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**TITLE 252. DEPARTMENT OF ENVIRONMENTAL QUALITY
CHAPTER 645. SEPTAGE PUMPERS AND TRANSPORTERS**

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SUBCHAPTER 1. GENERAL PROVISIONS

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252:645-1-1. Purpose, authority and applicability
(a) **Purpose.** The purpose of this Chapter is to regulate the pumping, hauling and disposing of septage.
(b) **Authority.** 252:645 is authorized by 27A O.S. §§ 2-1-101 *et seq.* and § 2-6-801.
(c) **Applicability.** The rules in this Chapter apply to any person who pumps, hauls or disposes of septage.
(d) **Variations.** Deviations from this Chapter may be allowed upon written application to and approval by DEQ.

252:645-1-2. Definitions

In addition to the definitions contained in the Environmental Quality Code (27A O.S. § 2-1-101 *et seq.*), the following words and terms, when used in this Chapter, shall have the following meaning, unless the context clearly indicates otherwise:

"**DEQ**" means the Department of Environmental Quality.

"**Septage**" means either liquid or solid material removed from a septic tank, aerobic treatment system, holding tank, portable toilet, Type III marine sanitation device, or similar treatment works that receives only sewage.

"**Sensitive Watersheds**" means sensitive waters and watersheds as listed in the OKR10 Construction Stormwater General Permit.

"**Sewage**" means wastewater that generally originates as human waste from certain activities including using toilet facilities, washing, bathing, preparing foods and washing laundry. Sewage, as used in this Chapter, does not include industrial solids or wastewater, waste from restaurant grease traps, or waste from car wash mud traps.

252:645-1-2.1. General provisions

(a) **Specified dates.** If any date specified in this Chapter falls on a weekend or holiday, the date of the following working day shall be the effective date.
(b) **Application time frame.** Applications will become void if the applicant fails to meet all requirements within one hundred eighty (180) days of being notified of any deficiencies. All fees paid are non-refundable when an application is voided.
(c) **Retention of records.** All records required to be maintained by this Chapter shall be retained for a period of three (3) years and shall be made available to the DEQ upon request.

(d) **Uniform permitting.** In addition to the requirements of the Code and this Chapter, all applicants seeking a license, permit or authorization under this Chapter are subject to the tiered application procedural requirements of the Oklahoma Uniform Environmental Permitting Act, 27A O.S. § 2-14-101 *et seq.* and rules promulgated thereunder in 252:4.

252:645-1-3. Septage pumping and transporting licenses

(a) **License required.** Any person operating a business that engages in pumping, transporting or disposing of septage shall obtain an annual license from the DEQ. Such licenses shall be issued to the owner, president or designated officer of the business.

(b) **Prerequisites for initial license and license renewal.** In order to receive an initial license or a license renewal, an applicant must:

- (1) not owe any outstanding fees or fines to the DEQ;
- (2) be in compliance with all rules promulgated by the DEQ;
- (3) be in compliance with all final orders issued by the DEQ;
- (4) be eighteen years of age or older; and
- (5) be in compliance with the income tax and immigration laws of this state.

(c) **Application information.** Applications for septage pumping and transporting licenses shall be completed by the applicant and the DEQ's local representative for the county where the business is domiciled, and then submitted to the local DEQ office. Applications shall include:

- (1) a completed DEQ Form 645-001 "Application for a Septage Pumping and Transporting License" that includes the registration of all vehicles used by the Applicant to pump and transport septage;
- (2) a completed DEQ Form 645-003 "Septage Pumping and Transporting Inspection Report" signed by the local DEQ representative;
- (3) documentation of the availability of an approvable disposal option; and
- (4) payment for applicable fees.

(d) **Training and examination.** Applicants seeking an initial license to pump and transport septage must:

- (1) complete the required two (2) hours of training provided by the DEQ; and
- (2) pass an examination with a score of at least seventy percent (70%). Any applicant found cheating on an examination:
 - (A) will not be licensed,
 - (B) will be subject to having any current certifications, permits and/or authorizations revoked, and
 - (C) shall be prohibited from applying for any license, certification, permit and/or authorization for a period of twelve (12) months.

