

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

RULEMAKING ACTION:

PERMANENT adoption

RULES:

Subchapter 1. Introduction

252:606-1-2 Definitions [AMENDED]

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

Subchapter 3. Discharge Permitting Process for ~~Regular~~ Individual and General Discharge Permits

252:606-3-4 ~~Annual permit fee~~ Fees [AMENDED]

Subchapter 5. Discharge Permit Requirements

252:606-5-5 Stormwater discharges [AMENDED]

Subchapter 8. Biosolids Requirements.

252:606-8-2 Permit applications [AMENDED]

252:606-8-3 Sludge (biosolids) management plan [AMENDED]

252:606-8-5 Class B biosolid production [AMENDED]

252:606-8-7 Biosolid land application site closure and remediation [NEW]

Subchapter 11. Test and Reports.

252:606-11-2 Laboratory analyses and reporting [AMENDED]

252:606-11-3 Municipal laboratories [AMENDED]

252:606-11-4 ~~Municipal operating records~~ Records [AMENDED]

252:606-11-5 Industrial flow measuring and sampling [AMENDED]

Subchapter 13. Closure and Remediation [REVOKED]

252:606-13-1 Site closure and remediation [REVOKED]

Appendix A. Minimum Control Test For Municipal Wastewater Treatment Facilities [REVOKED]

Appendix A. Minimum Control Test For Wastewater Treatment Facilities [NEW]

Appendix B. Fees for Non-Industrial Discharge Permits [REVOKED]

Appendix B. Annual Fees for Non-Industrial Discharge Permits [NEW]

Appendix C. Annual Industrial Discharge Permit Fees [REVOKED]

Appendix C. Annual Industrial Discharge Fees [NEW]

Appendix D. Fees for Stormwater Permits and Other General Permits [REVOKED]

Appendix D. Annual Fees for Stormwater Permits and Other General Permits [NEW]

Appendix E. Fees For Individual Discharge Permits for Categorical Industries [REVOKED]

Appendix E. Fees for Industrial Users [NEW]

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.

DATES:

Comment period:

September 1 through October 4, 2010
December 1 through December 31, 2010

Public hearing:

October 12, 2010, January 11, 2011 and February 25, 2011

Adoption:

February 25, 2011

Submitted to Governor:

March 7, 2011

Submitted to House:

March 7, 2011

Submitted to Senate:

March 7, 2011

Gubernatorial approval:

April 12, 2011

Legislative approval:

May 3, 2011

Final adoption:

May 3, 2011

Effective:

July 1, 2011

SUPERSEDED EMERGENCY ACTIONS:

N/A

INCORPORATION BY REFERENCE:

Incorporated standards:

40 CFR § 110.6 (Notice of oil discharge)

40 CFR Part 116 (Designation of Hazardous Substances)

40 CFR Part 117 (Determination of Reportable Quantities for Hazardous Substances)

The following sections and Appendices from 40 CFR 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

40 CFR Part 123

The following sections from 40 CFR 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) 124.51(a) and (b) - (Specific permitting procedures-purpose and scope)

- (P) 124.52 - (Permits required on a case-by-case basis)
- (Q) 124.56 - (Fact sheets)
- (R) 124.57(a) - (Public notice)
- (S) 124.59 - (Comments from government agencies)
- (T) 124.62 - (Decision on variances)
- (U) 124.66 - (Thermal variance procedures)

The following Subparts from 40 CFR Part 125 (Criteria and Standards for NPDES):

- (A) Subpart A (Technology-based treatment)
- (B) Subpart B (Criteria for aquaculture projects)
- (C) Subpart D (Fundamentally different factors)
- (D) Subpart H (Alternative effluent limitations)
- (E) Subpart I (New cooling water intakes)
- (F) Subpart J (Existing cooling water intakes)

40 CFR Part 129 (Toxic Pollutant Effluent Standards)

40 CFR Part 136 (Testing and Laboratory)

40 CFR Part 261

40 CFR Part 302 (Reportable Quantities and Notification)

40 CFR §§ 401-471 (Effluent guidelines and standards)

The following Sections from 40 CFR 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)

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)

40 CFR Part 503.13, Tables I, II and III

The following sections from 40 CFR 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)

The following sections from 40 CFR 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)

The following Appendices from 40 CFR Part 503:

- (A) Appendix A (Procedure to determine the annual whole biosolids application rate for a biosolids)
- (B) Appendix B (Pathogen treatment processes)

Incorporating rules:

- 252:606-1-3
- 252:606-1-4

Availability:

The standards are on file at the Department of Environmental Quality, 707 North Robinson, Oklahoma City, Oklahoma, 73102, and are available to the public for examination Monday through Friday between the hours of 8:00 a.m. and 4:30 p.m.

ANALYSIS:

The Department proposes to increase OPDES annual fees and establish OPDES permit application fees. Additionally, the Department proposes to modify state regulations to: (1) define categorical industries; (2) allow certain stormwater and discharge monitoring report documents to be submitted electronically, provided the submission meets federal requirements; (3) require additional information be submitted for facility generating biosolids in the watershed of an Outstanding Resource Water; (4) revoke the subchapter 13 rules for closure of a biosolids land application site and move the requirements into the biosolids Subchapter (Subchapter 8); (5) establish minimum control testing requirements for industrial wastewater discharging facilities which contain permit limits for oxygen demanding substances that are the same as the currently adopted control tests for municipal wastewater discharging facilities; (6) establish stream monitoring requirements for industrial wastewater discharging facilities which contain permit limits for oxygen demanding substances that are the same as the currently adopted stream monitoring requirements for municipal wastewater discharging facilities; and (7) update the date of publication for the federal regulations incorporated by reference from July 1, 2009, to July 1, 2010.

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.

PURSUANT TO THE ACTIONS DESCRIBED HEREIN, THE FOLLOWING RULES ARE CONSIDERED FINALLY ADOPTED AS SET FORTH IN 75 O.S., SECTION 308.1, WITH AN EFFECTIVE DATE OF JULY 1, 2011:

SUBCHAPTER 1. INTRODUCTION

252:606-1-2. Definitions

In addition to terms defined in Title 27A of the Oklahoma Statutes, the following words or terms, when used in this Chapter, have the following meaning unless the context clearly indicates otherwise:

"Approved laboratory" means a laboratory accepted by the DEQ laboratory accreditation program.

"Beneficial use" means the use of biosolids or wastewater through land application for the purpose of soil conditioning, or crop or vegetative fertilization, or erosion control, or the use of wastewater for dust suppression where fugitive dust control would otherwise be an air quality problem, in a manner which does not pollute or tend to pollute the waters of the State of Oklahoma, environment or pose a risk to human health.

"Best professional judgment" or **"BPJ"** means the technical opinion developed by a permit drafter after consideration of all reasonably available and pertinent data or information which forms the basis for the terms and conditions of a discharge permit, and the use of sound engineering analysis of the industry, the nature and quantity of potential pollutants which may be produced and of the proposed treatment plant.

"Biosolids" means primarily organically treated wastewater materials from municipal wastewater treatment plants that are suitable for recycling as amendments. This term is within the meaning of "sludge" referenced in 27A O.S. § 2-6-101(11). Biosolids are divided into the following classes:

(A) Class A Biosolids meets the pathogen reduction requirements of 40 CFR § 503.32 (a);

(B) Class B Biosolids meets the pathogen reduction requirements of 40 CFR § 503.32 (b).

"Bypass" means the intentional or unintentional diversion of waste streams from any portion of a treatment, disposal or collection facility.

"Control tests" means chemical, physical or bacteriological tests, including visual observations made by or under the supervision of an operator to control plant performance, determine the quality of plant effluent and determine stream conditions.

"CFR" means the Code of Federal Regulations.

"CROMERR" means the Cross-Media Electronic Reporting Rule.

"DEQ" means the Oklahoma Department of Environmental Quality.

"Discharge point" means the point at which pollutants, wastewater or stormwater enters waters of the state or become waters of the state.

"EPA" means the United States Environmental Protection Agency.

"Generator" or **"operator"** means authorized person under whose ownership or management authority, biosolids are used or disposed.

"Impoundment" or **"Surface impoundment"** have the same meaning used in OAC

252:616-1-2.

"Industrial user" means "industrial users subject to categorical pretreatment standards" and "significant industrial users" as those terms are used in 40 CFR, Part 403.

"Laboratory checks" means chemical, physical or bacteriological tests, including visual observations made on samples submitted by the operator or other authorized representatives to confirm the quality of the samples or to standardize plant control tests and procedures.

"Land application" means the application of biosolids onto a land surface; injection below land surface; or spreading biosolids onto land surface followed by incorporation into the soil. Land application does not include the disposal of biosolids in a municipal solid waste landfill permitted by the DEQ, or the use of Class A biosolids whose production is permitted by the DEQ.

"Listed metal" means those metals listed in Tables I, II, and III of 40 CFR, Part 503.13.

"Loading rate" means the amount (concentration or mass) of constituents or parameters applied to a unit area per application.

"NRCS" means Natural Resources Conservation Service.

"OAC" means Oklahoma Administrative Code.

"OS" means Oklahoma Statutes.

"Oklahoma Water Quality Standards" means the Oklahoma Water Resources Board rules (OAC 785:45) which classify waters of the state, designate beneficial uses for which the various waters of the state must be maintained and protected, and prescribe the water quality required to sustain designated uses.

"Operating records and reports" means the daily record of data connected with the operation of the system compiled in a monthly report on forms approved by the DEQ.

"Prior converted cropland" means those croplands as defined or used in the Federal Swampbuster Provisions located at Title 16, USC, §§ 3821 through 3823.

"USC" means United States Code.

"USGS" means United States Geological Survey.

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, ~~2009~~2010.

SUBCHAPTER 3. DISCHARGE PERMITTING PROCESS FOR ~~REGULAR~~ INDIVIDUAL AND GENERAL DISCHARGE PERMITS

252:606-3-4. Annual permit fee ~~Fees~~

(a) **General.** Application fees are non-refundable and are due when an application is filed with DEQ.

(b) **Individual discharge permit fees.** The fees for individual discharge permits are as follows:

(1) **Application fees.** The application fee for:

(A) a new or amended individual discharge permit is five hundred dollars (\$500.00).

(B) renewal under an existing individual discharge permit is five hundred dollars (\$500.00).

(2) **Annual fees.** All holders of a ~~regular~~ individual discharge permit ~~permits~~ ~~must~~ shall pay an

~~annual permit fee over the life of the permit. Such fee must be~~ Payments for annual fees are due upon receipt of an invoice mailed by the from DEQ annually. Upon payment of the annual fee, the DEQ must continue in effect the permit for one year but in no case past the expiration of such permit. Payments received by DEQ shall be applied to the twelve-month period following the due date of the initial invoice issued by DEQ, but shall not be applied past the expiration date of the permit. Failure to pay an annual fee may result in suspension or termination of the permit. The annual fee schedules are in the appendices Appendices B and C.

(c) Individual permit fees for industrial users. The fees for individual industrial user permits are as follows:

(1) Application fees. The application fee for:

(A) a new or amended individual industrial user permit is five hundred dollars (\$500.00).

(B) renewal under an existing individual industrial user permit is five hundred dollars (\$500.00).

(2) Annual fees. All holders of individual industrial user permits shall pay an annual permit fee over the life of the permit. Payments for annual fees are due upon receipt of an invoice from DEQ. Payments received by DEQ shall be applied to the twelve-month period following the due date of the initial invoice issued by DEQ, but shall not be applied past the expiration date of the permit. Failure to pay an annual fee may result in suspension or termination of the permit. The annual fee schedule is in Appendix E.

