circumstance which created the need for this amendment is that the currently cited version is out of date. The intended effect of this amendment is to allow application of the most current information for implementing the criteria.

OAC 785:46-15-7, Assessment of Public and Private Water Supply support, is proposed to be amended in (b) to correct conflicting language between (b)(1) and (b)(2). The intended effect of this amendment is to clarify that data should be evaluated based upon frequency when a criterion is exceeded rather than duration.

OAC 785:46-19-3, Reasonable potential determination for dissolved oxygen, is proposed to be amended by clarifying that the appropriate seasonal temperatures prescribed in Table 1 of Appendix G of OAC 785:45 are appropriate for calculating biochemical oxygen demand (BOD) load. The circumstance which created the need for this amendment is that the Oklahoma Department of Environmental Quality has encountered problems implementing the existing language. The intended effect of this amendment is to eliminate this ambiguity that causes problems in the permitting process.

Other amendments may be considered as a result of public comments.

### **AUTHORITY:**

Oklahoma Water Resources Board, 82 O.S., § 1085.30; 27A O.S., § 1-3-101; and 82 O.S., § 1085.2.

### **COMMENT PERIOD:**

Persons wishing to present data, views, or arguments orally or in writing may do so at 3800 North Classen, Oklahoma City, Oklahoma 73118 before 5:00 P.M. on January 14, 2013.

### **PUBLIC HEARING:**

A public hearing will be held January 15, 2013 during the monthly meeting of the OWRB which will begin at 9:30 A.M. in the Board Room of the OWRB's offices located at 3800 North Classen, Oklahoma City, Oklahoma.

### **REQUEST FOR COMMENTS FROM BUSINESS ENTITIES:**

The OWRB requests that any business entities affected by these proposed rules provide the OWRB, within the Comment Period from November 15, 2012 through January 14, 2013, in dollar amounts if possible, the increase in the level of direct costs such as fees, and indirect costs such as reporting, recordkeeping, equipment, construction, labor, professional services, revenue loss, or other costs expected to be incurred by a particular entity due to compliance with the proposed rules. Business entities may submit this information in writing to Phillip Moershel at 3800 North Classen, Oklahoma City, Oklahoma 73118 before 5:00 P.M. on January 14, 2013.

### **COPIES OF PROPOSED RULES:**

Copies of the proposed amendments may be reviewed at the OWRB's office location at 3800 North Classen, Oklahoma City, Oklahoma 73118, or may be obtained from the "Contact Person" identified below upon prepayment of the copying charge. The proposed amendments may also be viewed on the OWRB web site at <http://www.owrb.ok.gov>.

### **RULE IMPACT STATEMENT:**

Pursuant to 75 O.S., § 303(D), a Rule Impact Statement is available for review at the OWRB's office, 3800 North Classen, Oklahoma City, Oklahoma. The Rule Impact Statement may also be viewed on the OWRB web site at <http://www.owrb.ok.gov>.

### **CONTACT PERSON:**

Phillip Moershel, Water Quality Standards Section Head, 405/530-8800.

*[OAR Docket #12-948; filed 10-26-12]*

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# Cancelled Hearings/Comment Periods

If an agency cancels a hearing or comment period announced in a published Notice of Rulemaking Intent, the agency must submit a notice of such cancellation to the Office of Administrative Rules (OAR). The OAR publishes the cancellation notice in the next possible issue of the *Register*.

*For additional information on cancelled hearings and comment periods, see OAC 655:10-7-27.*

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## **TITLE 252. DEPARTMENT OF ENVIRONMENTAL QUALITY CHAPTER 100. AIR POLLUTION CONTROL**

*[OAR Docket #12-915]*

### **RULEMAKING ACTION:**

Cancelled Public Hearing relating to proposed PERMANENT rulemaking

### **PROPOSED RULES:**

- Subchapter 2. Incorporation By Reference  
252:100-2-3. [AMENDED]
- Subchapter 13. Open Burning  
252:100-13-2. [AMENDED]  
252:100-13-7. [AMENDED]  
252:100-13-8. [NEW]  
252:100-13-9. [AMENDED]  
252:100-13-10. [AMENDED]  
252:100-13-12. [NEW]
- Subchapter 25. Visible Emissions and Particulates  
252:100-25-5. [AMENDED]
- Subchapter 31. Control of Emission of Sulfur Compounds  
Part 5. New Equipment Standards  
252:100-31-25. [AMENDED]
- Appendix Q. Incorporation By Reference [REVOKED]
- Appendix Q. Incorporation By Reference [NEW]

### **REGISTER PUBLICATION OF NOTICE:**

The Notice of Rulemaking Intent for this action was published in the Oklahoma Register on September 17, 2012.

### **CANCELLED PUBLIC HEARING:**

Before the Air Quality Advisory Council at 9:00 a.m. on Wednesday, October 17, 2012 at the DEQ headquarters, 707 North Robinson, Oklahoma City, Oklahoma 73102.

Before the Environmental Quality Board at 9:30 a.m. on Wednesday, November 7, 2012, at the CETES Center,

Conference Room AB, 2800 Gore Blvd., Lawton, Oklahoma 73505.

*[OAR Docket #12-915; filed 10-17-12]*

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## **TITLE 252. DEPARTMENT OF ENVIRONMENTAL QUALITY CHAPTER 100. AIR POLLUTION CONTROL**

*[OAR Docket #12-916]*

### **RULEMAKING ACTION:**

Cancelled Public Hearing relating to a proposed EMERGENCY rulemaking action

### **PROPOSED RULES:**

- Subchapter 13. Open Burning  
252:100-13-2. [AMENDED]  
252:100-13-7. [AMENDED]  
252:100-13-8. [NEW]  
252:100-13-9. [AMENDED]  
252:100-13-10. [AMENDED]  
252:100-13-12. [NEW]

### **REGISTER PUBLICATION OF NOTICE:**

The Notice of Rulemaking Intent for this action was published in the Oklahoma Register on September 17, 2012.

