

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

SUBCHAPTER 1. INTRODUCTION

252:690-1-4. Incorporation of EPA regulations by reference

The following federal regulations at 40 CFR, as published on July 1, ~~2010~~ 2012 are incorporated by reference and applicable to this Chapter:

(1) **OAC 252:205 (Hazardous Waste Management)**. 124.31, 124.32, & 124.33, substituting DEQ for EPA, and deleting the following sentence from each section: For the purposes of this section only, "Hazardous waste management units over which EPA has permit issuance authority" refers to hazardous waste management units for which the State where the units are located has not been authorized to issue RCRA permits pursuant to 40 CFR part 271.

(A) **Part 260**. Hazardous Waste Management System: General, except 260.21.

(i) In 260.20, "Federal Register" is synonymous with "The Oklahoma Register."

(ii) In 260.20(e), strike the words "or a denial."

(iii) In 260.22, references to the lists in Subpart D of Part 261 and the reference to § 261.3(a)(2)(ii) or C shall mean the lists in Subpart D of Part 261 and § 261.3(a)(2)(ii) or C as adopted by reference and applicable in Oklahoma.

(iv) In the 260.10 definitions of "new tank system" and "existing tank system", the reference to "July 14, 1986" for commencement of tank installation applies only to tank regulations promulgated pursuant to the federal Hazardous and Solid Waste Amendment ("HSWA") requirements. The following categories outline HSWA requirements:

(I) interim status and permitting requirements applicable to tank systems owned and operated by small quantity generators [3001(d)];

(II) leak detection requirements for all new underground tank systems [3004(o)(4)]; and

(III) permitting standards for underground tanks that cannot be entered for inspection [3004(w)]. For tank regulations promulgated pursuant to statutory authority other than HSWA, the date relative to the commencement of installation is November 2, 1987.

(B) **Part 261**. Identification and Listing of Hazardous Waste except 261.4(b)(18) which pertains to Utah only, thus should be excluded.

(i) In 261.4(e)(3)(iii) delete "in the Region where the sample is collected".

(ii) In 261.5(f)(3)(iv), and (v), and in 261.5(g)(3)(iv), and (v) add "other than Oklahoma" after the word "State".

(iii) In 261.31(a), the listing for F019, add at the end: "Zinc phosphate sludges meeting exemption conditions remain subject to regulation as hazardous waste if the waste exhibits a hazardous waste characteristic."

(C) **Part 262**. Standards Applicable to Generators of Hazardous Waste except Subpart E and Subpart H. In 262.42(a)(2) and 262.42(b) delete "for the Region in which the generator is located".

(D) **Part 263**. Standards Applicable to Transporters of Hazardous Waste.

(E) **Part 264**. Standards for Owners and Operators of Hazardous Waste Treatment Storage, and Disposal Facilities. The following sections and subsections are not adopted by reference: 264.1(f), 264.1(g)(12), 264.149, 264.150, 264.301(l), 264.1030(d), 264.1050(g), 264.1080(e), 264.1080(f), and 264.1080(g).

(i) In 264.191(a), the compliance date of January 12, 1988 applies only for HSWA tanks. For non-HSWA tanks the compliance date is November 2, 1988.

(ii) In 264.191(c), the reference to July 14, 1986 applies only to HSWA tanks. For non-HSWA tanks the applicable date is November 2, 1987.

(iii) In 264.193, the Federal effective dates apply to HSWA tanks only. For non-HSWA tanks January 12, 1987 is replaced with November 2, 1987.

(iv) In 264.570(a) the dates December 6, 1990 and December 24, 1992 apply only to drip pads where F032 waste is handled. The dates June 22, 1992 and August 15, 1994 respectively, replace the dates December 6, 1990 and December 24, 1992 for drip pads where F034 or F035 wastes are handled.

