

**TITLE 252. DEPARTMENT OF ENVIRONMENTAL QUALITY  
CHAPTER 611. GENERAL WATER QUALITY**

**SUBCHAPTER 1. GENERAL PROVISIONS**

**252:611-1-1. Purpose**

~~The purpose of this Chapter is to protect, maintain and improve the quality of waters of the state, as set forth in Title 27A O.S. § 2-6-102 and to enforce and protect Oklahoma's Water Quality Standards (OAC 252:730). This Chapter implements the broad authority of the DEQ over surface, ground and other waters of the state. This Chapter establishes guidance and requirements for DEQ jurisdictional areas for the implementation of Oklahoma's Water Quality Standards, found at OAC 252:730, pursuant to 27A O.S § 1-1-202(B), which mandated each of the state's environmental agencies to promulgate a Water Quality Standards Implementation Plan (WQSIP) by July 1, 2001, for its jurisdictional areas of environmental responsibility in compliance with the Administrative Procedures Act. Each state environmental agency is required to review its WQSIP at least every three years thereafter to determine whether revisions to the plan are necessary. In addition to this subchapter, the following may apply:~~

- (1) OAC 252:205, "Hazardous Waste Management;"
- (2) OAC 252:220, "Brownfields;"
- (3) OAC 252:301, "Laboratory Accreditation;"
- (4) OAC 252:410, "Radiation Management;"
- (5) OAC 252:515, "Management of Solid Waste;"
- (6) OAC 252:606, "Discharge Standards;"
- (7) OAC 252:616, "Industrial Wastewater Systems;"
- (8) OAC 252:619, "Operation and Maintenance of Non-Industrial Total Retention Lagoon Systems and Land Application;"
- (9) OAC 252:621, "Non-Industrial Flow-Through and Public Water Supply Impoundments Including Land Application;"
- (10) OAC 252:626, "Public Water Supply Construction Standards;"
- (11) OAC 252:631, "Public Water Supply Operation;"
- (12) OAC 252:641, "Individual and Small Public On-Site Sewage Treatment Systems;"
- (13) OAC 252:652, "Underground Injection Control;"
- (14) OAC 252:656, "Water Pollution Control Facility Construction;" and
- (15) OAC 252:710, "Waterworks and Wastewater Works Operator Certification."

**252:611-1-2. Definitions**

In addition to definitions adopted by reference, the following words and terms, when used in this Chapter, shall have the following meaning, unless the context clearly indicates otherwise:

"303(d) List" means the list of impaired waterbodies not meeting WQS, required by Section 303(d) of the CWA.

"305(b) List" means an inventory of the water quality of all waterbodies in the state.

"40 CFR" means Title 40 of the Code of Federal Regulations.

"AO" means an Administrative Order.

"ARAR" means appropriate, relevant and applicable requirements, when used in the context of Superfund and Brownfields-related investigations and remediations.

"BMP" means Best Management Practice(s), a technique determined to be the most effective, practical means of preventing or reducing pollutant discharges to achieve water quality goals. The term is generally applied in the context of nonpoint sources.

"Board" means the Environmental Quality Board.

"CAFO" means Concentrated Animal Feeding Operation.

"CEI" means Compliance Evaluation Inspection.

"CERCLA" means the Comprehensive Environmental Response, Compensation and Liability Act, also known as Superfund (see also SARA).

"Conventional Pollutants" means the following five pollutants: five-day biochemical oxygen demand (BOD<sub>5</sub>) or, alternatively, five-day carbonaceous biochemical oxygen demand, (CBOD<sub>5</sub>), suspended solids, oil and grease, fecal coliform and pH.

"Corporation Commission" means the Oklahoma Corporation Commission.

"Clean Water Act" or "CWA" means the federal Water Pollution Control Act, 33 U.S.C. § 251 *et seq.*, as amended.

"Code" means the Environmental Quality Code, 27A O.S. § 2-1-101 *et seq.*, as amended.

"CPP" means the continuing planning process documents required pursuant to this chapter and 40 CFR Part 130.

"Critical dilution" means an effluent dilution, expressed as a percentage, representative of the dilution afforded a wastewater discharge according to the appropriate Q\*-dependent chronic mixing zone equation for chronic WET testing. The critical dilution for acute WET testing is 100%.

"DEQ" and "Department" meanmeans the Oklahoma Department of Environmental Quality.

"Dilution series" means a set of proportional effluent dilutions for acute or chronic WET testing based on a specified critical dilution, which is typically the next-to-highest dilution in the series.

"DMR" means Discharge Monitoring Report, a report submitted to WQD on a monthly basis, or at another frequency specified in an OPDES permit, via a specialized form by OPDES permittees in accordance with the effluent limitations and monitoring requirements of such permit and standard conditions thereof. Information provided on the DMR is entered into EPA's Integrated Compliance Information System (see ICIS).

"ECLS" means the Environmental Complaints and Local Services Division of DEQ.

"ELG" means Effluent Limitations Guideline, one of a series of technology-based effluent limitations standards, either for direct discharge to Waters of the United States or for discharge to a POTW, established for certain categories of industries pursuant to Sections 306 and 307 of the CWA.

"EPA" means the United States Environmental Protection Agency.

"EPA Region 6" means the EPA Region 6 office in Dallas, Texas.

"Fish and Wildlife Propagation" means the WQS beneficial use designation for promoting fish and wildlife propagation for the fishery classifications of HLAC, WWAC, CWAC, and Trout Fishery (Put and Take).

"Fish Consumption" means the WQS beneficial use designation for the protection of human health for the consumption of fish flesh.

"HQW" means High Quality Water, defined as a water of the state which possesses an existing water quality which exceeds that necessary to support the propagation of fishes, shellfishes, wildlife, and recreation in and on the water, and which is designated as such in OAC 252:730, Appendix A.

"ICIS" means integrated compliance information system.

"IU Permit" means Industrial User Permit, a permit issued in accordance with the National Pretreatment Regulation at 40 CFR Part 403 and, as appropriate, the categorical pretreatment standards at 40 CFR Parts 405 through 499.

"Load Allocation or LA" means the portion of a receiving water's TMDL that is attributed either to one of its existing or future nonpoint sources or to natural background sources.

"LPD" means the Land Protection Division of DEQ.

"LUST" means leaking underground storage tank.

"Major discharger" means an industrial facility which has a point rating greater than or equal to 80 according to the NPDES permit rating system for industrial discharges; a POTW with a design flow greater than or equal to 1.0 MGD; or any facility designated as such by EPA in conjunction with the state permitting authority.

"MCL" means maximum contaminant level.

"Municipal" means a publicly owned treatment works or facilities which are privately owned that generate only domestic waste including mobile home parks, home owner's associations, etc.

"NELAP" means the National Environmental Laboratory Accreditation Program.

"Nonpoint source" means a source without a well-defined point of origin.

"Non-pretreatment program POTW" means a POTW receiving industrial wastewater discharges which does not have an approved pretreatment program, is not in the process of developing a pretreatment program and has not been directed to develop a pretreatment program.

"NOV" means Notice of Violation.

"NPDES" means the National Pollutant Discharge Elimination System, as authorized by Section 402 of the CWA. DEQ has received delegation of the NPDES program in Oklahoma, except for certain jurisdictional areas related to agriculture and the oil and gas industry retained by ODA and Corporation Commission, for which EPA has retained permitting authority. The NPDES program is implemented in Oklahoma via the OPDES program pursuant to the OPDES Act and in accordance with the Memorandum of Agreement between DEQ and EPA relating to administration and enforcement of the delegated NPDES program.

"NRC" means the U.S. Nuclear Regulatory Commission.

"NRWQC" means the National Recommended Water Quality Criteria, publication no. EPA 822-Z-99-001, April 1999.

"OAC" means Oklahoma Administrative Code.

"OCC" means the Oklahoma Conservation Commission.

"ODA" means the Oklahoma Department of Agriculture.

"ODM" means the Oklahoma Department of Mines.

"Oklahoma's Water Quality Standards" or "OWQSWQS" or "Standards" means the rules promulgated by the DEQ at OAC 252:730, which classify waters of the state, designate the uses for which the various waters of the State shall be maintained and protected and prescribe the water quality standards required to sustain designated uses.

"OPDES" means Oklahoma Pollutant Discharge Elimination System (see also NPDES).

"OPDES Act" means the Oklahoma Pollutant Discharge Elimination System Act, 27A O.S. § 2-6-101 et seq.

"OPDES Permit" means a permit issued pursuant to the OPDES Act.

"ORW" means Outstanding Resource Water, defined as a water of the state which constitutes an outstanding resource or is of exceptional recreational and/or ecological significance, and which is designated as such in OAC 252:730, Appendix A.

"O.S." means Oklahoma Statutes.

"OWQScreen" means a spreadsheet application package for screening point source discharges against WQS criteria and developing OPDES permit limitations.

"OWRB" means the Oklahoma Water Resources Board.

"Point Source" means any discernible, confined and discrete conveyance or outlet, including but not limited to any pipe, ditch, channel, tunnel, conduit, well, discrete fissure, container, rolling stock, or vessel or other floating craft, from which pollutants are or may be discharged into waters of the state. The term "point source" shall not include agricultural stormwater runoff and return flows from irrigated agriculture.

"POTW" means publicly owned treatment works.

"Reasonable potential" means causes, or has a reasonable potential to cause or contribute to an exceedance of a water quality criterion.

"Receiving water" means the water of the state to which a wastewater is discharged.

"SARA" means the Superfund Amendments and Reauthorization Act (see also CERCLA).

"Scenic River" means a river or stream so designated pursuant to the Oklahoma Scenic Rivers Act. A scenic river is automatically considered an ORW.

"Section 106" means Section 106 of the CWA, which provides annual grants for water quality management activities and special projects.

"Section 303" means Section 303 of the CWA, which requires states to review and, as necessary, revise their water quality standards at least every three years.

"Section 303(d)" means Section 303(d) of the CWA, which requires states to identify waters that do not or are not expected to meet applicable water quality standards with technology-based controls alone (sometimes referred to as the 303(d) List). States establish priority rankings for the listed waters, taking into account pollution severity and existing and designated beneficial uses of the waters. States must develop TMDLs for waters on this list according to priority rankings.

"Section 303(e)" means Section 303(e) of the CWA, which requires each state to prepare a CPP document.

