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


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## SUBCHAPTER 1. INTRODUCTION

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### 252:606-1-1. Purpose

(a) **Intent.** This Chapter sets the point source, biosolids (sewage sludge), and stormwater permitting standards for discharges to the waters of the State of Oklahoma from those facilities within the jurisdiction of the Oklahoma Department of Environmental Quality as specified in Title 27A O.S. § 1-3-101. This Chapter implements the Oklahoma Pollutant Discharge Elimination System Act, which begins at Title 27A O.S. § 2-6-201 of the Oklahoma Statutes. This Chapter applies to any person or entity that land applies biosolids or prepares it for firing in a biosolids (sewage sludge) incinerator, in addition to those facilities that discharge wastewater to water's of the state.

(b) **Other rules apply.** This Chapter applies in addition to other rules. This Chapter governs the effluent discharged from municipal wastewater treatment systems (constructed under OAC 252:656) and industrial wastewater treatment systems (constructed under OAC 252:616), and current DEQ Laboratory Accreditation rules. The discharges regulated by this Chapter must not cause a violation of the Oklahoma Water Quality Standards (OAC 785:45).

(c) **Exclusion.** This Chapter does not apply to:

(1) discharges from marine toilets, as prohibited by Title 63 O.S. § 4213;

(2) discharges of dredge and fill material under the jurisdiction of the United States Corps. of Engineers under Section 404 of the Federal Clean Water Act. Water in a treatment system is not waters of the State of Oklahoma;

(3) Septage. See OAC 252:645;

(4) Biosolids pilot studies that are conducted by a qualified research institute familiar with the crops and soils of this state for the beneficial use of biosolids through land application. Such studies are subject to conditions imposed by the DEQ, including:

(A) the limitation of the total amount of biosolids used must be no more than 25 dry tons for any one project or 50 dry tons for all pilot studies approved by the DEQ for the same institute in the same year;

(B) compliance with:

(i) The metal ceilings established in Table 1 of 40 CFR § 503.13(b);

(ii) One of the vector attraction reduction alternatives; and

(iii) The pathogen reduction requirements of 40 CFR § 503.32(a);

(C) written approval from the DEQ Executive Director or his designee prior to the commencement of operations;

(D) the period during which biosolids may be applied to the land is eighteen 18 months or less, unless extended by the DEQ;

(E) notification to the DEQ of the cessation of land application at the site; and

(F) periodic reporting.

(5) Biosolids co-fired in an incinerator with other wastes or for the incinerator in which biosolids

and other wastes are co-fired are regulated under the appropriate Air Quality Rules. Other wastes do not include auxiliary fuel, as defined in 40 CFR § 503.41(b), fired in a sewage sludge incinerator.

(6) Sludge generated at an industrial facility during the treatment of industrial wastewater, including sludge generated during the treatment of industrial wastewater combined with domestic sewage.

(7) Use of biosolids determined to be hazardous in accordance with 40 CFR Part 261 which must be disposed of in a manner in accordance with the Oklahoma Hazardous Waste Management Act and rules promulgated thereunder;

(8) Ash generated during the firing of biosolids in a sewage sludge incinerator;

(9) Grit (e.g., sand, gravel, cinders, or other materials with a high specific gravity) or screenings (e.g., relatively large materials such as rags) generated during preliminary treatment of domestic sewage in a treatment works.

(10) Biosolids with a concentration of Polychlorinated Biphenyl (PCB) equal to or greater than 10 milligrams per kilogram (10.0 mg\kg) of total solids (dry weight basis) may not be land applied under this Chapter. Disposal must be in accordance with OAC 252:515 ("Management of Solid Waste" rules) and applicable federal requirements under the Toxic Substances Control Act, 15 U.S.C. § 2601 *et seq.*

**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:

**"Accredited laboratory"** means a laboratory accredited through 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, the 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 Biosolid meets the pathogen reduction requirements of 40 CFR § 503.32 (a);

(B) Class B Biosolid 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.

**"Compliance Testing"** means any chemical, physical or bacteriological tests conducted in accordance with permit requirements.

**"Control tests"** means any chemical, physical or bacteriological tests, including visual

observations, performed to aid in operational decisions and to control wastewater treatment system performance.

**"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.

**"DMR"** means "Discharge Monitoring Report".

**"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.

**"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.

**252:606-1-3. Adoption of U.S. EPA regulations by reference**

(a) **Interpretation of rules.** Narrative provisions of this Chapter apply control over any provision of regulations of the Environmental Protection Agency (EPA) which are adopted by reference. The rules set forth in this Chapter are interpreted consistently with state compliance with the requirements of 40 CFR Part 123 (EPA Regulations on State NPDES Permit Program Requirements), and applicable provisions of the federal Clean Water Act and Oklahoma law.