(F) **Part 265.** Interim Status Standards for Owners and Operators of Hazardous Waste Treatment, Storage, and Disposal Facilities except 265.1(c)(4), 265.1(g)(12), 265.149, 265.150, 265.1030(c), 265.1050(f), 265.1080(e), 265.1080(f), and 265.1080(g).

(i) In 265.191(a), the compliance date of January 12, 1988 applies only for HSWA tanks. For non-HSWA tanks the compliance date is November 2, 1988.

(ii) In 265.191(c), the reference to July 14, 1986 applies only to HSWA tanks. For non-HSWA tanks the applicable date is November 2, 1987.

(iii) In 265.193, the Federal effective dates apply to HSWA tanks only. For non-HSWA tanks January 12, 1987 is replaced with November 2, 1987.

(iv) In 265.440(a) the dates December 6, 1990 and December 24, 1992 apply only to drip pads where F032 waste is handled. The dates June 22, 1992 and August 15, 1994 respectively, replace the dates December 6, 1990 and December 24, 1992 for drip pads where F034 or F035 wastes are handled.

(G) **Part 266.** Standards for the Management of Specific Hazardous Wastes and Specific Types of Hazardous Waste Management Facilities. Due to an early incorporation by reference, for purposes of Part 266 only, HSWA and non-HSWA dates are the same. In 266.325, the reference to 10 CFR 1.5 is changed to 10 CFR 71.5.

(H) **Part 267.** Standards for Owners and Operators of Hazardous Waste Facilities Operating Under a Standardized Permit. This permit option shall only be available to:

(i) those persons who generate hazardous waste on-site through, or as a result of, industrial production processes;

(ii) wholly owned subsidiaries, owners, or sister companies of those persons specified in paragraph (1); and

(iii) agencies, departments, or units of the federal government or the State of Oklahoma.

(I) **Part 268.** Land Disposal Restrictions, except 268.5, 268.6, 268.13, 268.42(b) and 268.44(a) through (g). In 268.7 (a)(9)(iii) exclude D009 from the list of alternative treatment standards for lab packs.

(J) **Part 270.** The Hazardous Waste Permit Program, except 270.1(c)(2)(ix), and 270.14(b)(18).

(K) **Part 273.** Standards for Universal Waste Management.

(L) **Part 279.** Standards for the Management of Used Oil, except that 279.82 is revised to read in its entirety, "The use of used oil as a dust suppressant is prohibited."

(2) **OAC 252:606 (Discharge Standards).**

(A) Part 116 (Hazardous Substances List)

(B) Part 117 (Reportable Quantities for Hazardous Substances)

(C) The following from PART 122 (NPDES PERMIT REGULATIONS):

(i) 122.2 - (definitions)

(ii) 122.24 - (concentrated aquatic animal production facilities)

(iii) 122.25 - (aquaculture projects)

(iv) 122.26 - (stormwater discharges)

(v) 122.27 - (silviculture)

(vi) 122.28(a) and (b) - (general permits)

(vii) 122.29 - (new sources and new dischargers)

(viii) 122.32 - As an operator of a small MS4, am I regulated under the NPDES storm water program?

(ix) 122.34 - As an operator of a regulated small MS4, what will my NPDES MS4 storm water permit require?

(x) 122.35 - As an operator of a regulated small MS4, may I share the responsibility to implement the minimum control measures with other entities?

(xi) 122.41 - (permit conditions)

(xii) 122.42 - (conditions for specified categories of permits)

(xiii) 122.43 - (establishing permit conditions)

(xiv) 122.44 - (establishing permit limitations, standards and other conditions)

(xv) 122.45 - (calculating permit conditions)

(xvi) 122.46 - (permit duration)