(d) Stormwater and other general discharge permit fees. The fees for authorizations under stormwater or other general discharge permits are as follows:

(1) Application fees. The application fee for any new or renewal request for coverage under the stormwater or other general discharge permit is one hundred dollars (\$100.00).

(2) Annual fees. All holders of an authorization to discharge pursuant to a stormwater or other general discharge permit shall pay an annual fee over the life of the permit. The annual fee is due upon receipt of an invoice mailed by DEQ. Payments received by DEQ shall be applied to the twelve-month period following the due date of the initial invoice issued by DEQ, but shall not be applied past the expiration of the authorization. Failure to pay such annual fee may result in suspension or termination of the authorization. The annual fee schedule is in Appendix D.

(e) CPI fee increase. To assist in meeting rising costs to the Department for the permitting and enforcement activities covered by this Chapter, the fees set out in (b) and (c) of this Section shall be automatically adjusted on July 1st every year to correspond to the percentage, if any, by which the Consumer Price Index (CPI) for the most recent calendar year exceeds the CPI for the previous calendar year. The Department may round the adjusted fees up to the nearest dollar. The Department may waive collection of an automatic increase in a given year if it determines other revenues, including appropriated state general revenue funds, have increased sufficiently to make the funds generated by the automatic adjustment unnecessary in that year. A waiver does not affect future automatic adjustments.

(1) Any automatic fee adjustment under this subsection may be averted or eliminated, or the adjustment percentage may be modified, by rule promulgated pursuant to the Oklahoma Administrative Procedures Act. The rulemaking process may be initiated in any manner provided by law, including a petition for rulemaking pursuant to 75 O.S. § 305 and OAC 252:4-5-3 by any

person affected by the automatic fee adjustment.

(2) If the United States Department of Labor ceases to publish the CPI or revises the methodology or base years, no further automatic fee adjustments shall occur until a new automatic fee adjustment rule is promulgated pursuant to the Oklahoma Administrative Procedures Act.

(3) For purposes of this subsection, "Consumer Price Index" or "CPI" means the Consumer Price Index - All Urban Consumers (U.S. All Items, Current Series, 1982-1984=100, CUUR0000SA0) published by the United States Department of Labor. The CPI for a calendar year is the figure denoted by the Department of Labor as the "Annual" index figure for that calendar year.

SUBCHAPTER 5. DISCHARGE PERMIT REQUIREMENTS

252:606-5-5. Stormwater discharges

~~(a) **Prohibited without permit.** New and existing discharges~~ Discharges of stormwater associated with industrial or construction activity to waters of the state are prohibited except as authorized by a regular in an individual OPDES permit or an authorization under an Oklahoma General Stormwater permit promulgated under this Chapter.

(b) **Applications.** An application for an authorization to discharge under the Oklahoma General Stormwater permit shall be submitted on forms provided by the DEQ and shall be delivered to the DEQ:

(1) in person,

(2) by mail, or

(3) electronically, provided the electronic submission meets the requirements of OAC 252:4-17.

~~(b)~~ (c) **Maintenance of property.** All property must be maintained to prevent the discharge of stormwater runoff which would violate permit limitations or would cause a violation of Oklahoma's Water Quality Standards. Such maintenance includes containing the areas where raw and waste chemicals are stored, cleaning of trash and spills, and preventing the accumulation of wastes in discharge areas. Additional requirements will be as specified in any applicable individual or general permit and any required pollution prevention plan.

~~(c)~~ (d) **Permit conditions for regular individual permits.** In any regular individual permit authorizing the discharge of stormwater, the DEQ may include as conditions and limitations any condition or limitation or other requirement set forth in the "OPDES Stormwater Multi-Sector General Permit for Industrial Activities or the Stormwater General Permit for Construction Activities."

(e) **Notice of termination.** A Notice of Termination for stormwater discharges shall be submitted on a form provided by DEQ and shall be delivered to the DEQ:

(1) in person,

(2) by mail, or

(3) electronically, provided the electronic submission meets the requirements of OAC 252:4-17.

SUBCHAPTER 8. BIOSOLIDS REQUIREMENTS

252:606-8-2. Permit applications

A permit application to produce Class A or Class B biosolids must be typed or computer printed and include:

- (1) the name, address, and telephone number of the applicant or the applicant's authorized representative;
- (2) the name, mailing address, and telephone number of the generator or operator and the land applier, if different, and contact person from each source;
- (3) a brief description of the biosolids including a list of the major commercial or industrial facilities that discharge to the municipal treatment system;
- (4) a description of the use or disposal practices and locations of any sites for transfer of the biosolids for treatment, use, land application, and/or disposal;
- (5) laboratory test results of a representative soil sample from each proposed site in the permit application. The composite soil samples must be tested, and background levels set, for the metals listed in Tables 1 and 3 of 40 CFR § 503.13(b), pH, and the nutrients - nitrogen (N), ammonia (NH₄), nitrates (NO₃), potassium (K) and phosphorus (P); ~~and~~
- (6) a list of environmental state or federal permits held by the applicant; ~~and~~
- (7) if a facility, generator, and/or land application site is located in the watershed of an Outstanding Resource Water as defined in OAC 785:45, the Outstanding Resource Water shall be identified.

252:606-8-3. Sludge (biosolids) management plan

(a) All sludge management plans ~~must~~shall be submitted with the permit application and include the following:

- (1) a breakdown of the anticipated types and volumes of biosolids generated;
- (2) daily generation and annual production of semi-solids, solids as total volume and percent solids converted to dry tons;
- (3) laboratory analysis including TCLP reports showing whether the biosolids are hazardous and the chemical and physical properties of biosolids to be land applied including concentrations of metals (listed and other), and any other pollutants;
- (4) the amount of biosolids from each source expected to be used or disposed during each year of operation;
- (5) a description of treatment methods including pathogen treatment and vector attraction reduction, including plant operational controls and ~~recordkeeping~~record-keeping forms that document biosolids treatment;
- (6) irrigation practices, if any; and
- (7) a demonstration that the biosolids shall not be stored for greater than six (6) months without prior written approval from the DEQ, and in no case longer than one (1) year, prior to use, land application or disposal.

(b) In addition to the requirements listed in subsection (a) above, Class A sludge management plans must be submitted with the following additional information:

- (1) the proposed schedule for the laboratory analysis to determine the presence or absence of fecal coliform or salmonella;
- (2) the amount of Class A biosolids expected to be generated and produced each year;
- (3) proposed application process for the Class A biosolids;

- (4) a list of proposed uses for the Class A biosolids;
- (5) whether the Class A biosolids will be made available to the general public;
- (6) a fact sheet describing the proper uses and agronomic rates of the Class A biosolids that shall be distributed when the general public is receiving the Class A biosolids; such fact sheets shall not be required when the generator itself uses the Class A biosolids; ~~and~~
- (7) description of the storage of the Class A biosolids until used or distributed; and
- (8) a fact sheet describing the appropriate best management practices for the use of the Class A biosolids that are received from the generator.

(c) In addition to the requirements listed in subsection (a) above, Class B sludge management plans must be submitted with the following additional information:

- (1) information on how biosolids will be transported from the point of generation to the use, land application or disposal site, including transfer and storage information and a map showing the location of sources of the biosolids, proposed transportation routes, and the location of related containment, storage, and transfer facilities;
- (2) the amount of biosolids from each source expected to be used or disposed during each year of operation;
- (3) identification of specific sites and identifying name for each;
- (4) documentation of the applicant's right to use the site, including time restrictions, if any;
- (5) land use descriptions of adjacent property;
- (6) finding description(s), legal description(s), and latitude and longitude of each site;
- (7) distance to nearest residence;
- (8) topography of the site;
- (9) soil types, permeability, infiltration and drainage patterns;
- (10) proposed methods of field types, tillage, crop types and patterns, crop utilization, expected yield and final use of crop;
- (11) depth to groundwater, including highest seasonal groundwater level, and any other data available;
- (12) records of previous land application conducted at the site, including data on the cumulative metal loading;
- (13) results of any sampling, analyses or monitoring previously performed by the applicant at the site, including metal and nutrient assessment, based on an annual and lifetime use;
- (14) access controls;
- (15) narrative description of buffer zones and other methods to be used to control surface drainage, stormwater runoff, and erosion at each site;
- (16) documentation demonstrating how the biosolids will be incorporated into the soil before the end of each working day;
- (17) documentation that the biosolids will not be land applied within two (2) feet of the highest seasonal water table nor applied to the land within one hundred (100) feet of a stream or body of water;
- (18) documentation that the biosolids will not be land applied within two hundred fifty (250) feet of a public or private water supply;
- (19) equipment to be used;
- (20) narrative description of proposed land application method and related details including

depth and frequency of incorporation or injection;

(21) estimated application rate, frequencies, rest periods between applications, and estimated life of the site. Include calculations on which estimates are based for cumulative metal loading rates;

(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 as relative to 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 minute 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.

252:606-8-5. Class B biosolid production

(a) The construction of facilities to produce Class B biosolids shall be permitted by the DEQ and meet the requirements located in OAC 252:656.

(b) Prior to use or disposal in a landfill, the Class B biosolids shall be processed and/or tested and must meet the pathogen reduction requirements of 40 CFR § 503.32 (b) and vector attraction reduction requirements of 40 CFR § 503.33.

(c) Class B biosolids may be disposed in a landfill permitted by the DEQ or may be land applied pursuant to the requirements of state law and the requirements of this subchapter, in accordance with the DEQ approved sludge management plan or sludge disposition plan.

252:606-8-7. Biosolid land application site closure and remediation

(a) **Closure.** A specific land application site may be closed as a land application site at any time by the permittee or by requirement of the DEQ.

(b) **Notice.** Prior to closure, the permittee must provide a written notice to the DEQ at least ninety (90) days before commencing the proposed closure.

(c) **Remediation plan.** When site-specific testing and monitoring indicates the presence of pollution or deterioration of a site, the DEQ will require a generator or operator to submit, receive

approval of and perform a remediation plan.

SUBCHAPTER 11. TESTS AND REPORTS

252:606-11-2. Laboratory analyses and reporting

(a) **Certified laboratories.** Analytical results provided to the DEQ must be from laboratories certified by the DEQ for the parameters reported, and be analyzed according to approved procedures (OAC 252:300, Laboratory Accreditation). Laboratories at municipal wastewater treatment plants must have operators certified under OAC 252:710.

(b) **Sample collection.** Collect samples during normal operation and representative of the discharge, according to 40 CFR § 136.3 Table II (containers, preservation and holding times).

(1) A grab sample must consist of one sample collected in less than a 15-minute period.

(2) A composite sample must consist of at least three discrete samples of equal volume taken at equal time intervals over the composite period, or taken proportional to flow rate, and combined into one. 24-hour composite samples must contain at least 12 discrete samples. The number of discrete samples must be increased where the wastewater loading is highly variable.

(3) Continuous or totalized samples must be continuously and automatically taken or recorded.

(c) **Flow measurement.** Determine the volume of flow at the time of sample collection and report it with the analytical results. Measurement devices and methods must be installed, calibrated and maintained to measure flows within 10% of true discharge rates. Records of pump running times and rates, if accurate, may be used to calculate total daily flow.

(d) **DMR reports.** Mail DMR forms (DEQ-approved discharge monitoring report form; see 40 CFR § 122.41(L)(4)(i)) to the Water Quality Division at the frequency required in the permit. Report daily average and maximum flow rates in MGD unless the permit specifies otherwise. Any DMR report submitted DEQ pursuant to this Chapter shall be submitted on forms provided by DEQ and shall be delivered to DEQ:

(1) in person,

(2) by mail, or

(3) electronically, provided the electronic submission meets the requirements of 252:4-17.

