TITLE 252. DEPARTMENT OF ENVIRONMENTAL QUALITY
CHAPTER 611. GENERAL WATER QUALITY

RULEMAKING ACTION:
Notice of proposed PERMANENT rulemaking

PROPOSED RULES:
252:611-1-3. Adoption and incorporation by reference [AMENDED]
Subchapter 3. Certifications
252:611-3-1. Water quality certifications required [AMENDED]
252:611-3-2. Requirements for certification [AMENDED]

SUMMARY:
The Department proposes to update its rules concerning entities required to receive a water quality certification from the Oklahoma Department of Environmental Quality, pursuant to Section 401 of the Clean Water Act, when the entity is required to obtain a federal permit. Additionally, the rule changes modify the date of the incorporation by reference of certain federal regulations. The change updates the publication date of the federal rules from July 1, 2007 to July 1, 2008.

AUTHORITY:
Environmental Quality Board powers and duties, 27A O.S. § 2-2-101; Water Quality Management Advisory Council powers and duties, 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 September 2, 2008, through October 7, 2008. Oral comments may be made at the Water Quality Management Advisory Council meeting on October 7, 2008, and at the Environmental Quality Board meeting on November 18, 2008.

PUBLIC HEARING:
Before the Water Quality Management Advisory Council on October 7, 2008, at 1:00 p.m. at the Department of Environmental Quality, 707 N. Robinson, Oklahoma City, Oklahoma.
Before the Environmental Quality Board on November 18, 2008, at 9:30 a.m. at the Tahlequah Armory Municipal Center, Room #3, 100 N. Water Street, Tahlequah, Oklahoma.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:
The DEQ requests that business entities affected by these rules provide the DEQ, within the comment period, in dollar amounts if possible, the increase in the level of direct costs such as fees, and the indirect costs such as reporting, record keeping, equipment, construction, labor, professional services, revenue loss, or other costs expected to be incurred by a particular entity due to compliance with the proposed rule.

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, 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 Donald D. Maisch. Mr. Maisch can be reached at don.maisch@deq.state.ok.us (e-mail), (405) 702-7189 (phone) or (405) 702-7199 (fax).
The DEQ is located at 707 N. Robinson, Oklahoma City, Oklahoma 73102. The 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.