(e) **License expiration.** Septage pumping and transporting licenses expire on January 31 after the year of issue, unless modified by an Administrative Proceeding.

(f) **License renewal.** A licensed septage pumper and transporter may renew their unexpired license by submitting the following by January 15:

- (1) the application information listed in 252:645-1-3(c);
- (2) copies of any records that are required to be kept under 252:645-5-2(m) and 252:645-7-2(h) and (i);

and

(3) documentation that the licensee completed two (2) hours of approved renewal training within the previous two (2) years. Renewal training credit may be granted for courses or workshops of two (2) hours or more that have been approved in writing by the DEQ in advance.

(g) **Late renewals.** The applicant shall pay a Fifty-Dollar (\$50.00) late fee for renewal applications postmarked or received by the DEQ after January 15.

(h) **Failure to renew.** Any license that has not been renewed within twelve (12) months of expiring will not be renewed. Such applicants must apply for a new license.

252:645-1-4. Vehicle requirements

Each vehicle used to pump, transport, dewater or dispose of septage shall:

- (1) be inspected by and registered with the DEQ each year;
- (2) include a watertight tank with adequate pump and hose facilities in such condition as to prevent spillage or leakage of septage; and
- (3) display the vehicle registration number, preceded by the acronym "DEQ", in plain view on both sides of the tank in letters and numbers at least four inches (4") high.

252:645-1-5. Cleaning operations [REVOKED]

252:645-1-6. Licensee's duties

(a) **Requirement to maintain a daily log.** The Licensee shall maintain a daily log for each registered vehicle. The Licensee may keep copies of manifests or invoices in lieu of maintaining a log as long as they include the required information. The log shall include the following:

- (1) The total volume of septage:
 - (A) pumped for the day and taken to:
 - (i) storage; or
 - (ii) disposal; or
 - (B) taken from storage to ultimate disposal.
- (2) The name or number (permit or authorization) for the storage or disposal location utilized.
- (3) The name of the driver of the vehicle.

(b) **Information to be provided to customer.** The Licensee shall inform the septic tank owner in writing of the volume of septage removed from the septic tank.

(c) **Pumping requirement.** The Licensee shall pump all septic tanks empty, which means no more than five percent (5%) of the tank volume is left in the tank.

(d) **Prohibition of spillage.** Septage shall be pumped into the vehicle and transported to storage and disposal locations without spillage.

252:645-1-7. Disposal options

Septage from holding tanks, portable toilets or Type III marine sanitation devices shall be considered and disposed of as sewage at a permitted wastewater treatment facility or at a pretreatment facility that is permitted by a city operating a pretreatment program approved by DEQ.

All other septage may only be disposed of:

- (1) in a publicly-owned wastewater treatment works;
- (2) at a permitted land application site;
- (3) in a permitted municipal solid waste landfill;
- (4) at a permitted septage treatment facility; or

(5) at a pretreatment facility that is permitted by a city operating a pretreatment program approved by DEQ.

252:645-1-7.1. Land application permits [AMENDED AND RENUMBERED TO 252:645-5-1]

252:645-1-8. Land application requirements [AMENDED AND RENUMBERED TO 252:645-5-2]

252:645-1-9. Fees [AMENDED AND RENUMBERED TO 252:645-9-1]

SUBCHAPTER 3. SEPTAGE STORAGE FACILITY

252:645-3-1. Septage storage facility authorizations

252:645-3-2. General requirements for septage storage facilities

252:645-3-3. Septage storage tank requirements

252:645-3-1. Septage storage facility authorizations

(a) **Authorization required.** Any person operating a business that engages in the storing of septage shall obtain an authorization from the DEQ. Such authorizations shall be issued to the owner, president or designated officer of the business.

(b) **Prerequisite.** All applicants seeking an authorization to operate a septage storage facility must first be licensed to pump and transport septage under this Chapter.

(c) **Application submittal.** Applications for authorizations to operate a septage storage facility shall be submitted to the local DEQ office.