252:606-11-3. Municipal laboratories

(a) The provisions of this Section are minimum requirements.

(b) Results of all control tests must be made available to plant operators in a timely fashion for use in operational control of the facility.

(c) All plants must determine the daily flow and enter it in the operating records at the frequency specified in the permit. Flow measurements are also necessary when composite samples are collected. For plants not equipped with continuous flow recorders, occasional determinations of the flow over a 24-hour period will be necessary to establish a flow pattern so that occasional flow measurements will provide an indication of the total flow.

(d) Minimum control tests are tabulated in Appendix A of this Chapter, entitled, "Minimum Control Tests for ~~Municipal~~ Wastewater Treatment Facilities." In addition to these tests, routine observations, tests or measurements as to the quantity and quality of screenings, grit, sludge pumped from clarifiers, sludge drawn to drying beds or other means of disposal, the weather conditions must

be entered in the operating records. The Executive Director may require that all effluent samples be collected from the outfall pipe at the point of discharge where conditions are such that the effluent quality will likely be different at this point than it is in the final treatment or storage unit.

(e) Stream monitoring requirements must be as set forth in this subsection and as specified in any applicable permit or order of the Executive Director. These requirements are established in order to determine compliance with applicable standards. Unless otherwise specified in the permit, collect stream samples above and below the point of wastewater discharge with consideration being given to ease of access, mixing of plant effluent and the receiving stream, and the oxygen "sag" point of the receiving stream.

(1) Determine dissolved oxygen, temperature, pH, and stream appearance twice per month at least two weeks apart, but not more often than required in the permit for effluent sampling for BOD₅.

(2) Test for coliform bacteria twice per month at least two (2) weeks apart, but not more often than required in the permit for effluent sampling for coliform, if the permit for discharge contains coliform limits.

(3) The DEQ may require additional tests when problems develop in plant operation, or as necessary to determine compliance with the purposes and objectives of this Chapter.

(f) The Executive Director may grant variances from the requirements in this Section upon a written request and a showing by the permittee that the requested variance will:

(1) Not adversely affect the quality of the discharge nor the environment;

(2) Avoid an excessive requirement; and

(3) Not hinder the proper operations of the treatment facility.

252:606-11-4. ~~Municipal operating records~~ Records

(a) **Operating records.** Keep a daily record of the control tests required in ~~OAC 252:606-7-31~~ Appendix A of this Chapter on forms prepared or approved by the DEQ. Make entries for the date samples are collected and indicate where and by whom the observations were made. If monitoring beyond the minimum requirements, include the results of all analyses on the monthly report and use them to calculate weekly or monthly averages. For each required measurement or sample, record:

(1) The date, exact place and time of sample and indicate whether a grab sample or composite.

(2) The dates the analyses were performed.

(3) The laboratory and name of the operator who performed each analysis.

(4) The analytical techniques or methods used.

(5) The results of all analyses.

(6) The instantaneous flow at the time of grab sample collection or a record of each flow taken while collecting a composite sample.

(7) The method of composite sample calculations and other calculations.

(b) **Maintain records.** The facility owner must keep records of all laboratory checks and control tests, a copy of the monthly operational report and all laboratory work sheets at least three (3) years. These records must be available for inspection by DEQ personnel.

252:606-11-5. Industrial flow measuring and sampling

(a) If required by the DEQ, place a flow-measuring device to measure only the wastewater discharge.

- (b) Provide easily accessible sampling points at the outfall of each treatment structure.
- (c) Upon request by the DEQ, provide five (5) days prior notice to the DEQ of the next sampling schedule so that DEQ personnel may be present to observe and collect split samples.
- (d) Minimum process control tests are tabulated in Appendix A of this Chapter, entitled, "Minimum Control Tests for Wastewater Treatment Facilities." The Executive Director may require that all effluent samples be collected from the outfall pipe at the point of discharge where conditions are such that the effluent quality will likely be different at this point than it is in the final treatment or storage unit.
- (e) When required in a facility's discharge permit, stream monitoring samples must be collected instream above and below the point of wastewater discharge with consideration to the following factors: ease of access; mixing of plant effluent and the receiving stream; and the oxygen "sag" point of the receiving stream.
 - (1) Determine dissolved oxygen, temperature, pH, and stream appearance as noted in the permit twice per month at least two weeks apart, but not more often than required in the permit for effluent sampling for BOD₅.
 - (2) Test for coliform bacteria twice per month at least two (2) weeks apart, but not more often than required in the permit for effluent sampling for coliform, if the permit for discharge contains coliform limits.
 - (3) The DEQ may require additional tests when problems develop in plant operation, or as necessary to determine compliance with the purposes and objectives of this Chapter.
- (f) The Executive Director may grant variances from the requirements in this Section upon a written request and a showing by the permittee that the requested variance will:
 - (1) Not adversely affect the quality of the discharge nor the environment;
 - (2) Avoid an excessive requirement; and
 - (3) Not hinder the proper operations of the treatment facility.

SUBCHAPTER 13. CLOSURE AND REMEDIATION [REVOKED]

252:606-13-1. Site closure and remediation [REVOKED]

- ~~(a) **Closure.** A specific land application site may be closed as a land application site at any time by the land applier or by requirement of the DEQ.~~
- ~~(b) **Notice.** Prior to closure, a land applier must provide a written notice to the DEQ of the proposed closure.~~
- ~~(c) **Remediation plan.** When site-specific testing and monitoring indicates the presence of pollution or deterioration of a site, the DEQ will require a generator or operator to submit, receive approval of and perform a remediation plan.~~

APPENDIX A. MINIMUM CONTROL TESTS FOR MUNICIPAL
WASTEWATER TREATMENT FACILITIES [REVOKED]

APPENDIX A. MINIMUM CONTROL TESTS FOR WASTEWATER TREATMENT FACILITIES [NEW]

A facility must perform the minimum control tests for all processes which it utilizes. For example, a trickling filter facility which has an anaerobic digester must comply with Tables 1-2, 1-5 and 1-6. OAC 252:606-11-3 and OAC 252:606-11-5 contains stream monitoring requirements. All facilities which discharge must perform these tests.

The following abbreviations, definitions and notations are used:

D.O. -Dissolved Oxygen
BOD₅ -Five day biochemical oxygen demand
TSS -Total Suspended Solids
SAR -Sodium absorption ratio
2/wk -Two times each week
3/wk -Three times each week
5/wk -Five times each week
7/wk -Seven times each week
Daily -Each day

3 hr comp -A composite sample collected over a three hour period of time and consisting of three effluent portions collected no closer together than one hour (with the first portion collected no earlier than 10:00 a.m.) and composited according to flow.

6 hr comp -A composite sample collected over a six hour period of time and consisting of six effluent portions collected no closer together than one hour (with the first portion collected no earlier than 10:00 a.m.) and composited according to flow.

12 hr comp -A composite sample collected over a twelve hour period of time and consisting of twelve effluent portions collected no closer together than one hour and composited according to flow.

Grab sample -An individual sample collected in less than 15 minutes.

Sequential Batch Reactor (SBR) Composite Sample¹

SBR Sample -A minimum of three aliquots collected from the discharge of a reactor. The first aliquot must be collected no later than 1/4 time, the second approximately 1/2 time, and the third no earlier than 3/4 time from the initiation of a discharge cycle to the stoppage of the discharge cycle. The three aliquots must consist of equal portions unless the rate of discharge from the reactor varies significantly during the cycle, in which case aliquots must be proportional to the measurement of the flow occurring at the time of their collection.

Single

Composite

SBR Sample -One SBR sample collected from each reactor during one discharge cycle and composited proportional to the volume

discharged from each of the reactors. The sample from at least one of the reactors must represent the expected period of peak influent organic loading.

Two-Cycle
Composite
SBR Sample

-One SBR sample collected from two consecutive discharge cycles of each reactor and composited proportional to the volume discharged during each cycle of each reactor. The sample from at least one cycle must represent the expected period of peak influent organic loading.

Three-Cycle
Composite
SBR Sample

-One SBR sample collected from three consecutive discharge cycles of each reactor and composited proportional to the volume discharged during each cycle of each reactor. The sample from at least one cycle must represent the expected period of peak influent organic loading.

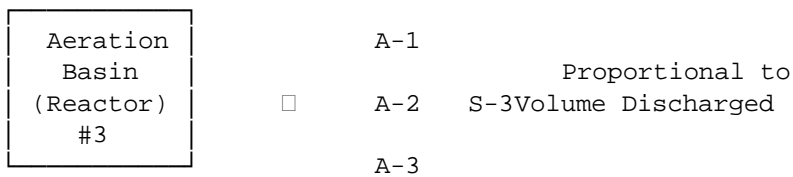
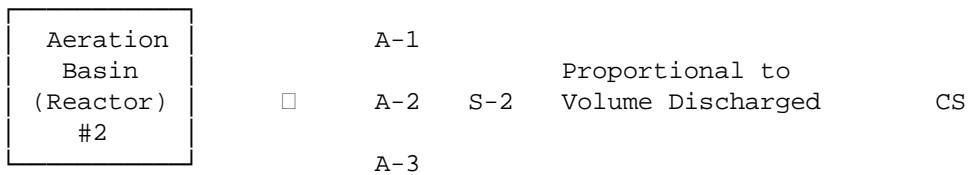
Example of a Single Composite SBR Sample

(Two-cycle and three-cycle composited SBR samples are multiples of these composited proportional to the volume discharged in each cycle).

[This example assumes an SBR plant with three reactors.]

Aeration Basin (Reactor) #1

A-1
□ A-2 Proportional to
 S-1Volume Discharged
A-3



A-1 = 1st Aliquot
 A-2 = 2nd Aliquot
 A-3 = 3rd Aliquot

$$(A-1) + (A-2) + (A-3) = S-_{}$$

S-1 = SBR Sample from Reactor #1
 S-2 = SBR Sample from Reactor #2
 S-3 = SBR Sample from Reactor #3

$$(S-1) + (S-2) + (S-3) = CS$$

CS = Single Composite SBR Sample

Depending on design flow, single, two-cycle, or three-cycle SBR Composite Sample results are used for reporting purposes on discharge monitoring reports.

¹ For industrial discharging facilities, the control tests listed above only apply to discharging facilities that contain permit limits for oxygen demanding substances if the control test and the parameter listed in the permit are the same.

TABLE 1-1 Discharging Lagoons²

Parameters & Sample Site	Design Capacity (mgd)					
	0 - <0.1	.1 -<0.5	0.5-<1.0	1.0-<5.0	5.0-<10.0	>10.0
pH-each cell & effluent	2/wk	2/wk	2/wk	2/wk	2/wk	2/wk
D.O.-each cell & effluent	2/wk	2/wk	2/wk	2/wk	2/wk	2/wk
Alkalinity-each Cell & effluent	2/wk	2/wk	2/wk	2/wk	2/wk	2/wk
Temperature-each Cell & effluent	2/wk	2/wk	2/wk	2/wk	2/wk	2/wk
Fecal Coliform - effluent, if treatment process includes disinfection	1/wk	1/wk	1/wk	1/wk	1/wk	1/wk
Chlorine Residual-effluent, if treatment process includes chlorination	Daily	Daily	Daily	Daily	Daily	Daily
Flow-effluent	2/wk Instan- -taneous	5/wk Instan- -taneous	7/wk Totalized	7/wk Totalized	7/wk Totalized	7/wk Totalized
BOD ₅ -influent & effluent	1/mo grab	2/mo grab	3/mo 3 hr comp	1/wk 6 hr comp	5/wk 12 hr comp	7/wk 12 hr comp
TSS-effluent	1/mo grab	2/mo grab	3/mo 3 hr comp	1/wk 6 hr comp	5/wk 12 hr comp	7/wk 12 hr comp
Appearance of effluent	2/wk	2/wk	2/wk	2/wk	2/wk	2/wk

² For industrial discharging facilities, the control tests listed above only apply to discharging lagoon systems that contain permit limits for oxygen demanding substances if the control test and the parameter listed in the permit are the same. In lieu of the requirements in the above table, industrial facilities may follow a site-specific plan for control tests upon written approval by DEQ. Industrial facilities may develop and use appropriate forms to track process control testing results.

