

**TITLE 252. DEPARTMENT OF ENVIRONMENTAL QUALITY
CHAPTER 606. OKLAHOMA POLLUTANT DISCHARGE ELIMINATION SYSTEM
(OPDES) STANDARDS**

SUBCHAPTER 1. INTRODUCTION

252:606-1-3. Adoption of U.S. EPA regulations by reference

(a) **Interpretation of rules.** Narrative provisions of this Chapter apply control over any provision of regulations of the Environmental Protection Agency (EPA) which are adopted by reference. The rules set forth in this Chapter are interpreted consistently with state compliance with the requirements of 40 CFR Part 123 (EPA Regulations on State NPDES Permit Program Requirements), and applicable provisions of the federal Clean Water Act and Oklahoma law.

(b) **Federal regulations adopted.** The following provisions of Title 40 of the Code of Federal Regulations (CFR) and the requirements contained therein are, unless otherwise specified, adopted and incorporated by reference in their entirety:

- (1) Part 116 (Hazardous Substances List)
- (2) Part 117 (Reportable Quantities for Hazardous Substances)
- (3) The following from PART 122 (NPDES PERMIT REGULATIONS):
 - (A) 122.1(b) - (scope of NPDES permit requirements)
 - (B) 122.2 - (definitions)
 - (C) 122.3 - (exclusions)
 - (D) 122.4 - (prohibitions)
 - (E) 122.5 - (effect of permit)
 - (F) 122.6 - (continuation of expiring permits)
 - (G) 122.7(b) and (c) - (confidential information)
 - (H) 122.21 - (application for a permit)
 - (I) 122.22 - (signatories)
 - (J) 122.24 - (concentrated aquatic animal production facilities)
 - (K) 122.25 - (aquaculture projects)
 - (L) 122.26 - (stormwater discharges)
 - (M) 122.27 - (silviculture)
 - (N) 122.28(a) and (b) - (general permits)
 - (O) 122.29 - (new sources and new dischargers)
 - (P) 122.30 - What are the objectives of the storm water regulations for small MS4s?
 - (Q) 122.31 - As a tribe, what is my role under the NPDES storm water program?
 - (R) 122.32 - As an operator of a small MS4, am I regulated under the NPDES storm water program?
 - (S) 122.33 - If I am an operator of a regulated small MS4, how do I apply for an NPDES permit and when do I have to apply?
 - (T) 122.34 - As an operator of a regulated small MS4, what will my NPDES MS4 storm water permit require?
 - (U) 122.35 - As an operator of a regulated small MS4, may I share the responsibility to implement the minimum control measures with other entities?
 - (V) 122.36 - As an operator of a regulated small MS4, what happens if I don't comply with the application or permit requirements in §§ 122.33 through 122.35?
 - (W) 122.41 - (permit conditions)

- (X) 122.42 - conditions for specified categories of permits)
 - (Y) 122.43 - establishing permit conditions)
 - (Z) 122.44 - (establishing permit limitations, standards and other conditions)
 - (AA) 122.45 - (calculating permit conditions)
 - (BB) 122.46 - (permit duration)
 - (CC) 122.47(a) - (schedules of compliance)
 - (DD) 122.48 - (monitoring requirements)
 - (EE) 122.50 - (disposal into wells)
 - (FF) 122.61 - (permit transfer)
 - (GG) 122.62 - (permit modification)
 - (HH) 122.63 - (minor modifications of permits)
 - (II) 122.64 - (permit termination)
 - (JJ) Appendices A through I
- (4) The following from PART 124 (Procedures for Decision making):
- (A) 124.1 - (introduction)
 - (B) 124.2 - (definitions)
 - (C) 124.3(a), (c), and (d) - (application for a permit)
 - (D) 124.5(a), (c), (d) and (f) - (modification of permits)
 - (E) 124.6(a), (c), (d) and (e) - (draft permit)
 - (F) 124.7 - (statement of basis of conditions where no fact sheet is adopted)
 - (G) 124.8 - (fact sheet)
 - (H) 124.10(a)(1)(ii), (a)(1)(iii), (a)(1)(v), (b), (c), (d), and (e) - (public notice)
 - (I) 124.11 - (public comments and requests for hearings)
 - (J) 124.12(a) and (c) - (public hearings)
 - (K) 124.13 - (obligation of protestors, etc., to raise all issues)
 - (L) 124.14 - (reopening)
 - (M) 124.15 - (issuance & effective dates of permits)
 - (N) 124.17(a) and (c) - (response to comments)
 - (O) 124.19(a), (c) and (e) - (permit appeals), substituting DEQ for Environmental Appeals Board, and striking in (e) ", under 5 U.S.C. 704,"
 - ~~(P)~~(P) 124.51(a) and (b) - (specific permitting procedures-purpose and scope)
 - ~~(Q)~~(Q) 124.52 - (permits required on a case-by-case basis)
 - ~~(R)~~(R) 124.56 - (fact sheets)
 - ~~(S)~~(S) 124.57(a) - (public notice)
 - ~~(T)~~(T) 124.59 - (comments from government agencies)
 - ~~(U)~~(U) 124.62 - (decision on variances)
 - ~~(V)~~(V) 124.66 - (thermal variance procedures)
- (5) The following from PART 125 (criteria and standards for NPDES):
- (A) Subpart A (technology-based treatment),
 - (B) B (criteria for aquaculture projects),
 - (C) D (fundamentally different factors),
 - (D) H (alternative effluent limitations),
 - (E) I (new cooling water intakes), and
 - (F) J (existing cooling water intakes).
- (6) 40 CFR Part 129 (Toxic Pollutant Effluent Standards)
- (7) 40 CFR Part 136 (testing and laboratory)