(b) **Federal regulations adopted.** The following provisions of Title 40 of the Code of Federal Regulations (CFR) and the requirements contained therein are, unless otherwise specified, adopted and incorporated by reference in their entirety:

(1) Part 116 (Hazardous Substances List)

(2) Part 117 (Reportable Quantities for Hazardous Substances)
(3) The following from 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
(4) The following from 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)(iv), (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)

(5) The following from PART 125 (criteria and standards for NPDES):
(A) Subpart A (technology-based treatment),
(B) B (criteria for aquaculture projects),
(C) D (fundamentally different factors),
(D) H (alternative effluent limitations),
(E) I (new cooling water intakes), and
(F) J (existing cooling water intakes).

(6) 40 CFR Part 129 (Toxic Pollutant Effluent Standards)
(7) 40 CFR Part 136 (testing and laboratory)
(8) 40 CFR §§ 401-471 (Effluent Guidelines and Standards)
(9) 40 CFR § 110.6 (notice of oil discharge) and
(10) 40 CFR Part 302 (Reportable Quantities and Notification).

(c) The following provisions of 40 CFR that are applicable to biosolids are hereby incorporated by reference, subject to any modifications and additional requirements specified in this Chapter:

(1) The following Sections from 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)

(2) 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)

(3) The following Sections from 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)

(4) The following Sections from 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)

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

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

**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, 2014.

**252:606-1-5. Terminology in incorporated federal regulations**

(a) As used in the incorporated federal regulations, unless the context clearly indicates otherwise:
(1) **"Administrator", "Regional Administrator"** and **"State Director"** are synonymous with Executive Director of the DEQ;
(2) **"Clean Water Act"** and **"CWA"** are synonymous with the Oklahoma Pollutant Discharge Elimination System Act, Title 27A § 2-6-201 and following;
(3) **"State"** is synonymous with DEQ.
(4) **"Evidentiary hearing"** is synonymous with administrative hearing.
(5) **"Public hearing"** is synonymous with public meeting.

(b) Federal statutes and regulations that are cited in federal regulations incorporated by reference herein may be used as guidance.

**252:606-1-6. Spill reporting**

(a) **Report.** The owner or operator of a facility or vessel must report to the DEQ any spill or discharge to the waters of the state on or from the facility or vessel according to 40 CFR Part 117. Reports to the DEQ may be telephoned to the Complaints Hotline at (800) 522-0206.

(b) **Response.** Whenever a spill or discharge occurs that is required by 40 CFR Part 117 and this rule to be reported to the DEQ, the owner or operator of the facility or vessel must immediately act to stop, contain, clean up and prevent recurrence of the spill or discharge.

## SUBCHAPTER 3. DISCHARGE PERMITTING PROCESS FOR INDIVIDUAL AND GENERAL DISCHARGE PERMITS

Section

252:606-3-1. Access and use
252:606-3-2. Discharge to storm sewer
252:606-3-3. Draft permit
252:606-3-4. Fees
252:606-3-5. Permit termination
252:606-3-6. Compliance required

**252:606-3-1. Access and use**

An applicant must acquire or possess a right to use and access the property on which discharge points, facilities, activities or discharge sources are located. The owner/operator must maintain such rights for the duration of the permit term, and provide documentary proof to the DEQ.

**252:606-3-2. Discharge to storm sewer**

Upon filing, any applicant proposing to discharge to a storm sewer must provide one copy of the application to the municipality having jurisdiction over such storm sewer.

**252:606-3-3. OPDES permit**

(a) **OPDES permit applications.** When submitting a permit application for the initial issuance or re-issuance of an OPDES permit:

(1) analyses reported for industrial discharges must be performed by laboratories accredited by the DEQ, and

(2) analyses reported for municipal discharges must be performed at a minimum by an operator certified by the DEQ, as specified in this Chapter.

(b) **Additional OPDES permit requirements.** The DEQ may include in the permit statements of, or may incorporate by reference, any attachment to the permit which contains appropriate conditions, plans, limitations and other requirements relating to municipal lagoons, industrial surface impoundments, sludge management plans, or land application of sludge or wastewater associated with the discharging facility or activity subject to the DEQ's jurisdiction and pursuant to DEQ rules and regulations.

**252:606-3-4. 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 $500.

(B) renewal under an existing individual discharge permit is $500.

(2) **Annual fees.** All holders of individual discharge permits shall pay an annual permit fee over the life of the permit. Payments for annual fees are due upon receipt of an invoice mailed from DEQ. Failure to pay an annual fee may result in suspension or termination of the permit. The formulas used to calculate the annual fees are in 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 $500.

(B) renewal under an existing individual industrial user permit is $500.

(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. Failure to pay an annual fee may result in suspension or termination of the permit. The formula used to calculate the annual fee is in Appendix E.

**(d) Stormwater and other general discharge permit fees.**

(1) **Application fees.** The application fee for any new or renewal request for coverage under a stormwater or other general discharge permit is $100.

(2) **Annual fees.** All holders of an authorization to discharge pursuant to a stormwater or other general discharge permit shall pay the applicable annual fee over the life of the permit as follows:

(A) MS4 stormwater permits - $710.

