

**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

252:606-1-1 [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]

252:606-6-2 [NEW]

252:606-6-3 [NEW]

252:606-6-4 [NEW]

252:606-6-5 [NEW]

252:606-6-6 [NEW]

252:606-6-7 [NEW]

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252:606-6-93 [NEW]
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]

SUMMARY:

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.

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 1, 2023, through January 9, 2024. Oral comments may be made at the Water Quality Management Advisory Council meeting on January 9, 2024, and at the Environmental Quality Board meeting on February 13, 2024.

PUBLIC HEARINGS:

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

The 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-meetings/water-quality-management-advisory-council/>.

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-meetings/water-quality-management-advisory-council/>.

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.