- (8) 40 CFR §§ 401-471 (Effluent Guidelines and Standards)
 - (9) 40 CFR § 110.6 (notice of oil discharge) and
 - (10) 40 CFR Part 302 (Reportable Quantities and Notification).
- (c) The following provisions of 40 CFR that are applicable to biosolids are hereby incorporated by reference, subject to any modifications and additional requirements specified in this Chapter:
- (1) The following Sections from Part 503, Subpart A (General Provisions):
 - (A) 503.1 (Purpose and applicability)
 - (B) 503.2 (Compliance period)
 - (C) 503.3 (Permits and direct enforceability)
 - (D) 503.4 (Relationship to other regulations)
 - (E) 503.5 (Additional or more stringent requirements)
 - (F) 503.6(a)-(e), (g)-(j) (Exclusions)
 - (G) 503.7 (Requirement for a person who prepares biosolids)
 - (H) 503.8 (Sampling and analysis)
 - (I) 503.9 (General definitions)
 - (2) The following Sections from Part 503, Subpart B (Land Application):
 - (A) 503.10(a),(b)(1)&(2),(e),(f),(g) (Applicability)
 - (B) 503.11 (Special definitions)
 - (C) 503.12 (General requirements)
 - (D) 503.13 (Pollutant limits)
 - (E) 503.14 (Management practices)
 - (F) 503.15 (Operational standards - pathogens and vector attraction reduction)
 - (G) 503.16(a) (Frequency of monitoring)
 - (H) 503.17(a) (Recordkeeping)
 - (I) 503.18 (Reporting)
 - (3) The following Sections from Part 503, Subpart D (Pathogens and Vector Attraction Reduction):
 - (A) 503.30 (Scope)
 - (B) 503.31 (Special definitions)
 - (C) 503.32(a), (b) (Pathogens)
 - (D) 503.33(a), (b)(1)-(11) (Vector attraction reduction)
 - (4) The following Sections from Part 503 Subpart E (Incineration):
 - (A) 503.40 (Applicability)
 - (B) 503.41 (Special definitions)
 - (C) 503.42 (General requirements)
 - (D) 503.43 (Pollutant (Metal) limits)
 - (E) 503.44 (Operational standard - total hydrocarbons)
 - (F) 503.45 (Management practices)
 - (G) 503.46 (Frequency of monitoring)
 - (H) 503.47 (Recordkeeping)
 - (I) 503.48 (Reporting)
 - (5) The following Appendices from Part 503:
 - (A) Appendix A (Procedure to determine the annual whole biosolids application rate for a biosolids)
 - (B) Appendix B (Pathogen treatment processes)
- (d) **Exclusions.** Provisions of 40 CFR relating to CAFOs are excluded because they are beyond the jurisdiction of this Chapter.

252:606-1-4. Date of federal regulations incorporated

When reference is made to 40 CFR it means, unless otherwise specified, the volume of 40 CFR as published on July 1, ~~2011~~ 2012.