TABLE 1-2 Trickling Filter, Rotating Biological Contactor and other Attached Growth Plants³

Design Capacity (mgd)

Parameters & Sample Site	0 - <0.10	.1 - <0.5	0.5-<1.0	1.0-<5.0	5.0-<10.0	>10.0
pH-each influent & effluent	Daily	Daily	Daily	Daily	Daily	Daily
D.O.-effluent	Daily	Daily	Daily	Daily	Daily	Daily
Temperature-effluent	Daily	Daily	Daily	Daily	Daily	Daily
Settlement Solids-influent	Daily	Daily	Daily	Daily	Daily	Daily
Flow	Daily	Daily	Daily	Daily	Daily	Daily
BOD ₅ -influent & effluent	1/mo grab	2/mo grab	3/mo 3 hr comp	1/wk 6 hr comp	5/wk 12 hr comp	7/wk 12 hr comp
TSS-influent & effluent	1/mo grab	2/mo grab	3/mo 3 hr comp	1/wk 6 hr comp	5/wk 12 hr comp	7/wk 12 hr comp
Fecal Coliform - effluent, if treatment process includes disinfection	1/wk	1/wk	1/wk	1/wk	1/wk	1/wk
Chlorine Residual (only if Cl is added as part of treatment)	Daily	Daily	Daily	Daily	Daily	Daily

³ For industrial discharging facilities, the control tests listed above only apply to Trickling Filter, Biological Contactor and other Attached Growth facilities that contain permit limits for oxygen demanding substances if the control test and the parameter listed in the permit are the same. In lieu of the requirements in the above table, industrial facilities may follow a site-specific plan for control tests upon written approval by DEQ. Industrial facilities may develop and use appropriate forms to track process control testing results.

**TABLE 1-3 Activated Sludge Facilities
(including extended aeration and oxidation ditches
and including sequential batch reactors)⁴**

Design Capacity (mgd)

Parameters & Sample Site	0 - <0.10	.1 - <0.5	0.5-<1.0	1.0-<5.0	5.0-<10.0	>10.0
pH influent & effluent	Daily	Daily	Daily	Daily	Daily	Daily
D.O.-effluent	Daily	Daily	Daily	Daily	Daily	Daily
Temperature-effluent	Daily	Daily	Daily	Daily	Daily	Daily
Settleable Solids-influent	Daily	Daily	Daily	Daily	Daily	Daily
Flow	Daily	Daily	Daily	Daily	Daily	Daily
BOD ₅ -influent & effluent	1/mo grab	2/mo grab	3/mo 3 hr comp	1/wk 6 hr comp	5/wk 12 hr comp	7/wk 12 hr comp
TSS-influent & effluent	1/mo grab	2/mo grab	3/mo 3 hr comp	1/wk 6 hr comp	5/wk 12 hr comp	7/wk 12 hr comp
BOD ₅ and TSS Effluent for SBR Process	1/mo single composite SBR Sample	2/mo single composite SBR sample	3/mo single composite SBR sample	1/wk 2-cycle composite SBR Sample	5/wk 3-cycle compo -site SBR sample	7/wk 3-cycle compo -site SBR sample
Ammonia*	1/mo grab	2/mo grab	3/mo 3 hr comp	1/wk 6 hr comp	5/wk 12 hr comp	7/wk 12 hr comp
Fecal Coliform - effluent, if treatment process includes disinfection	1/wk	1/wk	1/wk	1/wk	1/wk	1/wk
Chlorine Residual (if Cl						

added as part of treatment)	Daily	Daily	Daily	Daily	Daily	Daily
30 minute Settleability-mixed liquor	Daily	Daily	Daily	Daily	Daily	Daily
Sludge Volume index	2/wk	2/wk	3/wk	3/wk	5/wk	7/wk
D.O.-aeration basins	2/wk	2/wk	3/wk	3/wk	5/wk	7/wk
Waste Activated Sludge Control Tests-select 1., 2., or 3. below- 1. Food/Mass 2. Mean Cell 3. Sludge age	as necessary to control operation		3/wk	3/wk	3/wk	3/wk

⁴ For industrial discharging facilities, the control tests listed above only apply to discharging activated sludge facilities that contain permit limits for oxygen demanding substances if the control test and the parameter listed in the permit are the same. In lieu of the requirements in the above table, industrial facilities may follow a site-specific plan for control tests upon written approval by DEQ. Industrial facilities may develop and use appropriate forms to track process control testing results.

* Applicable only to permits that contain ammonia limits. The control test for ammonia is only applicable in the months when the permit limit is established.

TABLE 1-4 Aerobic Digestors⁵

Parameters & Sample Site	Design Capacity (mgd)					
	0 - <0.1	.1 - <0.5	0.5-<1.0	1.0-<5.0	5.0-<10.0	>10.0
D.O.-basin contents	2/wk	2/wk	3/wk	5/wk	7/wk	7/wk
pH-basin contents	2/wk	2/wk	3/wk	5/wk	7/wk	7/wk
% Volatile suspended solids destruction	None	None	None	None	3/wk	3/wk
% Solids	None	None	None	when drawn	when drawn	when drawn

⁵ For industrial discharging facilities, the control tests listed above only apply to discharging Aerobic Digester facilities that contain permit limits for oxygen demanding substances if the control test and the parameter listed in the permit are the same. In lieu of the requirements in the above table, industrial facilities may follow a site-specific plan for control tests upon written approval by DEQ. Industrial facilities may develop and use appropriate forms to track process control testing results.

TABLE 1-5 Anaerobic Digestors⁶

Parameters & Sample Site	Design Capacity (mgd)					
	0 - <0.10	.1 - <0.5	0.5-<1.0	1.0-<5.0	5.0-<10.0	>10.0
pH	1/wk	1/wk	3/wk	5/wk	7/wk	7/wk
Temperature	1/wk	1/wk	3/wk	5/wk	7/wk	7/wk
Volatile Acids	when drawn	when drawn	2/wk	3/wk	3/wk	3/wk
Total Alkalinity	when drawn	when drawn	2/wk	3/wk	3/wk	3/wk
% Volatile suspended solids	None	None	None	None	3/wk	3/wk
% Solids	None	None	None	when drawn	when drawn	when drawn

⁶ For industrial discharging facilities, the control tests listed above only apply to discharging Anaerobic Digester facilities that contain permit limits for oxygen demanding substances if the control test and the parameter listed in the permit are the same. In lieu of the requirements in the above table, industrial facilities may follow a site-specific plan for control tests upon written approval by DEQ. Industrial facilities may develop and use appropriate forms to track process control testing results.

APPENDIX B. FEES FOR NON-INDUSTRIAL DISCHARGE PERMITS [REVOKED]

APPENDIX B. FEES FOR NON-INDUSTRIAL DISCHARGE PERMITS [NEW]

Annual Fee Rating System – The fees for non-industrial discharge permits will be calculated according to an Annual Fee Rating System as follows:

- (1) The system will contain the following factors to evaluate the complexity of the permit:
 - (a) Discharge complexity level designation
 - (b) Major/minor facility designation
 - (c) Actual wastewater flow rate over the previous twelve (12) months
 - (d) Outfalls
 - (e) Pretreatment Program.
- (2) Points will be calculated for each of the complexity factors listed in paragraph (1) according to the Instructions for completing the annual permit fee rating sheet (Table G-1) and the annual fee rating work sheet (Table G-2).
- (3) The total annual fee is calculated by adding the annual discharge fee and the annual pretreatment fee. The annual discharge fee will be calculated by multiplying the total number of points generated using **Table B-2 items 1-5** beginning July 1, 2011 by \$43.40; and beginning July 1, 2012 by \$50.70. The annual pretreatment fee will be calculated by multiplying the total number of points generated using **Table B-2 item 6** beginning July 1, 2011 by \$42.57; and beginning July 1, 2012 by \$49.87.
- (4) Fees for other disposal methods will be in addition to the fees for discharge and will be in accordance with other applicable rules of the Department.
- (5) The annual fee will be paid in advance by all facilities which have a permit in effect as of June 30 of each year. Fees in excess of \$1,000 may be paid quarterly upon the request of the permittee.
- (6) The first year fee for new facilities will be calculated according to the Annual Fee Rating System. Complexity factors based on operational levels at the facility will be calculated using levels proposed in the application. The first year fee for new facilities will be prorated and will cover the period beginning the issuance date of the permit and ending June 30th of the coinciding fiscal year. A statement of the first year fee will be mailed to the applicant with the permit and will be due within 20 days of receipt.
- (7) A statement of fees due will be mailed to the permittee at the beginning of each fiscal year (July 1).
- (8) Fees not received by the due date will be subject to an additional fee of ten percent (10%) of the fee set forth in the statement.
- (9) If the fees have not been received by the Department within fifteen (15) days after the due date set forth in the statement, the permit will be subject to revocation after notice and opportunity for hearing.
- (10) Fee payment must be made by check, draft, or money order payable to the Oklahoma Department of Environmental Quality and mailed or hand delivered to the Department's offices.
- (11) State appropriations and federal grants will be used to offset the annual fee where possible.
- (12) To assist in meeting rising costs to the Department of the OPDES program associated with permitting and enforcement for non-industrial discharge permits, the fees set out in this Appendix shall be automatically adjusted on July 1st every year to correspond to the percentage, if any, by which the Consumer Price Index (CPI) for the most recent calendar year exceeds the CPI for the previous calendar year. The Department may round the adjusted fees up to the nearest dollar. The Department may waive collection of an automatic increase in a given year if it determines other revenues, including appropriated state general revenue funds, have increased sufficiently to make the funds generated by the automatic adjustment unnecessary in that year. A waiver does not affect future automatic adjustments.
 - (a) Any automatic fee adjustment under this subsection may be averted or eliminated, or the adjustment percentage may be modified, by rule promulgated pursuant to the Oklahoma Administrative Procedures Act. The rulemaking process may be initiated in any manner provided by law, including a petition for rulemaking pursuant to 75 O.S. § 305 and OAC 252:4-5-3 by any person affected by the automatic fee adjustment.
 - (b) If the United States Department of Labor ceases to publish the CPI or revises the methodology or base years, no further automatic fee adjustments shall occur until a new automatic fee adjustment rule is promulgated pursuant to the Oklahoma Administrative Procedures Act.
 - (c) For purposes of this subsection, "Consumer Price Index" or "CPI" means the Consumer Price Index - All Urban Consumers (U.S. All Items, Current Series, 1982-1984=100, CUUR0000SA0) published by the United States Department of Labor. The CPI for a calendar year is the figure denoted by the Department of Labor as the "Annual" index figure for that calendar year.
- (13) The fees listed in this Appendix shall only be raised in the manner stated in paragraph (12) above, unless a workload and budget analysis is completed, which demonstrates that an additional increase in fees is warranted.