(B) authorizations under a stormwater general permit - $330.

(C) authorizations under a general permit for all other discharges:

(i) for the first outfall - $480; and

(ii) for each additional outfall - $100.

(3) **Payments of annual fees for authorizations to discharge under the general construction stormwater discharge permit**. The annual fee for authorizations to discharge under the general construction stormwater permit is due at the time of the initial application and every 12 months after the effective date of the authorization until the authorization is terminated. The annual fee shall be applied to the 12-month period following the issuance of the authorization or following the due date of the annual fee.

(4) **Failure to pay annual fee.** Failure to pay the required annual fee may result in suspension or termination of the authorization.

(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.

(f) Fees not received within 30 days after 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 60 days after the due date set forth in the invoice, the authorization to discharge under 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) The fees shall only be raised in the manner stated in paragraph (e) above, unless a workload and budget analysis is completed, which demonstrates that an additional increase in fees is warranted.

**252:606-3-5. Permit termination**

Requests by third parties for termination may be made subject to the provisions of 40 CFR § 124.5(a). If the Executive Director determines that the request is not justified, he or she will send the requester a brief written response giving a reason for the decision. Denials of requests are not subject to public notice, comment or hearings.

**252:606-3-6. Compliance required**

Applicants must comply with the terms of the permits that are issued. Permits may contain provisions more stringent than these rules in order to meet Oklahoma Water Quality Standards (OAC 785:45), the Implementation of Oklahoma's Water Quality Standards (OAC 785:46), the DEQ Water Quality Standards Implementation Plan (OAC 252:690), and the Water Quality Management Plan.

## SUBCHAPTER 5. DISCHARGE PERMIT REQUIREMENTS

Section

252:606-5-1. Terms and conditions of permits
252:606-5-2. Technology-based methodologies
252:606-5-3. Water quality review
252:606-5-4. Water quality standards variance
252:606-5-5. Stormwater discharges

**252:606-5-1. Terms and conditions of permits**

(a) Terms and conditions of permits issued under this Chapter will include requirements necessary to assure compliance with the Oklahoma Water Quality Standards (OAC 785:45), the Implementation of Oklahoma's Water Quality Standards (OAC 785:46), the DEQ Water Quality Standards Implementation Plan (OAC 252:690), and the Water Quality Management Plan.

(b) Where applicable, the DEQ may require municipalities to adopt and enforce appropriate

requirements for dischargers to storm sewers to cause compliance with municipally-held stormwater discharge permits.

(c) Where practicable and as deemed appropriate by the Executive Director and as applicable in the circumstances, any discharge permit, or authorization to discharge issued by the Executive Director under a General Permit, may contain appropriate terms, conditions, limitations and requirements related to protection of groundwater, for remediation of pollution, or for implementation of other programs under the jurisdiction of the DEQ.

**252:606-5-2. Technology-based methodologies**

Technology-based methodologies include:

(1) **Industrial permits.** Effluent limitation guidelines for industry categories and pollutants are promulgated by the EPA pursuant to the Federal Water Pollution Control Act, as amended by the Clean Water Act of 1977 and Water Quality Act of 1987. EPA guidelines are adopted and incorporated by reference in 252:606-1-5. If there are no industry category or pollutant guidelines applicable to the applicant's industry, BPJ of the permit writer applies.

(2) **Municipal permits.**

(A) Technology-based limitations for municipal discharges are based upon the definition of "secondary treatment". The Oklahoma definition of "secondary treatment" is more stringent than the EPA definition under 40 CFR Part 133. Subparagraphs (B) through (G) of this paragraph contain the EPA approved definition of "secondary treatment" for the State of Oklahoma which is used in the development of wasteload allocations in the municipal point source inventory.

(B) For facilities discharging to perennial streams, "secondary treatment" is defined as:

(i) A monthly average of 30 mg/l Biochemical Oxygen Demand - 5 day ($BOD_5$). A Carbonaceous Biochemical Oxygen Demand - 5 Day ($CBOD_5$) of 25 mg/l is considered to be equivalent to a $BOD_5$ of 30 mg/l.

(ii) A weekly average of 45 mg/l $BOD_5$. A $CBOD_5$ of 40 mg/l is considered to be equivalent to a $BOD_5$ of 45 mg/l.

(iii) The monthly average percent removal for $BOD_5$ or $CBOD_5$ cannot be less than 85%.

(iv) A monthly average of 30 mg/l total suspended solids (TSS).

(v) A weekly average of 45 mg/l TSS.

(vi) The monthly average percent removal for TSS cannot be less than 85%.

(vii) The pH must be maintained between the limits of 6.5 and 9.0 standard units.

(C) For discharges to intermittent streams (those with 7-day, 2-year, low flow of zero) and for any discharge to a lake as defined in this Section, secondary treatment is defined as:

(i) A monthly average of 20 mg/l $BOD_5$. A $CBOD_5$ of 18 mg/l is considered to be equivalent to a $BOD_5$ of 20 mg/l.

