252:611-1-3. Adoption and incorporation by reference
40 CFR Part 130 is adopted and incorporated by reference, as published on July 1, 2009-July 1, 2010, and the requirements contained therein are, unless otherwise specified, adopted and incorporated by reference in their entirety.

252:611-1-7. Planning and wasteload allocations
Compliance with the requirements of 40 CFR Part 130 and the CPP is required prior to issuance of a permit by the DEQ under OAC 252:605-252:606 for a new facility or modified permit that increases an existing limit for flow or pollutant load or adds a new pollutant.

252:611-3-2. Requirements for certification
(a) An application for a water quality certification shall be made in writing pursuant to the requirements of the Uniform Permitting Act and shall clearly state that the applicant is requesting a 401 water quality certification and include:
   (1) one copy of the application for the corresponding federal permit, or license for federal authorization of activities;
   (2) one copy of any draft federal permit, license, or authorization, if available;
   (3) copies of any relevant maps, drawings, studies, environmental impact assessments, plans, information relating to endangered, rare or threatened species including Finding of No Significant Impact (FONSI) or exemption, and other appropriate documents;
   (4) a legal description of the project location;
   (5) a description of all surface water, groundwater, or natural resources potentially affected by the proposed activities; and
   (6) one copy of any mitigation plan, when mitigation is required by a federal entity; and
   (7) a one-hundred dollar ($100.00) non-refundable application fee. To assist in meeting rising costs to the Department for the issuance of 401 water quality certifications, the fee set out above 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.

(b) The applicant shall provide copies of any applicable water quality-related comments and responses received in response to any public notice, if any.

(c) Additional information may be required by the DEQ.

(d) Applications that do not contain the information list above are incomplete.

(e) The federal agency may submit an application for certification or other information on behalf of the applicant. The applicant is responsible to provide any additional information requested by the DEQ and ensure that the application is complete.