(d) **Application information.** Applications to operate a septage storage facility shall include the following:

- (1) A completed form 645-012 "Application for Authorization to Operate a Septage Storage Facility".
- (2) A detailed plan of the storage facility that includes:
 - (A) the type of construction material (i.e., concrete or metal) of each storage tank located at the facility;
 - (B) the capacity of each storage tank located at the facility; and
 - (C) the type of security measures in place at the facility as required by 252:645-3-2(d).
- (3) A site drawing showing the location of the:
 - (A) property lines;
 - (B) storage tanks located at the facility; and
 - (C) all-weather access road.

(4) Documentation that the licensed septage pumper and transporter owns or has a lease for the property where the septage storage facility will be located.

(e) **Authorization expiration.** Authorizations for the operation of septage storage facilities expire on January 31 after the year of issue, unless modified by an Administrative Proceeding.

(f) **Renewal of authorization.** Unexpired authorizations for the operation of septage storage facilities may be renewed by doing the following by January 15:

- (1) paying the annual fee; and
- (2) either verifying that the application information on file at the DEQ is correct or updating the application information.

(g) **Late renewals.** The applicant shall pay a Fifty-Dollar (\$50.00) late fee for renewal applications postmarked or

received by the DEQ after January 15.

(h) **Failure to renew.** Any authorization that has not been renewed within twelve (12) months of expiring will not be renewed. Such applicants must apply for a new authorization.

252:645-3-2. General requirements for septage storage facilities

(a) **Ownership of property.** Septage storage facilities may only be located on property owned or leased by the licensed pumper and transporter seeking the authorization to operate.

(b) **Operational requirements.** The person who holds the authorization shall ensure that the septage storage facility is operated in compliance with the terms of the authorization and the requirements of this Chapter. When in conflict, the terms of the authorization shall supersede the requirements of this Chapter.

(c) **Temporary.** Septage storage facilities shall be used for the temporary storage of septage and not as a method of final disposal.

(d) **Security.** Septage storage facilities shall be secured to prevent unauthorized access using one of the following methods:

(1) **Locks.** All manholes, valves and other openings on the septage storage tanks shall be locked; or

(2) **Fencing.** Either the entire property or the septage storage facility shall be surrounded by a fence that meets the following:

(A) **Specifications.** The fence shall be a minimum of four feet (4') high and provide protection equivalent to the protection afforded by a woven wire or equally-spaced five-wire fence. Storage tanks that are located within three hundred fifty feet (350') of existing or platted residential areas, or that are in public access areas shall be surrounded by a six-foot (6') woven wire fence or equivalent.

(B) **DEQ authority to require more stringent fencing requirements.** In order to protect public health and safety, the DEQ may require more stringent fencing requirements, even when the entire property is fenced.

(e) **Discharges prohibited.** The septage storage facility shall be maintained so that no part of the facility bypasses or discharges wastes or wastewater. All such bypasses and/or discharges shall be considered a violation of this Chapter and be subject to enforcement as an unpermitted discharge to waters of the State in violation of the Oklahoma Pollutant Discharge Elimination System Act.

(1) **Reporting requirements.** Any and all bypasses and/or discharges from a septage storage facility shall be reported to DEQ at (800) 522-0206 within twenty four (24) hours of the incident and a completed and signed DEQ Form 645-009 "Self Reporting Septage Bypass Form" shall be submitted to DEQ within five (5) days of the incident.

(2) **Required response.** Whenever a bypass or discharge occurs, immediate action shall be taken to stop, contain, clean up and prevent recurrence of the bypass or discharge.

(f) **Access.** A road shall be maintained at the facility so that all septage storage tanks are accessible in all weather conditions.

(g) **Land application as final disposal.** If lime

stabilized septage has been stored for more than fourteen (14) days, it must be tested to verify a pH of at least twelve (12) prior to land application or be re-stabilized and meet the requirements of 252:645-5-2(I).

252:645-3-3. Septage storage tank requirements

(a) **Watertight.** All septage storage tanks located at a septage storage facility shall be watertight.

