252:690-1-4. Incorporation of USEPA regulations by reference

The following federal regulations at 40 CFR, as published on July 1, 2006, are incorporated by reference and applicable to this Chapter:

(1) OAC 252:205 (Hazardous Waste Management). 124.31, 124.32, & 124.33, substituting DEQ for EPA, and deleting the following sentence from each section:
For the purposes of this section only, "Hazardous waste management units over which EPA has permit issuance authority" refers to hazardous waste management units for which the State where the units are located has not been authorized to issue RCRA permits pursuant to 40 CFR part 271.

(B) Part 261. Identification and Listing of Hazardous Waste. In 261.5(f)(3)(iv), and (v), and in 261.5(g)(3)(iv), and (v) add "other than Oklahoma" after the word "State".
(C) 262.42(a)(2)(e).
(D) Part 263. Standards Applicable to Transporters of Hazardous Waste.
(E) Part 264. Standards for Owners and Operators of Hazardous Waste Treatment, Storage, and Disposal Facilities except:
   (i) 264.1(f)
   (ii) 264.149
   (iii) 264.150
   (iv) 264.301(l)
   (v) Part 264 Appendix VI
(F) Part 265. Interim Status Standards for Owners and Operators of Hazardous Waste Treatment, Storage, and Disposal Facilities except:
   (i) 265.1(c)(4)
   (ii) 265.149
   (iii) 265.150
(G) Part 266. Standards for the Management of Specific Hazardous Wastes and Specific Types of Hazardous Waste Management Facilities.
(H) Part 268. Land Disposal Restrictions, except:
   (i) 268.5
   (ii) 268.6
   (iii) 268.10
   (iv) 268.11
   (v) 268.12
   (vi) 268.13
   (vii) 268.42(b)
   (viii) 268.44(a) through (g)
   (ix) 268.44(m) through (p).
(I) Part 270. Permit Programs, except 270.14(b)(18).
(K) Part 279. Used Oil Management Standards. The only portion of 279.82 which is adopted by reference is "The use of used oil as a dust suppressant is prohibited."

(2) OAC 252:606 (Discharge Standards).
   (A) Part 116 (Hazardous Substances List)
(B) Part 117 (Reportable Quantities for Hazardous Substances)
(C) The following from PART 122 (NPDES PERMIT REGULATIONS):
   (i) 122.2 - (definitions)
   (ii) 122.24 - (concentrated aquatic animal production facilities)
   (iii) 122.25 - (aquaculture projects)
   (iv) 122.26 - (stormwater discharges)
   (v) 122.27 - (silviculture)
   (vi) 122.28(a) and (b) - (general permits)
   (vii) 122.29 - (new sources and new dischargers)
   (viii) 122.32 – As an operator of a small MS4, am I regulated under the NPDES storm water program?
   (ix) 122.34 – As an operator of a regulated small MS4, what will my NPDES MS4 storm water permit require?
   (x) 122.35 – As an operator of a regulated small MS4, may I share the responsibility to implement the minimum control measures with other entities?
   (xi) 122.41 - (permit conditions)
   (xii) 122.42 - (conditions for specified categories of permits)
   (xiii) 122.43 - (establishing permit conditions)
   (xiv) 122.44 - (establishing permit limitations, standards and other conditions)
   (xv) 122.45 - (calculating permit conditions)
   (xvi) 122.46 - (permit duration)
   (xvii) 122.47(a) - (schedules of compliance)
   (xviii) 122.48 - (monitoring requirements)
   (xix) 122.50 - (disposal into wells)
   (xx) 122.61 - (permit transfer)
   (xxi) 122.62 - (permit modification)
   (xxii) 122.63 - (minor modifications of permits)
   (xxiii) 122.64 - (permit termination)
   (xxiv) Appendices A through J
(D) The following from PART 125 (criteria and standards for NPDES):
   (i) Subpart A (technology-based treatment),
   (ii) Subpart B (criteria for aquaculture projects),
   (iii) Subpart D (fundamentally different factors),
   (iv) Subpart H (alternative effluent limitations),
   (v) Subpart I (new cooling water intakes),
   (vi) Subpart J (existing cooling water intakes), and
   (vii) Subpart L (disposal of sewage sludge under CWA 405)
(E) Part 129 (Toxic Pollutant Effluent Standards)
(F) Part 136 (testing and laboratory)
(G) Sections 401-471 (Effluent Guidelines 7 and Standards)
(H) Section 110.6 (notice of oil discharge)
(I) Part 302 (CERCLA exemption from NPDES permits)
(J) The following Sections from Part 503, Subpart A (General Provisions):
   (i) 503.1 (Purpose and applicability)
   (ii) 503.2 (Compliance period)
   (iii) 503.3 (Permits and direct enforceability)
(iv) 503.4 (Relationship to other regulations)  
(v) 503.5 (Additional or more stringent requirements)  
(vi) 503.6(a)-(e),(g)-(j) (Exclusions)  
(vii) 503.7 (Requirement for a person who prepares biosolids)  
(viii) 503.8 (Sampling and analysis)  
(ix) 503.9 (General definitions)  

(K) The following Sections from Part 503, Subpart B (Land Application):  
(i) 503.10(a),(b)(1)&(2),(e),(f),(g) (Applicability)  
(ii) 503.11 (Special definitions)  
(iii) 503.12 (General requirements)  
(iv) 503.13 (Pollutant limits)  
(v) 503.14 (Management practices)  
(vi) 503.15 (Operational standards - pathogens and vector attraction reduction)  
(vii) 503.16(a) (Frequency of monitoring)  
(viii) 503.17(a) (Recordkeeping)  
(ix) 503.18 (Reporting)  

(L) The following Sections from Part 503, Subpart D (Pathogens and Vector Attraction Reduction):  
(i) 503.30 (Scope)  
(ii) 503.31 (Special definitions)  
(iii) 503.32(a), (b) (Pathogens)  
(iv) 503.33(a), (b)(1)-(11) (Vector attraction reduction)  

(M) The following Sections from Part 503 Subpart E (Incineration)  
(i) 503.40 (Applicability)  
(ii) 503.41 (Special definitions)  
(iii) 503.42 (General requirements)  
(iv) 503.43 (Pollutant (Metal) limits)  
(v) 503.44 (Operational standard - total hydrocarbons)  
(vi) 503.45 (Management practices)  
(vii) 503.46 (Frequency of monitoring)  
(viii) 503.47 (Recordkeeping)  
(ix) 503.48 (Reporting)  

(N) The following Appendices from Part 503:  
(i) Appendix A (Procedure to determine the annual whole sludge application rate for a sludge)  
(ii) Appendix B (Pathogen treatment processes)  

(O) Provisions of 40 CFR relating to CAFOs are excluded because they are beyond the jurisdiction of this Chapter.  

(3) **OAC 252:611 (General Water Quality)** Part 130 (Water Quality Planning and Management)  

(4) **OAC 252:652 (Underground Injection Control).** The following apply in their entirety as they apply to the underground injection control program:  
(A) Part 144 (Underground Injection Control Program)  
(B) Part 145 (State UIC Program Requirements)  
(C) Part 146 (Underground Injection Control Program: Criteria and Standards)  
(D) Part 147 (State Underground Injection Control Programs)
(E) Part 148 (Hazardous Waste Injection Restrictions)
(5) In all cases where these rules conflict with or are less stringent than federal regulations, the federal regulations apply.