"Section 401" means Section 401 of the CWA, which requires applicants for federal licenses or permits for the construction or operation of facilities which may result in discharges into Waters of the United States to provide the licensing or permitting agency a certification from the state in which the discharge originates or will originate or, if appropriate, from the interstate water pollution control agency having jurisdiction over the Waters of the United States at the point where the discharge originates or will originate.

"Section 402" means Section 402 of the CWA, which establishes the National Pollutant Discharge Elimination System (NPDES).

"SEL" means the State Environmental Laboratory.

"SMCRA" means the Surface Mining Control and Reclamation Act of 1977.

"Standard deviation (s<sub>x</sub>)" means the standard deviation of an untransformed data set based on a sample of size N.

"SWP3" means Stormwater Pollution Prevention Plan.

"SWS" means Sensitive Water Supply, defined as a water of the state which constitutes a sensitive public and private water supply, and which is designated as such in OAC 252:730, Appendix A.

"TBLL" means, in the context of the pretreatment program, Technically Based Local Limits.

"Technology-based limitation" means an effluent limitation based on various levels of technologically-achievable performance.

"TIE" means toxicity identification evaluation.

"TMDL" means total maximum daily load.

"TRE" means toxicity reduction evaluation.

"UIC" means Underground Injection Control.

"USAP" means Use Support Assessment Protocols, as defined at OAC 252:740.

"USFWS" means the United States Fish and Wildlife Service.

"USGS" means the United States Geological Survey.

"Wasteload allocation" or "WLA" means the portion of a receiving water's that is allocated to one of its existing or future point sources of pollution.

"Water quality-based limitation" means an effluent limitation required to attain and maintain water quality standards.

"WET limit" means a WET testing limitation, the exceedance of which constitutes a permit violation.

"WET testing" means testing for whole effluent toxicity:

(A) using an effluent dilution series based on a critical dilution,

(B) with a specific aquatic animal species, and

(C) utilizing EPA-approved testing methods.

"WOTUS" means Waters of the United States. For the purposes of this chapter, WOTUS means those Waters of the United States within the State of Oklahoma.

"WQD" means the Water Quality Division of DEQ.

"WQMP" means the statewide Section 208 Water Quality Management Plan.

"WQS Implementation Criteria" means procedures used to implement the WQS, including mixing zones, regulatory effluent and receiving water flows, determination of effluent wasteload allocations and criteria long-term average concentrations, determination of permit limitations and antidegradation policy implementation. Statewide WQS Implementation Criteria of general applicability are found at OAC 252:740. WQS implementation criteria for facilities under DEQ jurisdiction are found in this Chapter and the CPP.

"WQSIP" means Water Quality Standards Implementation Plan.

### **252:611-1-3. Adoption and incorporation by reference**

40 CFR Part 130 ~~is and~~ Parts 144-148 are adopted and incorporated by reference, as published on July 1, ~~2010~~2022, and the requirements contained therein are, unless otherwise specified, adopted and incorporated by reference in their entirety. OAC 252:205-3-2(b)-(m) are also applicable to this Chapter.

### **252:611-1-4. Site and natural resource assessment**

(a) When necessary ~~the~~ DEQ may require a site assessment to determine the nature of pollution at a site.

(b) The cost of environmental assessments shall be paid by the responsible party(ies) or as allowed by law. Requirements for the conduct of and the content of natural resource assessments may include short term and ~~long term~~ long-term biological studies, monitoring, sampling, pathway assessment, cost/benefit analysis, and the development of alternative corrective action, remediation, replacement and mitigation plans. Appropriate deadlines may be set for completion and submittal of portions of the assessment and the final assessment.

### **252:611-1-6. Nonpoint source pollution control**

~~Best Management Practices (BMPs)~~ shall be required in the watersheds of Scenic Rivers and Outstanding Resource Waters as designated in the ~~OWQS~~ WQS.

### **252:611-1-7. Planning and wasteload allocations**

~~Compliance with the requirements of 40 CFR Part 130 and the CPP is required prior to issuance of a permit by the DEQ under OAC 252:606 for a new facility or modified permit that increases an existing limit for flow or pollutant load or adds a new pollutant. DEQ will establish TMDLs for impaired waterbodies, including wasteload allocations for point sources and load allocations for nonpoint sources, in accordance with procedures described in the CPP. Development of TMDLs may be coordinated with other state environmental agencies and natural resource agencies. The WQMP shall be updated in accordance with the planning, approval and public participation procedures described in the CPP whenever a facility proposes a new discharge, seeks to increase the permitted discharge flow rate or pollutant loading, relocate a discharge point, or when a TMDL is adopted. DEQ will develop discharge permit limits that are consistent with any WLA specified in the WQMP. Interim limits may be granted if a WLA has not been included in the plan, along with a re-opener provision to incorporate any additional requirements resulting from a subsequent WLA.~~

## **SUBCHAPTER 3. CERTIFICATIONS**

### **252:611-3-1. Water quality certifications required**

(a) **Certification from state required.** In accordance with the provisions of Section 401 of the federal Clean Water Act and the Environmental Quality Code, any applicant for a federal license, permit or project to conduct any activity including but not limited to, the construction or operation of facilities, dredge or fill, or other activities, which may result in any discharge into, ~~or pollution or alteration of the waters of the State of Oklahoma~~ WOTUS, shall first obtain a water quality certification from ~~the DEQ~~ for such activity, ~~facility or discharge will comply to ensure compliance~~ with the applicable provisions of Sections 301, 302, 303, 306, and 307 of the CWA, ~~OWQS~~ WQS, and other applicable state requirements for point source discharges into WOTUS.

(b) **Types of federal applications for which certification issued.** ~~The DEQ~~ issues, renews and modifies water quality certifications including, but not limited to, the following list. However, certification is not required for state issued NPDES Permits.

- (1) Permits issued by the U.S. Environmental Protection Agency, under the National Pollutant Discharge Elimination System (NPDES) program;
- (2) Permits issued by the U.S. Army Corps of Engineers under the Section 404 permit program for the discharge of dredged or fill materials into WOTUS;
- (3) Applications to the Federal Energy Regulatory Commission for a federal license to construct and operate a hydroelectric facility;
- (4) Applications to the Nuclear Regulatory Commission for a license to operate a facility; and
- (5) ~~Permit~~ Permits issued by the U.S. Coast Guard that results in the discharge of wastewater or pollutants into ~~navigable waters~~ WOTUS.

### **252:611-3-2. Requirements for certification**

(a) ~~An application for a~~ water quality certification request shall be made in writing pursuant to the requirements of the Uniform Permitting Act ~~and shall clearly state that the applicant is requesting a 401 water quality certification and include:~~ The request shall comply with the requirements of 40 CFR § 121.5(a)(1) for an individual license or permit or 40 CFR §

121.5(a)(2) for issuance of a general license or permit. At least 30 days prior to submitting the request, the project proponent shall request a pre-filing meeting pursuant to the requirements of 40 CFR § 121.4.

- ~~(1) one copy of the application for the corresponding federal permit, or license for federal authorization of activities;~~
- ~~(2) one copy of any draft federal permit, license, or authorization, if available;~~
- ~~(3) copies of any relevant maps, drawings, studies, environmental impact assessments, plans, information relating to endangered, rare or threatened species including Finding of No Significant Impact (FONSI) or exemption, and other appropriate documents;~~
- ~~(4) a legal description of the project location;~~
- ~~(5) a description of all surface water, groundwater, or natural resources potentially affected by the proposed activities;~~
- ~~(6) one copy of any mitigation plan, when mitigation is required by a federal entity; and~~
- ~~(7) a one hundred dollar (\$100.00) non refundable application fee. An application fee of one-hundred dollars (\$100.00) is due when submitting a water quality certification request.~~

To assist DEQ in meeting rising costs ~~to the Department~~ for the issuance of 401 water quality certifications, the application fee amount shall be automatically adjusted on July 1<sup>st</sup> every year to correspond to the percentage, if any, by which the Consumer Price Index (CPI) for the most recent calendar year exceeds the CPI for the previous calendar year. ~~The Department~~ DEQ may round the adjusted fee up to the nearest dollar. ~~The Department~~ DEQ may waive collection of an automatic increase in a given year if it determines other revenues, including appropriated state general revenue funds, have increased sufficiently to make the funds generated by the automatic adjustment unnecessary in that year. A waiver does not affect future automatic adjustments.

~~(A)~~(1) Any automatic fee adjustment under this subsection may be averted or eliminated, or the adjustment percentage may be modified, by rule promulgated pursuant to the Oklahoma Administrative Procedures Act. The rulemaking process may be initiated in any manner provided by law, including a petition for rulemaking pursuant to 75 O.S. § 305 and OAC 252:4-5-3004-5-3 by any person affected by the automatic fee adjustment.

~~(B)~~(2) If the United States Department of Labor ceases to publish the CPI or revises the methodology or base years, no further automatic fee adjustments shall occur until a new automatic fee adjustment rule is promulgated pursuant to the Oklahoma Administrative Procedures Act.

~~(C)~~(3) For purposes of this subsection, "Consumer Price Index" or "CPI" means the Consumer Price Index - All Urban Consumers (U.S. All Items, Current Series, 1982-1984=100, CUUR0000SA0) published by the United States Department of Labor. The CPI for a calendar year is the figure denoted by the Department of Labor as the "Annual" index figure for that calendar year.

- (b) The applicant shall provide copies of any applicable water quality-related comments and responses received in response to any public notice, if any.
- (c) Additional information may be required by ~~the~~ DEQ.
- (d) Applications that do not contain the required information list above are incomplete.
- (e) The federal agency may submit an application for certification or other information on behalf of the applicant. The applicant is responsible to provide any additional information requested by ~~the~~ DEQ and ensure that the application is complete.

### **252:611-3-3. Public notice**

(a) If public notice has not been made by the appropriate federal agency, ~~the~~ DEQ will mail notice of certification ~~application request~~ to all interested persons who have submitted a written request to ~~the~~ DEQ to receive such notices.

(b) ~~The~~ DEQ will coordinate certifications for NPDES permits with the U.S. EPA in a manner which is consistent with EPA regulations in 40 CFR '124.53; provided however, that if a time in excess of ~~sixty~~60 days from the date the draft permit is mailed to ~~the~~ DEQ is necessary for certification, ~~the~~ DEQ reserves the right to notify the Regional Administrator that a longer time is required.

