

Codification through the 2012 legislative session

**Subchapter 1**

Board adoption - November 15, 2011

Gubernatorial approval - December 21, 2011

Legislative approval - March 29, 2012

Effective date - July 1, 2012

**TITLE 252. DEPARTMENT OF ENVIRONMENTAL QUALITY  
CHAPTER 623. PRETREATMENT FOR CENTRAL TREATMENT TRUSTS**

Subchapter

1. General Provisions.....	<a href="#">252:623-1-1</a>
3. General Sewer Use Requirements.....	<a href="#">252:623-3-1</a>
5. Pretreatment of Wastewater.....	<a href="#">252:623-5-1</a>
7. Wastewater Discharge Permit Application.....	<a href="#">252:623-7-1</a>
9. Permit Issuance Process.....	<a href="#">252:623-9-1</a>
11. Reporting Requirements.....	<a href="#">252:623-11-1</a>
13. Compliance Monitoring.....	<a href="#">252:623-13-1</a>
15. Confidential Information.....	<a href="#">252:623-15-1</a>
17. Supplemental Enforcement Action.....	<a href="#">252:623-17-1</a>
19. Affirmative Defenses to Discharge Violations.....	<a href="#">252:623-19-1</a>
23. Miscellaneous provisions.....	<a href="#">252:623-23-1</a>

## SUBCHAPTER 1. GENERAL PROVISIONS

### Section

- 252:623-1-1. Purpose and applicability
- 252:623-1-2. Enforcement
- 252:623-1-3. Abbreviations
- 252:623-1-4. Definitions
- 252:623-1-5. Pre-existing contracts
- 252:623-1-6. Filing of reports
- 252:623-1-7. Incorporation by reference

### **252:623-1-1. Purpose and applicability**

(a) The purpose of this Chapter is to implement the State Beneficiary Public Trusts - Publicly Owned Treatment Works Act.

(b) This Chapter sets forth uniform requirements for users of a Publicly Owned Treatment Works owned by a Central Treatment Trust (CTT) and enables the CTT to comply with all applicable State and Federal laws, including the Clean Water Act (33 U.S.C. § 1251 *et seq.*) and the General Pretreatment Regulations. The objectives of this Chapter are:

- (1) To prevent the introduction of pollutants into the Publicly Owned Treatment Works that will interfere with its operation;
- (2) To prevent the introduction of pollutants into the Publicly Owned Treatment Works that will pass through the Publicly Owned Treatment Works, inadequately treated, into receiving waters, or otherwise be incompatible with the Publicly Owned Treatment Works;
- (3) To protect both Publicly Owned Treatment Works personnel who may be affected by wastewater and sludge in the course of their employment and the general public;
- (4) To promote reuse and recycling of industrial wastewater and sludge from the Publicly Owned Treatment Works;
- (5) To provide for fees for the equitable distribution of the cost of operation, maintenance, and improvement of the Publicly Owned Treatment Works; and
- (6) To enable the CTT to comply with its National Pollutant Discharge Elimination System permit conditions, sludge use and disposal requirements, and any other State or Federal laws to which the Publicly Owned Treatment Works is subject.

(c) This Chapter shall apply to all users of a Publicly Owned Treatment Works owned by a CTT by:

- (1) authorizing the issuance of discharge permits;
- (2) providing for monitoring, reporting, compliance and enforcement activities;
- (3) establishing administrative review procedures; and
- (4) providing for the establishment of fees.

### **252:623-1-2. Enforcement**

Except as otherwise provided in this Chapter, the DEQ shall enforce, administer, and implement the provisions of this Chapter. Any powers granted to or duties imposed upon the DEQ may be coordinated by the DEQ with the CTT. In no case shall powers or duties under Subchapters 7 and 9 of this Chapter be delegated.

### **252:623-1-3. Abbreviations**

The following abbreviations, when used in this Chapter, shall have the following meanings:

- (1) "**BOD**" means Biochemical Oxygen Demand.
- (2) "**CFR**" means Code of Federal Regulations.
- (3) "**COD**" means Chemical Oxygen Demand.
- (4) "**CTT**" means Central Treatment Trust.
- (5) "**DEQ**" means the Oklahoma Department of Environmental Quality.
- (6) "**EPA**" means United States Environmental Protection Agency.
- (7) "**gpd**" means gallons per day.

- (8) **"mg/l"** means milligrams per liter.
- (9) **"NPDES"** means National Pollutant Discharge Elimination System.
- (10) **"OAC"** means Oklahoma Administrative Code.
- (11) **"O.S."** means Oklahoma Statutes.
- (12) **"POTW"** means Publicly Owned Treatment Works.
- (13) **"RCRA"** means Resource Conservation and Recovery Act.
- (14) **"SIC"** means Standard Industrial Classification.
- (15) **"TSS"** means Total Suspended Solids.
- (16) **"U.S.C."** means United States Code.

**252:623-1-4. Definitions**

The following words or terms, when used in this Chapter, shall have the following meaning unless the context clearly indicates otherwise:

**"Act"** or **"the Act"** means the Federal Water Pollution Control Act, also known as the Clean Water Act, as amended, 33 U.S.C. § 1251 *et seq.*

**"Approval authority"** means the Executive Director of the DEQ.

**"Authorized representative of the user"** means:

(A) if the user is a corporation:

- (i) The president, secretary, treasurer, or a vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision-making functions for the corporation; or
- (ii) The manager of one or more manufacturing, production, or operation facilities employing more than two hundred fifty (250) persons or having gross annual sales or expenditures exceeding twenty-five (25) million dollars (in second-quarter 1980 dollars), if authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.

(B) If the user is a partnership or sole proprietorship, a general partner or proprietor, respectively.