(b) **Composition.** All septage storage tanks shall be constructed of concrete or metal.

(1) Concrete tanks can be used either above or below ground. They may be poured in place or precast, but, in either case, shall be monolithically poured and mechanically vibrated. They shall be:

(A) reinforced with rebar or fiber; and

(B) constructed of a mix that demonstrates a twenty-eight-day compressive strength of four thousand pounds per square inch (4,000 psi).

(2) Metal tanks may only be used above ground. Metal tanks shall be:

(A) properly protected by paints or other protective coating to prevent corrosion; and

(B) secured to prevent tipping or rolling.

(c) **Manholes.** Below ground septage storage tanks shall have a manhole with a cover that extends a minimum of two inches (2") above ground elevation.

(d) **Venting.** All septage storage tanks shall be vented to the atmosphere with the vent pipe terminating above the top of the tank in a full one hundred eighty-degree bend.

(e) **Capacity.** Septage storage tanks shall have a minimum capacity of one thousand (1,000) gallons.

(f) **Separation distances.** Septage storage tanks may not be located within:

(1) one hundred feet (100') of a private water supply well, or surface waters (lakes, rivers, streams, intermittent streams, wetlands or ponds);

(2) three hundred feet (300') of a public water supply well;

(3) fifty feet (50') of an occupied residence;

(4) ten feet (10') of a property line;

(5) a one hundred-year floodplain; or

(6) five feet (5') of a water line.

(g) **Signage.** All above-ground septage storage tanks shall have the following displayed in letters at least four inches (4") high:

(1) the word "SEPTAGE";

(2) the name and license number of the facility owner; and

(3) the phone number of the person to be contacted in case of an emergency.

SUBCHAPTER 5. LAND APPLICATION

252:645-5-1. Land application permits

252:645-5-2. Land application requirements

252:645-5-1. Land application permits

(a) **Permit required.** Any person operating a business that engages in the land application of septage shall first obtain a permit from the DEQ. Such permits shall be issued to the owner, president or designated officer of the business.

(b) **Prerequisites.** All applicants seeking permits to land apply septage must first be licensed to pump and transport septage under this Chapter.

(c) **Applications.** Applications for permits to land apply septage shall be submitted to the local DEQ office and include:

- (1) a completed DEQ Form 645-006 "Application for a Permit to Land Apply Septage";
 - (2) a site drawing to scale showing the boundaries of:
 - (A) the property; and
 - (B) the land application site on the property.
 - (3) a written statement from the landowner agreeing to meet the crop and access restrictions listed in 252:645-5-2(b);
 - (4) documentation from the United States Department of Agriculture's County Survey book showing that the groundwater is more than five feet (5') from the surface, and that the top six inches (6") of soil has a permeability of at least 0.2 inches per hour; and
 - (5) documentation of the nitrogen and phosphorus requirements of the vegetation being grown on the land application site and a calculation of the maximum land application rate for that site.
- (d) **Permit expiration.** Permits for the land application of septage expire on January 31 after the year of issue, unless modified by an Administrative Proceeding.
- (e) **Renewal of Permit.** Unexpired permits for the land application of septage may be renewed by doing the following by January 15:
- (1) paying the annual fee; and
 - (2) either verifying that the application information on file at the DEQ is correct or updating the application information.
- (f) **Late renewals.** The applicant shall pay a Fifty-Dollar (\$50.00) late fee for renewal applications postmarked or received by the DEQ after January 15.
- (g) **Failure to renew.** Any permit that has not been renewed within twelve (12) months of expiring will not be renewed. Such applicants must apply for a new permit.

252:645-5-2. Land application requirements

- (a) **Operational requirements.** The permittee shall ensure that the land application site is operated in compliance with the terms of the permit and the requirements of this Chapter. When in conflict, the terms of the permit shall supersede the requirements of this Chapter.
- (b) **Crop and access controls.** Land application sites for septage are subject to the following crop and access restrictions:
- (1) Food crops with harvested parts:
 - (A) that touch the septage/soil mixture and are totally above the land surface shall not be harvested for at least fourteen (14) months after the application of septage.
 - (B) below the surface of the land shall not be harvested for at least thirty-eight (38) months after the application of septage.
 - (C) that do not fall under (A) or (B) of this subsection, and feed crops and fiber crops shall not be harvested or grazed for at least thirty (30) days after the application of septage.
 - (2) Sites shall not have received sludge from publicly-owned wastewater treatment works within the past year.
 - (3) Sites shall be limited to non-public contact sites such as agricultural land or land reclamation areas.