### **CANCELLED PUBLIC HEARING:**

Before the Air Quality Advisory Council at 9:00 a.m. on Wednesday, October 17, 2012 at the DEQ headquarters, 707 North Robinson, Oklahoma City, Oklahoma 73102.

Before the Environmental Quality Board at 9:30 a.m. on Wednesday, November 7, 2012, at the CETES Center, Conference Room AB, 2800 Gore Blvd., Lawton, Oklahoma 73505.

*[OAR Docket #12-916; filed 10-17-12]*



# Emergency Adoptions

An agency may adopt new rules, or amendments to or revocations of existing rules, on an emergency basis if the agency determines that "an imminent peril exists to the preservation of the public health, safety, or welfare, or that a compelling public interest requires an emergency rule[s] . . . . [A]n agency may promulgate, at any time, any such [emergency] rule[s], provided the Governor first approves such rule[s]" [75 O.S., Section 253(A)].

An emergency action is effective immediately upon approval by the Governor or on a later date specified by the agency in the preamble of the emergency rule document. An emergency rule expires on July 15 after the next regular legislative session following promulgation, or on an earlier date specified by the agency, if not already superseded by a permanent rule or terminated through legislative action as described in 75 O.S., Section 253(H)(2).

Emergency rules are not published in the *Oklahoma Administrative Code*; however, a source note entry, which references the *Register* publication of the emergency action, is added to the *Code* upon promulgation of a superseding permanent rule or expiration/termination of the emergency action.

*For additional information on the emergency rulemaking process, see 75 O.S., Section 253.*

## TITLE 715. TEACHERS' RETIREMENT SYSTEM CHAPTER 10. GENERAL OPERATIONS

*[OAR Docket #12-917]*

### RULEMAKING ACTION:

EMERGENCY adoption

### RULES:

Subchapter 17. Post-Retirement Employment  
715:10-17-6 [AMENDED]

### AUTHORITY:

70 O.S. Section 17-101, et seq., especially Section 17-106(10); Board of Trustees

### DATES:

#### Adoption:

August 23, 2012

#### Approved by Governor:

September 25, 2012

#### Effective:

Immediately upon Governor's approval

#### Expiration:

Effective through July 14, 2013, unless superseded by another rule or disapproved by the Legislature

### SUPERSEDED EMERGENCY ACTIONS:

n/a

### INCORPORATIONS BY REFERENCE:

n/a

### FINDING OF EMERGENCY:

These rules will provide a more efficient administration of the System. These rules are necessitated by the 2012 Permanent Rules Changes approved and effective as of August 1, 2012.

### ANALYSIS:

715:10-17-6 is being amended to clarify the monthly pro-ration of the annual post-retirement earnings provisions. Without this clarification, the

2012 Permanent Rules Changes approved and effective as of August 1, 2012 would expand the post-retirement earnings provisions by allowing a retiree to earn the annual limit in less than a full year.

### CONTACT PERSON:

Becky Wilson, Rules Liaison, Teachers' Retirement System of Oklahoma, 2500 N. Lincoln Blvd., Oklahoma City, OK 73105, 405-521-4745

**PURSUANT TO THE ACTIONS DESCRIBED HEREIN, THE FOLLOWING EMERGENCY RULES ARE CONSIDERED PROMULGATED AND EFFECTIVE UPON APPROVAL BY THE GOVERNOR AS SET FORTH IN 75 O.S. SECTION 253(D):**

## SUBCHAPTER 17. POST RETIREMENT EMPLOYMENT

### 715:10-17-6. Earnings limits

The earnings limit for post-retirement earnings shall be one-twelfth (1/12) of the annual limit multiplied by the number of months the member is eligible to work and receive payments during each calendar year from the public schools of Oklahoma. ~~The All other~~ limitations on post-retirement earnings shall be administered as directed in Title 70, Oklahoma Statutes, Section 17-116.10 [70 O.S. 17-116.10].

*[OAR Docket #12-917; filed 10-19-12]*



# Executive Orders

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As required by 75 O.S., Sections 255 and 256, Executive Orders issued by the Governor of Oklahoma are published in both the *Oklahoma Register* and the *Oklahoma Administrative Code*. Executive Orders are codified in Title 1 of the *Oklahoma Administrative Code*.

Pursuant to 75 O.S., Section 256(B)(3), "Executive Orders of previous gubernatorial administrations shall terminate ninety (90) calendar days following the inauguration of the next Governor unless otherwise terminated or continued during that time by Executive Order."

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## TITLE 1. EXECUTIVE ORDERS

**1:2012-28.**

### EXECUTIVE ORDER 2012-28

I, Mary Fallin, Governor of the State of Oklahoma, pursuant to the authority vested in me by Sections 1 and 2 of Article VI of the Oklahoma Constitution, in recognition of Veterans Day, hereby direct the appropriate steps be taken to fly all American and Oklahoma flags at half-staff from 8:00 a.m. until 5:00 p.m. on Monday, November 12, 2012, to honor those Americans who gave their lives for the freedoms we enjoy today.

This executive order shall be forwarded to the Division of Capital Assets Management, who shall cause the provisions of this order to be implemented by all appropriate agencies of state government.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Great Seal of the State of Oklahoma to be affixed at Oklahoma City, Oklahoma, this 29th day of October, 2012.

BY THE GOVERNOR OF THE  
STATE OF OKLAHOMA

Mary Fallin

ATTEST:  
Michelle R. Day  
Assistant Secretary of State

*[OAR Docket #12-962; filed 10-31-12]*

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