

**TITLE 252. DEPARTMENT OF ENVIRONMENTAL QUALITY
CHAPTER 4. RULES OF PRACTICE AND PROCEDURE**

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 7. Environmental Permit Process

Part 7. Water Quality Division Tiers and Timelines

252:4-7-79 Aquifer Storage and Recovery (ASR) applications – Tier I [NEW]

252:4-7-80 ASR applications – Tier II [NEW]

252:4-7-81 ASR applications – Tier III [NEW]

SUMMARY:

The Department is proposing to create three new sections 252:4-7-79 through 252:4-7-81 for Aquifer Storage and Recovery (ASR) applications within Part 7 Water Quality Division Tiers and Timelines of Subchapter 7. New section 252:4-7-79 – Aquifer Storage and Recovery (ASR) application – Tier I, new section 252:4-7-80 – ASR applications – Tier II, and new section 252:4-7-81 – ASR applications – Tier III. The proposed rulemaking will make it possible to apply to DEQ for permits required for an ASR project. ASR is one of the tools in the portfolio of options DEQ is pursuing to address water quantity concerns across the state, especially during times of drought.

AUTHORITY:

Environmental Quality Board, 27A O.S. §§ 1-3-101(B)(4), 1-1-202(C)(4), 1-3-101(B)(7), 2-6-701, 2-6-110, and 2-6-310.1; Water Quality Management Advisory Council, 27A O.S. § 2-2-201.

COMMENT PERIOD:

Deliver or mail written comments on the proposed rules to the contact person from August 15, 2017 through September 15, 2017. Oral comments may be made at the Water Quality Management Advisory Council meeting at 9:00 a.m. on September 26, 2017 and at the Environmental Quality Board meeting at 9:30 a.m. on November 7, 2017.

PUBLIC HEARINGS:

Before the Water Quality Management Advisory Council at 9:00 a.m. on September 26, 2017, in the Multi-Purpose Room, first floor of the Department of Environmental Quality, 707 N. Robinson, Oklahoma City, OK 73102.

Before the Environmental Quality Board at 9:30 a.m. on November 7, 2017, at Northeastern State University Event Center, 1041 N. Grand Avenue, Tahlequah, OK.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

The Department requests that business entities affected by these proposed rules provide the Department, within the comment period and in dollar amounts if possible, the increase or decrease in the level of direct costs such as fees and the indirect costs such as reporting, record

keeping, equipment, construction, labor, professional services, revenue loss, or other costs expected to be incurred by a particular entity due to compliance with the proposed rules.

PROPOSED RULES:

Copies of the proposed rules may be obtained from the contact person, may be viewed on the DEQ website at www.deq.state.ok.us/LPDnew/LPPProprules.htm, or may be reviewed at the Department of Environmental Quality, 707 N. Robinson, Oklahoma City, Oklahoma 73102.

RULE IMPACT STATEMENT:

The Rule Impact Statement for the proposed rules will be on file at the Department of Environmental Quality and may be requested from the contact person, or viewed on the DEQ website at www.deq.state.ok.us/LPDnew/LPPProprules.htm.

CONTACT PERSON:

Hillary Young, Land Protection Division, Chief Engineer, P.O. Box 1677, Oklahoma City, OK 73101-1677, e-mail at Hillary.Young@deq.ok.gov, phone 405-702-5100, or fax 405-702-5101.

ADDITIONAL INFORMATION:

Persons with disabilities who desire to attend the public hearing and need assistance should notify the contact person three days in advance of the meeting during business hours at 405-702-5100 or by using TDD relay number 1-800-522-8506.