(ii) A weekly average of 30 mg/l $BOD_5$. A $CBOD_5$ of 25 mg/l is considered to be equivalent to a $BOD_5$ of 30 mg/l.

(iii) The monthly average percent removal for $BOD_5$ or $CBOD_5$ cannot be less than 85%.

(iv) A monthly average of 30 mg/l TSS.

(v) A weekly average of 45 mg/l TSS.

(vi) The monthly average percent removal for TSS cannot be less than 85%.

(vii) The pH must be maintained between the limits of 6.5 and 9.0 standard units.

(D) For discharges where treatment is solely provided by lagoons, whether the discharge is to a perennial or an intermittent stream, secondary treatment is defined as:

(i) A monthly average of 30 mg/l $BOD_5$. A $CBOD_5$ of 25 mg/l is considered to be equivalent to a $BOD_5$ of 30 mg/l.

(ii) A weekly average of 45 mg/l $BOD_5$. A $CBOD_5$ of 40 mg/l is considered to be equivalent to a $BOD_5$ of 45 mg/l.

(iii) The monthly average percent removal for $BOD_5$ or CBOD5 cannot be less than 65%.

(iv) A monthly average of 90 mg/l TSS.

(v) A weekly average of 135 mg/l TSS.

(vi) The pH must be maintained between the limits of 6.5 and 9.0 standard units.

(vii) Subparagraph (D) does not apply to a discharge to a lake as defined in this Section.

(E) For purposes of this Section, a discharge to a lake is any discharge from a point source which is either a direct discharge into a lake, or within 5 river miles upstream of the conservation pool of any lake.

(F) For purposes of this Section, a lake is an impoundment of the waters of the state which exceeds 50 acre-feet in volume which:

(i) is owned or operated by a unit of government,

(ii) appears in Oklahoma's Clean Lakes Inventory, or

(iii) is a privately-owned lake which has beneficial uses similar to those of publicly-owned or operated lakes.

(G) For purposes of this Section, percent removal is a percentage expression of the removal efficiency across a treatment plant for a given pollutant parameter, as determined from the monthly average values of the raw wastewater influent pollutant concentrations to the facility and the monthly average values of the effluent pollutant concentrations for a given time period.

(3) **Municipal treatment greater than secondary.** In the CWA Section 208 "Water Quality Management Plan for Oklahoma," Appendix B, the only specific wasteload allocation numbers assigned are those that apply to facilities showing a need for treatment greater than secondary (e.g., 10 mg/l $BOD_5$, 15 mg/l TSS, and 2 mg/l $NH_3$-N). All other facilities receive an allocation of secondary.

(4) **Municipal secondary treatment.** In the CWA Section 208 "Water Quality Management Plan for Oklahoma," Appendix B, determination of the actual effluent limits for a facility with an allocation of secondary can be accomplished by finding the stream class (perennial or intermittent) and the current treatment process (mechanical plant or lagoon, etc.). For example, an activated sludge facility (mechanical plant) that discharges into a perennial stream will have effluent limits of 30 mg/l $BOD_5$ and 30 mg/l TSS as found in paragraph (2) of this Section.

(5) **Municipal bacterial limits.** The Executive Director may establish in discharge permits limitations for bacteria where:

(A) the proposed discharge is a "discharge to a lake" as defined in this Section, or

(B) the proposed discharge may otherwise adversely affect the beneficial uses of the waters of the state.

**252:606-5-3. Water quality review**

(a) The provisions of "Quality Criteria for Water, 1986", United States Environmental Protection

Agency, EPA 440/5-86-001, as amended, are incorporated herein by reference and will be consulted where Oklahoma's Water Quality Standards do not contain a specific criterion on a particular pollutant and a criterion is necessary to protect a designated beneficial use.
(b) In all cases, where appropriate, to ensure that beneficial uses of receiving waters are protected or when deemed necessary to establish wasteload allocations of multiple dischargers along a stream segment, the DEQ will require the applicant to perform and submit to the DEQ, or the DEQ will perform, appropriate stream studies and water quality modeling.

**252:606-5-4. Water quality standards variance**

Approval for any variance allowed pursuant to the Oklahoma Water Quality Standards must be obtained directly from the Oklahoma Water Resources Board and the permittee or applicant must submit written evidence of the same to the DEQ in a timely manner.

**252:606-5-5. Stormwater discharges**

(a) **Prohibited without permit.** Discharges of stormwater associated with industrial or construction activity to waters of the state are prohibited except as authorized by an individual OPDES permit or an authorization under an Oklahoma General Stormwater permit.
(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.