**TABLE B-1 INSTRUCTIONS FOR COMPLETING NON-INDUSTRIAL DISCHARGE
PERMIT ANNUAL FEE RATING WORK SHEET
(For Staff Use)**

1. DISCHARGE COMPLEXITY LEVEL DESIGNATION

From the permit application and permit, determine the appropriate Standard Industrial Classification (SIC) codes for each discharge point by determining the processes and products reported for the facility for sewage treatment plants (SIC 4952), check complexity designation level 1. For other non-industrial discharges, use the latest available edition of Table 1 or 2 from the U.S. Environmental Protection Agency NPDES Permit Rating Worksheet "Complexity Groups for SIC Codes" to determine the applicable subcategory and the related complexity designation. When more than one category applies to effluent from a single discharge point, select the category with the highest complexity level designation. Level 1 is the lowest complexity level designation and Level 5 is the highest.

2. MAJOR/MINOR NPDES FACILITY DESIGNATION

Determine if the facility is rated as a major facility according to the latest EPA NPDES Permit Rating System. Check the appropriate answer and record the applicable point amount.

3. WASTEWATER FLOW

On the work sheet under the wastewater flow, indicate the appropriate flow range, based on actual flow rate from the previous twelve (12) months.

4. TRADITIONAL POLLUTANT LOADING

Determine if the permit contains discharge limitations for biochemical oxygen demand (BOD), chemical oxygen demand (COD), total suspended solids (TSS) and/or ammonia (or nitrogen). Points should be assigned for the parameters limited in the permit. For the purposes of determining permit fees, the daily average load for each parameter will be calculated, based upon the reported values for the parameter and flow rates submitted on self monitoring report (SMR) and/or discharge monitoring report (DMR) forms for the past twelve (12) months.

Calculate the BOD and/or COD daily average loads and record the applicable points for each. In some cases, oxygen demand may be limited by some parameter other than BOD or COD [i.e., ultimate oxygen demand (UOD), total organic carbon (TOC), or total oxygen demand (TOD)]. In such cases, record the alternate parameter in the applicable space and calculate the average load and report the applicable point amount.

Sum the points for each parameter and record the total traditional pollutant points in the space provided.

5. OUTFALLS

On the work sheet under outfalls, indicate the number of outfalls.

6. PRETREATMENT

On the work sheet under pretreatment, indicate whether the applicant implements a DEQ-required/approved pretreatment program.

7. RATING POINTS FOR DISCHARGE

Sum the rating points assigned to each of the four sections and record the total in the discharge rating points blank.

8. DISCHARGE FEE

Multiply the points for discharge by the appropriate \$/point as found in section (3) above.

9. RATING POINTS FOR PRETREATMENT

Sum the rating points assigned to the two pretreatment sections and record the total in the pretreatment rating points blank.

10. PRETREATMENT FEE

Multiply the points for pretreatment by the appropriate \$/point as found in

section (3) above.

11. ANNUAL PERMIT FEE

The annual permit fee will be computed by adding the fee for discharge and the fee for pretreatment.

TABLE B-2. DISCHARGE PERMIT ANNUAL FEE RATING WORK SHEET

PERMIT NO. _____

PERMITTEE _____ DATE ____/____/____

DISCHARGE FEE CALCULATION

1. DISCHARGE COMPLEXITY DESIGNATION

SELECTED OUTFALL POINT # _____ (with the highest complexity)

SELECTED SIC CODE _____

Complexity Designation Level =

- _____ 1 (20 points)
- _____ 2 (25 points)
- _____ 3 (30 points)
- _____ 4 (35 points)
- _____ 5 (40 points)

DISCHARGE COMPLEXITY DESIGNATION POINTS _____

2. MAJOR/MINOR NPDES FACILITY DESIGNATION

Is the facility rated as a major facility according to the latest version of the EPA NPDES Permit Rating System?

- _____ Yes, then points = 120
- _____ No, then points = 12

MAJOR/MINOR FACILITY DESIGNATION POINTS _____

3. WASTEWATER FLOW

FLOW VOLUME _____ (4 point per mgd)

Total points _____

4. TRADITIONAL POLLUTANTS

A. BOD or _____

Daily Average Load =

- _____ < 50 lb/day (0 points)
- _____ 50 - 500 (5 points)
- _____ > 500 - 1000 (10 points)
- _____ >1000 - 3000 (20 points)
- _____ >3000 - 5000 (30 points)
- _____ >5000 lb/day (40 points)

BOD Points _____

B. COD or _____

Daily Average Load =

- _____ < 100 lb/day (0 points)
- _____ 100 - 500 (5 points)

_____ > 500 - 1000 (10 points)
 _____ > 1000 - 5000 (20 points)
 _____ > 5000 - 10000 (30 points)
 _____ >10000 - lb/day (40 points)

COD Points _____

C. TSS

Daily Average Load =

_____ < 100 lb/day (0 points)
 _____ 100 - 500 (5 points)
 _____ > 500 - 1000 (10 points)
 _____ > 1000 - 5000 (20 points)
 _____ > 5000 - 10000 (30 points)
 _____ >10000 lb/day (40 points)

TSS Points _____

D. AMMONIA or _____

Daily Average Load =

_____ < 200 lb/day (0 points)
 _____ 200 - 500 (5 points)
 _____ > 500 - 1000 (10 points)
 _____ >1000 - 5000 (20 points)
 _____ >5000 - 10000 (30 points)
 _____ >10000 lb/day (40 points)

AMMONIA (or nitrogen) Points _____

TOTAL POLLUTANT POINTS _____

5. OUTFALLS

Number of Outfalls _____ (8 points per outfall over 1, up to 10 outfalls)

Total points _____

6. PRETREATMENT

Does the facility implement a pretreatment program (charged one per city/authority)?

_____ Yes, then points = 80 points + 20 points per mgd X 1/3 (Flow volume
 (sum of flow rates of all facilities operated by the city/authority) _____
 + 20 points per categorical user (with a cap of 10) x 2/3

_____ No, then points = 0 points

Totals points _____

=====

(A) TOTAL RATING POINTS FROM DISCHARGE CALCULATIONS

(B) \$/POINT FROM SECTION (3) ABOVE

- (C) **DISCHARGE FEE** = ((A) x (B))
- (D) TOTAL RATING POINTS FROM PRETREATMENT CALCULATIONS
- (E) \$/POINT FROM SECTION (3) ABOVE
- (F) **PRETREATMENT FEE** = ((D) X (E))
- (G) **TOTAL FEE** = ((C) + (F))

APPENDIX C. ANNUAL INDUSTRIAL DISCHARGE PERMIT FEES [REVOKED]

Annual Fee Rating System - Beginning July 1, 2008, fees for industrial discharge permits will be calculated according to an Annual Fee Rating System as follows:

(1) The system will contain the following factors to evaluate the complexity of the permit:

- (a) Major/minor facility designation
- (b) Discharge complexity level designation
- (c) Receiving stream beneficial use designation
- (d) Toxic pollutant potential
- (e) Traditional pollutant loading
- (f) Additional factors

(2) Points will be calculated for each of the complexity factors listed in paragraph (1) according to the instructions for completing annual permit fee rating sheet in Table C-1 and the annual fee rating worksheet (in substantially same form as Table C-2).

(3) The annual fee will be calculated by multiplying the number of points by \$51.00, provided that the minimum fee will be no less than \$100.00 per year.

(4) Fees for other disposal methods will be in addition to the fees for discharge and will be in accordance with other applicable rules of the Department.

(5) The annual fee will be paid in advance by all facilities which have a permit in effect as of June 30 of each year.

(6) The first year fee for new facilities will be calculated according to the Annual Fee Rating System. Complexity factors based on operational levels at the facility will be calculated using levels proposed in the application. The first year fee for new facilities will be prorated and covers the period beginning the issuance date of the permit and ending June 30th of the coinciding fiscal year. A statement of the first year fee will be mailed to the applicant within 10 days of receipt of application and will be due within 20 days of receipt of application.

(7) A statement of fees due will be mailed to the permittee on or as soon as practical after July 1 of each year.

(8) State appropriations and federal grants will be used to offset the annual fee where possible.

(9) The dollar value per point in paragraph (3) above will continue in effect unless a workload and budget analysis is performed in the previous fiscal year justifying that a fee increase is necessary. This analysis must be reviewed and approved by the Environmental Quality Board.

(10) To assist in meeting rising costs to the Department of the OPDES program associated with permitting and enforcement for industrial discharge permits, the fees set out in this Appendix shall be automatically adjusted on July 1st every year to correspond to the percentage, if any, by which the Consumer Price Index (CPI) for the most recent calendar year exceeds the CPI for the previous calendar year. The Department may round the adjusted fees up to the nearest dollar. The Department may waive collection of an automatic increase in a given year if it determines other revenues, including appropriated state general revenue funds, have increased sufficiently to make the funds generated by the automatic adjustment unnecessary in that year. A waiver does not affect future automatic adjustments.

(a) Any automatic fee adjustment under this subsection may be averted or eliminated, or the adjustment percentage may be modified, by rule promulgated pursuant to the Oklahoma Administrative Procedures Act. The rulemaking process may be initiated in any manner provided by law, including a petition for rulemaking pursuant to 75 O.S. § 305 and OAC 252:4-5-3 by any person affected by the automatic fee adjustment.

(b) If the United States Department of Labor ceases to publish the CPI or

revises the methodology or base years, no further automatic fee adjustments shall occur until a new automatic fee adjustment rule is promulgated pursuant to the Oklahoma Administrative Procedures Act.

(c) For purposes of this subsection, "Consumer Price Index" or "CPI" means the Consumer Price Index - All Urban Consumers (U.S. All Items, Current Series, 1982-1984=100, CUUR0000SA0) published by the United States Department of Labor. The CPI for a calendar year is the figure denoted by the Department of Labor as the "Annual" index figure for that calendar year.

(11)The fees listed in this Appendix shall only be raised in the manner stated in paragraph (10) above, unless a workload and budget analysis is completed, which demonstrates that an additional increase in fees is warranted.

**TABLE C-1 INSTRUCTIONS FOR COMPLETING INDUSTRIAL DISCHARGE PERMIT
ANNUAL FEE RATING WORKSHEET
(For Staff Use)**

1. MAJOR/MINOR FACILITY DESIGNATION

Determine if the facility is rated as a major facility according to the latest EPA NPDES Non-Municipal Permit Rating System. Check the appropriate answer and record \$300 for a minor and \$3000 for a major in the base fee blank.

2. DISCHARGE COMPLEXITY LEVEL DESIGNATION

From the permit application and permit, determine the appropriate Standard Industrial Classification (SIC) codes for each discharge point by determining the processes and products reported for the industry. Use the latest available edition of Table 1 or 2 from the U.S. Environmental Protection Agency NPDES Permit Rating Worksheet "Complexity Groups for SIC Codes" to determine the applicable Industrial Subcategory and the related complexity designation. When more than one category applies to effluents from a single discharge point, select the category with the highest complexity level designation. Level I is the lowest complexity level designation and Level VI is the highest. If a facility is covered by SIC code 9999 (unclassifiable establishments), a Complexity Designation Level will be assigned as follows:

A. If the facility is designated as major by the Environmental Protection Agency, check Category V.

B. If the facility is designated as minor by the Environmental Protection Agency, check Category II.

Record the applicable SIC code on the worksheet, then enter the highest complexity designation among all discharge points.

