

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

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 1. Introduction

252:690-1-3 [AMENDED]

252:690-1-4 [AMENDED]

Subchapter 3. Point Source Discharges

252:690-3-46 [AMENDED]

252:690-3-65 [AMENDED]

252:690-3-72 [AMENDED]

252:690-3-80 [AMENDED]

252:690-3-86 [AMENDED]

252:690-3-87 [AMENDED]

Appendix B. Priority and Nonpriority Pollutants with Numerical Criteria Requiring Reasonable Potential Screening [REVOKED]

Appendix B. Priority and Nonpriority Pollutants with Numerical Criteria Requiring Reasonable Potential Screening [NEW]

Appendix J. Background Monitoring [REVOKED]

Appendix J. Background Monitoring [NEW]

SUMMARY:

The Department proposes to: (1) update the definition of " $Q_{e(D)}$ " to be the lesser of the design flow for a municipal POTW or the design flow listed in the Section 208 Areawide Basin Plan; (2) update the publication date of the federal rules incorporated by reference from July 1, 2012, to July 1, 2013; (3) clarify potential temperature requirements for municipalities treating industrial wastewater having a thermal component; (4) update the rules on regulatory flow to be consistent with the Water Quality Standards (WQS); (5) update text to be consistent with new definition of $Q_{e(D)}$; (6) remove fecal coliform as the bacteriological indicator organism for discharge permits to be consistent with a change to WQS; (7) clarify that the exception in 252:690-3-86(e) does not apply if it is determined that the discharge is not in compliance with WQS; (8) add color implementation to comply with changes to WQS; (9) update Appendix B to be consistent with WQS; and (10) update Appendix J to include all formulas referenced in the text.

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.

COMMENT PERIOD:

Written comments may be submitted to the contact person from September 3, 2013, through October 4, 2013.

Oral comments may be made at the Water Quality Management Advisory Council meeting on October 8, 2013, and at the Environmental Quality Board meeting on November 13, 2013.

PUBLIC HEARING:

Before the Water Quality Management Advisory Council on October 8, 2013, at 1:00 p.m. in the Multi-Purpose Room on the first floor of the Department of Environmental Quality, 707 N. Robinson, Oklahoma City, Oklahoma 73102.

Before the Environmental Quality Board on November 13, 2013, at 9:30 a.m. at the Muskogee Civic Center, 425 Boston, Muskogee, OK 74403.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

The DEQ requests that business entities affected by the proposed 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 <http://www.deq.state.ok.us/wqdnew/index.htm>.

RULE IMPACT STATEMENT:

Copies of the rule impact statement may be obtained from the contact person or may be reviewed online at <http://www.deq.state.ok.us/wqdnew/index.htm>.

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.

ADDITIONAL INFORMATION:

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.