(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.
(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 7. BIOSOLIDS PERMIT REQUIREMENTS [REVOKED]

Section
252:606-7-1. Permit required [REVOKED]
252:606-7-2. Permit applications [REVOKED]
252:606-7-3. Certification required [REVOKED]
252:606-7-4. Sludge (biosolids) management plan [REVOKED]

252:606-7-5. Permit modifications [REVOKED]
252:606-7-6. Restrictions applicable to all land application [REVOKED]
252:606-7-7. Laboratory analyses [REVOKED]
252:606-7-8. Compliance required [REVOKED]
252:606-7-9. Monitoring wells [REVOKED]

## SUBCHAPTER 8. BIOSOLIDS REQUIREMENTS

Section

252:606-8-1. Permits and prohibitions
252:606-8-2. Permit applications
252:606-8-3. Sludge (biosolids) management plan
252:606-8-4. Class A biosolid production
252:606-8-5. Class B biosolid production
252:606-8-6. Land application of biosolids
252:606-8-7. Biosolid land application site closure and remediation

### 252:606-8-1. Permits and prohibitions

(a) Any person or entity that intends to produce a Class A or a Class B biosolid must obtain a permit and an approved sludge management plan from the DEQ.

(b) For all changes in permitted uses, sites, methods of land application, treatment and sludge management plans the generator or operator must obtain a permit modification as required by 27A O.S. § 2-6-501(B).

(c) Surface disposal under Part 503, Subpart C of 40 CFR, is specifically prohibited. This prohibition does not apply to disposal of biosolids in a municipal solid waste landfill that is permitted by the DEQ.

### 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 ($NH_4$), nitrates ($NO_3$), potassium (K) and phosphorus (P);

(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 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 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;

(7) description of the storage of the Class A biosolids until used or distributed;

(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.

**252:606-8-4. Class A biosolid production**

(a) The construction of facilities to produce a Class A biosolid shall be permitted by the DEQ and meet the requirements located in OAC 252:656-19.

(b) **Compost.**

(1) Composted Class A biosolids are produced by:

(A) combining the biosolids produced at a wastewater treatment plant with wood chips or other source of carbon approved by the DEQ;

(B) the materials being heated, through the controlled biological decomposition of organic material that has been sanitized through the generation of heat and processed to further reduce pathogens in accordance with the requirements contained in 40 CFR, Part 503, and stabilized to the point that the material is beneficial to plant growth through:

(i) the within-vessel composting method or the static aerated pile composting method where the temperature of the sewage sludge is maintained at 55° Celsius (131° Fahrenheit) or higher for three (3) or more consecutive days; or

(ii) the windrow composting method wherein the temperature of the sewage sludge is maintained at 55° Celsius (131° Fahrenheit) or higher for fifteen (15) or more days. During the period when the compost is maintained at 55° Celsius (131° Fahrenheit) or higher for fifteen (15) or more days, there shall be a minimum of five (5) turnings of the windrow;

(C) the combined material being removed to a second location to complete the curing process; and

(D) being processed or tested to demonstrate that the material meets the pathogen reduction requirements of 40 CFR § 503.32 (a) and the vector attraction reduction requirements of 40 CFR § 503.33 prior to use.

(2) Upon completion of the process, the compost may be used as described in the sludge management plan.

(c) **Other Class A biosolid production methods.**

(1) For all other Class A production methods, the following requirements must be met:

(A) The applicant shall submit to the DEQ a plan for the production of the Class A biosolids, which must receive approval from the DEQ;

(B) The applicant shall perform a pilot study on the DEQ approved process for at least one (1) year to determine that the process meets the requirements of 40 CFR § 503.32 (a) and 40 CFR § 503.33;

(C) The Class A biosolid production method shall include a process for the biosolids to be dewatered, unless a waiver of the dewatering requirement is granted by the DEQ;

(D) The process shall be approved by EPA; and

(E) The applicant shall receive a final approval from the DEQ before distributing the Class A biosolid.

(2) Upon completion of the requirements at OAC 252:606-8-4(c)(1), the Class A biosolid may be used as described in the sludge management plan.

**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.

**252:606-8-6. Land application of biosolids**

(a) **Compliance.** All permittees shall operate a land application site pursuant to the terms of the DEQ issued permit and DEQ approved sludge management plan.

(b) **Requirements.**

(1) **Certification.** When required by the DEQ, the owner, generator or operator must certify that the land application system will be operated according to this Chapter.

(2) **One applier.** A land application site shall be used by only one land applier at a time unless the DEQ approves other users.

(3) **Subsequent use for land application.** The DEQ may approve a previously used land application site for subsequent land application.

(4) **Multiple sources.** A land applier who owns or operates more than one source facility or surface impoundment may utilize the same land application site for the application of biosolids from the multiple facilities or impoundments with prior written approval of the DEQ.

(5) **Topography.** A land application site must have minimal slope or be contoured to prevent ponding and soil erosion. No application can occur on land having a slope exceeding five percent (5%) but less than ten percent (10%) unless erosion or runoff controls are implemented for liquid biosolids. Land having a slope greater than ten percent (10%) may be utilized for land application of dewatered and dried biosolids only with DEQ approval.