3. RECEIVING STREAM BENEFICIAL USE DESIGNATION

Review the permit application to determine the name of the receiving stream for each discharge point. Review the current Oklahoma Water Quality Standards and determine the beneficial use designations for the stream. Mark the beneficial use(s) on the Worksheet and add the corresponding point amounts. If there is more than one receiving stream, calculate the beneficial use points for each and record the highest total.

4. TOXIC POLLUTANT POTENTIAL

From the permit application and permit, determine the Standard Industrial Classification (SIC) codes for each discharge point by determining the processes and products reported for the industry. Use the primary SIC to determine if there are industrial subcategories for that SIC code. Use the latest edition of the U.S. Environmental Protection Agency NPDES Permit Rating Worksheet to determine the applicable toxicity group. Use the Code of Federal Regulations (CFR) part and sub-part numbers to help identify the appropriate subcategory. If there is more than one applicable subcategory, select the subcategory that has the highest toxicity group. Enter the industrial subcategory number on the work sheet and check the appropriate Total toxicity potential number. Note that regardless of the facility's SIC code, if the facility discharges no process waste stream to a receiving water, the points scored are 0. Enter and record the applicable point amount.

5. TRADITIONAL POLLUTANT LOADING

Determine if the permit contains discharge limitations for biochemical oxygen demand (BOD), chemical oxygen demand (COD), total suspended solids (TSS) and/or ammonia (or nitrogen). Points should be assigned for the parameters limited in the permit. For the purposes of determining permit fees, the daily average load for each parameter will be calculated, based upon the reported values for the parameter and flow rates submitted on

self monitoring report (SMR) and/or discharge monitoring report (DMR) forms for the past twelve (12) months.

Calculate the BOD and/or COD daily average loads and record the applicable points for each. In some cases, oxygen demand may be limited by some parameter other than BOD or COD [i.e., ultimate oxygen demand (UOD), total organic carbon (TOC), or total oxygen demand (TOD)]. In such cases, record the alternate parameter in the applicable space and calculate the average load and report the applicable point amount.

Sum the points for each parameter and record the total traditional pollutant points in the space provided.

7. ADDITIONAL FACTORS

Determine if the permitted effluent limitations were assigned based on dissolved oxygen (DO) wasteload allocation modeling, including but not limited to the DO Desktop Model, for the receiving perennial stream. Check the appropriate answer and record the points required.

Determine if any permitted effluent limitations were assigned based on a wasteload allocation modeling for conservative parameters. Check the appropriate answer and record the points required.

Determine if biomonitoring is required for any discharge point listed on the permit. Check the appropriate answer and record the points required.

Determine if the facility has had whole effluent toxicity studies performed within the last two years. If so, determine if the results of any of those tests indicated that the effluent from this facility is/was toxic at the critical low-flow dilution. Check the appropriate answer and record the points required.

Determine if the facility is currently required by the U.S. Environmental Protection Agency or the Board to implement a Toxicity Identification Evaluation (TIE) or Toxicity Reduction Evaluation (TRE). Check the appropriate answer and record the points required.

8. TOTAL RATING POINTS

Sum the rating points assigned to each of the five sections and record the total in the total rating points blank.

9. ANNUAL PERMIT FEE

The annual permit fee will be computed by multiplying the rating factor (in \$ per point) by the calculated total rating points plus the base fee rate.

TABLE C-2 INDUSTRIAL DISCHARGE PERMIT ANNUAL FEE RATING WORKSHEET

PERMIT NO. _____

PERMITTEE _____ DATE ____/____/____

1. MAJOR/MINOR DETERMINATION

Is the facility rated as a major facility according to the latest version of the EPA NPDES Non-Municipal Permit Rating System?

- _____ Yes, then \$3000 is the base fee
- _____ No, then \$300 is the base fee

2. DISCHARGE COMPLEXITY DESIGNATION

SELECTED OUTFALL POINT # _____ (with the highest complexity)

SELECTED SIC CODE _____

Complexity Designation Level =

- _____ I (0 points)
- _____ II (10 points)
- _____ III (20 points)
- _____ IV (30 points)
- _____ V (40 points)
- _____ VI (20 points)

DISCHARGE COMPLEXITY DESIGNATION POINTS _____

3. RECEIVING STREAM BENEFICIAL USE DESIGNATION

Selected Discharge Point # _____ (with the highest points)

Beneficial Use Designations and their assigned points for the selected Receiving Stream:

- _____ (5 points) Public and Private Water Supply
- _____ (3 points) Emergency Public and Private Water Supply
- _____ (5 points) Fish and Wildlife Propagation/Warm Water Aquatic Community
- _____ (1 point) Fish and Wildlife Propagation/Habitat Limited Aquatic Community
- _____ (10 points) Fish and Wildlife Propagation/Cool Water Aquatic Community
- _____ (10 points) Fish and Wildlife Propagation/Trout Fisheries (put and take)
- _____ (1 point) Agriculture
- _____ (3 points) Agriculture/Class I Irrigation
- _____ (2 points) Agriculture/Class II Irrigation
- _____ (1 point) Agriculture/Class III Irrigation
- _____ (0 points) Hydroelectric Power
- _____ (1 point) Industrial and Municipal Process and Cooling Water
- _____ (5 points) Primary Body Contact Recreation
- _____ (1 point) Secondary Body Contact Recreation
- _____ (0 points) Navigation
- _____ (1 point) Aesthetics
- _____ (10 points) Limitation for Additional Protection

RECEIVING STREAM POINTS _____

4. TOXIC POLLUTANT POTENTIAL

Selected Outfall Point # _____ (with highest Total toxicity number)

Selected SIC Code _____

Selected Industrial Subcategory Code _____

Toxicity Groups	Points
No Process Waste Stream	0
_____ 1.	5
_____ 2.	10
_____ 3.	15
_____ 4.	20
_____ 5.	25
_____ 6.	30
_____ 7.	35
_____ 8.	40
_____ 9.	45
_____ 10.	50

TOXIC POLLUTANT POTENTIAL POINTS _____

5. TRADITIONAL POLLUTANTS

A. BOD or _____

Daily Average Load =

- _____ < 50 lb/day (0 points)
- _____ 50 - 500 (5 points)
- _____ > 500 - 1000 (10 points)
- _____ >1000 - 3000 (20 points)
- _____ >3000 - 5000 (30 points)
- _____ >5000 lb/day (40 points)

BOD Points _____

B. COD or _____

Daily Average Load =

- _____ < 100 lb/day (0 points)
- _____ 100 - 500 (5 points)
- _____ > 500 - 1000 (10 points)
- _____ > 1000 - 5000 (20 points)
- _____ > 5000 - 10000 (30 points)
- _____ >10000 - lb/day (40 points)

COD Points _____

C. TSS

Daily Average Load =

- _____ < 100 lb/day (0 points)
- _____ 100 - 500 (5 points)
- _____ > 500 - 1000 (10 points)
- _____ > 1000 - 5000 (20 points)
- _____ > 5000 - 10000 (30 points)

_____ >10000 lb/day (40 points)

TSS Points _____

D. AMMONIA or _____

Daily Average Load =

_____ < 200 lb/day (0 points)

_____ 200 - 500 (5 points)

_____ > 500 - 1000 (10 points)

_____ >1000 - 5000 (20 points)

_____ >5000 - 10000 (30 points)

_____ >10000 lb/day (40 points)

AMMONIA (or nitrogen) Points _____

TOTAL POLLUTANT POINTS _____

6. ADDITIONAL FACTORS

Were any of the effluent limitations assigned to the discharge based on DO related wasteload allocation modeling for the receiving perennial stream?

_____ Yes, then points = 5

_____ No, then points = 0

Were any of the effluent limitations assigned to the discharge based on a wasteload allocation modeling for conservative parameters?

_____ Yes, then points = 5

_____ No, then points = 0

Is biomonitoring required for any discharge point listed on the permits?

_____ Yes, then points = 10

_____ No, then points = 0

Has any effluent from the facility shown toxicity at the critical low flow dilution on a whole effluent toxicity study within the last two calendar years?

_____ Yes, then points = 25

_____ No, then points = 0

Is the facility currently required by the U.S. Environmental Protection Agency or the Board to implement a Toxicity Identification Evaluation (TIE) or a Toxicity Reduction Evaluation (TRE).

_____ Yes, then points = 100

_____ No, then points = 0

ADDITIONAL FACTORS POINTS _____

=====

(A) BASE FEE \$

(B) RATING FACTOR (\$_____/point)

(C) TOTAL RATING POINTS _____

(D) TOTAL AMOUNT DUE (A) + ((B) X (C)) \$

APPENDIX C. ANNUAL INDUSTRIAL DISCHARGE PERMIT FEES [NEW]

Annual Fee Rating System - Fees for industrial discharge permits will be calculated according to an Annual Fee Rating System as follows:

(1) The system will contain the following factors to evaluate the complexity of the permit:

- (a) Major/minor facility designation
- (b) Discharge complexity level designation
- (c) Receiving stream beneficial use designation
- (d) Toxic pollutant potential
- (e) Traditional pollutant loading
- (f) Additional factors

(2) Points will be calculated for each of the complexity factors listed in paragraph (1) according to the instructions for completing annual permit fee rating sheet in Table C-1 and the annual fee rating worksheet (in substantially same form as Table C-2).

(3) The annual fee will be calculated by multiplying the number of points beginning July 1, 2011 by \$72.56; beginning July 1, 2012 by \$109.56; beginning July 1, 2013 by \$142.56; beginning July 1, 2014 by \$146.70; and beginning July 1, 2015 by \$150.85.

(4) Fees for other disposal methods will be in addition to the fees for discharge and will be in accordance with other applicable rules of the Department.

(5) The annual fee will be paid in advance by all facilities which have a permit in effect as of June 30 of each year.

(6) The first year fee for new facilities will be calculated according to the Annual Fee Rating System. Complexity factors based on operational levels at the facility will be calculated using levels proposed in the application. The first year fee for new facilities will be prorated and covers the period beginning the issuance date of the permit and ending June 30th of the coinciding fiscal year. A statement of the first year fee will be mailed to the applicant within 10 days of receipt of application and will be due within 20 days of receipt of application.

(7) A statement of fees due will be mailed to the permittee on or as soon as practical after July 1 of each year.

(8) State appropriations and federal grants will be used to offset the annual fee where possible.

(9) The dollar value per point in paragraph (3) above will continue in effect unless a workload and budget analysis is performed in the previous fiscal year justifying that a fee increase is necessary. This analysis must be reviewed and approved by the Environmental Quality Board.

(10) To assist in meeting rising costs to the Department of the OPDES program associated with permitting and enforcement for industrial discharge permits, the fees set out in this Appendix shall be automatically adjusted on July 1st every year to correspond to the percentage, if any, by which the Consumer Price Index (CPI) for the most recent calendar year exceeds the CPI for the previous calendar year. The Department may round the adjusted fees up to the nearest dollar. The Department may waive collection of an automatic increase in a given year if it determines other revenues, including appropriated state general revenue funds, have increased sufficiently to make the funds generated by the automatic adjustment unnecessary in that year. A waiver does not affect future automatic adjustments.

(a) Any automatic fee adjustment under this subsection may be averted or eliminated, or the adjustment percentage may be modified, by rule promulgated pursuant to the Oklahoma Administrative Procedures Act. The rulemaking process may be initiated in any manner provided by law, including a petition for rulemaking pursuant to 75 O.S. § 305 and OAC 252:4-5-3 by any person affected by the automatic fee adjustment.

(b) If the United States Department of Labor ceases to publish the CPI or

revises the methodology or base years, no further automatic fee adjustments shall occur until a new automatic fee adjustment rule is promulgated pursuant to the Oklahoma Administrative Procedures Act.