#### **252:611-3-4. Conditional certification**

A conditional certification shall only be effective if the federal agency includes in the federal permit or ~~authorization~~ license, all limitations, requirements and conditions specified by ~~the~~ DEQ in the conditional certification. The conditions may include effluent or other limitations, monitoring requirements, and any other terms and conditions deemed necessary to assure that the discharge and associated activities will comply with the applicable water quality requirements.

#### **252:611-3-5. Waiver**

Any waiver of the requirements for certification must be written and signed by ~~the~~ DEQ and must specify the activities and location for which the waiver is issued.

#### **252:611-3-6. Duration of certification**

A certification shall be valid until the corresponding federal permit; ~~or license or authorization~~ is terminated, renewed or modified. Before a federal permit ~~or license~~ is reissued, renewed, or modified, the applicant shall file a new application for certification with ~~the~~ DEQ. The certification may be revoked or modified upon subsequent amendments or revisions to State water quality requirements, modification, revocation, or expiration of the federal permit; ~~license or authorization~~ license to which the certification is addressed.

### **SUBCHAPTER 5. GROUNDWATER POLLUTION CONTROL**

#### **252:611-5-1. Proposed or required site assessment and remediation projects**

(a) Any person proposing remediation of or required by ~~the Department~~ DEQ to take action to remediate groundwater shall comply with any applicable requirements of the Oklahoma Water Resources Board for withdrawal and requirements of ~~the Department~~ DEQ for site assessment and remediation.

(b) Any person proposing a remediation project relating to ground water or required to undertake such a project by ~~the~~ DEQ is required to obtain prior approval by ~~the~~ DEQ of a site assessment plan and remediation plan.

(c) Any discharge to waters of the state resulting from remediation of groundwater shall require an authorization or permit under the Oklahoma Pollutant Discharge Elimination System Act and rules promulgated thereunder (~~OAC 252:605~~ OAC 252:606), or a 401 water quality certification, as appropriate. Other disposal methods may also require separate permits, plans or authorizations from ~~the Department~~ DEQ.

(d) The applicant shall comply with requirements of ~~the~~ DEQ relating to the drilling of monitoring wells, sampling, performance of laboratory analyses, recordkeeping, reporting, on-site revegetation, mitigation, or other actions to prevent, abate or control pollution.

**252:611-5-2. Application for approval of plan**

(a) Each application for ~~the~~DEQ's approval of a ground water site assessment and remediation plan shall contain the following information:

- (1) name and address of applicant, the owner of the property, and, where known, identification of person(s) who may be responsible for any pollution events and/or remediation efforts;
- (2) copy of pertinent studies already completed;
- (3) a topographic map of the area and information regarding the groundwater resources potentially affected;
- (4) description of the pollutants suspected to occur and any reports related to spills, discharges, or other pollution events;
- (5) proposed location of monitoring wells and sampling points as appropriate;
- (6) drawings and data sufficient to describe groundwater flow and geological features;
- (7) location of water wells, sewers, utility lines, buildings and other significant structures.

(b) ~~The~~DEQ may require the submission of other information as necessary for the evaluation of the proposed plan. ~~The~~DEQ may require analyses of samples by a laboratory certified by ~~the~~DEQ, specify additional or modified sampling and monitoring requirements, require records and specify reporting requirements.

**252:611-5-3. Review by ~~the~~DEQ**

Among the factors to be considered by ~~the~~DEQ in review of any proposed plan or project under this Subchapter are:

- (1) Corrective action levels of pollutants or clean up levels for pollutants specified in the Oklahoma Water Quality Standards;
- (2) Existing and future effects of the contamination;
- (3) Existing and future uses of the affected aquifer and underlying aquifers;
- (4) Current technology for such clean-up;
- (5) Current knowledge on health and environmental effects of varying concentrations of pollutants.

**SUBCHAPTER 7. GROUNDWATER PROTECTION [NEW]**

**252:611-7-1. General [NEW]**

Groundwater is protected through the implementation rules of DEQ as described in 252:611-7-2 through 7-19.

**252:611-7-2. Discharge Standards**

Discharge permit criteria allow DEQ to include measures for the protection of groundwater quality, and require the responsible party to report all spills of reportable quantities and respond accordingly to protect waters of the state, which includes groundwater. Additionally, DEQ may add requirements for the protection of groundwater to general discharge permits. See OAC 252:606 for these requirements.

**252:611-7-3. General Water Quality**

The requirements in OAC 252:611, Subchapter 5, for Groundwater Pollution Control must be followed for groundwater remediation projects.

#### **252:611-7-4. Industrial Wastewater Systems**

Industrial wastewater systems must follow the requirements of OAC 252:616 for permitting, groundwater separation distances, monitoring, liner standards based on wastewater classifications, tank system standards, land application restrictions and closure criteria to protect groundwater quality.

#### **252:611-7-5. Non-Industrial Impoundments and Land Application**

Non-industrial wastewater impoundments and land application must follow the requirements of OAC 252:621 for permitting, operation, maintenance, land application, monitoring and closure to protect groundwater quality. CAFOs are not covered by this Chapter.

#### **252:611-7-6. Public Water Supply Construction Standards**

Public water supply systems must follow the requirements of OAC 252:626 for groundwater source protection, well construction, well siting, and surface contamination to protect groundwater quality.

#### **252:611-7-7. Public Water Supply Operation**

A public water supply system must operate and maintain its system in compliance with OAC 252:631 for the protection of groundwater sources of public water including the plugging of abandoned public water supply wells.

#### **252:611-7-8. Individual and small public on-site sewage disposal systems**

Any person installing or using an onsite sewage disposal system must construct, operate and maintain it in accordance with the rules for soil profiles, percolation tests, siting, tank capacities, leakage testing, and design and construction in OAC 252:641 to protect groundwater quality.

#### **252:611-7-9. Land application of Septage**

Any person engaged in the land application of septage must comply with the land application requirements of OAC 252:645 to protect groundwater quality.

#### **252:611-7-10. Land application of Biosolids**

Any person or entity engaged in the land application of biosolids must comply with the requirements for site restrictions, application rates, soil and vegetation criteria, record keeping, sampling, disposal and constituent prohibitions, and closure at OAC 252:606-8 to protect groundwater quality.

#### **252:611-7-11. Underground injection control**

Any person who owns or operates or proposes to own or operate any Class I, Class III, or Class V injection well facility is subject to the underground injection control construction and operation requirements of OAC 252:652 to protect groundwater quality.

#### **252:611-7-12. Water pollution facility construction**

Non-industrial wastewater collection systems and treatment works must meet the requirements listed in OAC 252:656 to protect groundwater quality including the following:

- (1) Lagoons. Lagoon standards including liners, seals, siting restrictions, and separation from groundwater must be maintained.

(2) **Sludge holding facilities.** Sludge holding facilities must meet requirements for soil barriers, and temporary storage limits.

(3) **Collection systems.** Collection systems must be properly constructed, operated and maintained.

(4) **Land application systems.** Slow rate application of wastewater is required along with proper treatment, loading rates, adequate absorption, buffer zones, and siting restrictions.

#### **252:611-7-13. Hazardous waste general requirements**

Owners and operators of facilities generating, treating, disposing or recycling hazardous waste must comply with the requirements of OAC 252:205 for exclusionary siting, the federal regulations adopted by reference, reporting, remediation, and the no endangerment and degradation criteria to protect groundwater quality.

#### **252:611-7-14. Hazardous waste transfer stations**

Owners and operators of transfer stations where hazardous or both hazardous and solid waste is transferred must comply with the requirements of OAC 252:205 for development and operation plans, design and operation, exclusionary siting and no endangerment criteria to protect groundwater quality.

#### **252:611-7-15. Hazardous waste recycling**

Owners and operators of facilities that recycle hazardous waste generated off-site must comply with the requirements of OAC 252:205 for hazardous waste permits and the specific hazardous waste rules in 40 CFR Part 264 to protect groundwater quality.

#### **252:611-7-16. Hazardous tank and container recycling.**

Owners and operators of facilities that recycle tanks and containers received from off-site containing materials that when removed demonstrate characteristics of hazardous waste set forth in subpart C of 40 CFR Part 261 must comply with the requirements of OAC 252:205 for response to releases, the specific requirements of 40 CFR Parts 261-279 for residues removed from tanks and containers, and the storage criteria for such residues to protect groundwater quality.

#### **252:611-7-17. Solid waste disposal sites**

The owner/operator of any solid waste disposal site must comply with the requirements of OAC 252:515, as appropriate, to protect groundwater quality.

#### **252:611-7-18. Land application of treatment plant sludge**

Any person engaged in the land application of water and wastewater treatment plant sludge must comply with the requirements of OAC 252:520-15 to protect groundwater quality.

#### **252:611-7-19. Groundwater protection in DEQ regulatory activities**

(a) Facilities in compliance with the rules contained in chapters listed in OAC 252:611-1-1 are not subject to any additional measures unless they are found to be contaminating groundwater.

(b) Facilities or systems not in compliance with DEQ permits, approvals or the rules listed in OAC 252:611-1-1 and not having received a variance from the chapters listed in OAC 252:611-1-1 or found to be contaminating groundwater may be required to:

(1) develop a site-specific groundwater site assessment and remediation plan in accordance with OAC 252:611-5;

- (2) perform subsurface monitoring;
- (3) perform groundwater remediation using risk-based criteria or other protective criteria as determined by DEQ; or
- (4) implement other groundwater pollution prevention measures as determined by DEQ.

**SUBCHAPTER 9. WATER QUALITY STANDARDS IMPLEMENTATION PLAN,**  
**OKLAHOMA DEPARTMENT OF ENVIRONMENTAL QUALITY [NEW]**

**252:611-9-1. Required WQSIP Elements**

Pursuant to 27A O.S. §1-1-202(B), each agency's WQSIP must include eight elements for each of its jurisdictional areas of environmental responsibility. The eight required elements are:

(a) **Compliance with antidegradation requirements and protection of beneficial uses.** This element describes the processes, procedures, and methods used to ensure programs within DEQ's areas of environmental responsibility comply with antidegradation standards and lead to maintenance of water quality where beneficial uses are supported; removal of threats to water quality uses that are in danger of not being supported, and restoration of water quality where beneficial uses are not being supported.