(6) **Off-site hauling.** The owner, generator or operator must prevent biosolids and mud from a land application site from being carried off-site. If necessary, biosolids hauling vehicles must be cleaned prior to leaving the site and the rinse water disposed of in accordance with DEQ rules.

(7) **Manner.** Land apply sludge in a manner to prevent surface runoff and to control objectionable odors. Incorporate sludge into the soil before the end of each working day. Do not store or land apply, or allow to run off, sludge or wastewater to wetlands or waters of the state. Discharges to waters of the state are prohibited without a discharge permit under OAC 252:606.

(8) **pH limits.** Any site with soil having a natural pH of less than 5.5 cannot be used for the land application of biosolids unless the soil pH is amended prior to application of biosolids. Documentation of soil amendment must be placed in the land applier's compliance records.

(9) **Phosphorus and nitrogen.** Annual biosolids land application rate cannot exceed nitrogen and phosphorus rates for the crop grown and cannot be applied in rates that result in phytotoxicity.

(10) **Soil sampling.**

(A) **Sample and analysis.** All background and annual soil sampling and analyses must be of a composite sample taken from an area 80 acres or less in size for each site proposed or used for the land application of biosolids. The DEQ may approve larger sampling areas on a case by case basis. Soil testing procedures applicable for use in the local area in accordance with Oklahoma State University soil testing guidance or the local NRCS may be used.

(B) **Operational soil monitoring.** A land applier must collect representative soil samples and have them analyzed as follows:

(i) For soil pH and the nutrients - nitrogen (N), ammonia ($NH_4$), nitrates ($NO_3$), potassium (K) and phosphorus (P) prior to the next annual application of biosolids;

(ii) For metals in Table 3 of 40 CFR § 503.13(b) after every third year of use prior to the fourth year of use; and

(iii) For all required background metals prior to the fourth year of biosolids application on each site.

(11) **Laboratory analyses.**

(A) All biosolids analyses required by this Subchapter must be performed by an accredited laboratory.

(B) All soil analyses performed under 606-8-6(b)(10)(B)(i) must be performed by an accredited laboratory or by a university laboratory that demonstrates to the reasonable satisfaction of the DEQ to have the analytical expertise and be familiar with Oklahoma crops and soils.

(12) **Monitoring wells.** The DEQ may require monitor wells and boreholes in connection with the land application of biosolids. These wells must be designed, constructed and plugged in accordance with OAC 785:35.

(c) **Restrictions.**

(1) **Weather.** Do not land apply when the ground is frozen or saturated.

(2) **Endangered or threatened species.** Land application cannot occur if it is likely to adversely affect a threatened or endangered species listed under Section 4 of the federal Endangered Species Act, 16 U.S.C. 1533(c), or the critical habitat of such species.

(3) **Metal and selenium concentration limits.** A land applier must notify the DEQ by telephone within 24 hours and follow up with a written report if the metal or selenium concentrations exceed those in 40 CFR § 503.13(b)(3) (Table 3) or risk the revocation of the land application permit. Municipal biosolids that exceed the metal or selenium concentration limits set forth in 40 CFR, § 503.13(b)(1) (Table 1) cannot be land applied, but may be:

(A) incinerated at an incinerator permitted by the DEQ; or

(B) disposed at a solid waste landfill permitted by the DEQ for such waste disposal. Any biosolids disposed in a landfill must meet the pathogen and vector reduction requirements of this Subchapter.

(4) **Heavy Metals.** The DEQ shall not approve the land application of biosolids that contains heavy metals above the concentration ranges normal to biosolids or sludges with a demonstrated effectiveness on Oklahoma soils, unless the permittee provides a study on the effects of the biosolids on a variety of Oklahoma soils and crops found at the location of the proposed land application site. Said study shall:

(A) be conducted by a qualified research institute familiar with crops and soils in Oklahoma and approved by the DEQ;

(B) be included with the sludge management plan; and

(C) demonstrate the effect of the sludge during four (4) growing seasons.

(5) **Biosolids generated outside the State of Oklahoma.** For municipal biosolids, whether Class A or Class B generated outside the State of Oklahoma, the biosolids produced shall meet all federal and state statutory requirements and the DEQ shall receive and approve test results demonstrating the quality of the biosolids, including samples of each load of biosolids performed by an independent laboratory approved by the DEQ and an agreement that the DEQ may perform random quality assurance sampling at the site of the generation of the biosolids prior to any biosolids coming into the State of Oklahoma.

(6) **Karst soils.** The use of land application sites that overlie areas subject to karstification (i.e. sink holes or underground streams generally occurring in areas underlain by limestone, gypsum or dolomite), is prohibited, unless approved by the DEQ.