- (xvii) 122.47(a) - (schedules of compliance)
 - (xviii) 122.48 - (monitoring requirements)
 - (xix) 122.50 - (disposal into wells)
 - (xx) 122.61 - (permit transfer)
 - (xxi) 122.62 - (permit modification)
 - (xxii) 122.63 - (minor modifications of permits)
 - (xxiii) 122.64 - (permit termination)
 - (xxiv) Appendices A through J
- (D) The following from PART 125 (criteria and standards for NPDES):
- (i) Subpart A (technology-based treatment),
 - (ii) Subpart B (criteria for aquaculture projects),
 - (iii) Subpart D (fundamentally different factors),
 - (iv) Subpart H (alternative effluent limitations),
 - (v) Subpart I (new cooling water intakes),
 - (vi) Subpart J (existing cooling water intakes), and
 - (vii) Subpart L (disposal of sewage sludge under CWA 405)
- (E) Part 129 (Toxic Pollutant Effluent Standards)
- (F) Part 136 (testing and laboratory)
- (G) Sections 401-471 (Effluent Guidelines 7 and Standards)
- (H) Section 110.6 (notice of oil discharge)
- (I) Part 302 (CERCLA exemption from NPDES permits)
- (J) The following Sections from Part 503, Subpart A (General Provisions):
- (i) 503.1 (Purpose and applicability)
 - (ii) 503.2 (Compliance period)
 - (iii) 503.3 (Permits and direct enforceability)
 - (iv) 503.4 (Relationship to other regulations)
 - (v) 503.5 (Additional or more stringent requirements)
 - (vi) 503.6(a)-(e),(g)-(j) (Exclusions)
 - (vii) 503.7 (Requirement for a person who prepares biosolids)
 - (viii) 503.8 (Sampling and analysis)
 - (ix) 503.9 (General definitions)
- (K) The following Sections from Part 503, Subpart B (Land Application):
- (i) 503.10(a),(b)(1)&(2),(e),(f),(g) (Applicability)
 - (ii) 503.11 (Special definitions)
 - (iii) 503.12 (General requirements)
 - (iv) 503.13 (Pollutant limits)
 - (v) 503.14 (Management practices)
 - (vi) 503.15 (Operational standards - pathogens and vector attraction reduction)
 - (vii) 503.16(a) (Frequency of monitoring)
 - (viii) 503.17(a) (Recordkeeping)
 - (ix) 503.18 (Reporting)
- (L) The following Sections from Part 503, Subpart D (Pathogens and Vector Attraction Reduction):
- (i) 503.30 (Scope)
 - (ii) 503.31 (Special definitions)
 - (iii) 503.32(a), (b) (Pathogens)
 - (iv) 503.33(a), (b)(1)-(11) (Vector attraction reduction)
- (M) The following Sections from Part 503 Subpart E (Incineration)
- (i) 503.40 (Applicability)
 - (ii) 503.41 (Special definitions)
 - (iii) 503.42 (General requirements)
 - (iv) 503.43 (Pollutant (Metal) limits)
 - (v) 503.44 (Operational standard - total hydrocarbons)
 - (vi) 503.45 (Management practices)
 - (vii) 503.46 (Frequency of monitoring)

- (viii) 503.47 (Recordkeeping)
- (ix) 503.48 (Reporting)
- (N) The following Appendices from Part 503:
 - (i) Appendix A (Procedure to determine the annual whole sludge application rate for a sludge)
 - (ii) Appendix B (Pathogen treatment processes)
- (O) Provisions of 40 CFR relating to CAFOs are excluded because they are beyond the jurisdiction of this Chapter.
- (3) **OAC 252:611 (General Water Quality)** Part 130 (Water Quality Planning and Management)
- (4) **OAC 252:652 (Underground Injection Control)**. The following apply in their entirety as they apply to the underground injection control program:
 - (A) Part 144 (Underground Injection Control Program)
 - (B) Part 145 (State UIC Program Requirements)
 - (C) Part 146 (Underground Injection Control Program: Criteria and Standards)
 - (D) Part 147 (State Underground Injection Control Programs)
 - (E) Part 148 (Hazardous Waste Injection Restrictions)
- (5) In all cases where these rules conflict with or are less stringent than federal regulations, the federal regulations apply.