(b) **Application of USAP.** This element describes the procedures to be utilized by the agency in the application of USAP to make impairment determinations as found in OAC 252:740.

(c) **Description of programs affecting water quality.** This element describes the various agency programs and subprograms within each jurisdictional area of environmental responsibility.

(d) **Technical information and procedures for implementation.** This element includes technical information and procedures to be utilized in implementing the WQSIP.

(e) **Integration of WQSIP into water quality management activities.** This element describes how agency administrative rules, program area policies and guidance, and standardized methods of conducting business have been or will be developed to facilitate integration of the WQSIP into the water quality management activities within each jurisdictional area of environmental responsibility.

(f) **Compliance with mandated statewide water quality requirements.** This element describes the manner in which an agency will comply with mandated statewide requirements affecting water quality developed by other state environmental agencies including, but not limited to, TMDL development, point source wastewater discharge permitting activities, and NPS pollution prevention programs.

(g) **Public and interagency participation.** This element requires a summary of written comments and testimony received relative to all public meetings held for the purpose of providing public participation related to the WQSIP and any new rules related to the WQSIP.

(h) **Evaluation of the effectiveness of agency activities.** This element describes methods and means to evaluate the effectiveness of activities conducted pursuant to an agency's WQSIP in achieving WQS.

**252:611-9-2. WQSIP Elements by Jurisdictional Area**

(a) **General.** The eight required WQSIP elements are presented by jurisdictional area, and in some cases individual program areas within the scope of the jurisdictional area. The jurisdictional areas of the Department of Environmental Quality are listed in 27A O.S. §1-3-101(B), 27A O.S. § 2-6-103(B)(2), and 82 O.S. § 1085.30. DEQ's WQSIP will evolve to adapt to future changes in the WQS and WQS implementation criteria.

**(b) Water Quality Planning.**

**(1) Compliance with antidegradation requirements and protection of beneficial uses.** The antidegradation policy in the WQS prohibits an increase in loading that would impair or further impair an existing use. In addition, the policy prohibits degradation of Outstanding Resource Waters and High Quality Waters, even if existing and designated uses would still be attained. Current CPP procedures regarding the 303(d) List, TMDLs, and loading allocations for both point and nonpoint sources of pollution are consistent with these provisions. DEQ may also adopt variances and site-specific criteria as set forth in 27A O.S. § 2-6-103(B).

**(2) Application of USAP.** USAP are utilized during TMDL development to reevaluate a waterbody's beneficial uses. USAP, WQS, and EPA guidance will be considered to set appropriate target end points in the development of TMDLs. USAP are also used for waterbody assessments in the 305(b) List and the listing and delisting of waterbodies in the 303(d) List.

**(3) Description of programs affecting water quality.** The CPP document, developed pursuant to requirements of Section 303(e) of the CWA, provides the basis and guidance for all water quality planning activities at DEQ. Water quality planning staff are responsible for several water quality planning program elements:

**(A) Developing procedures for planning and implementing water quality management programs in the CPP.**

**(B) Preparing recommendations for the listing and delisting of waterbodies in the 303(d) List.**

**(C) Establishing TMDLs for 303(d)-listed waterbodies and coordinating TMDLs with other state environmental agencies.**

**(4) Technical information and procedures for implementation.** Technical information and procedures used in water quality planning activities are also included in the CPP. Because it is such a significant element in water quality planning, the TMDL development process is described in detail. Proposed adoption of a TMDL is considered a major change to the state's Water Quality Management Plan. Public participation in TMDL development and adoption shall be conducted in accordance with state requirements and the procedures outlined in the CPP. The TMDL loading allocation process culminates in the allocation of pollutant loads among various point sources, nonpoint sources, natural background sources and a margin of safety (MOS). The major components of TMDL development are assessment of existing conditions, determination of maximum allowable loading, and allocation of loadings.

**(A) Assessment of Existing Conditions**

**(i) Water Quality.** The first step in assessing the current conditions is to gather available data and information on the water body. At a minimum, the water quality data (if available) that was used for listing the water body (re: 303(d) List) should be reviewed. The sufficiency and adequacy of existing data is evaluated and described. DEQ will consider data to be sufficient and adequate when the data accurately characterizes the conditions of the water body, watershed, pollutant, and pollutant sources throughout typical geographic and temporal conditions with reasonable certainty. Some TMDL projects will require additional watershed information relating to specific water quality conditions, as existing data alone may be insufficient to support the analytical needs of TMDL projects. Data on low-flow conditions, storm-flow conditions, and seasonal variations are gathered when appropriate to the situation. Data will be evaluated considering USAP, WQS, and EPA guidance.

**(ii) Pollutant Load.** Before pollutant loads are allocated among sources, the location and types of sources, and the current and projected pollutant load for each

- source are identified. Current loading and source contributions are established by measuring pollutant loads directly, calculating or estimating loads from water quality and flow data, estimating loads with mathematical models, or using a combination of these methods. Examples of data utilized for pollutant source analysis include: watershed and sub watershed boundaries; hydrologic interaction between surface water and groundwater; locations of stream segments; locations of pollutant sources; types of pollutant sources; anticipated growth of discharges; meteorological/rainfall data and runoff coefficients; land uses and land cover; and, soil types. An inventory is developed of all known factors in the watershed which influence water quality. These factors might include permitted industrial and municipal wastewater discharges, CAFOs, waste application sites, cropland, forestry operations, industrial stormwater runoff, urban runoff, construction activities, and other sources such as natural background. This information will be collected and maintained by sub-watershed where possible to enhance the identification of cause-and-effect relationships. The watershed inventory is compiled from land use data, special investigations, DEQ complaint investigations, DEQ permit databases, surface water monitoring data, input from other agencies, and watershed stakeholder input through an outreach process.
- (B) Maximum Allowable Loading.** A waterbody's loading capacity is an estimate of the maximum amount of pollutant loading the waterbody, considering critical conditions (i.e. flow, temperature, etc.), can receive over time without exceeding WQS. Hydrological, biological, chemical, and pollutant fate and transport data are required to calculate a water body's loading capacity. The maximum loading capacities of a waterbody are determined in most cases using a water quality model or models adapted specifically for the waterbody in question. The model used is selected on a case-by-case basis and is based on available resources, the identified pollutant source(s) and the availability of water quality data.
- (C) Allocation of Loadings.** Future growth, spatial and temporal variations in flows and loadings, antibacksliding, antidegradation, pollutant sources, and source categories must be considered and incorporated when developing a loading, unless it is demonstrated that one or more of these factors is not relevant to the particular load allocation.
- (D) Pollution Allocation Strategies.** There are three common methods for allocating loads; equal percent removal, equal effluent concentrations, and a hybrid method. Other methods are considered if necessary. Any other method contained in EPA guidance. DEQ shall approve the use of the method on a case-by-case basis.
- (E) Pollutant Trading.** Where appropriate and technically feasible, tradeoffs among wasteload allocations are considered. Technological feasibility, economic issues, and regulatory authority are evaluated when trading allocations. Pollutant trades are acceptable so long as WQS (including antidegradation regulations and policies) and minimum applicable technology-based controls are met.
- (F) Margin of Safety.** The margin of safety (MOS) is the prescribed mechanism to account for the uncertainty associated with TMDL projects. Guidelines for appropriate margins of safety are included in the CPP. The MOS can be included in more than one of the TMDL analytical steps. To represent the MOS, conservative assumptions should be used in completing one or more of the following steps:
- (i) derivation of numeric water quality targets;
  - (ii) determination of pollutant sources;
  - (iii) representation of pollutant fate and transport relationships; and

- (iv) determination of the degree of pollutant reduction achievable through management measures and control actions
- (5) **Integration of WQSIP into water quality management activities.** DEQ administrative rules and WQD policies are currently in place which integrate the requirements of the WQSIP into water quality planning. Should WQSIP revisions be necessary in future years, rule changes and policy changes will be made to address and incorporate such requirements.
- (6) **Compliance with mandated statewide water quality requirements.** TMDL activities comply with the procedures established in the CPP. Coordination of TMDL activities among state agencies is the primary responsibility of the TMDL Work Group, which is chaired by DEQ and includes the state environmental agencies with water quality responsibilities.
- (7) **Public and interagency participation.** DEQ regularly collects and will collect a summary of comments and will provide responses thereto relating to promulgation of DEQ's WQSIP.
- (8) **Evaluation of effectiveness of agency activities.** The waterbody assessment and 303(d) listing/delisting process will be used to evaluate the effectiveness of all DEQ programs related to surface water quality.
- (c) **Point Source Discharges - OPDES Permitting.** The primary mechanism for controlling pollution from point source discharges to waters of the state is through the OPDES permitting, compliance monitoring and enforcement processes. OPDES permits include such effluent limitations as are necessary to protect water quality and existing and designated beneficial uses of the receiving water(s).
- (1) **Compliance with antidegradation requirements and protection of beneficial uses.**
- (A) **General.** The WQS provides a tiered antidegradation policy designating levels of protection. An OPDES permit and the pollutant limitations therein must, at a minimum, serve to protect the existing and designated beneficial uses of the receiving surface water, thereby affording it protection from degradation at the most basic level (Tier 1). In those cases where existing or proposed discharges are to a designated HQW, SWS, or to waters of ecological and/or recreational significance or endangered/threatened species habitat (OAC 252:740, Appendix B waters), a higher degree of protection from degradation (Tier 2) must be afforded the waterbody. In no case will any discharge be permitted which would, if it occurred, lower existing water quality in an SWS or HQW, regardless of the date of its original existence. A designated Scenic River and/or Outstanding Resource Water (ORW) and their watersheds must be afforded the highest degree of protection (Tier 3), which may even involve denial of a permit to discharge or denial of an increased pollutant loading in the discharge, depending on whether the discharge existed on or prior to June 11, 1989 (non-stormwater), or June 25, 1992 (stormwater).
- (B) **Fact Sheet/Statement of Basis.** An OPDES permit's Fact Sheet/Statement of Basis must address how permit limitations are developed, which in turn assures compliance with the WQS and WQS implementation criteria for protecting existing and designated beneficial uses. To ensure that compliance with antidegradation requirements is addressed in an individual OPDES permit, the permit's Fact Sheet or Statement of Basis shall specifically describe the antidegradation level applicable to the receiving water and any permitting considerations necessary to afford that level of protection. In cases where permit issuance is denied based on Tier 2 or Tier 3 antidegradation criteria, the statement of basis for the permit denial shall so state. Authorizations issued under a General Permit do not require separate fact sheets. As General Permits expire and are reissued, the

associated fact sheets will incorporate a discussion of antidegradation requirements and protection of beneficial uses.