**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 9. LAND APPLICATION OF BIOSOLIDS [REVOKED]

Section

252:606-9-1. Prohibitions [REVOKED]
252:606-9-2. Land application exceptions and alternatives [REVOKED]
252:606-9-3. Site use for land application [REVOKED]
252:606-9-4. pH and nutrient limits [REVOKED]
252:606-9-5. Soil sampling [REVOKED]

**252:606-9-1. Prohibitions [REVOKED]**

**252:606-9-2. Land application exceptions and alternatives [REVOKED]**

**252:606-9-3. Site use for land application [REVOKED]**

**252:606-9-4. pH and nutrient limits [REVOKED]**

**252:606-9-5. Soil sampling [REVOKED]**

## SUBCHAPTER 11. TESTS AND REPORTS

Section

252:606-11-1. Sample reporting terms
252:606-11-2. Laboratory analyses and reporting
252:606-11-3. Municipal laboratories
252:606-11-4. Records
252:606-11-5. Industrial flow measuring and sampling

**252:606-11-1. Sample reporting terms**

The following apply to all dischargers:

(1) Calculate Average Concentration (in mg/l or ug/l) as the sum of the sample concentrations taken (and analyzed) during the month divided by the number of samples analyzed. Report

average concentrations on the SMR/DMR form if numerical limitations are given or reporting is required by the permit.

(2) Calculate Average Limitations as follows:

(A) "7-day average" or "weekly average", other than for bacteria, is the arithmetic mean of the daily values for all effluent samples collected during a calendar week, calculated as the sum of all daily discharges measured during a calendar week divided by the number of daily discharges measured during that week. The "7-day average" for bacteria is the geometric mean of the values for all effluent samples collected during a calendar week.

(B) "30-day average" or "monthly average", other than for bacteria, is the arithmetic mean of the daily values for all effluent samples collected during a calendar month, calculated as the sum of all daily discharges measured during a calendar month divided by the number of daily discharges measured during that month. The "30-day average" for bacteria is the geometric mean of the values for all effluent samples collected during a calendar month.

(3) The Daily Average Concentration means the arithmetic mean (weighted by flow value) of all the daily determinations of concentration made during a calendar month. Daily determinations of concentration made using a composite sample must be the concentration of the composite sample. When grab samples are used, the daily determination of concentration must be the arithmetic mean (weighted by flow value) of all the samples collected during that calendar day.

(4) The numerical limitations listed under Maximum Allowable Concentration (in mg/l or ug/l) represent the highest level of the pollutant which is allowed to be discharged to a receiving water under any flow conditions of the effluent. The permittee must report the highest single concentration for all samples analyzed during the month on the SMR/DMR form if numerical limitations are given or reporting is required by the permit.

(5) The Daily Maximum Concentration means the highest daily determination of concentration for any calendar day.

(6) Determine the Daily Average Discharge by calculating the total discharge by weight during a calendar month divided by the number of days of operation in the month. Where less than daily sampling is required by the permit, the daily average discharge must be determined by the summation of all the measured daily discharges by weight divided by the number of days during the calendar month when the measurements were made.

(7) The Daily Maximum Discharge means the total discharge by weight during any calendar day.

(8) The loading (in lbs/day) is calculated by multiplying each sample concentration (in mg/l) by the simultaneous effluent flow rate (in mgd) with a conversion factor of 8.34 stated in the equation: Loading (in lb/day) = Concentration (in mg/l) x Simultaneous Effluent Flow Rate (in mgd) x 8.34.

(9) Determine the Average Loading by the sum of all the loadings divided by the number of loadings calculated.

(10) The Maximum Loading is reported as the highest single loading for all samples analyzed during the month.

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

(a) **Compliance test results.** Analytical results obtained through compliance testing must be from an accredited laboratory. Non-accredited 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.** The results of all valid compliance tests must be used to complete DMR forms (DEQ-approved discharge monitoring report form; see 40 CFR § 122.41(L)(4)(i)). Mail DMR forms to the Water Quality Division at the frequency required in the permit. Any DMR report submitted to 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 testing for permits and operations**

(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 Wastewater Treatment Facilities" and Appendix G of this Chapter, entitled, "Monitoring Frequencies for Backwash Discharge from Potable Water 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/residuals 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) When required in a municipal facility's discharge permit, stream monitoring samples shall 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 twice per month at least two weeks apart, but not more often than required in the permit for effluent sampling for $BOD_5$.

(2) Test for indicator bacteria twice per month at least 2 weeks apart, but not more often than

required in the permit for effluent sampling for bacteria, if the permit for discharge contains bacteria 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 or the environment;

(2) Avoid an excessive requirement; and

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

**252:606-11-4. Records**

(a) **Operating records.** Keep a daily record of the control tests required in 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 control and compliance testing, a copy of the monthly operational report and all laboratory work sheets for 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 $BOD_5$.