(c) **Groundwater.** Septage shall not be applied to the surface of land where the known high groundwater table is within five feet (5') of the surface.

(d) **Manner of application.** Septage shall be evenly distributed across the site in a manner to prevent surface runoff, ponding or the accumulation of septage more than one inch (1") thick.

(e) **Separation.** Septage may not be land-applied within:

- (1) one hundred feet (100') of a public road, private water supply well, or surface waters (lakes, rivers, streams, intermittent streams, wetlands or ponds);
- (2) three hundred feet (300') of a public water supply well;
- (3) six hundred sixty feet (660') of a residence that is owned and occupied by someone other than the permittee;
- (4) ten feet (10') from the property line; or
- (5) a one hundred-year floodplain.

(f) **Slope.** Septage may not be land applied on land with a slope greater than fifteen percent (15%).

(g) **Sensitive watersheds.** Septage may not be land-applied within a sensitive watershed.

(h) **Soil permeability.** Septage may not be land-applied on areas that have been identified as having karst topography or on soils that have a permeability of less than 0.2 inches per hour within the top six inches (6") of soil.

(i) **Discharge.** Septage may not be land-applied during rainfall or discharged into any waters of the State, wetlands or areas subject to ponding (e.g., ditches, gullies, ponds, lakes, streams, etc.), 100-year floodplains, caves, sinkholes, mines, gravel pits, or quarries.

(j) **Grass strip.** A grass strip at least ten feet (10') wide shall be developed and maintained at the property line downslope from land-application areas.

(k) **Land-application annual rates.** Septage may not be applied in excess of the below described annual application rates for nitrogen or phosphorus:

(1) During any 365-day period, the amount of septage applied to land shall not exceed the annual application rate calculated using the equation $AAR = N \div 0.0026$, where:

(A) AAR = Annual application rate in gallons per acre per 365-day period.

(B) N = Amount of nitrogen in pounds per acre per 365-day period needed by the crop or vegetation grown.

(2) Annual septage land application shall not exceed the phosphorus rates for the crop grown and shall not be applied in rates that result in phytotoxicity.

(l) **Lime to reduce vector attraction.** Prior to land application, septage must be stabilized by adding:

(1) fifty (50) pounds of lime to each one thousand (1,000) gallons of septage and mixing thoroughly at least thirty (30) minutes prior to land application; or

(2) enough lime to maintain a pH of at least twelve (12) for thirty (30) minutes and tested to demonstrate that it has maintained a pH of at least twelve (12) for thirty (30) minutes.

(m) **Record keeping.** Persons who land-apply septage shall record the following information:

- (1) The permit number for the land application site;
- (2) The date septage was applied;
- (3) The amount of septage applied;
- (4) The amount of lime added to each load of septage, and, when required, the measured pH;

(5) The following signed and dated statement: "I certify, under penalty of law, that the requirements in the Septage Pumper and Transporter Rules, OAC 252:645-5-2, have been met. This determination has been made under my direction and supervision according to the system designed to ensure that qualified personnel properly gather and evaluate the information used to determine that the site restriction and vector attraction reduction requirements have been met. I know there are significant penalties for false certification including the possibility of fine and imprisonment."

SUBCHAPTER 7. SEPTAGE TREATMENT FACILITY

252:645-7-1. Septage treatment permits
252:645-7-2. Septage treatment requirements

252:645-7-1. Septage treatment permits

(a) **Permit required.** Any person operating a business that engages in the treatment of septage shall first obtain a permit from the DEQ. Such permits shall be issued to the owner, president or designated officer of the business. Treatment processes that are permitted by a city operating an approved pretreatment program are exempt from permitting by the DEQ.