(2) **Application of USAP.** The making of beneficial use support/impairment determinations for surface waters is not a component of this program area, but such determinations of beneficial use support or impairment may directly affect the OPDES permitting process in terms of the level of pollutant control technology that may need to be employed for discharges to an impaired waterbody and compliance with the anti-backsliding provisions in Section 402(o) of the CWA. This becomes particularly important when a facility's effluent contains the pollutant(s) causing or contributing to the impairment of a waterbody. For this reason, OPDES permitting procedures will include a review of the 303(d) List and available data applicable to the receiving water.

(3) **Description of programs affecting water quality.**

(A) **Direct discharges.** Municipal POTWs and industrial facilities under DEQ jurisdiction which discharge process wastewaters directly to waters of the state are required to obtain OPDES permits from DEQ. Included are discharge authorizations under a General Permit for those facility classes for which general permits have been developed, discharges from water treatment plant wastewaters (OAC 252:631, Subchapter 1), and discharges generated by groundwater remediation activities (OAC 252:611, Subchapter 5). These OPDES permits limit the concentration and loading of specified pollutants in such discharges and require periodic self-monitoring and reporting of levels of the limited pollutants in the facility's discharge(s). Numeric limitations result from the application of the more stringent of technology or water quality-based criteria. OPDES permits may include narrative limitations, effluent or receiving water background monitoring, schedules of compliance and such other special conditions as may be necessary to prevent, control or abate pollution.

(B) **Indirect discharges.** OPDES permits may also take the form of individual IU permits for industrial facilities which discharge to a non-pretreatment program POTW.

(4) **Technical information and procedures for implementation.**

(A) **Permitting procedures.** OPDES permit limitations are developed using the more stringent of technology-based limitations (secondary treatment standards for municipal POTWs and industrial category-specific ELGs for industries) or water quality-based limitations derived utilizing the WQS and WQS implementation criteria in OAC 252:740 and OAC 252:606, Subchapter 6. Where technology-based limitations for conventional pollutants are not sufficient to maintain WQS-prescribed DO criteria for fish and wildlife propagation, a DO-based WLA for oxygen demanding substances (ammonia plus either BOD<sub>5</sub> or CBOD<sub>5</sub>) and DO is generated, approved by EPA Region 6, and publicly noticed. DO-based monthly average ammonia limits, as well as technology-based ammonia limits for certain categories of industries, are compared against the toxicity-based monthly average ammonia limit derived from the 6 mg/L chronic screening value for ammonia at the edge of the chronic mixing zone. Where the toxicity-based ammonia limit is more stringent than either a DO-based limit or a technology-based limit, the toxicity-based limit is established in the permit. Where a DO-based ammonia limit applies for a portion of the year, but not the entire year, a toxicity-based limit applies during the season for which the DO-based WLA is silent. For pollutants with numerical criteria in the WQS, water quality-based permit limitations are required where a measurable pollutant in an effluent exhibits reasonable potential. WLAs and criterion LTAs are calculated, and permit limits are developed from the criterion LTAs. The most stringent monthly average limit and its

associated daily maximum limit are established in the permit. Where reasonable potential is exhibited to exceed an NRWQC human health/fish consumption criterion in the absence of a promulgated state criterion, effluent monitoring, rather than a limitation, is required. Permit limits are developed in accordance with OAC 252:606, Subchapter 6. Where an industrial technology-based limitation applies to a pollutant and reasonable potential is not exhibited for the effluent to exceed an applicable water quality criterion for that pollutant, the technology-based limitation is itself screened to determine whether it would, if the pollutant were present in the effluent at a concentration equal to the technology standard's monthly average limit, exhibit reasonable potential. If so, a water quality-based permit limitation is required for that pollutant.

(B) **WQS criteria screening.** Because of the complexity of the mathematical and statistical computations necessary to screen for reasonable potential, calculate WLAs and limiting criterion LTAs, and develop permit limits, WQD has developed two spreadsheets for this purpose, one for discharges to streams and the other for discharges to lakes. Together they are referred to by DEQ as OWQScreen. DEQ will utilize, maintain and update OWQScreen, as necessary, to remain current with the WQS and WQS implementation criteria in OAC 252:740 and OAC 252:606, Subchapter 6. Site-specific OWQScreen spreadsheets will be developed on an as-needed basis for receiving waters for which site-specific metals criteria are developed and adopted into the WQS in accordance with OAC 252:730, Appendix E. Should TBLLs be required in DEQ-issued IU permits or in municipally-issued IU permits, OWQScreen also provides the capability to calculate the entire array of (theoretical) water quality-based permit limits for pollutants with numerical criteria in the WQS (i.e., limits that would be established in a given OPDES permit were reasonable potential demonstrated to exceed an applicable water criterion).

(C) **Effluent and background monitoring.** Ten data points are required to properly characterize the standard deviation of an effluent or background data distribution. Often there are no background data available and only a single effluent data point is submitted with the application. Where the use of such limited effluent data and background data does not result in reasonable potential for a pollutant, a permit writer must determine whether additional effluent or background monitoring is warranted as a permit condition. A permittee shall monitor monthly for total nitrogen and/or total phosphorus if the discharge is to a nutrient limited watershed as designated in OAC 252:730. Procedures are established at OAC 252:606, Subchapter 6, to objectively and uniformly evaluate where additional monitoring is warranted where less than 10 data points are available.

(5) **Integration of WQSIP into water quality management activities.** DEQ has promulgated WQS implementation criteria for point source discharges (OAC 252:606) and groundwater protection (OAC 252:611), based on the WQS and the foundational statewide implementation criteria in OAC 252:740.

(6) **Compliance with mandated statewide water quality requirements.** Procedures for the development of individual and general OPDES permits issued to municipal POTWs and industrial facilities utilize and are in compliance with all applicable statewide surface water quality requirements. Compliance with statewide groundwater quality requirements in OPDES permits is described in Part II(q). OPDES permits require that environmental laboratories utilized in fulfilling analytical monitoring requirements be certified by the SEL (see Part II(n)). In the permitting of surface coal mine discharges, WQD must interface with the ODM, since surface coal mine discharge permit limitations and monitoring requirements are tied to the status of the mine (active, Phase I SMCRA bond release awaiting Phase II

release, of post-Phase II release). WQD must also interface with Corporation Commission in the permitting of LUST groundwater remediation-related discharges. WQD must receive notification from Corporation Commission when a LUST remediation project is terminated so that the OPDES permit may be terminated.

**(7) Public and interagency participation.** DEQ regularly collects and will collect a summary of comments and will provide responses thereto relating to promulgation of DEQ's WQSIP.

**(8) Evaluation of effectiveness of agency activities.** For surface waters, water quality data and beneficial use support/impairment studies utilizing USAP are capable of providing long-term evaluations in selected areas of whether OPDES permitting activities (as well as WQS water quality criteria, WQS implementation criteria and permitting procedures upon which the water quality-based portion of the program is based) adequately protect assigned beneficial uses and maintain or improve water quality on site-specific, segment and basin-wide levels. Where existing and designated beneficial uses are not being met according to Tier 1 antidegradation requirements or where water quality degradation is experienced counter to Tier 2 or Tier 3 antidegradation requirements, the program's point source permitting procedures, as well as the WQS and WQS implementation criteria, may need reexamination. Background pollutant levels, where used in the OPDES permitting process, may be compared against available water quality data where permit limitations appear not to protect and maintain beneficial uses as intended. The use of unrepresentative background information may over- or under-estimate the assimilative capacity of a receiving water.

**(d) Point Source Discharges – Pretreatment**

**(1) Compliance with antidegradation requirements and protection of beneficial uses.** Incorporation of the general pretreatment regulations at 40 CFR Part 403 into OPDES permits for POTWs with approved pretreatment programs or POTWs developing such pretreatment programs provides an additional means of compliance with antidegradation requirements and protection of beneficial uses.

**(2) Application of USAP.** The making of beneficial use support/impairment determinations for surface waters is not a component of this program area.

**(3) Description of programs affecting water quality.** IU permits for industrial discharges to POTWs in approved pretreatment program municipalities are issued by the designated municipal control authority. General oversight is provided by DEQ's pretreatment program staff, which has approval authority. Pretreatment program staff reviews pretreatment program submittals, revisions to previously approved pretreatment programs, and pretreatment program annual reports for compliance with the National Pretreatment Regulations found at 40 CFR Part 403. DEQ issues IU permits for industrial discharges to non-pretreatment program POTWs. Inspection and enforcement oversight for both approved pretreatment programs and IU permits for industries discharging to non-pretreatment program POTWs is provided by the WQD enforcement staff.

**(4) Technical information and procedures for implementation.** OWQScreen spreadsheets provide the capability to calculate potential effluent limits for TBLLs. Pretreatment program staff will disseminate this information to municipalities with approved pretreatment programs for their use.

**(5) Integration of WQSIP into water quality management activities.** Integration of the WQSIP into water quality management activities is accomplished through the OPDES permitting process.

(6) **Compliance with mandated statewide water quality requirements.** Pretreatment program procedures utilize and are in compliance with all applicable statewide surface water quality requirements.

(7) **Public and interagency participation.** DEQ regularly collects and will collect a summary of comments and will provide responses thereto relating to promulgation of DEQ's WQSIP.

(8) **Evaluation of effectiveness of agency activities.** The effectiveness of pretreatment program water quality management activities is directly monitored on a statewide basis by Pretreatment Compliance Inspections and Pretreatment Audits of POTW pretreatment programs, as well as through a POTW's compliance with its permit limitations, as tracked by ICIS.

(e) **Point Source Discharges – Whole Effluent Toxicity (WET)**

(1) **Compliance with antidegradation requirements and protection of beneficial uses.** Compliance with antidegradation requirements and protection of beneficial uses is provided through incorporation of WET testing procedures and, if necessary, WET limits into OPDES permits. A narrative toxicity criterion implementation strategy for ammonia was developed cooperatively between DEQ, OWRB and EPA Region 6 permitting staff in November 2000 and was revised in January 2001.