(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]

Section

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

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

## APPENDIX A. MINIMUM CONTROL TEST FOR WASTEWATER TREATMENT FACILITIES

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
$BOD_5$ -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 Sample[1]**

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 │          A-1
│  Basin   │                     Proportional to
│(Reactor) │     .    A-2   S-1Volume Discharged
│   #1     │
└──────────┘          A-3
```

```
┌──────────┐
│ Aeration │          A-1
│  Basin   │                        Proportional to
│(Reactor) │     .    A-2   S-2   Volume Discharged       CS
│   #2     │
└──────────┘          A-3


┌──────────┐
│ Aeration │          A-1
│  Basin   │                        Proportional to
│(Reactor) │     .    A-2   S-3Volume Discharged
│   #3     │
└──────────┘          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 Lagoons[2]**

| Parameters & Sample Site | Design Capacity (mgd) 0 - <O.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 Plants**[3]

| 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-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]**

| 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 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-<br>1. Food/Mass<br>2. Mean Cell<br>3. Sludge age | as to | necessary 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 Digestors[5]**

| Parameters & Sample Site | Design Capacity (mgd) 0 - <O.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 Digestors[6]**

| Parameters & Sample Site | Design Capacity (mgd) 0 - <O.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. ANNUAL FEES FOR NON-INDUSTRIAL DISCHARGE PERMITS

**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 then 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 FEES

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 then 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** | **Poin ts** |
|---|---|
| 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]

## APPENDIX E. FEES FOR INDUSTRIAL USERS

(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.

## APPENDIX F. FEES FOR LAND APPLICATION OF BIOSOLIDS

(a) Beginning July 1, 2008, the annual permit fee is:

(1) Population Range 0-100 - $261.00

(2) Population Range 101-500 - $292.00

(3) Population Range 501-1,000 - $509.00

(4) Population Range 1,001-5,000 - $881.00

(5) Population Range 5,001+ - $1,005.00

(b) Fees are due upon receipt of an invoice mailed by the DEQ annually. Upon payment of the annual fee, the permit will continue in effect for one year but in no case past its expiration. Failure to pay the fee may result in the suspension or termination of the permit.

(c) Financial assurance

(1) If the applicant is not a city, town or other public entity, the applicant must submit the following information to the DEQ:

(A) Expected costs for operation and maintenance, replacement and closure;

(B) Continued existence and financial accountability; and that

(C) Assurance that provisions have been made for continued existence of the operating entity for the expected life of the facility.

(2) Continued existence may be demonstrated in one of the following fashions:

(A) The applicant may be a property owners association or a nonprofit corporation established under the laws of the State of Oklahoma. The association must have the legal authority to own and manage the land application system including the authority to set and collect fees from users for operation and maintenance of the system. The bylaws of the entity must contain a provision that dissolution cannot occur until the system is either closed in accordance with applicable DEQ rules or transferred to another viable operating entity. The instrument creating the association must be filed in the office of the county clerk where the property is located; or

(B) The applicant must provide proof of a sufficient amount on deposit to the credit of a trust, the powers of which are to operate and maintain the wastewater system for the expected life of the facility; or

(C) Other proof of financial viability, such as the issuance of a bond or insurance contract covering the operation and maintenance of the wastewater system for the life of the system may be submitted to DEQ for approval; and

(3) Costs for closure of the wastewater system as required by law must be included in any funding plan.

(4) If the information fails to demonstrate the on-going viability of the operation, the application will be denied.

(d) To assist in meeting rising costs to the Department of the OPDES program associated with the land application of biosolids, 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.

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

## APPENDIX G. MONITORING FREQUENCIES FOR BACKWASH DISCHARGE FROM POTABLE WATER TREATMENT FACILITIES

| **Effluent Parameter**[1] | **Flow (mgd)** | | | | | |
|---|---|---|---|---|---|---|
| | 0 – <0.1 | 0.1 - <0.5 | 0.5 - <1.0 | 1.0 - <5.0 | 5.0 - <10.0 | ≥10 |
| Flow | 2/week Instantaneous | 5/week Instantaneous | Daily Totalized | Daily Totalized | Daily Totalized | Daily Totalized |
| TSS | 1/month Grab | 2/month Grab | 3/month Grab | 1/week Grab | 5/week Grab | 7/week Grab |
| Fe, Dissolved[2] | 1/month Grab | 1/month Grab | 1/month Grab | 2/month Grab | 2/month Grab | 2/month Grab |
| Al, Dissolved[2] | 1/month Grab | 1/month Grab | 1/month Grab | 2/month Grab | 2/month Grab | 2/month Grab |
| Mn, Dissolved[2] | 1/month Grab | 1/month Grab | 1/month Grab | 2/month Grab | 2/month Grab | 2/month Grab |
| pH | 2/week Grab | 2/week Grab | 2/week Grab | 2/week Grab | 2/week Grab | 2/week Grab |

[1] Additional parameters may be required to be monitored in accordance with frequencies specified in OAC 252:690 for reverse osmosis, microfiltration, nanofiltration, ion exchange, electro dialysis, and other advanced technologies.

[2] Parameters to be monitored only for conventional water treatment plants.