(C) If the user is a Federal, State, or local governmental facility, a director or highest official appointed or designated to oversee the operation and performance of the activities of the government facility, or their designee.

(D) A designee of any of the individuals described in subparagraphs (A) through (C), of this definition. The individual may designate another authorized representative if the authorization is in writing, the authorization specifies the individual or position responsible for the overall operation of the facility from which the discharge originates or having overall responsibility for environmental matters for the company, and the written authorization is submitted to the DEQ and the CTT.

**"Background level concentrations"** means concentrations of pollutants, expressed in mg/l, assumed to be present in a POTW influent due to natural background sources, nonpoint sources, and discharges from users determined to be not significant, as established during the CTT's development of technically based local limits and as approved by the Approval Authority.

**"Biochemical oxygen demand"** means the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedures for five (5) days at 20 degrees centigrade, usually expressed as a concentration (e.g., mg/l).

**"Categorical pretreatment standard"** means any regulation containing pollutant discharge limits promulgated by EPA in accordance with Sections 307(b) and (c) of the Act [33 U.S.C. Section 1317(b) and (c)] which apply to a specific category of users and which appear in 40 CFR Chapter I, Subchapter N, Parts 405-471.

**"Categorical standard"** means any regulation containing pollutant discharge limits promulgated by EPA in accordance with Sections 307(b) and (c) of the Act [33 U.S.C. Section 1317(b) and (c)] which apply to a specific category of users and which appear in 40 CFR Chapter I, Subchapter N, Parts 405-471.

**"Central treatment trust"** means a public trust having the State of Oklahoma as beneficiary which holds a permit issued under the NPDES Act, pursuant to the Federal Water Pollution

Control Act, as amended by the Federal Clean Water Act, 33 U.S.C., Section 1251 *et seq.* and which receives waste water streams from third parties into a central waste water treatment system owned and operated by the public trust, and treats the commingled waste streams in the central waste water treatment system before discharging the resulting effluent pursuant to an NPDES permit into navigable water of the United States of America located in this state.

**"Discharge"** means the introduction of pollutants into the POTW from any nondomestic source regulated under Section 307(b), (c), or (d) of the Act.

**"Environmental Protection Agency"** means the U.S. Environmental Protection Agency or, where appropriate, the Regional Water Management Division Director, or other duly authorized official of said agency.

**"Executive Director"** means the executive officer of the Department of Environmental Quality.

**"Existing source"** means any source of discharge, the construction or operation of which commenced prior to the publication by EPA of proposed categorical pretreatment standards, which will be applicable to such source if the standard is thereafter promulgated in accordance with Section 307 of the Act.

**"Grab sample"** means a sample which is taken from a wastestream without regard to the flow in the wastestream and over a period of time not to exceed fifteen (15) minutes.

**"Indirect discharge"** means the introduction of pollutants into the POTW from any nondomestic source regulated under Section 307(b), (c), or (d) of the Act.

**"Industrial User"** means a source of indirect discharge.

**"Interference"** means a discharge, which alone or in conjunction with a discharge or discharges from other sources, inhibits or disrupts the POTW, its treatment processes or operations or its sludge processes, use or disposal; and therefore, is a cause of a violation of the CTT's NPDES permit (including an increase in magnitude or duration of a violation) or of the prevention of sewage sludge use or disposal in compliance with any of the following statutory/regulatory provisions or permits issued thereunder, or any more stringent State or local regulations: Section 405 of the Act; the Solid Waste Disposal Act, including Title II commonly referred to as the Resource Conservation and Recovery Act (RCRA); any State regulations contained in any State sludge management plan prepared pursuant to Subtitle D of the Solid Waste Disposal Act; the Clean Air Act; the Toxic Substances Control Act; and the Marine Protection, Research, and Sanctuaries Act.

**"Loading capacity"** means the amount of loading of a pollutant that a POTW can receive without risk of pass through or interference.

**"Maximum allowable headworks loadings"** means the loading capacity of the POTW for pollutants, expressed in lbs/day, minus allocations for background level concentrations and a safety factor.

**"Medical waste"** means isolation wastes, infectious agents, human blood and blood products, pathological wastes, sharps, body parts, contaminated bedding, surgical wastes, potentially contaminated laboratory wastes, and dialysis wastes.

**"Municipality"** means a city, town, county, district, association, or other public body created by or under State law.

**"New source"** means:

(A) any building, structure, facility, or installation from which there is (or may be) a discharge of pollutants, the construction of which commenced after the publication of proposed pretreatment standards under Section 307(c) of the Act which will be applicable to such source if such standards are thereafter promulgated in accordance with that section, provided that:

- (i) the building, structure, facility, or installation is constructed at a site at which no other source is located;
- (ii) the building, structure, facility, or installation totally replaces the process or production equipment that causes the discharge of pollutants at an existing source; or
- (iii) the production or wastewater generating processes of the building, structure, facility, or installation are substantially independent of an existing source at the same

site. In determining whether these are substantially independent, factors such as the extent to which the new facility is integrated with the existing plant, and the extent to which the new facility is engaged in the same general type of activity as the existing source, should be considered.

(B) construction on a site at which an existing source is located results in a modification rather than a new source if the construction does not create a new building, structure, facility, or installation meeting the criteria of subparagraph (A)(ii) or (iii) of this definition, but otherwise alters, replaces, or adds to existing process or production equipment.

(C) construction of a new source as defined under this definition has commenced if the owner or operator has:

(i) begun, or caused to begin, as part of a continuous onsite construction program:

(I) any placement, assembly, or installation of facilities or equipment; or

(II) significant site preparation work including clearing, excavation, or removal of existing buildings, structures, or facilities which is necessary for the placement, assembly, or installation of new source facilities or equipment; or

(ii) entered into a binding contractual obligation for the purchase of facilities or equipment which are intended to be used in its operation within a reasonable time.