(2) **Application of USAP.** The making of beneficial use support/impairment determinations for surface waters is not a component of this program area.

(3) **Description of programs affecting water quality.** The biomonitoring coordinator reviews OPDES permit WET testing requirements during the permit drafting process. In addition to reviewing draft permits, the biomonitoring coordinator reviews WET testing summary reports submitted by the regulated community in accordance with the conditions of their OPDES permits to ensure that the information input to ICIS via DMRs accurately reflects actual test results and the completion of valid testing. Where persistent lethality has been demonstrated through repeated WET testing, the permittees are required to conduct a TRE. TREs or TIEs may be required for intermittent lethality or persistent sublethality. Permits may also contain provisions for management practices to control toxicity. The biomonitoring coordinator reviews TRE/TIE progress, provides general oversight to the TRE/TIE process, and coordinates DEQ involvement regarding corrective actions and related WET or pollutant-specific limitations to be incorporated into affected OPDES permits.

(4) **Technical information and procedures for implementation.** OWQScreen provides the capability to determine the appropriate type of WET test, critical dilution and dilution series for an OPDES permit. The biomonitoring coordinator, through critical review of submitted WET test reports, will assist permitting staff in determining whether WET limits are necessary and whether performance-based monitoring frequency reductions are warranted.

(5) **Integration of WQSIP into water quality management activities.** Integration of the WQSIP into water quality management activities is accomplished through the OPDES permitting process.

(6) **Compliance with mandated statewide water quality requirements.** The biomonitoring coordinator reviews OPDES permit WET testing requirements during the permit drafting process to ensure that appropriate WET testing is prescribed in the permit and is in accordance with the requirements of OAC 252:730 and OAC 252:606, Subchapter 6.

(7) **Public and interagency participation.** DEQ regularly collects and will collect a summary of comments and will provide responses thereto relating to promulgation of DEQ's WQSIP.

(8) **Evaluation of effectiveness of agency activities.** The effectiveness of biomonitoring permitting procedures, the review of WET testing results and the oversight of TRE/TIE activities is evaluated to a considerable extent through the affected facilities achieving compliance with the WQS narrative toxicity criterion. Water quality data and biotrend information may also provide valuable feedback on the effectiveness of biomonitoring activities.

(f) **Point Source Discharges – Stormwater Management**

(1) **Compliance with antidegradation requirements and protection of beneficial uses.**

(A) **General.** In a manner similar to that for individual OPDES permits, requirements for sector-specific industrial facilities, regulated construction sites, and MS4s must protect the existing and designated beneficial uses of the receiving surface water at the Tier 1 level. Tier 2 and Tier 3 levels of protection apply to stormwater discharges as well. Where Tier 3 level protection is necessary (except for stormwater discharges from temporary construction activities), only stormwater discharges existing as of June 25, 1992, may be permitted. In no case will any discharge be permitted which would, if it occurred, lower existing water quality in an SWS or HQW, regardless of the date of its original existence.

(B) **Storm water construction permit.** DEQ has issued a Stormwater Construction Permit, pursuant to 27A O.S. § 2-14-101 *et seq.*, and in accordance with OAC 252:004. The permitting process utilizes a watershed-specific sensitive area identification system for endangered species rather than the more general county-indexed identification system developed by EPA. Applications for a construction stormwater permit for a development site within a sensitive area are scrutinized in greater depth by the USFWS. Stricter erosion control methods and BMPs may be required where Tier 3 level protection is required.

(C) **Industrial stormwater multi-sector general permit.** DEQ has issued a Multi-Sector General Permit for stormwater discharges associated with industrial activities. Where no additional stormwater-related pollutant loading is permitted in a Scenic River watershed, an applicant for an MSGP may either utilize an existing discharge or provide the capability to capture and totally retain all stormwater that enters or is incident upon such property.

(D) **Small MS4 general permit.** DEQ has issued a Final Small MS4 General Permit for small municipal separate storm sewer system discharges.

(2) **Application of USAP.** The making of beneficial use support/impairment determinations for surface waters is not a component of this program area.

(3) **Description of programs affecting water quality.** Regulated construction sites must obtain a Stormwater Construction Permit authorization. Sector-specific industrial facilities under DEQ jurisdiction which discharge stormwater directly to waters of the state are required to obtain an OPDES Industrial MSGP authorization. Stormwater permits may also take the form of individual industrial OPDES permits for facilities discharging to waters of the state directly or via discharge to the stormwater collection system of an MS4 municipality.

(4) **Technical information and procedures for implementation.** Application, authorization and termination procedures, and coverage limitations are specified in the permits. Information provided by the USFWS is utilized in determining where more restrictive conditions are required in stormwater general permits to protect sensitive habitat areas identified by the USFWS. Inspections are conducted when termination of coverage under a stormwater permit is requested in order to verify that the site is stabilized and/or stormwater discharges have ceased.

(5) **Integration of WQSIP into water quality management activities.** The MSGP requires an Annual Site Compliance Evaluation Report to be completed by facility owners, managers or operators. The report will describe reportable spills and stormwater-related events which may have affected surface water or groundwater quality. Changes or amendments to SWP3s or BMP documents will also be documented through this report. This new reporting method replacing the use of reporting stormwater monitoring activities by DMR will require facility owners, managers and/or operators to become directly involved with permit compliance.

(6) **Compliance with mandated statewide water quality requirements.** Stormwater permitting activities utilize and are in compliance with all applicable statewide surface water quality requirements.

(7) **Public and interagency participation.** DEQ regularly collects and will collect a summary of comments and will provide responses thereto relating to promulgation of DEQ's WQSIP.

(8) **Evaluation of effectiveness of agency activities.** The MSGP requires facility owners, managers and/or operators to become directly involved with permit compliance and will ensure a more effective stormwater management program. Stormwater discharges from certain industrial sectors are subject to numeric effluent limits and monitoring requirements. DMRs submitted by these facilities are evaluated for compliance with effluent limits. Municipalities with an MS4 permit must submit an annual report describing stormwater control activities and improvements.

(g) **Nonpoint Source Pollution.**

WQD is responsible for waterbody assessment and consideration of loads from nonpoint sources. The effect of nonpoint source pollution is an integral part of TMDL development and basin-wide planning.

(1) **Compliance with antidegradation requirements and protection of beneficial uses.** To the extent possible through site investigations and cooperation with other state agencies, the TMDL process takes into account nonpoint sources of pollution in establishing point source wasteload allocations and nonpoint source load allocations which will comply with antidegradation requirements and protect designated beneficial uses.

(2) **Application of USAP.** DEQ water quality planning staff utilizes USAP to assess a waterbody's beneficial uses as affected by nonpoint sources. WQS and EPA guidance are used to establish appropriate target end points in the development of TMDLs.

(3) **Description of programs affecting water quality.** DEQ water quality planning staff are responsible for water quality planning program elements which account for nonpoint sources of pollution:

(A) Procedures for planning and implementing water quality management programs in the CPP.

(B) Assessment of waterbodies for inclusion in the 303(d) List of impaired waters.

(C) Development of TMDLs

(4) **Technical information and procedures for implementation.** Procedures used in water quality planning activities to account for nonpoint sources of pollution are included in the CPP.

(5) **Integration of WQSIP into water quality management activities.** Current federal and state rules and WQD policies are in place that integrate the requirements of the WQSIP into water quality planning.

(6) **Compliance with mandated statewide water quality requirements.** TMDL activities require consideration of nonpoint sources of pollution and must comply with the procedures

established in the CPP. Coordination of TMDL activities among state agencies is accomplished through the TMDL working group, which is chaired by DEQ and includes the state environmental agencies with water quality responsibilities.

(7) **Public and interagency participation.** DEQ regularly collects and will collect a summary of comments and will provide responses thereto relating to promulgation of DEQ's WQSIP.

(8) **Evaluation of effectiveness of agency activities.** The waterbody assessment process utilizes USAP to evaluate the effectiveness of DEQ programs related to nonpoint source aspects of surface water quality.

(h) **Section 106 Pollution Control Program.** This program area is not directly applicable to WQS implementation.

(i) **Water Quality Protection and Certification.** Water quality certification under Section 401 of the CWA is a specific responsibility of WQD.

(1) **Compliance with antidegradation requirements and protection of beneficial uses.** Section 401 water quality certifications are DEQ documents that may impose conditions in federal permits or licenses that are specifically intended to ensure attainment of the specific antidegradation requirements and protection of beneficial uses assigned in the WQS.

(2) **Application of USAP.** The making of beneficial use support/impairment determinations for surface waters is not a component of the Section 401 certification process.

(3) **Description of programs affecting water quality.** Applicants for a federal license or permit to conduct any activity including, but not limited to, the construction or operation of facilities, dredge or fill, or other activities which may result in any discharge into waters of the United States must obtain a Section 401 water quality certification from DEQ. Applications for Section 401 certifications are submitted to DEQ in accordance with OAC 252:611-3-2, including mitigation plans when required by the federal permitting entity.

(4) **Technical information and procedures for implementation.** Technical information and procedures used to implement water quality protection are located in this Chapter. DEQ maintains a database of all water quality certifications issued to projects on waters of the United States.

(5) **Integration of WQSIP into water quality management activities.** Integration of the WQSIP into water quality management activities is accomplished through water quality certification process.

(6) **Compliance with mandated statewide water quality requirements.** Ensuring compliance with statewide water quality requirements is an inherent part of the Section 401 certification process. Water quality certifications impose conditions in federal permits or licenses that are specifically intended to ensure compliance with WQS and state regulatory requirements.

(7) **Public and interagency participation.** DEQ regularly collects and will collect a summary of comments and will provide responses thereto relating to promulgation of DEQ's WQSIP.

(8) **Evaluation of effectiveness of agency activities.** The effectiveness of Section 401 water quality certification can be observed through the assessment of designated beneficial uses in the affected waterbodies.

(j) **Operator Certification.** This program area is not directly applicable to WQS implementation.

(k) **Land Protection.** Several jurisdictional areas (UIC, hazardous waste, solid waste, Superfund, Brownfields and radiation management) are subsumed under Land Protection.