(c) For purposes of this subsection, "Consumer Price Index" or "CPI" means the Consumer Price Index - All Urban Consumers (U.S. All Items, Current Series, 1982-1984=100, CUUR0000SA0) published by the United States Department of Labor. The CPI for a calendar year is the figure denoted by the Department of Labor as the "Annual" index figure for that calendar year.

(11)The fees listed in this Appendix shall only be raised in the manner stated in paragraph (10) above, unless a workload and budget analysis is completed, which demonstrates that an additional increase in fees is warranted.

**TABLE C-1 INSTRUCTIONS FOR COMPLETING INDUSTRIAL DISCHARGE PERMIT
ANNUAL FEE RATING WORKSHEET
(For Staff Use)**

1. MAJOR/MINOR FACILITY DESIGNATION

Determine if the facility is rated as a major facility according to the latest EPA NPDES Non-Municipal Permit Rating System. Check the appropriate answer and record the assigned amount for a minor, intermediate minor, complex minor, or \$3000 for a major in the base fee blank.

2. DISCHARGE COMPLEXITY LEVEL DESIGNATION

From the permit application and permit, determine the appropriate Standard Industrial Classification (SIC) codes for each discharge point by determining the processes and products reported for the industry. Use the latest available edition of Table 1 or 2 from the U.S. Environmental Protection Agency NPDES Permit Rating Worksheet "Complexity Groups for SIC Codes" to determine the applicable Industrial Subcategory and the related complexity designation. When more than one category applies to effluents from a single discharge point, select the category with the highest complexity level designation. Level I is the lowest complexity level designation and Level VI is the highest. If a facility is covered by SIC code 9999 (unclassifiable establishments), a Complexity Designation Level will be assigned as follows:

A. If the facility is designated as major by the Environmental Protection Agency, check Category V.

B. If the facility is designated as minor by the Environmental Protection Agency, check Category II.

Record the applicable SIC code on the worksheet, then enter the highest complexity designation among all discharge points.

3. RECEIVING STREAM BENEFICIAL USE DESIGNATION

Review the permit application to determine the name of the receiving stream for each discharge point. Review the current Oklahoma Water Quality Standards and determine the beneficial use designations for the stream. Mark the beneficial use(s) on the Worksheet and add the corresponding point amounts. If there is more than one receiving stream, calculate the beneficial use points for each and record the highest total.

4. TOXIC POLLUTANT POTENTIAL

From the permit application and permit, determine the Standard Industrial Classification (SIC) codes for each discharge point by determining the processes and products reported for the industry. Use the primary SIC to determine if there are industrial subcategories for that SIC code. Use the latest edition of the U.S. Environmental Protection Agency NPDES Permit Rating Work Sheet to determine the applicable toxicity group. Use the Code of Federal Regulations (CFR) part and sub-part numbers to help identify the appropriate subcategory. If there is more than one applicable subcategory, select the subcategory that has the highest toxicity group. Enter the industrial subcategory number on the work sheet and check the appropriate Total toxicity potential number. Note that regardless of the facility's SIC code, if the facility discharges no process waste stream to a receiving water, the points scored are 0. Enter and record the applicable point amount.

5. TRADITIONAL POLLUTANT LOADING

Determine if the permit contains discharge limitations for biochemical oxygen demand (BOD), chemical oxygen demand (COD), total suspended solids (TSS) and/or ammonia (or nitrogen). Points should be assigned for the parameters limited in the permit. For the purposes of determining permit fees, the daily average load for each parameter will be

calculated, based upon the reported values for the parameter and flow rates submitted on self monitoring report (SMR) and/or discharge monitoring report (DMR) forms for the past twelve (12) months.

Calculate the BOD and/or COD daily average loads and record the applicable points for each. In some cases, oxygen demand may be limited by some parameter other than BOD or COD [i.e., ultimate oxygen demand (UOD), total organic carbon (TOC), or total oxygen demand (TOD)]. In such cases, record the alternate parameter in the applicable space and calculate the average load and report the applicable point amount.

Sum the points for each parameter and record the total traditional pollutant points in the space provided.

7. ADDITIONAL FACTORS

Determine if the permitted effluent limitations were assigned based on dissolved oxygen (DO) wasteload allocation modeling, including but not limited to the DO Desktop Model, for the receiving perennial stream. Check the appropriate answer and record the points required.

Determine if any permitted effluent limitations were assigned based on a wasteload allocation modeling for conservative parameters. Check the appropriate answer and record the points required.

Determine if biomonitoring is required for any discharge point listed on the permit. Check the appropriate answer and record the points required.

Determine if the facility has had whole effluent toxicity studies performed within the last two years. If so, determine if the results of any of those tests indicated that the effluent from this facility is/was toxic at the critical low-flow dilution. Check the appropriate answer and record the points required.

Determine if the facility is currently required by the U.S. Environmental Protection Agency or the Board to implement a Toxicity Identification Evaluation (TIE) or Toxicity Reduction Evaluation (TRE). Check the appropriate answer and record the points required.

8. TOTAL RATING POINTS

Sum the rating points assigned to each of the five sections and record the total in the total rating points blank.

9. ANNUAL PERMIT FEE

The annual permit fee will be computed by multiplying the rating factor (in \$ per point) by the calculated total rating points plus the base fee rate.

TABLE C-2 INDUSTRIAL DISCHARGE PERMIT ANNUAL FEE RATING WORKSHEET

PERMIT NO. _____

PERMITTEE _____ DATE ____/____/____

1. MAJOR/MINOR DETERMINATION

Is the facility rated as a major facility according to the latest version of the EPA NPDES Non-Municipal Permit Rating System?

_____ Yes, then \$3000 is the base fee

_____ No, then:

- \$2,000.00 for a "complex minor," which is defined as a minor industrial discharger who either has pH limit outside the 6.5 to 9.0 range, reasonable potential calculations with or without technology-based limits, any impoundments that meet the Class I or Class II definition contained in OAC 252:616, land applies wastewater, or implements site-specific criteria;
- \$1,000.00 for a "intermediate minor," which is defined as a minor system that meets one of the following: more than two outfalls, discharges to a 303 (d) listed stream, or has technology-based effluent limitations other than TSS, oil and grease, or pH;
- \$300 for all other minor systems.

2. DISCHARGE COMPLEXITY DESIGNATION

SELECTED OUTFALL POINT # _____ (with the highest complexity)

SELECTED SIC CODE _____

Complexity Designation Level =

- _____ I (0 points)
- _____ II (10 points)
- _____ III (20 points)
- _____ IV (30 points)
- _____ V (40 points)
- _____ VI (20 points)

DISCHARGE COMPLEXITY DESIGNATION POINTS _____

3. RECEIVING STREAM BENEFICIAL USE DESIGNATION

Selected Discharge Point # _____ (with the highest points)

Beneficial Use Designations and their assigned points for the selected Receiving Stream:

- _____ (5 points) Public and Private Water Supply
- _____ (3 points) Emergency Public and Private Water Supply
- _____ (5 points) Fish and Wildlife Propagation/Warm Water Aquatic Community
- _____ (1 point) Fish and Wildlife Propagation/Habitat Limited Aquatic

Community

- _____ (10 points) Fish and Wildlife Propagation/Cool Water Aquatic Community
- _____ (10 points) Fish and Wildlife Propagation/Trout Fisheries (put and take)
- _____ (1 point) Agriculture
- _____ (3 points) Agriculture/Class I Irrigation
- _____ (2 points) Agriculture/Class II Irrigation
- _____ (1 point) Agriculture/Class III Irrigation
- _____ (0 points) Hydroelectric Power
- _____ (1 point) Industrial and Municipal Process and Cooling Water
- _____ (5 points) Primary Body Contact Recreation
- _____ (1 point) Secondary Body Contact Recreation
- _____ (0 points) Navigation
- _____ (1 point) Aesthetics
- _____ (10 points) Limitation for Additional Protection

RECEIVING STREAM POINTS _____

4. TOXIC POLLUTANT POTENTIAL

Selected Outfall Point # _____ (with highest Total toxicity number)

Selected SIC Code _____

Selected Industrial Subcategory Code _____

Toxicity Groups	Points
No Process Waste Stream	0
_____ 1.	5
_____ 2.	10
_____ 3.	15
_____ 4.	20
_____ 5.	25
_____ 6.	30
_____ 7.	35
_____ 8.	40
_____ 9.	45
_____ 10.	50

TOXIC POLLUTANT POTENTIAL POINTS _____

5. TRADITIONAL POLLUTANTS

A. BOD or _____

Daily Average Load =

- _____ < 50 lb/day (0 points)
- _____ 50 - 500 (5 points)
- _____ > 500 - 1000 (10 points)
- _____ >1000 - 3000 (20 points)
- _____ >3000 - 5000 (30 points)
- _____ >5000 lb/day (40 points)

BOD Points _____

B. COD or _____

Daily Average Load =

- _____ < 100 lb/day (0 points)

_____ 100 - 500 (5 points)
_____ > 500 - 1000 (10 points)
_____ > 1000 - 5000 (20 points)
_____ > 5000 - 10000 (30 points)
_____ >10000 - lb/day (40 points)

COD Points _____

C. TSS

Daily Average Load =

_____ < 100 lb/day (0 points)
_____ 100 - 500 (5 points)
_____ > 500 - 1000 (10 points)
_____ > 1000 - 5000 (20 points)
_____ > 5000 - 10000 (30 points)
_____ >10000 lb/day (40 points)

TSS Points _____

D. AMMONIA or _____

Daily Average Load =

_____ < 200 lb/day (0 points)
_____ 200 - 500 (5 points)
_____ > 500 - 1000 (10 points)
_____ >1000 - 5000 (20 points)
_____ >5000 - 10000 (30 points)
_____ >10000 lb/day (40 points)

AMMONIA (or nitrogen) Points _____

TOTAL POLLUTANT POINTS _____

6. ADDITIONAL FACTORS

Were any of the effluent limitations assigned to the discharge based on DO related wasteload allocation modeling for the receiving perennial stream?

_____ Yes, then points = 5
_____ No, then points = 0

Were any of the effluent limitations assigned to the discharge based on a wasteload allocation modeling for conservative parameters?

_____ Yes, then points = 5
_____ No, then points = 0

Is biomonitoring required for any discharge point listed on the permits?

_____ Yes, then points = 10
_____ No, then points = 0

Has any effluent from the facility shown toxicity at the critical low flow dilution on a whole effluent toxicity study within the last two calendar years?

_____ Yes, then points = 25
_____ No, then points = 0

Is the facility currently required by the U.S. Environmental Protection Agency or the Board to implement a Toxicity Identification Evaluation (TIE) or a Toxicity

Reduction Evaluation (TRE)?