Options to purchase or contracts which can be terminated or modified without substantial loss, and contracts for feasibility, engineering, and design studies do not constitute a contractual obligation under this definition.

**"Noncontact cooling water"** means water used for cooling which does not come into direct contact with any raw material, intermediate product, waste product, or finished product.

**"Pass through"** means a discharge which exits the POTW into waters of the United States in quantities or concentrations which, alone or in conjunction with a discharge or discharges from other sources, is a cause of a violation of any requirement of the CTT's NPDES permit, including an increase in the magnitude or duration of a violation.

**"Person"** means any individual, partnership, copartnership, firm, company, corporation, association, joint stock company, trust, public trust, estate, governmental entity, or any other legal entity; or their legal representatives, agents, or assigns. This definition includes all Federal, State, and local governmental entities.

**"pH"** means the logarithm (base 10) of the reciprocal of the concentration of the hydrogen ions measured in grams per liter of solution and expressed in Standard Units (SU).

**"Pollutant"** means dredged spoil, solid waste, incinerator residue, filter backwash, sewage, garbage, sewage sludge, munitions, medical wastes, chemical wastes, biological materials, radioactive materials, heat, wrecked or discarded equipment, rock, sand, cellar dirt, municipal, agricultural and industrial wastes, and certain characteristics of wastewater (e.g., pH, temperature, TSS, turbidity, color, BOD, COD, toxicity, or odor).

**"Pretreatment"** means the reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutant properties in wastewater prior to, or in lieu of, introducing such pollutants into the POTW. This reduction or alteration can be obtained:

(A) by physical, chemical, or biological processes;

(B) by process changes; or

(C) by other means, except by diluting the concentration of the pollutants unless allowed by an applicable pretreatment standard.

**"Pretreatment requirements"** means any substantive or procedural requirement related to pretreatment imposed on a user, other than a pretreatment standard.

**"Pretreatment standards"** means prohibited discharge standards, categorical pretreatment standards, and local limits.

**"Prohibited discharge standards"** means absolute prohibitions against the discharge of certain substances; these prohibitions appear in OAC 252:623-3-1 and OAC 252:623-1-7(a).

**"Prohibited discharges"** means absolute prohibitions against the discharge of certain substances; these prohibitions appear in OAC 252:623-3-1 and OAC 252:623-1-7(a).

**"Publicly owned treatment works"** means a treatment works, as defined by Section 212 of

the Act (33 U.S.C. Section 1292) which is owned by the CTT. This definition includes any devices or systems used in the collection, storage, treatment, recycling, and reclamation of sewage or industrial wastes of a liquid nature and any conveyances which convey wastewater to a treatment plant.

**"Septic tank waste"** means any sewage from holding tanks such as vessels, chemical toilets, campers, trailers, and septic tanks.

**"Sewage"** means human excrement and gray water (household showers, dishwashing operations, etc.).

**"Significant industrial user"** means:

(A) a user subject to categorical pretreatment standards; or

(B) a user that:

(i) discharges an average of twenty-five thousand (25,000) gpd or more of process wastewater to the POTW (excluding sanitary, noncontact cooling, and boiler blowdown wastewater);

(ii) contributes a process wastestream which makes up five (5) percent or more of the average dry weather hydraulic or organic capacity of the POTW treatment plant; or

(iii) is designated as such by the DEQ on the basis that it has a reasonable potential for adversely affecting the POTW's operation or for violating any pretreatment standard or requirement.

(C) Upon a finding that a user meeting the criteria in (B) of this definition has no reasonable potential for adversely affecting the POTW's operation or for violating any pretreatment standard or requirement, the DEQ may at any time, on its own initiative or in response to a petition received from a user, and in accordance with procedures in 40 CFR 403.8(f)(6), determine that such user should not be considered a significant industrial user.

**"Slug"** means any discharge of a non-routine, episodic nature, including but not limited to an accidental spill or a non-customary batch discharge.

**"Slug load"** means any discharge of a non-routine, episodic nature, including but not limited to an accidental spill or a non-customary batch discharge.

**"Standard Industrial Classification (SIC) Code"** means a classification pursuant to the Standard Industrial Classification Manual issued by the United States Office of Management and Budget.

**"Standards"** means prohibited discharge standards, categorical pretreatment standards, and local limits.

**"Storm water"** means any flow occurring during or following any form of natural precipitation, and resulting from such precipitation, including snowmelt.

**"Suspended solids"** means the total suspended matter that floats on the surface of, or is suspended in, water, wastewater, or other liquid, and which is removable by laboratory filtering.

**"Treatment plant"** means that portion of the POTW which is designed to provide treatment of municipal sewage and industrial waste.

**"User"** means a source of indirect discharge.

**"Wastewater"** means liquid and water-carried industrial wastes and sewage from residential dwellings, commercial buildings, industrial and manufacturing facilities, and institutions, whether treated or untreated, which are contributed to the POTW.

**"Wastewater treatment plant"** means that portion of the POTW which is designed to provide treatment of municipal sewage and industrial waste.

#### **252:623-1-5. Pre-existing contracts**

In the event the provisions of this Chapter conflict with any contract entered into between the CTT and any user, the provisions of this Chapter shall prevail.

#### **252:623-1-6. Filing of reports**

All information, reports, applications, plans, authorizations, sample results, notifications, or other communications, correspondence or other documents required to be filed or submitted to

the DEQ under the provision of this Chapter shall be simultaneously filed in duplicate with one original submitted to the DEQ and a second original to the CTT. Where telephonic notice by telephone is required it shall be directed to the CTT and the CTT shall in turn provide telephonic telephone and written notice to the DEQ.

**252:623-1-7. Incorporation by reference**

The following sections and subsections of Title 40 Chapter I, Subchapter N, Part 403 of the CFR as published on July 1, 2011 are adopted and incorporated by reference:

- (1) § 403.5
- (2) § 403.6
- (3) § 403.7
- (4) § 403.8(f)(2)(viii)
- (5) § 403.12(b), (c), (d) and (p)
- (6) § 403.13
- (7) § 403.15
- (8) § 403.16
- (9) § 403.17

**SUBCHAPTER 3. GENERAL SEWER USE REQUIREMENTS**

**Section**

- 252:623-3-1. Prohibited discharge standards
- 252:623-3-2. State pretreatment standards [RESERVED]
- 252:623-3-3. Local limits
- 252:623-3-4. DEQ's right of revision
- 252:623-3-5. Dilution
- 252:623-3-6. New or increased contributions
- 252:623-3-7. CTT's right to deny service

**252:623-3-1. Prohibited discharge standards**

In addition to the prohibitions contained in OAC 252:623-1-7(a), these additional prohibitions apply:

- (1) Wastewater which imparts color which cannot be removed by the treatment process, such as, but not limited to, dye wastes and vegetable tanning solutions, which imparts color to the treatment plant's effluent, thereby violating the CTT's NPDES permit;
- (2) Storm water, surface water, groundwater, artesian well water, roof runoff, subsurface drainage, swimming pool drainage, condensate, deionized water, noncontact cooling water, and unpolluted wastewater, unless specifically authorized by the DEQ;
- (3) Sludges, screenings, or other residuals from the pretreatment of industrial wastes;
- (4) Noxious or malodorous liquids, gases, solids, or other wastewater which, either singly or by interaction with other wastes, are sufficient to create a public nuisance or a hazard to life, or to prevent entry into the sewers for maintenance or repair;
- (5) Wastewater containing any radioactive wastes or isotopes except in compliance with applicable State or Federal regulations;
- (6) Medical wastes, except as specifically authorized by the DEQ in a wastewater discharge permit;
- (7) Wastewater causing, alone or in conjunction with other sources, the treatment plant's effluent to fail a toxicity test; for purposes of this paragraph toxicity means the endpoint of the acute biomonitoring test requirement as specified in the CTT's NPDES permit;
- (8) Detergents, surface-active agents, or other substances which may cause excessive foaming in the POTW; and
- (9) Fats, oils, or greases of animal or vegetable origin in concentrations greater than 100 mg/l.

## **252:623-3-2. State pretreatment standards [RESERVED]**

### **252:623-3-3. Local limits**

(a) Specific pollutant limits for publicly owned treatment works are established to prevent pass through and interference, to provide for sludge quality, and to protect worker health and safety from environmental risks. No person shall discharge wastewater in excess of concentrations established based on the Maximum Allowable Headworks Loadings and allocated to Significant Industrial Users as approved by the Approval Authority. Specific maximum allowable headworks loadings are established for the following pollutants:

- (1) Arsenic
- (2) Cadmium
- (3) Copper
- (4) Cyanide
- (5) Lead
- (6) Mercury
- (7) Nickel
- (8) Selenium
- (9) Silver
- (10) Zinc

(b) Concentration limits for the pollutants in (a) of this Section will be allocated to significant industrial users by means of wastewater discharge permits. No significant industrial user shall discharge wastewater containing any of the pollutants in (a) of this Section in concentrations greater than the limits established in the user's wastewater discharge permit. All concentrations for metallic substances are for "total" metals unless indicated otherwise.

(c) No user shall discharge wastewater containing any of the pollutants in (a) of this Section at greater than the background level concentrations established during the development and approval of Maximum Allowable Headworks Loadings for a CTT's publicly owned treatment works, without first obtaining a wastewater discharge permit from the DEQ.

(d) Concentration limits for the pollutants in (a) of this Section shall apply to a user's discharge at a point or points determined by the DEQ and identified in the user's permit.

(e) The DEQ may impose mass limitations in addition to or in place of concentration based limits on a case-by-case basis where flowrate fluctuates or increases are expected, or where production based mass effluent limitation guidelines are promulgated. The DEQ may also impose limits for other pollutants by means of wastewater discharge permits.

### **252:623-3-4. DEQ's right of revision**

The DEQ reserves the right to establish, by rule or in wastewater discharge permits, more stringent standards or requirements on discharges to any POTW, necessary to achieve compliance with the POTW's permit, this Chapter and all applicable Federal and State statutes and regulations.

### **252:623-3-5. Dilution**

No user shall increase the use of process water, or in any way attempt to dilute a discharge, as a partial or complete substitute for adequate treatment to achieve compliance with a discharge limitation unless expressly authorized by an applicable pretreatment standard or requirement. The DEQ may impose mass limitations on users who are using dilution to meet applicable pretreatment standards or requirements, or in other cases when the imposition of mass limitations is appropriate.

### **252:623-3-6. New or increased contributions**

The DEQ may deny or condition new or increased contributions of pollutants, or changes in the nature of pollutants, to the POTW by users where such contributions do not meet applicable pretreatment standards and requirements or where such contributions would cause the CTT to violate its NPDES permit.



**252:623-3-7. CTT's right to deny service**

(a) The CTT shall have the right to refuse or accept the wastewater discharge from a new user, or a new wastewater discharge or discharge containing new pollutants or additional amounts of pollutants from an existing user.

(b) Nothing in this Chapter shall be construed to limit the right of the CTT to refuse to accept wastewater or sewage from any person, including a user, into the POTW.

