

**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, 2015~~ 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) that 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.

**252:690-1-4.1. 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, 2016.