

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

Before the Water Quality Management Advisory Council on January 9, 2024
Before the Environmental Quality Board on February 13, 2024

RULE IMPACT STATEMENT

Subchapter 1. Introduction

- 252:606-1-1 [AMENDED]
- 252:606-1-2 [AMENDED]
- 252:606-1-2.1 [NEW]
- 252:606-1-3 [AMENDED]
- 252:606-1-4 [AMENDED]
- 252:606-1-5 [AMENDED]
- 252:606-1-6 [AMENDED]

Subchapter 3. Discharge Permitting Process for Individual and General Discharge Permits

- 252:606-3-1 [AMENDED]
- 252:606-3-3 [AMENDED]
- 252:606-3-4 [AMENDED]
- 252:606-3-6 [AMENDED]

Subchapter 5. Discharge Permit Requirements

- 252:606-5-1 [AMENDED]
- 252:606-5-2 [AMENDED]
- 252:606-5-3 [AMENDED]
- 252:606-5-4 [AMENDED]
- 252:606-5-5 [AMENDED]

Subchapter 6. Point Source Discharges [NEW]

- 252:606-6-1 [NEW]
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Subchapter 8. Biosolids Requirements

252:606-8-1 [AMENDED]
252:606-8-3 [AMENDED]
252:606-8-4 [AMENDED]
252:606-8-5 [AMENDED]
252:606-8-6 [AMENDED]
252:606-8-7 [AMENDED]

Subchapter 11. Tests and Reports

252:606-11-1 [AMENDED]
252:606-11-2 [AMENDED]
252:606-11-3 [AMENDED]
252:606-11-4 [AMENDED]
252:606-11-5 [AMENDED]

Appendix A. Minimum Control Test for Wastewater Treatment Facilities [REVOKED]

- Appendix A. Minimum Control Test for Wastewater Treatment Facilities [NEW]
- Appendix B. Annual Fees for Non-Industrial Discharge Permits [REVOKED]
- Appendix B. Annual Fees for Non-Industrial Discharge Permits [NEW]
- Appendix C. Annual Industrial Discharge Fees [REVOKED]
- Appendix C. Annual Industrial Discharge Fees [NEW]
- Appendix E. Fees for Industrial Users [REVOKED]
- Appendix E. Fees for Industrial Users [NEW]
- Appendix F. Fees for Land Application of Biosolids [REVOKED]
- Appendix F. Fees for Land Application of Biosolids [NEW]
- Appendix G. Monitoring Frequencies for Backwash Discharge from Potable Water Treatment Facilities [REVOKED]
- Appendix G. Monitoring Frequencies for Backwash Discharge from Potable Water Treatment Facilities [NEW]
- Appendix H. Priority and Nonpriority Pollutants with Numerical Criteria Requiring Reasonable Potential Screening [NEW]
- Appendix I. Methodology and Equations for Characterizing Effluent and Background Concentrations in Determination of Reasonable Potential to Exceed Numerical Criteria [NEW]
- Appendix J. Whole Effluent Toxicity (WET) Testing Critical Dilutions and Dilution Series [NEW]
- Appendix K. Equations for Implementation of Temperature Criteria to Protect the Fish and Wildlife Propagation Beneficial Use [NEW]
- Appendix L. Equations for Implementation of Numerical Criteria for Toxic Substances to Protect the Fish and Wildlife Propagation Beneficial Use [NEW]
- Appendix M. Equations for Implementation of Numerical Human Health and Raw Water Criteria to Protect the Fish Consumption and Public and Private Water Supply Beneficial Use [NEW]
- Appendix N. Equations for Implementation of Numerical Criteria to Protect the Agriculture Beneficial Use [NEW]
- Appendix O. Performance-Based Effluent Monitoring Frequency Reductions and Increases [NEW]
- Appendix P. Background Monitoring [NEW]

DESCRIPTION:

The gist of this rule and the underlying reason for the rulemaking is to streamline the Department of Environmental Quality (DEQ) rules as part of a proposal to transfer existing regulations from Chapter 690 into this chapter. As part of the proposed agency rule changes, Chapter 690 will be revoked and the provisions in Chapter 690 dealing with point source discharges will be merged into Chapter 606, resulting in new Subchapter 6, and Appendices H through P. This will consolidate the technical permitting rules for point source discharges into one rule, Chapter 606.

The Department also proposes to update its rules concerning the date of incorporation by reference for the Code of Federal Regulations from July 1, 2022, to July 12, 2023. One final regulatory change included in this update consisted of the U.S. Environmental Protection Agency (EPA) finalizing clarifications to its National Pollutant Discharge Elimination System (NPDES) Stormwater Phase II regulations due to recent changes made by the Census Bureau. The changes