SUBCHAPTER 3. POINT SOURCE DISCHARGES

252:690-3-5. $C_{E(\text{mean})}$ for effluent characterization for determining reasonable potential for parameters other than temperature

Geometric means are preferred and will ~~shall~~ be calculated ~~used~~ if sufficient individual data points are available ~~when at least ten (10) individual data points are available~~. A geometric mean ~~must be~~ ~~shall~~ be calculated ~~from using~~ individual measurement values. ~~The DEQ will not calculate a geometric mean~~ ~~Geometric means may not be calculated from using~~ DMR monthly averages. ~~Where a~~, unless the DMR monthly average is the result of only two measurements, ~~the individual data point values may be determined~~. ~~If the geometric mean cannot be determined~~ ~~If fewer than ten (10) data points are available~~, the arithmetic mean ~~will~~ ~~shall~~ be used. Arithmetic and geometric means ~~are~~ ~~shall~~ be calculated according to Equations C-1 and C-2 ~~in Appendix C~~, respectively.

252:690-3-8. C_{95} for determining reasonable potential for parameters other than temperature

(a) **Existing discharges.** ~~If less fewer than ten (10) effluent data points are available~~, the C_{95} effluent concentration is determined by multiplying $C_{E(\text{mean})}$ by 2.135 ~~where $C_{E(\text{mean})}$ is the arithmetic mean~~. If only a single effluent data point is available, it is $C_{E(\text{mean})}$ for the purpose of determining C_{95} . ~~Where ten (10) or more effluent data points are available~~, the C_{95} concentration is calculated directly from the effluent data set according to Equation C-8.

(b) **New discharges.** For new discharges, C_{95} is estimated by multiplying the expected average effluent quality, $C_{E(\text{mean})}$, by 2.135. Where new industrial facility discharges include cooling tower blowdown from a recirculating cooling water system, permit applicants must submit the results of at least three (3) water samples collected from the cooling water source. The samples must be collected on different days no more than one (1) year prior to submission of the application. The applicant must estimate the C_{95} concentration of the blowdown discharge using the source water monitoring data, based on the projected number of recirculation cycles.

252:690-3-12. Background monitoring and frequency

~~Where~~ ~~When~~ effluent limits ~~are not~~ ~~have not been~~ established for a substance and a complete background data set ~~meeting that meets~~ the requirements of OAC 252:690-3-11 is not available, ~~the BT/C ratio~~, the appropriate BT/C equation in Appendix J ~~is used~~ ~~shall~~ be used to determine whether background monitoring is required. ~~Where the BT/C ratio is less than 1.0, C_{95} exceeds the associated water quality criterion, indicating that reasonable potential could be exhibited were the background level high enough~~. If the BT/C ratio is less than or equal to the $(BT/C)_{\text{max}}$ value ~~obtained using Equation J-1, J-2 or J-3, 2 as appropriate~~ using the appropriate equation in Appendix J, background monitoring is required and the monitoring frequency must be sufficient to provide at least ~~ten (10)~~ data points over a period of one

year. The collected background data shall be used in conjunction with the effluent data to determine if there is reasonable potential for the effluent to violate water quality standards.

252:690-3-19. TREs, TIEs and WET limits

(a) **TRE and TIE.** A TRE is required ~~where~~when persistent toxicity is demonstrated. ~~DEQ may require a TRE or TIE where~~When intermittent toxicity is demonstrated, DEQ may require a TRE/TIE.

(b) **WET limits.** DEQ ~~will~~shall incorporate a WET limit into a permit for the species affected by whole effluent toxicity upon the completion of a ~~TRE-TRE /TIE~~, unless DEQ determines that chemical-specific effluent limits or toxicity-specific management practices in accordance with OAC 252:690-3-27 are sufficient to comply with the narrative toxicity criterion and protect the designated use. DEQ may also incorporate a WET limit or chemical-specific effluent limits into a permit ~~where~~when reasonable potential is established ~~by the presence in a discharge of a known toxicant in toxic amounts.~~

(c) **Effective date of WET limit.** The effective date of a WET limit or a chemical-specific limit may be deferred up to three (3) years from the date of completion of the ~~TRE-TRE /TIE~~ or the effective date of a permit, as applicable. The effective date of toxicity-specific management practices may be deferred up to one (1) year from the date of completion of the ~~TRE-TRE /TIE~~ or the effective date of a permit, as applicable.

