

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

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking.

PROPOSED RULES:

Subchapter 1. Introduction

252:606-1-4 Date of federal regulations incorporated [AMENDED]

SUMMARY:

The gist of this rule and the underlying reason for the rulemaking is to ensure the Oklahoma Pollutant Discharge Elimination System (OPDES) is in compliance with the Department's delegation agreement and to ensure Oklahoma retains responsibility for administering the National Pollutant Discharge Elimination System (NPDES) Program in Oklahoma. The Department proposes to update its rules concerning the date of the incorporation by reference for the Code of Federal Regulations from July 1, 2015, to July 1, 2016. The most significant federal regulation updates being incorporated are an update regarding electronic reporting for NPDES; an update to the effluent limitations guidelines and standards (ELGs) for the steam electric power generating industry; and an update that establishes pretreatment standards that prevent the discharge of pollutants in wastewater from onshore unconventional oil and gas (UOG) extraction facilities to publicly owned treatment works (POTWs). The electronic reporting update will modernize the reporting of NPDES discharge program information from paper-based reporting to electronic reporting. The ELGs update establishes nationally applicable limits on the amount of toxic metals and other harmful pollutants that coal-fired steam electric power plants are allowed to discharge. The pretreatment standards for the discharge of pollutants in wastewater from onshore UOG extraction facilities to POTWs will help protect the operational integrity of POTWs.

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. §§ 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 1, 2016, through October 3, 2016.

Oral comments may be made at the Water Quality Management Advisory Council meeting on October 4, 2016, and at the Environmental Quality Board meeting on November 9, 2016.

PUBLIC HEARING:

Before the Water Quality Management Advisory Council on October 4, 2016, at 2:00 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 9, 2016, at 9:30 a.m. in the Carolyn Renfro Event Center at 445 Fairview Avenue, Ponca City, OK 74601.

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

ACCEPTED 8/10/16

Office of Administrative Rules

Oklahoma Secretary of State

Docket # 16-731

OAR/cert CW

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.

TRANSMITTAL SHEET

NAME OF AGENCY:

Department of Environmental Quality

TYPE OF DOCUMENT:

Notice of Rulemaking Intent

LIAISON VERIFICATION:

I verify that I have reviewed the attached document and that it substantially conforms to filing and format requirements of the APA and the rules of the Secretary of State. Additional information may be obtained by contacting me at (405) 702-7177.



Debbie Ray
Rule Liaison



Date: