

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

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 1. Introduction

252:606-1-4 [AMENDED]

SUMMARY:

The gist of this rule and the underlying reason for the rulemaking is to update its rules concerning the date of incorporation by reference for the Code of Federal Regulations from July 12, 2023, to July 8, 2024. The first regulatory change was the Clean Water Act Section 401 Water Quality Certification Improvement Rule that became effective November 27, 2023. The purpose of the final rule was to provide stakeholders with a clear and consistent certification process while ensuring protection of vital state, territory, and Tribal water resources. The second regulatory change, effective on June 17, 2024, consisted of EPA finalizing changes to its test procedures required to be used by industries and municipalities when analyzing the chemical, physical, and biological properties of wastewater and other samples for reporting under the EPA's National Pollutant Discharge Elimination System permit program. This provides timelier access to new measurement techniques and greater flexibility in the selection of analytical methods, thereby reducing monitoring costs while maintaining public health protection. A third regulatory change was the Steam Electric Power Generating Effluent Guidelines final rule which became effective July 8, 2024. This rule revises the technology-based effluent limitation guidelines and standards for the steam electric power generating point source category applicable to flue gas desulfurization (FGD) wastewater, bottom ash transport water, legacy wastewater at existing sources, and combustion residual leachate at new and existing sources. Lastly, EPA designated two per- and polyfluoroalkyl substances —perfluorooctanoic acid (“PFOA”) and perfluorooctanesulfonic acid (“PFOS”), including their salts and structural isomers, as hazardous substances under section 102(a) of the Comprehensive Environmental Response, Compensation, and Liability Act (“CERCLA”). As a result of designation, CERCLA and EPCRA reporting requirements apply to releases of PFOA or PFOS or their salts and structural isomers. This rule became effective July 8, 2024.

AUTHORITY:

Environmental Quality Board; 27A O.S. §§ 2-2-101, 2-6-103, and 2-6-203.

Water Quality Management Advisory Council; 27A O.S. § 2-2-201.

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 Water Quality Management Advisory Council meeting on January 7, 2025, and at the Environmental Quality Board meeting on January 21, 2025.

PUBLIC HEARINGS:

Before the Water Quality Management Advisory Council on January 7, 2025, at 2:00 p.m. at the Department of Environmental Quality offices, First Floor, 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 on Tuesday, January 21, 2025 at 9:30 a.m. at the DEQ Headquarters, First Floor, 707 N. Robinson Avenue, Oklahoma City, OK 73102.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

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

COPIES OF PROPOSED RULES:

Copies of the proposed rules may be obtained from the contact person, reviewed at the Department of Environmental Quality, 707 N. Robinson, Oklahoma City, Oklahoma, during normal business hours (8:00 am - 4:30 pm Monday through Friday) or reviewed online at <https://www.deq.ok.gov/council-meeting-single/?meetingid=MTc2Njg=>.

RULE IMPACT STATEMENT:

Copies of the rule impact statement may be obtained from the contact person or may be reviewed online at <https://www.deq.ok.gov/council-meeting-single/?meetingid=MTc2Njg=>.

CONTACT PERSON:

Brian Clagg, Water Quality Division, 707 N. Robinson, P.O. Box 1677, Oklahoma City, OK 73101-1677, email brian.clagg@deq.ok.gov, phone (405) 702-8100, or fax (405) 702-8101.

PERSONS WITH DISABILITIES:

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