252:690-3-32. Test failure notification and retesting

Permittees shall notify DEQ by telephone within ~~24~~twenty-four (24) hours and in writing within five (5) days of becoming aware of a WET test failure and shall perform WET tests/retests on the affected test species. WET tests/retests are required as follows:

(1) **WET limits.** If a permit contains a WET limit, monthly WET tests of the same type as the failed test are required ~~until~~.

(A) If the permittee achieves three (3) consecutive passing tests, at which time the permittee returns may return to the its routine WET testing frequency.

(B) If three (3) consecutive passing tests cannot be achieved in six (6) months, DEQ may require further action, including the possibility of a TIE or a TRE.

(C) If a TIE or a TRE is required or the permittee is in the process of implementing toxicity reduction measures that have resulted from a completed TRE related to the type of failure in question, the permittee may return to its routine WET testing frequency.

(2) **Biomonitoring.** If a permit does not contain a WET limit, two (2) monthly WET retests of the same type as the failed test are required during the ~~two month~~two-month period following the month in which the test failure is experienced.

(A) Retests are not required if the permittee is:

(i) actively engaged in conducting a TRE, or

(ii) ~~is in the process of implementing toxicity reduction measures which that:~~

(I) have resulted from a completed TRE related to the type of failure in question, and

(II) ~~which are reflected in a DEQ-issued compliance schedule.~~

(B) It is the responsibility of the permittee to request ~~such~~ an exemption from retesting and provide a basis for the request within thirty (30) days of the completion of the failed test.

(C) Retests ~~shall not~~cannot be substituted for regularly scheduled WET tests.

252:690-3-86. Implementation of bacteriological criteria to protect the Primary Body Contact Recreation (PBCR) and the Secondary Body Contact Recreation (SBCR) beneficial use

(a) **PBCR waterbodies - May 1 through September 30.** ~~The~~When the use of a bacteriological indicator is determined to be necessary, the following PBCR ~~beneficial use~~ bacteriological limitations and monitoring requirements ~~apply~~shall apply during the period from May 1 through September 30 to protect the PBCR beneficial use: ~~The fecal coliform MAL of 200 CFU/100ml, expressed as a geometric mean, and the DML of 400 CFU/100ml apply to permittees that discharge fecal coliform. DEQ may use other bacteriological indicators as listed in OAC 785:45 on a case-by-case basis in order to protect the PBCR beneficial use. While a WLA may use other bacteriological indicators, compliance with one of the indicators will meet the requirements of this regulation. This does not apply to discharging lagoons in~~

~~compliance with OAC 252:656-11-2(b) unless Water Quality Standards are violated.~~

- (1) **Fecal coliform.** When fecal coliform is the bacteriological indicator:
 - (A) The monthly geometric mean shall not exceed 200 CFU/100 ml.
 - (B) The daily maximum for all waterbodies shall not exceed 400 CFU/100 ml.
 - (2) **Escherichia coli (E. coli).** When E. coli is the bacteriological indicator:
 - (A) The monthly geometric mean shall not exceed 126 CFU/100 ml.
 - (B) The daily maximum for lakes shall not exceed 235 CFU/100 ml.
 - (C) The daily maximum for all waterbodies other than lakes shall not exceed 406 CFU/100 ml.
 - (3) **Enterococci.** When enterococci is the bacteriological indicator:
 - (A) The monthly geometric mean shall not exceed 33 CFU/100 ml.
 - (B) The daily maximum for lakes shall not exceed 61 CFU/100 ml.
 - (C) The daily maximum for all waterbodies other than lakes shall not exceed 108 CFU/100 ml.
- (b) **PBCR waterbodies - October 1 through April 30.** When the use of a bacteriological indicator is determined to be necessary, ~~From October 1 through April 30,~~ the SBCR bacteriological limitation and monitoring requirements, ~~stated limitations listed in OAC 252:690-3-86(b) (c) of this Section,~~ are applicable when implementing the PBCR beneficial use shall apply from October 1 through April 30 to protect the PBCR beneficial use when the receiving stream is on the 303(d) list for bacteria.
- ~~(b)(c) **SBCR waterbodies.** One of the following SBCR beneficial use bacteriological limitations and monitoring requirements apply shall be used year round to for permittees that discharge fecal coliform to waterbodies on the 303(d) list for bacteria: . The fecal coliform MAL of 1000 CFU/100ml, expressed as a geometric mean, and the DML of 2000 CFU/100ml apply to permittees that discharge fecal coliform to waterbodies on the 303(d) list for bacteria.~~

