

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

RULEMAKING ACTION:

PERMANENT final adoption

RULES:

Subchapter 7. Environmental Permit Process

252:4-7-73 [AMENDED]

252:4-7-74 [AMENDED]

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. §§ 1-3-101, 2-3-202, 2-3-402, 2-3-501, 2-6-103, 2-6-203, 2-6-402 and 2-6-501.

DATES:

Comment period:

December 1, 2011, through December 31, 2011

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Adoption:

February 24, 2012

Submitted to Governor:

Submitted to House:

Submitted to Senate:

Gubernatorial approval:

Legislative approval:

Final adoption:

Effective:

July 1, 2012 (proposed)

SUPERSEDED EMERGENCY ACTIONS:

n/a

INCORPORATION BY REFERENCE:

n/a

ANALYSIS:

The DEQ proposes to amend OAC 252:4 to include new water reuse systems in the environmental permitting process. The proposed rulemaking classifies applications for permits to construct new water reuse treatment systems and new water reuse distribution systems as Tier II applications. It also classifies applications for modifications to existing water reuse systems as Tier I applications.

CONTACT PERSON:

The contact person is Mark Hildebrand. Mark may be contacted at: Mark.Hildebrand@deq.ok.gov (e-mail), (405) 702-8100 (phone) or (405) 702-8101 (fax). The DEQ is located at 707 N. Robinson, Oklahoma City, Oklahoma 73102. The DEQ's mailing address is P.O. Box 1677, Oklahoma City, Oklahoma 73101-1677.

PURSUANT TO THE ACTIONS DESCRIBED HEREIN, THE FOLLOWING RULES ARE CONSIDERED FINALLY ADOPTED AS SET FORTH IN 75 O.S., SECTION 308.1(A), WITH AN EFFECTIVE DATE OF JULY 1, 2012:

CHAPTER 4. RULES OF PRACTICE AND PROCEDURE

SUBCHAPTER 7. ENVIRONMENTAL PERMIT PROCESS

252:4-7-73. Water quality applications - Tier I

The following water quality authorizations require Tier I applications.

- (1) Permit for flow-through impoundment(s) as part of the pretreatment process.
- (2) Permit renewal for a facility with an expiring permit for industrial non-discharging impoundment or industrial septic tank system.
- (3) Permit renewal for an expiring permit with minor or no change(s) for land application of sludge, biosolids, industrial wastewater and/or wastewater reclaimed water for same site.
- (4) New, modified or renewed authorization under a general permit.
- (5) Approval of new pretreatment program.
- (6) Closure plan approval.
- (7) Certifications issued pursuant to Section 401 of the Clean Water Act.
- (8) Approval of exemption for water line extensions.
- (9) Approval of exemption for water distribution, water reuse distribution and wastewater collection systems.
- (10) Approval for alternative individual on-site sewage treatment systems.
- (11) Approval for alternative small public on-site sewage treatment systems.
- (12) Residential development approval.
- (13) Transfer of discharge permit.
- (14) Minor modification of discharge permit.
- (15) Modification of an existing individual municipal permit for land application of biosolids and/or wastewater reclaimed water.
- (16) Modification of or addition to an existing permitted municipal wastewater treatment system (including sewer line extensions).
- (17) Modification of or addition to an existing permitted public water supply treatment and/or distribution system (including line extensions).
- (18) Modification of or addition to an existing permitted water reuse treatment and/or distribution system (including line extensions).
- ~~(18)~~(19) Modification of or addition to an existing permitted industrial non-discharging impoundment, industrial septic tank system, and/or industrial wastewater treatment system.
- ~~(19)~~(20) Modification of an approved pretreatment program.
- ~~(20)~~(21) Administrative amendment of permits or other authorizations for the correction of administrative or typographical errors.
- ~~(21)~~(22) New, modified or renewed individual categorical or significant industrial user pretreatment permit.
- ~~(22)~~(23) Modification of or addition of impoundment(s) to an existing permitted industrial wastewater treatment system.

252:4-7-74. Water quality applications - Tier II

The following water quality authorizations require Tier II applications.

- (1) Permit to construct a new municipal wastewater treatment, and/or collection system, excluding line extensions.
- (2) Permit to construct a new public water supply treatment and/or distribution system, excluding water line extensions.
- (3) Permit to construct a new water reuse treatment and/or distribution system, excluding line extensions, in accordance with OAC 252:656.
- ~~(3)~~(4) New discharge permit for minor facility.
- ~~(4)~~(5) Individual storm water permit.
- ~~(5)~~(6) New permit for industrial non-discharging impoundment, industrial septic tank, or industrial wastewater system.
- ~~(6)~~(7) New individual permit for land application of sludge, biosolids, industrial wastewater and/or wastewater reclaimed water.
- ~~(7)~~(8) Permit renewal for a facility with expiring discharge permit.

- ~~(8)~~(9) Permit renewal for a facility with expiring individual storm water discharge permit.
- ~~(9)~~(10) Variance including thermal components of effluent limitations for an individual discharge permit.
- ~~(10)~~(11) Major modification of discharge permit.
- ~~(11)~~(12) Modification of an individual industrial permit for land application of sludge and/or wastewater.
- ~~(12)~~(13) New, modified or renewed general permit.