

**TITLE 252. OKLAHOMA DEPARTMENT OF ENVIRONMENTAL QUALITY
CHAPTER 621. NON-INDUSTRIAL DISCHARGING AND PUBLIC WATER SUPPLY
LAGOONS-INCLUDING-LAND APPLICATION**

RULEMAKING ACTION:

PERMANENT final adoption

RULES:

- Subchapter 1. General Provisions
252:621-1-1 [AMENDED]
- Subchapter 3. Permit Procedures
252:621-3-4 [REVOKED]
252:621-3-5 [REVOKED]
252:621-3-6 [REVOKED]
- Subchapter 5. Operation and Maintenance
252:621-5-2 [REVOKED]
252:621-5-3 [AMENDED]
252:621-5-4 [REVOKED]
- Subchapter 7. Monitoring, Reporting, Inspections and Records Requirements
252:621-7-1 [AMENDED]

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, 2-6-402 and 2-6-501.

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SUPERSEDED EMERGENCY ACTIONS:

n/a

INCORPORATION BY REFERENCE:

n/a

ANALYSIS:

The DEQ proposes to amend OAC 252:621 to remove language from the title and text concerning the operation, maintenance and closure of land application sites related to non-industrial discharging and public water supply lagoon facilities. The DEQ also proposes to move the rules pertaining to operation and maintenance of land application sites associated with these types of facilities to the new Chapter 627 (Operation and Maintenance of Water Reuse Systems). Finally, the DEQ proposes to revoke redundant language concerning financial assurances.

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PURSUANT TO THE ACTIONS DESCRIBED HEREIN, THE FOLLOWING RULES ARE CONSIDERED FINALLY ADOPTED AS SET FORTH IN 75 O.S., SECTION 308.1(A), WITH AN EFFECTIVE DATE OF JULY 1, 2012:

SUBCHAPTER 1. GENERAL PROVISIONS

252:621-1-1. Purpose

This Chapter establishes the operating and closure requirements for all non-industrial discharging and public water supply lagoons ~~and land application of wastewater from said lagoons~~. This Chapter is authorized by 27A O.S. §§ 2-6-101 through 2-6-105, §§ 2-6-401 through 2-6-403 and § 2-6-501.

SUBCHAPTER 3. PERMIT PROCEDURES

252:621-3-4. Financial assurance [REVOKED]

~~(a) If the applicant is not a city, town or other public entity, the applicant shall submit the following information to the DEQ:~~

- ~~— (1) Expected costs for operation and maintenance, replacement and closure;~~
- ~~— (2) Continued existence and financial accountability; and~~
- ~~— (3) Assurance that provisions have been made for continued existence of the operating entity for the expected life of the facility.~~

~~(b) Continued existence may be demonstrated in one of the following fashions:~~

- ~~— (1) The applicant must provide proof of a sufficient amount on deposit to the credit of a trust, the powers of which are to operate and maintain the wastewater system for the expected life of the facility;~~
- ~~or~~
- ~~— (2) Other proof of financial viability, such as the issuance of a bond or insurance contract covering the operation and maintenance of the wastewater system for the life of the system may be submitted to DEQ for approval; and~~

~~(c) Costs for closure of the wastewater system as required by law must be included in any funding plan.~~

~~(d) If the information fails to demonstrate the ongoing viability of the operation, the application will be denied.~~

252:621-3-5. Operating permit application requirements for non-industrial wastewater land application systems [REVOKED]

~~All permit applications shall be typed or computer printed and include:~~

- ~~— (1) the name, address, and telephone of the applicant or the applicant's authorized representative;~~
- ~~— (2) name, mailing address, and telephone number of the owner, and contact person from each source;~~
- ~~— (3) a list of environmental state or federal permits held by the applicant;~~
- ~~— (4) a breakdown of the anticipated types and volumes of wastewater generated including a list of the major commercial or industrial facilities that discharge to the treatment system, and laboratory analyses reports showing wastewater characteristics;~~
- ~~— (5) daily wastewater generation;~~
- ~~— (6) the amount of wastewater from each source expected to be land applied each year of operation;~~
- ~~— (7) identification of specific sites and identify name for each;~~
- ~~— (8) name, address, and telephone number of the site owner and lessee, if any;~~
- ~~— (9) documentation of the applicant's right to use the site, including time restrictions, if any;~~
- ~~— (10) land use descriptions of adjacent property;~~
- ~~— (11) finding descriptions, legal descriptions, and latitude and longitude of each site;~~
- ~~— (12) topography of the site;~~