**SUBCHAPTER 5. PRETREATMENT OF WASTEWATER**

Section

- 252:623-5-1. Pretreatment facilities
- 252:623-5-2. Additional pretreatment measures
- 252:623-5-3. Accidental discharge/slug control plans
- 252:623-5-4. Hauled wastewater

**252:623-5-1. Pretreatment facilities**

Users must provide and operate all wastewater treatment equipment necessary to maintain compliance with categorical pretreatment standards, local limits, prohibitions set out in OAC 252:623-1-7(a), and the requirements in any permit issued pursuant to Subchapter 9 of the Chapter within the time limitations specified by EPA, the State, or the DEQ, whichever is more stringent. Detailed plans describing a user's wastewater treatment facilities and operating procedures shall be submitted to the DEQ for review, and shall be acceptable to the DEQ before such facilities are constructed. The review of such plans and operating procedures shall not relieve the user from the responsibility of modifying such facilities as necessary to produce a discharge acceptable to the DEQ under the provisions of this Chapter.

**252:623-5-2. Additional pretreatment measures**

(a) Whenever deemed necessary, the DEQ may require users to restrict their discharge during peak flow periods, designate that certain wastewater be discharged only into specific sewers, relocate and/or consolidate points of discharge, separate sewage wastestreams from industrial wastestreams, and such other conditions as may be necessary to protect the POTW and determine the user's compliance with the requirements of this Chapter.

(b) The DEQ may require any person discharging into the POTW to install and maintain, on their property and at their expense, a suitable storage and flow-control facility to ensure equalization of flow. A wastewater discharge permit may be issued solely for flow equalization.

(c) Grease, oil, and sand interceptors shall be provided when, in the opinion of the DEQ, they are necessary for the proper handling of wastewater containing excessive amounts of grease and oil, or sand; except that such interceptors shall not be required for residential users. All interception units shall be of type and capacity approved by the DEQ and shall be so located to be easily accessible for cleaning and inspection. Such interceptors shall be inspected, cleaned, and repaired regularly, as needed, by the user at their expense.

(d) Users with the potential to discharge flammable substances may be required to install and maintain an approved combustible gas detection meter.

**252:623-5-3. Accidental discharge/slug control plans**

When the Permittee applies for a new or renewed permit, the DEQ shall evaluate whether each significant industrial user needs an accidental discharge/slug control plan. The DEQ may require any user to develop, submit for approval, and implement such a plan. Alternatively, the DEQ may develop such a plan for any user. An accidental discharge/slug control plan shall address, at a minimum, the following:

- (1) Description of discharge practices, including nonroutine batch discharges;
- (2) Description of stored chemicals;
- (3) Procedures for immediately notifying the CTT of any accidental or slug discharge, as required by OAC 252:623-11-3; and
- (4) Procedures to prevent adverse impact from any accidental or slug discharge. Such

procedures include, but are not limited to, inspection and maintenance of storage areas, handling and transfer of materials, loading and unloading operations, control of plant site runoff, worker training, building of containment structures or equipment, measures for containing toxic organic pollutants, including solvents, and/or measures and equipment for emergency response.

#### **252:623-5-4. Hauled wastewater**

(a) Septic tank waste may be introduced into the POTW only at locations designated by the CTT, and at such times as are established by the CTT. Such waste shall not violate Subchapter 1 or Subchapter 3 of this Chapter or any other requirements established by the DEQ. The DEQ may require septic tank waste haulers to obtain wastewater discharge permits.

(b) The DEQ shall require haulers of industrial waste to obtain wastewater discharge permits. The DEQ may require generators of hauled industrial waste to obtain wastewater discharge permits. The DEQ also may prohibit the disposal of hauled industrial waste. The discharge of hauled industrial waste is subject to all other requirements of this Chapter.

(c) Industrial waste haulers may discharge loads only at locations designated by the CTT. No load may be discharged without prior consent of the CTT. The CTT may collect samples of each hauled load to ensure compliance with applicable standards. The DEQ may require the industrial waste hauler to provide a waste analysis of any load prior to discharge.

(d) Industrial waste haulers must provide to the DEQ a waste-tracking form for every load. This form shall include, at a minimum, the name and address of the industrial waste hauler, permit number, truck identification, names and addresses of sources of waste, and volume and characteristics of waste. The form shall identify the type of industry, known or suspected waste constituents, and whether any wastes are RCRA wastes.

### **SUBCHAPTER 7. WASTEWATER DISCHARGE PERMIT APPLICATION**

#### **Section**

- 252:623-7-1. Wastewater analysis
- 252:623-7-2. Wastewater discharge permit requirement
- 252:623-7-3. New connections
- 252:623-7-4. Permit application contents
- 252:623-7-5. Application signatories and certification

#### **252:623-7-1. Wastewater analysis**

When requested by the DEQ, a user must submit information on the nature and characteristics of its wastewater within thirty (30) days of the request. The DEQ is authorized to prepare a form for this purpose and may periodically require users to update this information.

#### **252:623-7-2. Wastewater discharge permit requirement**

(a) No significant industrial user shall discharge wastewater into the POTW without first obtaining a wastewater discharge permit from the DEQ.

(b) The DEQ may require other users to obtain wastewater discharge permits as necessary to carry out the purposes of this chapter, and in accordance with Federal and State statutes and regulations.

(c) Any violation of the terms and conditions of a wastewater discharge permit shall be deemed a violation of state and federal regulations. Obtaining a wastewater discharge permit does not relieve a permittee of its obligation to comply with all State and Federal pretreatment standards or requirements, other NPDES requirements or with any other requirements of Federal, State, and local law.

#### **252:623-7-3. New connections**

Any user required to obtain a wastewater discharge permit who proposes to begin or recommence discharging into a POTW must obtain a permit prior to the beginning or recommencing of such discharge. An application for this wastewater discharge permit, must be

filed at least sixty (60) days prior to the date upon which any discharge will begin or recommence.