- (1) **Fecal coliform.** When fecal coliform is the bacteriological indicator:
 - (A) The monthly geometric mean shall not exceed 1000 CFU/100 ml.
 - (B) The daily maximum for all waterbodies shall not exceed 2000 CFU/100 ml.
- (2) **Escherichia coli (E. coli).** When E. coli is the bacteriological indicator:
 - (A) The monthly geometric mean shall not exceed 630 CFU/100 ml.
 - (B) The daily maximum for lakes shall not exceed 1175 CFU/100 ml.
 - (C) The daily maximum for all waterbodies other than lakes shall not exceed 2030 CFU/100 ml.
- (3) **Enterococci.** When enterococci is the bacteriological indicator:
 - (A) The monthly geometric mean shall not exceed 165 CFU/100 ml.
 - (B) The daily maximum for lakes shall not exceed 305 CFU/100 ml.
 - (C) The daily maximum for all waterbodies other than lakes shall not exceed 540 CFU/100 ml.

~~DEQ may use other bacteriological indicators as listed in OAC 785:45 on a case-by-case basis in order to protect the SBCR beneficial use.~~

(d) **Indicators used in WLA.** While a WLA may use other bacteriological indicators, compliance with one of the indicators will meet the requirements of this regulation. ~~Regardless of which bacteriological indicator was used in a permittee's WLA, the permit may contain any one of the three bacteriologic indicators listed above.~~

(e) **Exception.** This Section does not apply to discharging lagoons that were permitted and are being operated in compliance with OAC 252:656-11-2(b) ~~unless Water Quality Standards are violated.~~

252:690-3-89. Effluent monitoring frequency where when permit limitations are required

~~(a) DEQ may increase monitoring frequency for the parameters listed below for a period not to exceed one year during the initial permit cycle where a permit limit has been established that is required to be monitored, for the purpose of establishing the pattern and extent of variation for a given pollutant. When monitoring is required in a permit, The the following are the minimum monitoring frequencies for parameters during the initial each permit cycle where a permit limit has been established that requires monitoring are:~~

- ~~(1) one/week once a week for temperature limits.~~
- ~~(2) two/month twice a month for aquatic toxicity criterion-based limits, human health and raw water criterion-based limits, and agriculture criterion-based limits.~~
- ~~(3) for bacteriological limitations:~~

- (A) ~~two/week~~ twice a week during May 1 through September 30 to protect the PBCR beneficial use,
- (B) once a week to protect the SBCR beneficial use, if the receiving stream is impaired for bacteria, and
- (C) ~~one/week~~ once a week year round for total coliform limits, unless fecal coliform bacteriological limitations for PBCR are also established in the permit, in which case the minimum total coliform monitoring frequency will be ~~one/week~~ once a week for the period October 1 through April 30 only to protect the PPWS beneficial use.

(b) DEQ may increase the monitoring frequencies listed in (a)(1) and (2) of this Section for a period not to exceed one (1) year during the initial permit cycle for the purpose of establishing the pattern and extent of variation for a given pollutant.