- ~~— (13) soil types, permeability, infiltration and drainage patterns;~~
- ~~— (14) proposed methods of field types, tillage, crop types and patterns, crop utilization, expected yield and final use of crop;~~
- ~~— (15) depth to groundwater, including highest seasonal groundwater level, and any other data available;~~
- ~~— (16) results of any sampling, analyses or monitoring previously performed by the applicant at the site;~~
- ~~— (17) access controls;~~
- ~~— (18) narrative description of buffer zones and other methods to be used to control surface drainage, stormwater runoff, and erosion at each site;~~
- ~~— (19) information on how wastewater will be transported from the point of generation to the land application site including transfer and storage information and transfer facilities;~~
- ~~— (20) estimated application rate, frequencies, rest periods between applications, and estimated life of the site~~
- ~~— (21) nutrient assessment based on an annual and lifetime use;~~
- ~~— (22) emergency response plan describing the actions to be taken by the applicant including notice for corrective action and remediation associated with spills and releases;~~
- ~~— (23) NRCS soil map of each specific site which shows soil classification, suitability, and soil profiles to a depth of sixty (60) inches;~~
- ~~— (24) Highway map which shows the location of each specific site to nearest residence, communities, cities, towns, schools, highway access roads and airports;~~
- ~~— (25) quadrangle topographic map or maps that is an original U.S.G.S. 7.5 minutes series (or 15 minute series if the 7.5 series has not yet been printed) with the following clearly marked:~~
 - ~~— (A) boundary of the site;~~
 - ~~— (B) public water supply sources and treatment facilities;~~
 - ~~— (C) pipelines and utility easements;~~
 - ~~— (D) oil or gas wells or drilling sites;~~
 - ~~— (E) wellhead delineation areas;~~
 - ~~— (F) groundwater flow direction;~~
 - ~~— (G) waters of the state with special emphasis for "scenic rivers";~~
 - ~~— (H) parks, recreation areas and any government owned land dedicated for special purposes (for example, wildlife refuges)~~
 - ~~— (I) identification of the 100 year flood plain or floodway if it affects the proposed site;~~
 - ~~— (J) any area inhabited by an endangered or threatened wildlife or plant species listed under Section 4 of the federal Endangered Species Act, 16 U.S.C. 1533(c); and~~
 - ~~— (K) any additional information determined necessary by the DEQ.~~

252:621-3-6. Certification required [REVOKED]

When required by the DEQ, the engineer must certify that the land application system has been designed according to OAC 252:656 and will be operated according to this chapter.

SUBCHAPTER 5. OPERATION AND MAINTENANCE

252:621-5-2. Operation and maintenance for non-industrial land application systems [REVOKED]

~~— The construction requirements contained in 252:656 shall apply to all non-industrial land application systems:~~

- ~~— (1) Crop application. Wastewater must receive primary treatment and:~~
 - ~~— (A) shall not be applied to any food crop that can be eaten raw.~~
 - ~~— (B) May be used for irrigation of crops such as corn, wheat and oats, provided a period of 30 days elapses between last application and harvest.~~
- ~~— (2) Multi-purpose application. Wastewater applied to a multi-purpose use area (for example, golf course) must:~~
 - ~~— (A) receive secondary treatment (or equivalent);~~
 - ~~— (B) be disinfected;~~
 - ~~— (C) be applied during times of non-use;~~

~~(3) Weather. Land application shall not occur during periods of precipitation or while the soil is saturated or frozen.~~

~~(4) Endangered or threatened species. Land application shall not occur if it is likely to adversely affect a threatened or endangered species listed under section 4 of the federal Endangered Species Act, 16 U.S.C. 1533(c), or the critical habitat of such species.~~

~~(5) Topography. A land application site shall have minimal slope or be contoured to prevent ponding and soil erosion. No application shall occur on land having a slope exceeding five percent (5%).~~

~~(6) Berms. There shall be no berms or other barriers on a land application site that would cause the pooling or ponding of wastewater at the land application site, nor shall any berms or barriers impede the natural flow of stormwater from the site.~~

252:621-5-3. Restrictions [REVOKED]

~~No wastewater shall be applied:~~

~~(1) in public use areas with high potential for skin to ground contact;~~

~~(2) within 100 feet of the permitted boundary of the site;~~

~~(3) at any site with soil having a natural pH of less than 5.5 unless the soil pH is amended prior to application. Documentation of soil amendment must be placed in the land applicator's compliance records; and~~

~~(4) at a rate that exceeds the nitrogen and phosphorus rates for the crop grown and that results in phytotoxicity.~~

252:621-5-4. Construction standards [REVOKED]

~~See OAC 252:656 for construction standards.~~

SUBCHAPTER 7. MONITORING, REPORTING, INSPECTIONS AND RECORDS REQUIREMENTS

252:621-7-1. Reporting, records, compliance and sampling

~~(a) Discharging lagoons and other sanitary wastewater disposal systems. In addition to the provisions of this Chapter, discharging facilities must comply with Chapter 605 of the DEQ rules, OAC 252:606.~~

~~(b) Recordkeeping for non-industrial wastewater land application facilities. The owner must develop and retain the following land application records:~~

~~(1) Location, day and hour land application began and ended, and the method of application;~~

~~(2) Analytical data, loading rates, volume and source(s) of wastewater applied;~~

~~(3) Conductivity and pH of wastewater at beginning of application;~~

~~(4) Weather conditions during the application period;~~

~~(5) Type of crop, grass or vegetation grown at land application site;~~

~~(6) Monitoring records, including the date, time, and exact location of sampling or measurement; and~~

~~(7) Analytical results, including the sampler, when analysis began, and the name of the certified laboratory.~~

~~(c)(b) Records retention. All records must be kept on site for DEQ review. The DEQ may require the owner or operator to submit records.~~

~~(d)(c) Additional requirements applicable to all facilities. Additional or specific sampling, reporting, and/or records requirements may be included or required by the Department in any permit, authorization, order, consent decree, closure plan, remediation plan, or other official document issued by the Department pursuant to applicable law and the provisions of this Chapter.~~

~~(e)(d) Analyses. All laboratory analyses required to be conducted pursuant to this Chapter shall be performed by laboratories certified by the Department.~~

~~(f)(e) Format required. Monitoring and sampling information shall be supplied to the Department on forms approved by the Department and developed for the specific purpose or in such other form and format as may be specified by the Department.~~