**252:623-7-4. Permit application contents**

(a) All users required to obtain a wastewater discharge permit must submit a permit application containing the following information:

- (1) All information required by OAC 252:623-1-7(e) adopting by reference 40 CFR § 403.12(b);
- (2) Description of activities, facilities, and plant processes on the premises, including a list of all raw materials and chemicals used or stored at the facility which are, or could accidentally or intentionally be, discharged to the POTW;
- (3) Number and type of employees, hours of operation, and proposed or actual hours of operation;
- (4) Each product produced by type, amount, process or processes, and rate of production;
- (5) Type and amount of raw materials processed (average and maximum per day);
- (6) Site plans, floor plans, mechanical and plumbing plans, and details to show all sewers, floor drains, and appurtenances by size, location, and elevation, and all points of discharge;
- (7) Time and duration of discharges;
- (8) A non-refundable application fee as established in OAC 252:623-23-1, payable to the DEQ; and
- (9) Any other information as may be deemed necessary by the DEQ to evaluate the wastewater discharge permit application.

(b) Incomplete or inaccurate applications will not be processed and will be returned to the user for revision.

**252:623-7-5. Application signatories and certification**

All wastewater discharge permit applications and user reports must be signed by an authorized representative of the user and contain the following certification statement: "I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations".

**SUBCHAPTER 9. PERMIT ISSUANCE PROCESS**

Section

- 252:623-9-1. Permit duration
- 252:623-9-2. Permit contents
- 252:623-9-3. Waste received from other jurisdictions

**252:623-9-1. Permit duration**

A wastewater discharge permit shall be issued for a maximum of five (5) years from the effective date of the permit. Each wastewater discharge permit will indicate a specific date upon which it will expire.

**252:623-9-2. Permit contents**

A wastewater discharge permit shall include such conditions as are deemed reasonably necessary by the DEQ to meet the requirements of this Chapter.

- (1) Wastewater discharge permits must contain:
  - (A) A statement that indicates wastewater discharge permit duration;
  - (B) A statement that the wastewater discharge permit is nontransferable without prior

- notification to the DEQ in accordance with this Subchapter, and provisions for furnishing the new owner or operator with a copy of the existing wastewater discharge permit;
- (C) Effluent limits based on applicable pretreatment standards and the Central Treatment Trust's capacity for treating wastewater;
- (D) Self-monitoring, sampling, reporting, notification, and record-keeping requirements. These requirements shall include an identification of pollutants to be monitored, sampling location, sampling frequency, and sample type based on Federal, State, and local law; and
- (E) A statement of applicable civil and criminal penalties for violation of pretreatment standards and requirements, and any applicable compliance schedule. Such schedules may not extend the compliance date beyond federal or state deadlines;
- (F) When required, a slug control plan that meets the requirements of OAC 252:623-5-3.

(2) Wastewater discharge permits may contain the following additional conditions:

- (A) Limits on the average and/or maximum rate of discharge, time of discharge, and/or requirements for flow regulation and equalization;
- (B) Requirements for the installation of pretreatment technology, pollution control, or construction of appropriate containment devices, designed to reduce, eliminate, or prevent the introduction of pollutants into the treatment works;
- (C) Requirements for the development and implementation of spill control plans or other special conditions including management practices necessary to adequately prevent accidental, unanticipated, or nonroutine discharges;
- (D) Development and implementation of waste minimization plans to reduce the amount of pollutants discharged to the POTW;
- (E) The unit charge or schedule of user charges and fees for the management of the wastewater discharged to the POTW;
- (F) Requirements for installation and maintenance of inspection and sampling facilities and equipment;
- (G) A statement that compliance with the wastewater discharge permit does not relieve the permittee of responsibility for compliance with all applicable Federal and State pretreatment standards, including those which become effective during the term of the wastewater discharge permit; and
- (H) Other conditions as deemed appropriate by the DEQ to ensure compliance with this Chapter, and State and Federal laws, rules, and regulations.

### **252:623-9-3. Waste received from other jurisdictions**

- (a) Nothing in this Section shall require the POTW to accept wastewater from other municipalities or jurisdictions.
- (b) If a municipality, or user located within a municipality, contributes industrial wastewater to the POTW, the DEQ shall enter into an memorandum of agreement with the contributing municipality.
- (c) Prior to entering into an agreement required by (b) of this Section, the DEQ shall require the following information from the contributing municipality:
  - (1) A description of the quality and volume of wastewater discharged to the POTW by the contributing municipality;
  - (2) An inventory of all users located within the contributing municipality that are discharging to the POTW; and
  - (3) Such other information as the DEQ may deem necessary.
- (d) An agreement, as required by (b) of this Section, shall contain the following conditions:
  - (1) A requirement for the contributing municipality to adopt a sewer use ordinance which is at least as stringent as this Chapter and local limits which are at least as stringent as those set out in Subchapter 3 of this Chapter. The requirement shall specify that such ordinance and limits must be revised as necessary to reflect changes made to this Chapter or local limits;
  - (2) A requirement for the contributing municipality to submit a revised user inventory on at least an annual basis;

- (3) A provision specifying which pretreatment implementation activities, including wastewater discharge permit issuance, inspection and sampling, and enforcement, will be conducted by the contributing municipality; which of these activities will be conducted by the DEQ; and which of these activities will be conducted jointly by the contributing municipality and the DEQ;
- (4) A requirement for the contributing municipality to provide the DEQ with access to all information that the contributing municipality obtains as part of its pretreatment activities;
- (5) Limits on the nature, quality, and volume of the contributing municipality's wastewater at the point where it discharges to the POTW;
- (6) Requirements for monitoring the contributing municipality's discharge;
- (7) A provision ensuring the DEQ access to the facilities of users located within the contributing municipality's jurisdictional boundaries for the purpose of inspection, sampling, and any other duties deemed necessary by the DEQ; and
- (8) A provision specifying remedies available for breach of the terms of the agreement.