**(1) Compliance with antidegradation requirements and protection of beneficial uses.**

All permits and approvals issued by LPD include technical provisions to protect groundwater and/or surface water. Should releases occur, the owner/operator of a regulated facility will be required to take appropriate measures to protect fresh water sources and conduct remedial actions as necessary.

(A) **UIC.** UIC permits provide a technically sound basis to ensure that injected fluids do not migrate from the permitted zones of injection and compromise the protection of underground sources of drinking water. Financial assurance is required for closure (plugging and abandonment) and post-closure care (groundwater monitoring) is required as applicable.

(B) **Hazardous waste/solid waste.** For all land-based hazardous waste disposal facilities, existing rules require that the owner/operator monitor for releases to groundwater. Surface water is generally only monitored if a release is suspected. Monitoring wells are the usual method of release detection. Plans for closure and post-closure and any appropriate monitoring or remedial actions are required in the permit. Financial assurance is required for closure and post-closure care (maintenance and monitoring). The Solid Waste program issues permits for technically complete applications that ensure protection of groundwater and prevention of surface water contamination from runoff. Financial assurance for post-closure care and monitoring of groundwater are included in Municipal Solid Waste Management permits.

(C) **Superfund/Brownfields.** LPD is charged with Superfund responsibilities of the state under CERCLA except for SARA Title III planning requirements. The Brownfields Redevelopment/Voluntary Cleanup program is included in this jurisdictional area.

(D) **Radiation management.** Radiation protection permitting and licensing requirements ensure that antidegradation requirements are met and protection of beneficial uses of both surface waters and groundwaters are maintained.

(2) **Application of USAP.** The making of beneficial use support/impairment determinations for surface waters is not a component of this program area. However, in voluntary cleanups, use support assessments obtained through the USAP process will be considered in final remedy decision-making during the risk assessment and exposure scenario development.

**(3) Description of programs affecting water quality.**

(A) **UIC.** UIC permits are issued to private and commercial facilities wishing to inject fluids underground for disposal or mineral extraction purposes under OAC 252:652 and 40 CFR Parts 144 through 146 and 148.

(B) **Hazardous waste/solid waste.** Hazardous and solid waste permits are issued to treatment, storage and disposal facilities (TSDs) and municipal and commercial solid waste facilities. The hazardous waste program issues permits for TSDs pursuant to OAC 252:205 and 40 CFR Parts 260 through 270. Solid waste permits are issued under OAC 252:515. Facilities wishing to close solid or hazardous waste management facilities must comply with all the post-closure care and groundwater monitoring requirements of the above-cited regulations.

(C) **Superfund/Brownfields.** This program identifies, investigates, designs, and conducts remediation of uncontrolled hazardous waste sites and conducts groundwater remediation where feasible. The Superfund program acts in a support role to EPA and other state emergency response entities in emergency response actions. This program has a positive effect on water quality by identifying and remediating waste sources that have

significant potential to affect water quality, and by containing, monitoring or remediating affected groundwater and surface water. Brownfields authority is found at 27A O.S. §2-15-101 et seq., and Superfund authority is found at 40 CFR Part 300.

(D) **Radiation management.** Licensing activities for the use and management of byproduct material, special nuclear material, and sources of radiation, except for activities pertaining to diagnostic x-ray systems, are controlled by the LPD's Radiation Management Section since completion of delegation of these authorities from the NRC.

(4) **Technical information and procedures for implementation.**

(A) **UIC.** UIC permits specify the conditions under which a UIC well will be permitted. Considerations include zone(s) of injection, rates, pressures, temperatures and annulus monitoring requirements. Monitoring locations, frequencies, parameters and reporting are specified. A detailed closure plan including financial assurance is also required in the permit.

(B) **Hazardous waste/solid waste.** Hazardous waste and solid waste permits specify conditions for facility construction and operation, groundwater monitoring, and reporting specific parameters that indicate releases to groundwater. The location and frequency of monitoring wells are designed to detect releases should they occur. Action levels are specified in the permit. Risk-based remediation would consider protection of aquifers in the decision-making process. Surface water monitoring occurs when potential releases to surface water exist, or when impacted groundwater interfaces with surface water. Closure, post-closure and corrective action plans, as well as financial assurance, are required by the permits.

(C) **Superfund/Brownfields.** Superfund/Brownfields include determinations of ARARs for remedial decision-making or risk-based closure for protection of surface water and groundwater. Groundwater uses will be considered to determine cleanup and remediation decisions. Emergency response actions will also include protection of public water supplies, surface water and groundwater. The remediation of sites in the Superfund/Brownfields program sometimes requires the treatment and discharge of wastewater and/or stormwater. The program coordinates with WQD to identify the appropriate discharge and permitting requirements. These requirements would be evaluated as ARARs in any cleanup decisions. Many sites in these programs have historic groundwater and surface water contamination. Cleanup decisions are risk-based and generally include MCLs or other criteria to protect groundwater or surface water. Antidegradation and beneficial uses are considered for cleanup. Cleanup for some sites may include containment of contaminants to prevent further degradation of groundwater or surface water. A systematic monitoring program may verify natural attenuation of contamination in groundwater.

(5) **Integration of WQSIP into water quality management activities.** DEQ currently has rules and agency policies in place that fully implement applicable portions of the WQS. Departmental rule or policy changes will be made as necessary to implement new or modified aspects of the WQS.

(6) **Compliance with mandated statewide water quality requirements.** Siting of new facilities and regulated units must be permitted in such a manner that sensitive surface water and groundwater supplies are protected. In addition, operators of permitted facilities are required to perform appropriate monitoring so that releases can be detected and contained in a timely manner and corrective action, if necessary, can be implemented to remediate an impacted water body.

(7) **Public and interagency participation.** DEQ regularly collects and will collect a summary of comments and will provide responses thereto relating to promulgation of DEQ's WQSIP.

(8) **Evaluation of effectiveness of agency activities.** The effectiveness of LPD activities to protect water quality is evaluated by the routine monitoring of permitted facilities for both groundwater and surface water impacts. On-site inspections of permitted facilities and site visits to voluntary cleanup efforts ensure compliance with applicable rules and regulations. In addition, the environmental indicators reporting requirements provide a suitable evaluation methodology for the permitted and voluntary remediation sites within the jurisdiction of LPD.

(1) **Water and Wastewater Treatment Systems (Non-Industrial).** This program area includes the construction permitting of municipal and other publicly-owned water and wastewater treatment systems, including the land application of wastewater and non-industrial sludge (biosolids) therefrom, as well as the approval of private individual and small on-site sewage treatment and disposal systems.

(1) **Compliance with antidegradation requirements and protection of beneficial uses.** There is a presumption that adherence to minimum design and construction standards will achieve the objective of supporting the designated beneficial uses of surface waters and groundwaters. Water quality-based considerations associated with beneficial use the attainment and maintenance of higher quality waters may be established through TMDLs requiring a level of sewage treatment more stringent than "secondary." In such cases, construction permitting procedures will ensure that construction permits issued for such systems provide the required level of treatment. Applications for construction permits are reviewed to ensure that new facilities or modifications to existing facilities are consistent with treatment requirements and size restrictions contained in the Water Quality Management Plan.

(2) **Application of USAP.** The making of beneficial use support/impairment determinations for surface waters is not a component of this program area.

(3) **Description of programs affecting water quality.** Minimum water and wastewater system construction standards and biosolids/water plant residuals reuse and disposal standards are found at OACs 252:606, 252:621, 252:626, 252:631, 252:641 and 252:656. These minimum standards have been demonstrated to achieve water treatment and distribution objectives; wastewater collection and treatment objectives; and biosolids/residuals beneficial reuse/disposal objectives on a widespread geographical basis, including the State of Oklahoma. Construction permit applications and sludge management plan applications are required to contain engineering reports, plans, specifications and sludge management or residuals disposal plans sufficient to demonstrate compliance with these minimum standards for construction or advanced levels of sewage treatment. Local DEQ offices approve the design of private individual and small on-site sewage disposal systems in accordance with OAC 252:641. These systems are inspected and installations are approved by the ECLS Division through its local offices.

(4) **Technical information and procedures for implementation.** Minimum water and wastewater system construction standards and biosolids/water plant residuals reuse and disposal standards are found at OACs 252:606, 252:621, 252:626, 252:631, 252:641 and 252:656.

(5) **Integration of WQSIP into water quality management activities.** DEQ will revise or amend rules concerning construction standards or operational requirements to better protect the quality of waters of the state, as needed. Internal policies and guidelines will also be used to integrate the WQSIP into water and wastewater treatment system permitting activities.

(6) **Compliance with mandated statewide water quality requirements.** Applicable rules for construction permitting and biosolids/residuals beneficial reuse provide for consideration of and compliance with statewide water quality requirements.

(7) **Public and interagency participation.** DEQ regularly collects and will collect a summary of comments and will provide responses thereto relating to promulgation of DEQ's WQSIP.

(8) **Evaluation of effectiveness of agency activities.** DEQ will review groundwater and surface water quality information obtained through monitoring activities conducted by DEQ, OWRB, OCC, USGS, and others as well as site-specific information to determine whether groundwater and surface water quality is being impacted.

(m) **Emergency Response.** This program area is not directly applicable to WQS implementation.

(n) **Environmental Laboratory Services.**

(1) **Compliance with antidegradation requirements and protection of beneficial uses.** The SEL provides analytical support for DEQ and other state agency programs that seek to define compliance with antidegradation requirements and protection of beneficial uses.

(2) **Application of USAP.** The SEL may play a supporting role for other state agency functions which are charged with USAP-related activities.

(3) **Description of programs affecting water quality.** The SEL provides essential support for Section 106 pollution control activities, and data produced by the SEL is used extensively in programs funded under Section 106 for areas within DEQ's jurisdiction. It provides support and review of QA Project Plans for all program areas. Laboratories which report results for compliance with NPDES/OPDES permit requirements are required to hold accreditation from the SEL's Laboratory Accreditation Program through application and regular technical and quality assurance program assessments per OAC 252:301, 252:302, or 252:307. The SEL provides support in developing sampling designs, sample analysis, and data analysis for DEQ monitoring activities as well as for private citizens and other state agencies. The SEL provides analytical support, when needed, for special purpose point source compliance monitoring and evaluation, nonpoint source pollution studies, as well as for the TMDL process. The SEL provides analytical support to WQD for compliance determination, investigations, remediation-related monitoring and other monitoring related to actual or suspected groundwater pollution by water and wastewater treatment facilities, as well as the land application of both municipal and industrial wastewaters and sludges. The SEL provides analytical support to LPD for compliance determination, investigations, remediation-related monitoring and other monitoring related to identification of hazardous substances, hazardous waste and solid waste disposal sites, Superfund and Brownfield sites and residuals from past practices of radioactive waste disposal. The SEL provides analytical support to both LPD and Corporation Commission in the regulation of UIC wells. The SEL also provides analytical support to DEQ and other state environmental agencies for emergency response situations.