to EPA's regulations are limited to clarifying that the designation criteria for small municipal separate storm sewer systems (MS4's), which have been used since the promulgation of the regulations in 1999, will remain the same. These clarifications are necessary due to the Census Bureau's recent decision to discontinue its practice of publishing the location of "urbanized areas" along with the 2020 Census and future censuses. The clarifications in this final rule replaced the term "urbanized area" in the Phase II regulations with the phrase "urban areas with a population of at least 50,000", which is the Census Bureau's longstanding definition of the term urbanized areas. This change allows NPDES permitting authorities to use 2020 Census and future Census data in a manner that is consistent with existing longstanding regulatory practice. Since the Census Bureau and EPA have discontinued use of the term "urbanized area," the Department will need to delete references to "urbanized area" and replace them with references to "urban areas with a population of at least 50,000" during the next permit renewal process. Another rule change was made to 40 CFR Part 423, the Steam Electric Power Generating Point Source Category, to extend the date for existing coal-fired power plants to submit a notice of planned participation (NOPP) for the permanent cessation of coal combustion subcategory in the 2020 Steam Electric Reconsideration Rule from October 13, 2021, to June 27, 2023. This rule was effective May 30, 2023. Changes are proposed to Appendices A, B, C, E, F, and G to correct minor typographical and formatting errors, and to replace references to "the DEQ" and "the Department" with "DEQ". Additional proposed change to Appendix A replaces "Fecal Coliform" in Tables 1-1, 1-2, and 1-3 with "Fecal Indicator Bacteria", corrects effluent flow monitoring frequency in Table 1-1 for facilities discharging over one million gallons per day and adds Total Phosphorus as a control test in Table 1-3.

CLASSES OF PERSONS AFFECTED:

Classes of persons affected are those who own, operate or plan to operate municipal or industrial wastewater treatment facilities and that must obtain permits to treat, dispose, and reuse municipal and industrial wastewater. This will also affect customers of those systems, incarcerated persons, and any other person that recreates in Oklahoma's waters.

CLASSES OF PERSONS WHO WILL BEAR COSTS: There is no anticipated increase in costs as a result of these rule changes.

INFORMATION ON COST IMPACTS FROM PRIVATE/PUBLIC ENTITIES: DEQ has not received any information from other public or private entities concerning the cost impacts of the proposed regulations.

CLASSES OF PERSONS BENEFITTED: Classes of persons benefitted are those who own, operate or plan to operate municipal and industrial wastewater treatment facilities and that must obtain permits to treat, dispose, and reuse municipal and industrial wastewater. This will also affect customers of those systems, incarcerated persons, and any other person that recreates in Oklahoma's waters.

PROBABLE ECONOMIC IMPACT ON AFFECTED CLASSES OF PERSONS: There is no anticipated increase in costs as a result of these rule changes.

PROBABLE ECONOMIC IMPACT ON POLITICAL SUBDIVISIONS: It is unlikely that the proposed rulemaking will have an economic impact on political subdivisions (e.g., municipalities).

POTENTIAL ADVERSE EFFECT ON SMALL BUSINESS: DEQ has not identified any foreseeable adverse effect on small businesses.

LISTING OF ALL FEE CHANGES, INCLUDING A SEPARATE JUSTIFICATION FOR EACH FEE CHANGE: None

PROBABLE COSTS AND BENEFITS TO DEQ TO IMPLEMENT AND ENFORCE: There will be additional staffing costs to update all rule citations in permits, fact sheets and other associated documents.

PROBABLE COSTS AND BENEFITS TO OTHER AGENCIES TO IMPLEMENT AND ENFORCE: There are no anticipated impacts to other agencies.

SOURCE OF REVENUE TO BE USED TO IMPLEMENT AND ENFORCE RULE: Potential sources of funding include General Revenue, federal grant dollars, and fees for service for certain activities.

PROJECTED NET LOSS OR GAIN IN REVENUES FOR DEQ AND/OR OTHER AGENCIES, IF IT CAN BE PROJECTED: DEQ projects there will be additional staffing costs to update rule citations in permits, fact sheets, and other associated documents.

COOPERATION OF POLITICAL SUBDIVISIONS REQUIRED TO IMPLEMENT OR ENFORCE RULE: DEQ does not anticipate the need for additional cooperation with political subdivisions associated with this rulemaking.

EXPLANATION OF THE MEASURES THE DEQ TOOK TO MINIMIZE COMPLIANCE COSTS: DEQ intends to use current staffing and workload as much as possible to update rule citations in permits, fact sheets and other associated documents. However, DEQ anticipates additional staff may be needed.

DETERMINATION OF WHETHER THERE ARE LESS COSTLY OR NONREGULATORY OR LESS INTRUSIVE METHODS OF ACHIEVING THE PURPOSE OF THE PROPOSED RULE: DEQ has determined there are no less costly or non-regulatory methods of achieving the purpose of the proposed regulations.

DETERMINATION OF THE EFFECT ON PUBLIC HEALTH, SAFETY AND ENVIRONMENT: There is no specific anticipated effect on public health and safety at this time.

IF THE PROPOSED RULE IS DESIGNED TO REDUCE SIGNIFICANT RISKS TO THE PUBLIC HEALTH, SAFETY AND ENVIRONMENT, EXPLANATION OF THE

NATURE OF THE RISK AND TO WHAT EXTENT THE PROPOSED RULE WILL REDUCE THE RISK: This rulemaking is not designed to reduce significant risks to the public health, safety and environment.

DETERMINATION OF ANY DETRIMENTAL EFFECT ON THE PUBLIC HEALTH, SAFETY AND ENVIRONMENT IF THE PROPOSED RULE IS NOT IMPLEMENTED: There has been no determination of any detrimental effect on public health, safety and environment.

PROBABLE QUANTITATIVE AND QUALITATIVE IMPACT ON BUSINESS ENTITIES (INCLUDE QUANTIFIABLE DATA WHERE POSSIBLE): DEQ has not received any quantifiable or qualitative data of the impacts of the proposed updates.

THIS RULE IMPACT STATEMENT WAS PREPARED ON: December 7, 2023