## **SUBCHAPTER 11. REPORTING REQUIREMENTS**

### **Section**

- 252:623-11-1. Periodic compliance reports
- 252:623-11-2. Reports of changed conditions
- 252:623-11-3. Reports of potential problems
- 252:623-11-4. Reports from unpermitted users
- 252:623-11-5. Notice of violation/repeat sampling and reporting
- 252:623-11-6. Analytical requirements
- 252:623-11-7. Sample collection
- 252:623-11-8. Timing
- 252:623-11-9. Record keeping

### **252:623-11-1. Periodic compliance reports**

- (a) At least once every six (6) months, significant industrial users must submit to the DEQ a report indicating the nature and concentration of pollutants in the discharge which are limited by pretreatment standards and the measured or estimated average and maximum daily flows for the reporting period. Based on site specific information, the DEQ may require more frequent reports. All periodic compliance reports must be signed and certified in accordance with Subchapter 7 of this Chapter.
- (b) All wastewater samples must be representative of the user's discharge. Wastewater monitoring and flow measurement facilities shall be properly operated, kept clean, and maintained in good working order at all times. The failure of a user to keep its monitoring facility in good working order shall not be grounds for the user to claim that sample results are unrepresentative of its discharge.
- (c) If a user subject to the reporting requirement in this section monitors any pollutant more frequently than required by the DEQ, using the procedures prescribed in this Subchapter, the results of this monitoring shall be included in the report.

### **252:623-11-2. Reports of changed conditions**

Each user must notify the DEQ of any planned significant changes to the user's operations or system which might alter the nature, quality, or volume of its wastewater at least 120 days before the change.

- (1) The DEQ may require the user to submit such information as may be deemed necessary to evaluate the changed condition, including the submission of a wastewater discharge permit application under Subchapter 7 of this Chapter.
- (2) The DEQ may issue or modify a wastewater discharge permit in response to changed conditions or anticipated changed conditions.
- (3) For purposes of this Section, significant changes include, but are not limited to, flow increases of twenty percent (20%) or greater, and the discharge of any previously unreported

pollutants.

**252:623-11-3. Reports of potential problems**

(a) A user shall immediately telephone and notify the CTT of any non-routine discharge or slug load that may cause potential problems for the POTW. This notification shall include the location of the discharge, type of waste, concentration and volume, if known, and corrective actions taken by the user.

(b) Within five (5) days following such discharge, the user shall submit to the DEQ a detailed written report describing the cause(s) of the discharge and the measures to be taken by the user to prevent similar future occurrences.

(c) A notice shall be permanently posted on the user's bulletin board or other prominent place advising employees whom to call in the event of a discharge described in (a) of this Section. Employers shall ensure that all employees, who may cause such a discharge to occur, are advised of the emergency notification procedure.

**252:623-11-4. Reports from unpermitted users**

All users not required to obtain a wastewater discharge permit shall provide appropriate reports to the DEQ as required, as necessary to demonstrate compliance with the requirements of this Chapter and Federal and State regulations.

**252:623-11-5. Notice of violation/repeat sampling and reporting**

If sampling performed by a user indicates a violation, the user must notify the CTT within twenty-four (24) hours of becoming aware of the violation. The user shall also repeat the sampling and analysis and submit the results of the repeat analysis to the DEQ within thirty (30) days after becoming aware of the violation. The user is not required to resample if the CTT monitors at the user's facility at least once a month, or if the CTT samples between the user's initial sampling and when the user receives the results of this sampling.

**252:623-11-6. Analytical requirements**

All pollutant analyses, including sampling techniques, to be submitted as part of a wastewater discharge permit application or report shall be performed in accordance with the techniques prescribed in 40 CFR Part 136, unless otherwise specified in an applicable categorical pretreatment standard.

**252:623-11-7. Sample collection**

(a) Permit applications required by OAC 252:623-7-4 and periodic compliance reports required by OAC 252:623-11-1 must be based upon data obtained through appropriate sampling and analysis performed during the period covered by the report, which data are representative of conditions occurring during the reporting period. The DEQ shall require that frequency of monitoring necessary to assess and assure compliance by Industrial Users with applicable Pretreatment Standards and Requirements. Grab samples must be used for pH, cyanide, total phenols, oil and grease, sulfide, and volatile organic compounds. For all other pollutants, 24-hour composite samples must be obtained through flow-proportional composite sampling techniques, unless time-proportional composite sampling or grab sampling is authorized by the DEQ. Where time-proportional composite sampling or grab sampling is authorized by the DEQ, the samples must be representative of the Discharge and the decision to allow the alternative sampling must be documented in the Industrial User file for that facility or facilities. Using protocols (including appropriate preservation) specified in 40 CFR, Part 136 and appropriate EPA guidance, multiple grab samples collected during a 24-hour period may be composited prior to the analysis as follows: For cyanide, total phenols, and sulfides the samples may be composited in the laboratory or in the field; for volatile organics and oil & grease the samples may be composited in the laboratory. Composite samples for other parameters unaffected by the compositing procedures as documented in approved EPA methodologies may be authorized by the DEQ, as appropriate.

(b) If an Industrial User subject to the reporting requirements in 252:623-11-1 monitors any pollutant(s) at the appropriate sampling location more frequently than required by the DEQ,

using the procedures prescribed in 252:623-11-6, the results of all such monitoring shall be included in the report.

**252:623-11-8. Timing**

Written reports will be deemed to have been submitted on the date postmarked. For reports which are not mailed through the United States Postal Service, the date of receipt of the report shall govern.

