

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

**RULEMAKING ACTION:**

Notice of proposed PERMANENT rulemaking

**PROPOSED RULES:**

Subchapter 1. Introduction

252:690-1-4 Incorporation of EPA regulations by reference [AMENDED]

Subchapter 3. Point Source Discharges

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

252:690-3-8  $C_{95}$  for determining reasonable potential for parameters other than temperature [AMENDED]

252:690-3-12 Background monitoring and frequency [AMENDED]

252:690-3-19 TREs, TIEs and WET limits [AMENDED]

252:690-3-32 Test failure notification and retesting [AMENDED]

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

252:690-3-89 Effluent monitoring frequency ~~where~~ when permit limitations are required [AMENDED]

252:690-3-91 Performance-based monitoring frequency reductions and increases [AMENDED]

APPENDIX C. Methodology and Equations for Characterizing Effluent and Background Concentrations in Determination of Reasonable Potential to Exceed Numerical Criteria [REVOKED]

APPENDIX C. Methodology and Equations for Characterizing Effluent and Background Concentrations in Determination of Reasonable Potential to Exceed Numerical Criteria [NEW]

APPENDIX I. Performance-Based Effluent Monitoring Frequency Reductions [REVOKED]

APPENDIX I. Performance-Based Effluent Monitoring Frequency Reductions and Increases [NEW]

APPENDIX J. Background Monitoring [REVOKED]

APPENDIX J. Background Monitoring [NEW]

**SUMMARY:**

The Department proposes to: update the publication date of the federal rules incorporated by reference from July 1, 2010, to July 1, 2012; clarify when and how to use geometric and arithmetic means for determining "reasonable potential" for pollutants; update formulas used to determine when background monitoring is required; clarify testing requirements for facilities with WET limits during a TIE or TRE; update bacteriological indicators to reflect water quality standards for E. coli and Enterococci; require permittees to monitor for bacteria once a week if the receiving stream has a Secondary Body Contact Recreation beneficial use and is impaired for bacteria; eliminate monitoring frequency reductions for bacteriological testing to be consistent with Oklahoma Water Resources Board rules; and make other minor clarifications.

**AUTHORITY:**

Environmental Quality Board, 27A O.S. § 2-2-101; Water Quality Management Advisory Council, 27A O.S. § 2-2-201; and Water Quality, 27A O.S. § 2-6-101 *et seq.*

**COMMENT PERIOD:**

Written comments may be submitted to the contact person from December 1, 2012 through

December 31, 2012.

Oral comments may be made at the Water Quality Management Advisory Council meeting on January 8, 2013, and at the Environmental Quality Board meeting on February 22, 2013.

**PUBLIC HEARING:**

Before the Water Quality Management Advisory Council on January 8, 2013, at 1:00 p.m. in the Multi-Purpose Room on the first floor of the Department of Environmental Quality, 707 N. Robinson, Oklahoma City, Oklahoma 73102.

Before the Environmental Quality Board on February 22, 2013, at 9:30 a.m. in the Multi-Purpose Room on the first floor of the Department of Environmental Quality, 707 North Robinson, Oklahoma City, Oklahoma 73102.

**REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:**

The DEQ requests that business entities affected by the proposed rules provide to DEQ (during the comment period) the increase (in dollar amounts if possible) in the level of direct costs (e.g., fees) and indirect costs (e.g., reporting, record keeping, equipment, construction, labor, professional services, revenue loss), or other costs expected to be incurred due to compliance with the proposed rules.

**COPIES OF PROPOSED RULES:**

Copies of the proposed rules may be obtained from the contact person, reviewed at the Department of Environmental Quality, 707 N. Robinson, Oklahoma City, Oklahoma, during normal business hours (8:00 am - 4:30 pm Monday through Friday) or reviewed online at <http://www.deq.state.ok.us/wqdnew/index.htm>.

**RULE IMPACT STATEMENT:**

Copies of the rule impact statement may be obtained from the contact person or may be reviewed online at <http://www.deq.state.ok.us/wqdnew/index.htm>.

**CONTACT PERSON:**

The contact person is Mark Hildebrand. Mark may be contacted at: Mark.Hildebrand@deq.ok.gov (e-mail), (405) 702-8100 (phone) or (405) 702-8101 (fax). The DEQ is located at 707 N. Robinson, Oklahoma City, Oklahoma 73102. The DEQ's mailing address is P.O. Box 1677, Oklahoma City, Oklahoma 73101-1677.

**ADDITIONAL INFORMATION:**

Persons with disabilities who desire to attend the rulemaking hearing and need an accommodation should notify the contact person three (3) days in advance of the hearing. For hearing impaired, the TDD relay number is 1-800-522-8506 or 1-800-722-0353, for TDD machine use only.