(4) **Technical information and procedures for implementation.** The SEL is accredited by NELAP to serve the analytical needs of other state agencies and the regulated community. The SEL provides technical consultation to WQD for evaluating WQS revisions, assessing appropriate analytical method selection and existing laboratory capacity and competency to achieve permit requirements, and interpretation of reported data.

(5) **Integration of WQSIP into water quality management activities.** The Laboratory Accreditation Program and the SEL's NELAP certification will ensure that data of known quality and comparability is available for environmental programs.

(6) **Compliance with mandated statewide water quality requirements.** The SEL provides a Section 106 supporting role for other DEQ functions which have direct responsibilities for implementing the WQS and WQS implementation criteria.

(7) **Public and interagency participation.** DEQ regularly collects and will collect a summary of comments and will provide responses thereto relating to promulgation of DEQ's WQSIP.

(8) **Evaluation of effectiveness of agency activities.** The effectiveness of SEL-rendered services to other Section 106-funded activities is measured largely through the effectiveness of those individual programs. Evaluation of the effectiveness of interdivisional and interagency cooperation in investigating possible nonpoint sources and evaluating point source dischargers to determine if they cause or contribute to the alert levels of toxics in fish tissue is provided in part by monitoring data and in part by the effectiveness of the individual programs involved.

(o) **Hazardous Substances.** Aspects of DEQ's WQS implementation related to the regulation of hazardous substances is described at 252:611-9-2(k).

(p) **Wellhead and Surface Source Water Protection.** This jurisdictional area is subsumed under WQD's source water protection program, which includes both surface waters and groundwaters.

(1) **Compliance with antidegradation requirements and protection of beneficial uses.** DEQ source water protection program provides for a focus on water quality antidegradation and protection of beneficial uses for both surface waters and groundwaters.

(2) **Application of USAP.** The making of beneficial use support and impairment determinations for surface waters is not a component of this jurisdictional area.

(3) **Description of programs affecting water quality.** DEQ's source water protection program has a surface source water protection program which parallels the concept of the existing EPA-approved wellhead protection program, as well as a continuation of the existing wellhead protection program. The delineation process will follow the same format in identifying three protection zones for both surface sources and groundwater sources. Similar procedures and guidelines are used to encourage local participation and implementation.

(4) **Technical information and procedures for implementation.** The WQD Source Water Protection Plan provides the technical guidance and procedures for implementation of this program.

(5) **Integration of WQSIP into water quality management activities.** Integration of the WQSIP will be through rules and internal WQD policies and guidelines, as well as coordination with other state and federal agencies.

(6) **Compliance with mandated statewide water quality requirements.** The groundwater portion of the Source Water Protection Plan provides a basis for delineation of special source groundwaters. Coordination with other affected entities is addressed in the Source Water Protection Plan.

(7) **Public and interagency participation.** DEQ regularly collects and will collect a summary of comments and will provide responses thereto relating to promulgation of DEQ's WQSIP.

(8) **Evaluation of effectiveness of agency activities.** Special monitoring may be initiated if potential sources of contamination of groundwater or surface water are identified.

(q) **Groundwater Protection.**

(1) Descriptions of groundwater quality protection procedures in the various DEQ program areas are provided in the subsections dealing with Land Protection, Water and Wastewater Treatment Systems, and Wellhead and Surface Source Water Protection.

(2) For those locations identified in OAC 252:730, Appendix H as a limited use groundwater, and there is a request for the use of said groundwater, certain limitations on the extraction and the use of the groundwater apply.

(r) **Utilization and Enforcement of WQS and WQS Implementation.** This subsection describes compliance inspection and enforcement activities of permitted point source dischargers and other wastewater treatment facilities conducted by the local ECLS offices and the WQD enforcement staff. Utilization of the WQS and WQS implementation by other DEQ program areas is described under the other jurisdictional areas of this WQSIP.

(1) **Compliance with antidegradation requirements and protection of beneficial uses.**

The WQD enforcement staff ensure that antidegradation requirements and protection of beneficial uses is maintained by performing inspections of and, if necessary, taking enforcement action for permit violations against OPDES permit holders. Required inspections, bypass reporting requirements, and procedures for investigating and resolving complaints are directed towards removing threats to water quality, restoration of water quality where beneficial uses are threatened, and maintaining water quality where beneficial uses are supported. Noncompliance with administrative rules and OPDES permits subjects the facility to enforcement action. The WQD enforcement staff ensure that wastewater treatment systems comply with antidegradation requirements and protect beneficial uses by monitoring such systems and initiating enforcement action against treatment systems that violate OPDES permit conditions. Total retention (non-discharging) lagoon systems are inspected by ECLS to ensure the systems are being properly maintained. Systems that land apply wastewater or sludge are inspected to ensure the systems follow the technical requirements and criteria in their land application permits and/or sludge management plans. Systems which are not properly maintaining and operating their systems based on these inspections are subject to enforcement action.

(2) **Application of USAP.** The making of beneficial use support/impairment determinations for surface waters is not a component of this jurisdictional area.

(3) **Description of programs affecting water quality.** All OPDES permittees are subject to inspections of facilities to ensure that they are being properly operated and maintained. Additionally, permit holders are required to implement a self-monitoring program and submit analytical results to DEQ as required by each facility's OPDES permit. These results are received, logged into the ICIS database, and reviewed to ensure compliance with the OPDES permit. All unpermitted system bypasses are required to be reported in order to track which facilities may be experiencing collection system or treatment facility overloading problems. The WQD enforcement staff are an integral part of the environmental complaint process, bearing the responsibility of investigating and carrying out enforcement actions, when necessary, often in conjunction with environmental program specialists from ECLS local county offices. ECLS environmental program specialists in the local DEQ offices conduct inspections of all permitted wastewater facilities at a prescribed frequency. When significant violations are identified, notices to comply are issued by the local DEQ office and follow up inspections are conducted within two weeks. If the violation persists, the facility is referred to WQD to initiate formal enforcement procedures. Violations of on-site sewage regulations (OAC 252:641) are identified both through the inspection of system installations and through the investigation of complaints of surfacing or discharging sewage. In both cases, ECLS and WQD have implemented standard enforcement procedures including NOV's, CO's and AO's designed to ensure prompt return to compliance by violators. Methods of monitoring systems include inspections, review of bypass reports and review of discharge monitoring reports.

Additionally, the environmental complaint process is effective in determining systems which may pose threats to water quality. Systems which do not discharge wastewater are routinely inspected and enforcement action is taken if the system is not properly maintained. All treatment systems are required to comply with their OPDES permit and failure to comply subjects the system to enforcement action.

(4) **Technical information and procedures for implementation.** Facility performance is monitored through inspections, DMRs, bypass reports and the filing of environmental complaints. One or more of these systems may be used to initiate enforcement action against a facility as they may identify a failure of the facility to comply with permit requirements and state or federal regulations. Enforcement actions may include an NOV, CO or AO. Enforcement actions may involve compliance schedules, which are tracked through a database and reviewed monthly to ensure compliance with the tasks required to bring the system into compliance. ECLS has established procedures for facilities found not in compliance with applicable regulations. Typically, when the ECLS environmental program specialist identifies a critical violation, he/she issues the facility a written warning to correct the situation within two weeks. If the facility remains non-compliant after two weeks, the facility is referred to the WQD to initiate formal enforcement action. ECLS has developed a procedure to ensure compliance with on-site sewage regulations. Non-compliance may result from either installation deficiencies found during the construction inspection or from cases of surfacing sewage found during investigations of complaints. In either case, if an NOV and follow-up inspection do not result in the system coming back into compliance, the owner of the system may be subjected to other enforcement actions.

(5) **Integration of WQSIP into water quality management activities.** To the extent integration of the WQSIP requires DEQ to establish policies of general applicability and future effect, that implement statutory language, or that describe the procedure and practice before DEQ, DEQ will promulgate such policies through the rule making provisions of the Administrative Procedures Act. Rules will be added or amended as appropriate to the various chapters of DEQ's existing rules.

(6) **Compliance with mandated statewide water quality requirements.** The WQD enforcement staffs water quality management activities comply with applicable statewide water quality requirements by enforcing adherence to the effluent limitations and other special conditions contained in OPDES permits, which are based on the WQMP, CPP, WQS and WQS implementation criteria.

(7) **Public and interagency participation.** DEQ regularly collects and will collect a summary of comments and will provide responses thereto relating to promulgation of DEQ's WQSIP.

(8) **Evaluation of effectiveness of agency activities.** EPA Region 6 oversees the water quality management activities of the WQD enforcement staff for major dischargers, including CEIs, enforcement activities and compliance schedules.

(s) **Environmental Regulation, Pollution Control and Abatement.** This program area is related to the assumption of jurisdiction by DEQ of surface water and groundwater pollution issues not subject to the statutory authority of other state environmental agencies. Such issues would be subsumed under other program areas in this WQSIP. Thus, this program area is not directly applicable to WQS implementation.

(t) **Public and Private Water Supplies.** This program area is related to drinking water supplies and treatment and thus is not directly applicable to WQS implementation.

(u) **Air Quality.** This program area is not directly applicable to WQS implementation.

(v) **Computerized Water Quality Data Information System.** This program area is not directly applicable to WQS implementation.

**252:611-9-3. Public and Interagency Participation**

(a) **Initial promulgation of Plan.** The initial promulgation of the WQSIP will receive public and interagency review and comment. This required element will be completed when the public participation period has been completed and a response to all comments received as a result of the public participation process has been appended to the WQSIP.

(b) **Revisions to WQSIP.** As with initial promulgation, triennial reviews of and revisions to the WQSIP, as well as any intermediate revisions thereto, shall undergo public and interagency review, and the response to all comments received shall be appended to the WQSIP.