

**TITLE 252. DEPARTMENT OF ENVIRONMENTAL QUALITY  
CHAPTER 690. WATER QUALITY STANDARDS IMPLEMENTATION**

**RULEMAKING ACTION:**

Notice of proposed PERMANENT rulemaking

**PROPOSED RULES:**

Subchapter 1. Introduction  
252:690-1-4.1 [AMENDED]

**SUMMARY:**

The gist of this rule and the underlying reason for the rulemaking is to ensure the Oklahoma Pollutant Discharge Elimination System (OPDES) is in compliance with the Department's delegation agreement with the Environmental Protection Agency (EPA), and to ensure Oklahoma retains responsibility for administering the National Pollutant Discharge Elimination System (NPDES) Program in Oklahoma. The Department proposes to update its rules concerning the date of the incorporation by reference for the Code of Federal Regulations from July 1, 2016, to July 1, 2020. The most significant federal regulation update being incorporated is EPA and the Department of the Army's redefining and clarifying the scope of "Waters of the United States" federally regulated under the Clean Water Act consistent with the Executive Order signed on February 28, 2017 entitled "The Navigable Waters Protection Rule: Definition of Waters of the United States." This final rule implements the overall objective of the Clean Water Act and increases the predictability and consistency of Clean Water Act programs.

**AUTHORITY:**

Environmental Quality Board; 27A O.S., § 2-2-101

Water Quality Management Advisory Council; 27A O.S., § 2-2-201; and 27A O.S. §§ 2-6-103, 2-6-303 and 2-6-306

**COMMENT PERIOD:**

Written comments may be submitted to the contact person from December 1, 2020, through January 12, 2021. Oral comments may be made at the Water Quality Management Advisory Council meeting on January 12, 2021, and at the Environmental Quality Board meeting on February 19, 2021.

**PUBLIC HEARING:**

Before the Water Quality Management Advisory Council on January 12, 2021, at 2:00 p.m. at the Department of Environmental Quality offices, First Floor, 707 N. Robinson, Oklahoma City, OK 73102. If the Council recommends adoption, the proposed rules will be considered by the Environmental Quality Board at its meeting scheduled on Friday, February 19, 2021, at 9:30 a.m. at the DEQ Headquarters, First Floor, 707 N. Robinson Avenue, Oklahoma City, OK 73102.

In the event the current state of emergency declaration is extended by the Governor and the statutory authorization within the Open Meetings Act, as amended by SB 661 (2020), is extended beyond the current expiration date of November 15, 2020, the Water Quality Management Advisory Council and Environmental Quality Board meetings may both take place on the dates and times as described above via videoconference and/or teleconference in compliance with the Open Meetings Act, as amended. Members of the Council or the Board (as appropriate) and public may then participate via videoconference and/or teleconference. If a videoconference and/or teleconference is necessary, videoconference and/or teleconference details will be available from the contact person or obtained online at <https://www.deq.ok.gov/council-meetings/water-quality-management-advisory-council/> or <https://www.deq.ok.gov/council-meetings/environmental-quality-board/> and on the hearing agenda when it is published at least 24 hours prior to the meeting.

**REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:**

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

**COPIES OF PROPOSED RULES:**

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

**RULE IMPACT STATEMENT:**

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

**CONTACT PERSON:**

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

**PERSONS WITH DISABILITIES:**

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