

**TITLE 252. DEPARTMENT OF ENVIRONMENTAL QUALITY
CHAPTER 306. STATE ENVIRONMENTAL LABORATORY SERVICES**

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

252:306-1-1. [NEW]

252:306-1-2. [NEW]

252:306-1-3. [NEW]

252:306-1-4. [NEW]

252:306-1-5. [NEW]

252:306-1-6. [NEW]

Appendix A. [NEW]

SUMMARY:

This Chapter contains rules regarding fees and services offered by the State Environmental Laboratory Services Division (SELSD), DEQ. The proposed addition of Chapter 306 to OAC Title 252 is intended to replace Chapter 305, which is proposed for revocation, in its entirety, through the rulemaking process. Chapter 306 provides updated fees and services offered by SELSD, in compliance with Oklahoma Statutes. Chapter 306 includes updated references to statutory language, which grants the Water Quality Management Advisory Council (WQMAC) authority to recommend to the Environmental Quality Board (EQB), rules on behalf of SELSD. The types of services provided are detailed for both DEQ's needs as well as those outside of DEQ including citizens, municipalities, industry, and other agencies. SELSD's Quality Assurance Manual is referenced as well as DEQ's Quality Management Plan, which together represent SELSD's Quality System. The number and types of laboratory analysis services offered are detailed, including all applicable base fees, in Appendix A, and an annual, optional, fee adjustment using the Consumer Price Index (CPI) is included. Chapter 306 also details other analysis, special services, possible discounts for large volume requests, and EPA's grant of primacy naming SELSD as the Principal State Laboratory with laboratory accreditation responsibilities for analytical measuring of contaminants specified in OAC 252:631 (state primary drinking water requirements).

The Office of Administrative Rules has pre-authorized the use of Chapter 306 if the Water Quality Advisory Management Council recommends adoption of the revocation of Chapter 305, and replacement by 306, to the Environmental Quality Board.

AUTHORITY:

Environmental Quality Board; 27A O.S., Sections 2-2-101, 2-2-201, and 2-4-302.

Water Quality Advisory Management Council; 27A O.S., Sections 2-2-201 and 2-4-302.

Laboratory Services; 27A O.S., Sections 2-4-201 through 2-4-302.

COMMENT PERIOD:

Written comments may be submitted to the contact person from December 2, 2024, through January 7, 2025. Oral comments may be made at the January 7, 2025, Water Quality Management Advisory Council meeting and at the January 21, 2025, Environmental Quality Board meeting.

PUBLIC HEARING:

Oral comments will be heard before the Water Quality Management Advisory Council at 2:00 p.m. on Tuesday, January 7, 2025, at the DEQ Headquarters, 707 N Robinson, Oklahoma City, OK 73102. If the Council recommends adoption, the proposed rules will be considered by the Environmental Quality Board at its meeting scheduled for January 21, 2025, at the DEQ

Headquarters, 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, in dollar amounts if possible, the increase in the level of direct costs such as fees, and the 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.

COPIES OF PROPOSED RULES:

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

RULE IMPACT STATEMENT:

Copies of the rule impact statement may be obtained from the contact person or reviewed online at <https://www.deq.ok.gov/council-meetings/water-quality-management-advisory-council/>.

CONTACT PERSON:

The contact person is Susan Mensik, Environmental Programs Manager, Department of Environmental Quality, State Environmental Laboratory Services Division, ATTN: Susan Mensik, P.O. Box 1677, Oklahoma City, OK 73101-1677, email susan.mensik@deq.ok.gov, by phone (405) 702-9145, or by fax at (405) 702-7102.

PERSONS WITH DISABILITIES:

Person with disabilities who desire to attend the public hearing and need accommodation, should notify the contact person three (3) working days in advance at (405) 702-9145. For the hearing impaired, the TDD relay number is 1-800-522-8506 or 1-800-722-0353, for TDD machine use only.