_____ Yes, then points = 100

_____ No, then points = 0

ADDITIONAL FACTORS POINTS _____

=====

(A) BASE FEE \$

(B) RATING FACTOR (\$_____/point)

(C) TOTAL RATING POINTS _____

(D) TOTAL AMOUNT DUE (A) + ((B) X (C)) \$

APPENDIX D. FEES FOR STORMWATER PERMITS AND OTHER GENERAL PERMITS [REVOKED]

- (A) Beginning July 1, 2008 the fee for MS4 stormwater permits is 683.00.
- (B) Beginning July 1, 2008, the fee for all general permits, including Authorizations under general stormwater is \$316.00.
- (C) The annual fee must be paid in advance by all facilities which have been authorized to discharge under a permit as of June 30 of each year.
- (D) Fee payment must be made by check, draft, or money order payable to the Oklahoma Department of Environmental Quality and mailed or hand delivered to the Department's offices.
- (E) The first year fee for facilities will be prorated and will cover the period beginning the issuance date of the authorization and ending June 30th of the coinciding fiscal year. A statement of the first year fee will be mailed to the applicant within 10 days of receipt of application and will be due within 20 days of receipt of application.
- (F) A statement of fees due will be mailed to the permittee at the beginning of each fiscal year (July 1).
- (G) Fees not received by the due date will be subject to an additional fee of ten percent (10%) of the fee set forth in the statement.
- (H) If the fees have not been received by the Department within fifteen (15) days after the due date set forth in the statement, authorization to discharge under the permit will be subject to revocation after notice and opportunity for hearing.
- (I) State appropriations and federal grants will be used to offset the annual fee where possible.
- (J) To assist in meeting rising costs to the Department of the OPDES program associated with permitting and enforcement for stormwater and other general discharge permits, the fees set out in this Appendix shall be automatically adjusted on July 1st every year to correspond to the percentage, if any, by which the Consumer Price Index (CPI) for the most recent calendar year exceeds the CPI for the previous calendar year. The Department may round the adjusted fees up to the nearest dollar. The Department may waive collection of an automatic increase in a given year if it determines other revenues, including appropriated state general revenue funds, have increased sufficiently to make the funds generated by the automatic adjustment unnecessary in that year. A waiver does not affect future automatic adjustments.
- (1) Any automatic fee adjustment under this subsection may be averted or eliminated, or the adjustment percentage may be modified, by rule promulgated pursuant to the Oklahoma Administrative Procedures Act. The rulemaking process may be initiated in any manner provided by law, including a petition for rulemaking pursuant to 75 O.S. § 305 and OAC 252:4-5-3 by any person affected by the automatic fee adjustment.
- (2) If the United States Department of Labor ceases to publish the CPI or revises the methodology or base years, no further automatic fee adjustments shall occur until a new automatic fee adjustment rule is promulgated pursuant to the Oklahoma Administrative Procedures Act.
- (3) For purposes of this subsection, "Consumer Price Index" or "CPI" means the Consumer Price Index - All Urban Consumers (U.S. All Items, Current Series, 1982-1984=100, CUUR0000SA0) published by the United States Department of Labor. The CPI for a calendar year is the figure denoted by the Department of Labor as the "Annual" index figure for that calendar year.
- (K) The fees listed in this Appendix shall only be raised in the manner stated in paragraph (J) above, unless a workload and budget analysis is completed, which demonstrates that an additional increase in fees is warranted.

APPENDIX D. FEES FOR STORMWATER PERMITS AND OTHER GENERAL PERMITS [NEW]

- (A) The fee for MS4 stormwater permits is \$710.00.
- (B) The fee for all general permits, including Authorizations under general stormwater is as follows:
- (1) Stormwater and non-discharging facilities - \$330
 - (2) Discharging facilities - \$480 for first outfall plus \$100 for each additional outfall.
- (C) The annual fee must be paid in advance by all facilities which have been authorized to discharge under a permit as of June 30 of each year.
- (D) Fee payment must be made by check, draft, or money order payable to the Oklahoma Department of Environmental Quality and mailed or hand delivered to the Department's offices.
- (E) The first year fee for facilities will be prorated and will cover the period beginning the issuance date of the authorization and ending June 30th of the coinciding fiscal year. A statement of the first year fee will be mailed to the applicant within 10 days of receipt of application and will be due within 20 days of receipt of application.
- (F) A statement of fees due will be mailed to the permittee at the beginning of each fiscal year (July 1).
- (G) Fees not received by the due date will be subject to an additional fee of ten percent (10%) of the fee set forth in the statement.
- (H) If the fees have not been received by the Department within fifteen (15) days after the due date set forth in the statement, authorization to discharge under the permit will be subject to revocation after notice and opportunity for hearing.
- (I) State appropriations and federal grants will be used to offset the annual fee where possible.
- (J) To assist in meeting rising costs to the Department of the OPDES program associated with permitting and enforcement for stormwater and other general discharge permits, the fees set out in this Appendix shall be automatically adjusted on July 1st every year to correspond to the percentage, if any, by which the Consumer Price Index (CPI) for the most recent calendar year exceeds the CPI for the previous calendar year. The Department may round the adjusted fees up to the nearest dollar. The Department may waive collection of an automatic increase in a given year if it determines other revenues, including appropriated state general revenue funds, have increased sufficiently to make the funds generated by the automatic adjustment unnecessary in that year. A waiver does not affect future automatic adjustments.
- (1) Any automatic fee adjustment under this subsection may be averted or eliminated, or the adjustment percentage may be modified, by rule promulgated pursuant to the Oklahoma Administrative Procedures Act. The rulemaking process may be initiated in any manner provided by law, including a petition for rulemaking pursuant to 75 O.S. § 305 and OAC 252:4-5-3 by any person affected by the automatic fee adjustment.
 - (2) If the United States Department of Labor ceases to publish the CPI or revises the methodology or base years, no further automatic fee adjustments shall occur until a new automatic fee adjustment rule is promulgated pursuant to the Oklahoma Administrative Procedures Act.
 - (3) For purposes of this subsection, "Consumer Price Index" or "CPI" means the Consumer Price Index - All Urban Consumers (U.S. All Items, Current Series, 1982-1984=100, CUUR0000SA0) published by the United States Department of Labor. The CPI for a calendar year is the figure denoted by the Department of Labor as the "Annual" index figure for that calendar year.
- (K) The fees listed in this Appendix shall only be raised in the manner stated in

paragraph (J) above, unless a workload and budget analysis is completed, which demonstrates that an additional increase in fees is warranted.

APPENDIX E. FEES FOR INDIVIDUAL DISCHARGE PERMITS FOR CATEGORICAL INDUSTRIES [REVOKED]

(A) Beginning July 1, 2008, the fee for individual discharge permits for Categorical industries will be \$906.00.

(B) Fee payment must be made by check, draft, or money order payable to the Oklahoma Department of Environmental Quality and mailed or hand delivered to the Department's offices.

(C) The annual fee must be paid in advance by all facilities which have a permit in effect as of June 30 of each year.

(D) The first year fee for facilities will be prorated and will cover the period beginning the issuance date of the permit and ending June 30th of the coinciding fiscal year. A statement of the first year fee will be mailed to the applicant within 10 days of receipt of application and will be due within 20 days of receipt of application.

(E) A statement of fees due will be mailed to the permittee at the beginning of each fiscal year (July 1).

(F) Fees not received by the due date will be subject to an additional fee of ten percent (10%) of the fee set forth in the statement.

(G) If the fees have not been received by the Department within fifteen (15) days after the due date set forth in the statement, the permit will be subject to revocation after notice and opportunity for hearing.

(H) State appropriations and federal grants will be used to offset the annual fee where possible.

(I) To assist in meeting rising costs to the Department of the OPDES program associated with permitting and enforcement for industrial discharge permits for Categorical industries, the fees set out in this Appendix shall be automatically adjusted on July 1st every year to correspond to the percentage, if any, by which the Consumer Price Index (CPI) for the most recent calendar year exceeds the CPI for the previous calendar year. The Department may round the adjusted fees up to the nearest dollar. The Department may waive collection of an automatic increase in a given year if it determines other revenues, including appropriated state general revenue funds, have increased sufficiently to make the funds generated by the automatic adjustment unnecessary in that year. A waiver does not affect future automatic adjustments.

(1) Any automatic fee adjustment under this subsection may be averted or eliminated, or the adjustment percentage may be modified, by rule promulgated pursuant to the Oklahoma Administrative Procedures Act. The rulemaking process may be initiated in any manner provided by law, including a petition for rulemaking pursuant to 75 O.S. § 305 and OAC 252:4-5-3 by any person affected by the automatic fee adjustment.

(2) If the United States Department of Labor ceases to publish the CPI or revises the methodology or base years, no further automatic fee adjustments shall occur until a new automatic fee adjustment rule is promulgated pursuant to the Oklahoma Administrative Procedures Act.

(3) For purposes of this subsection, "Consumer Price Index" or "CPI" means the Consumer Price Index - All Urban Consumers (U.S. All Items, Current Series, 1982-1984=100, CUUR0000SA0) published by the United States Department of Labor. The CPI for a calendar year is the figure denoted by the Department of Labor as the "Annual" index figure for that calendar year.

(J) The fees listed in this Appendix shall only be raised in the manner stated in paragraph (I) above, unless a workload and budget analysis is completed, which demonstrates that an additional increase in fees is warranted.

APPENDIX E. FEES FOR INDUSTRIAL USERS [NEW]

(A) The fee for industrial users discharging to non-pretreatment Publicly Owned Treatment Works (POTWs) will be as follows: beginning July 1, 2011, \$1,100.00; beginning July 1, 2012, \$1,920.00; beginning July 1, 2013, \$4,150.00; beginning July 1, 2014, \$4,200.00; beginning July 1, 2015 and thereafter, \$4,270.00.

(B) Fee payment must be made by check, draft, or money order payable to the Oklahoma Department of Environmental Quality and mailed or hand delivered to the Department's offices.

(C) The annual fee must be paid in advance by all facilities which have a permit in effect as of June 30 of each year.

(D) The first year fee for facilities will be prorated and will cover the period beginning the issuance date of the permit and ending June 30th of the coinciding fiscal year. A statement of the first year fee will be mailed to the applicant within 10 days of receipt of application and will be due within 20 days of receipt of application.

(E) A statement of fees due will be mailed to the permittee at the beginning of each fiscal year (July 1).

(F) Fees not received by the due date will be subject to an additional fee of ten percent (10%) of the fee set forth in the statement.

(G) If the fees have not been received by the Department within fifteen (15) days after the due date set forth in the statement, the permit will be subject to revocation after notice and opportunity for hearing.

(H) State appropriations and federal grants will be used to offset the annual fee where possible.

(I) To assist in meeting rising costs to the Department of the OPDES program associated with permitting and enforcement for industrial users discharging to non-pretreatment POTWs, the fees set out in this Appendix shall be automatically adjusted on July 1st every year to correspond to the percentage, if any, by which the Consumer Price Index (CPI) for the most recent calendar year exceeds the CPI for the previous calendar year. The Department may round the adjusted fees up to the nearest dollar. The Department may waive collection of an automatic increase in a given year if it determines other revenues, including appropriated state general revenue funds, have increased sufficiently to make the funds generated by the automatic adjustment unnecessary in that year. A waiver does not affect future automatic adjustments.

(1) Any automatic fee adjustment under this subsection may be averted or eliminated, or the adjustment percentage may be modified, by rule promulgated pursuant to the Oklahoma Administrative Procedures Act. The rulemaking process may be initiated in any manner provided by law, including a petition for rulemaking pursuant to 75 O.S. § 305 and OAC 252:4-5-3 by any person affected by the automatic fee adjustment.

(2) If the United States Department of Labor ceases to publish the CPI or revises the methodology or base years, no further automatic fee adjustments shall occur until a new automatic fee adjustment rule is promulgated pursuant to the Oklahoma Administrative Procedures Act.

(3) For purposes of this subsection, "Consumer Price Index" or "CPI" means the Consumer Price Index - All Urban Consumers (U.S. All Items, Current Series, 1982-1984=100, CUUR0000SA0) published by the United States Department of Labor. The CPI for a calendar year is the figure denoted by the Department of Labor as the "Annual" index figure for that calendar year.

(J) The fees listed in this Appendix shall only be raised in the manner stated in paragraph (I) above, unless a workload and budget analysis is completed, which demonstrates that an additional increase in fees is warranted.