**252:623-11-9. Record keeping**

Users subject to the reporting requirements of this Chapter shall retain, and make available for inspection and copying by both the DEQ and the CTT, all records of information obtained pursuant to any monitoring activities required by this Chapter and any additional records of information obtained pursuant to monitoring activities undertaken by the user independent of such requirements. Records shall include the date, exact place, method, and time of sampling, and the name of the person(s) taking the samples; the dates analyses were performed; who performed the analyses; the analytical techniques or methods used; and the results of such analyses. These records shall remain available for a period of at least three (3) years. This period shall be automatically extended for the duration of any litigation concerning the user or the CTT, or where the user has been specifically notified of a longer retention period by the DEQ.

**SUBCHAPTER 13. COMPLIANCE MONITORING**

Section

252:623-13-1. Right of entry: Inspection and sampling

**252:623-13-1. Right of entry: Inspection and sampling**

The DEQ, the Approval Authority and the CTT shall have the right to enter the premises of any user to determine whether the user is complying with all requirements of this Chapter and any wastewater discharge permit or order issued hereunder. Users shall allow the DEQ or the CTT ready access to all parts of the premises for the purposes of inspection, sampling, records examination and copying, and the performance of any additional duties.

- (1) Where a user has security measures in force which require proper identification and clearance before entry into its premises, the user shall make necessary arrangements with its security guards so that, upon presentation of suitable identification, the DEQ or the CTT will be permitted to enter without delay for the purposes of performing specific responsibilities.
- (2) The DEQ or the CTT shall have the right to set up on the user's property, or require installation of, such devices as are necessary to conduct sampling and/or metering of the user's operations.
- (3) The DEQ or the CTT may require the user to install monitoring equipment as necessary. The facility's sampling and monitoring equipment shall be maintained at all times in a safe and proper operating condition by the user at its own expense. All devices used to measure wastewater flow and quality shall be calibrated at frequencies appropriate to ensure their accuracy.
- (4) Any temporary or permanent obstruction to safe and easy access to the facility to be inspected and/or sampled shall be promptly removed by the user at the written or verbal request of the DEQ or the CTT and shall not be replaced. The costs of clearing such access shall be born by the user.
- (5) Unreasonable delays in allowing the DEQ or the CTT access to the user's premises shall be a violation of this Chapter.

**SUBCHAPTER 15. CONFIDENTIAL INFORMATION**

Section

252:623-15-1. Confidential information

**252:623-15-1. Confidential information**

Information and data on a user obtained from reports, surveys, wastewater discharge permit applications, wastewater discharge permits, and monitoring programs, and from the DEQ's inspection and sampling activities, shall be available to the public without restriction, unless the user specifically requests, and is able to demonstrate to the satisfaction of the DEQ, that the release of such information would divulge information, processes, or methods of production entitled to protection as trade secrets under 27A O.S. § 2-6-204(F), 40 CFR § 122.7 and any implementing rules promulgated thereunder. Any such request must be asserted at the time of submission of the information or data. When requested and demonstrated by the user furnishing a report that such information should be held confidential, the portions of a report which might disclose trade secrets or secret processes shall not be made available for inspection by the public. Wastewater constituents and characteristics and other effluent data as defined by 40 CFR § 2.302 will not be recognized as confidential information and will be available to the public without restriction.

**SUBCHAPTER 17. SUPPLEMENTAL ENFORCEMENT ACTION**

Section

252:623-17-1. Water supply or wastewater connection severance

**252:623-17-1. Water supply or wastewater connection severance**

Whenever a user has violated any provision of this Chapter, a wastewater discharge permit, an enforcement order issued hereunder, or any other pretreatment standard, water service or sewer service to the user may be severed. Service will only recommence, at the user's expense, after it has satisfactorily demonstrated its ability to comply.

**SUBCHAPTER 19. AFFIRMATIVE DEFENSES TO DISCHARGE VIOLATIONS**

Section

252:623-19-1. Bypass and upset

252:623-19-2. Prohibited discharge standards

**252:623-19-1. Bypass and upset**

See OAC 252:623-1-7(h) for upset provisions and OAC 252:623-1-7(i) for bypass provisions.

**252:623-19-2. Prohibited discharge standards**

A user shall have an affirmative defense to an enforcement action brought against it for noncompliance with the general prohibitions in OAC 252:623-1-7(a) or specific prohibitions in OAC 252:623-3-1, if it can prove that it did not know, or have reason to know, that its discharge, alone or in conjunction with discharges from other sources, would cause pass through or interference and that either:

- (1) A local limit exists for each pollutant discharged and the user was in compliance with each limit directly prior to, and during, the pass through or interference; or
- (2) No local limit exists, but the discharge did not change substantially in nature or constituents from the user's prior discharge when the CTT was regularly in compliance with its NPDES permit, and in the case of interference, was in compliance with applicable sludge use or disposal requirements.

**SUBCHAPTER 23. MISCELLANEOUS PROVISIONS**

Section

252:623-23-1. Pretreatment charges and fees

**252:623-23-1. Pretreatment charges and fees**



- (a) The DEQ may adopt reasonable fees for reimbursement of costs of setting up and operating the Pretreatment Program which may include:
- (1) Fees for wastewater discharge permit applications including the cost of processing such applications;
  - (2) Fees for monitoring, inspection, and surveillance procedures including the cost of collecting and analyzing a user's discharge, and reviewing monitoring reports submitted by users;
  - (3) Fees for reviewing and responding to accidental discharge procedures and construction;
  - (4) Fees for filing appeals; and
  - (5) Other fees as the DEQ may deem necessary to carry out the requirements contained in this Chapter. These fees relate solely to the matters covered by this Chapter and are separate from all other fees, fines, and penalties chargeable by the DEQ.
- (b) Based on subsection (a) above, a non-refundable application fee of \$500.00, payable to the DEQ, is required for all applications covered by Chapter 623.
- (c) To assist in meeting rising costs to the Department for permitting and enforcement activities covered by Chapter 623, the fees set out in (a) 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.