252:690-3-91. Performance-based monitoring frequency reductions and increases

(a) ~~Where~~ ~~When~~ MALs ~~are~~ ~~have~~ been established in a previous permit and a parameter(s) has been monitored for one complete permit cycle (five years), performance-based monitoring frequency reductions or increases will be considered.

(1) Except for ammonia, when a permittee has experienced:

- (A) no permit limit violation of any kind for a limited parameter during the permit cycle, a performance-based monitoring frequency reduction may be granted according to Table I-1 in Appendix I.
- (B) a non-SNC permit limit violation during the permit cycle, the permittee is ineligible for a performance-based monitoring frequency reduction for that parameter for the ensuing permit cycle.
- (C) SNC violations for a parameter during the permit cycle, the permittee is:
 - (i) ineligible for a performance-based monitoring frequency reduction for that parameter for the ensuing permit cycle, and
 - (ii) a monitoring frequency increase is required in accordance with Table I-2 in Appendix I.

(2) Permittees may request toxicity-based ammonia limit monitoring frequency reductions according to 252:690-3-26 or WET testing frequency reductions according to 252:690-3-42.

(3) The monitoring frequency for a metal may be reduced to once every six (6) months if:

- (A) the permit includes a long-term average effluent concentration for the permit cycle of less than ten percent (10%) of the Monthly Average Concentration Limit;
- (B) it no longer exhibits reasonable potential (either from monitoring or effluent limit);
- (C) there is a limit for that parameter in a previous permit that cannot be removed; and
- (D) the parameter is not causing the receiving water body to be listed as a Category 5 water body in Oklahoma's Integrated Report.

~~Any control test undertaken in accordance with OAC 252:606, Appendix A, shall be reported on the DMRs as required by 40 CFR § 122.41 (1)(4)(ii), provided the control test sample meets all the sample protocol requirements as contained in the OPDES permit. New permittees, or permittees with newly established permit limitations, shall go through one permit cycle (five years) before being eligible for performance-based monitoring frequency reductions or increases. Where a permittee has exhibited SNC for a parameter during the permit cycle, the permittee is ineligible for a performance-based monitoring frequency reduction for that parameter for the ensuing permit cycle, and a monitoring frequency increase is required in accordance with Table I-3. Where a permittee has experienced a permit limit violation of any kind for a limited parameter, short of SNC, during the permit cycle, a performance-based monitoring frequency reduction may be granted according to Table I-1. Where a permittee has experienced no permit limit violation of any kind for a limited parameter during the permit cycle, a performance-based monitoring frequency reduction may be granted according to Table I-2. Permittees may request toxicity-based ammonia limit monitoring frequency reductions according to OAC 252:690-3-26 or WET testing frequency reductions according to OAC 252:690-3-42.~~

(b) Performance-based monitoring frequency reductions shall not be based on a weekly average, a daily minimum or a daily maximum concentration limit.

(c) The permit frequency reductions stated ~~within this rule in this Section~~ and in Appendix I ~~of this Chapter~~ do not affect the need or number of control tests to be undertaken as required in Appendix A of OAC 252:606, Appendix A. For facilities which have a long-term average effluent concentration for the permit cycle of less than ten percent (10%) of the Monthly Average Concentration Limit and no longer

show reasonable potential for a metal (either from monitoring or effluent limit), but have a limit for that parameter in a previous permit that cannot be removed, the monitoring frequency for said parameter may be reduced to once every six (6) months, provided the parameter is not causing the receiving water body to be listed as a Category 5 water body in Oklahoma's Integrated Report.

(d) In accordance with 785:45-5-10 and 785:45-5-16, no frequency reduction shall be allowed for bacteriological limitations.

(e) Any control test undertaken in accordance with OAC 252:606, Appendix A, shall be reported on the DMRs as required by 40 CFR § 122.41 (1)(4)(ii), provided the control test sample meets all the sample protocol requirements as contained in the OPDES permit.