(b) **Prerequisite.** All applicants seeking permits to treat septage must first be licensed to pump and transport septage under this Chapter.

(c) **Application information.** Applications for permits to treat septage shall be submitted to the local DEQ office. Applications to treat septage shall include:

- (1) a completed DEQ Form 645-011 "Application for a Permit to Treat Septage";
- (2) a detailed plan for the treatment process that includes:

(A) a description of the treatment process, including documentation that the treatment process produces effluent that meets 252:645-7-2(f)(1); and

(B) a site drawing showing:

- (i) the property lines; and
- (ii) the location of the treatment facility on the property; and

(3) documentation that the licensed septage pumper and transporter owns or has a lease for the property where the septage treatment facility will be located.

(d) **Permit expiration.** Permits for the operation of a septage treatment facility expire on January 31 after the year of issue, unless modified by an Administrative Proceeding.

(e) **Renewal of Permit.** Unexpired permits for operating a septage treatment facility may be renewed by doing the following by January 15:

- (1) Paying the annual fee; and
- (2) Either verifying that the application information on file at the DEQ is correct or updating the application information.

(f) **Late renewals.** The applicant shall pay a Fifty-Dollar (\$50.00) late fee for renewal applications postmarked or received by the DEQ after January 15.

(g) **Failure to renew.** Any permit that has not been renewed within twelve (12) months of expiring will not be renewed. Such applicants must apply for a new permit.

252:645-7-2. Septage treatment requirements

(a) **Ownership of property.** Septage treatment facilities may only be located on property owned or leased by the licensed pumper and transporter seeking the permit to operate.

(b) **Operational requirements.** The permittee shall ensure that the septage treatment facility is operated in compliance with the terms of the permit and the requirements of this Chapter. When in conflict, the terms of the permit shall supersede the requirements of this Chapter.

(c) **Unauthorized wastes.** The permittee shall exclude portable toilet waste, marine toilet waste, holding tank waste, grease, unauthorized industrial wastewater, hazardous substances, and chemicals from the septage treatment facility.

(d) **Protection of potable water supplies.** The permittee shall prevent cross-connections between wastewater and potable water supplies.

(e) **Discharges prohibited.** The permittee shall operate and maintain the septage treatment facility so that no part of the facility bypasses or discharges wastes or wastewater. All such bypasses and/or discharges shall be considered a violation of this Chapter and be subject to enforcement as an unpermitted discharge to waters of the State in violation of the Oklahoma Pollutant Discharge Elimination System Act.

(1) **Reporting requirement.** The permittee shall ensure that any and all bypasses and/or discharges from a septage treatment facility are reported to DEQ at (800) 522-0206 within 24-hours of the incident and that a completed and signed DEQ Form 645-009 "Self Reporting Septage Bypass Form" is submitted to DEQ within five (5) days of the incident.

(2) **Required response.** Whenever a bypass or discharge occurs, the permittee shall ensure that immediate action is taken to stop, contain, clean up and prevent recurrence of the bypass or discharge.

(f) **Treatment requirements.** Septage must be treated as follows:

(1) Effluent from the treatment process may be disposed of in accordance with 252:641, provided the facility:

(A) generates less than or equal to five thousand (5,000) gallons of effluent per day;

(B) produces effluent that:

- (i) has a BOD₅ of not more than 250 mg/l; and

(ii) has a TSS of not more than 150 mg/l.

(2) Residuals from the treatment process shall be disposed of at a DEQ permitted municipal solid waste landfill in accordance with 252:515.

(3) Facilities treating more than five thousand (5,000) gallons of septage per day must receive an individual permit from the Water Quality Division of the DEQ.

(g) **Testing requirements.** The permittee must annually test treated effluent for BOD₅ and the TSS, unless otherwise specified in the permit.

(h) **Record keeping.** The permittee shall record the following information:

(1) the date and volume of septage processed by the treatment facility;

(2) the date and volume and location of final disposal of residuals;

(3) any maintenance performed on the septage treatment facility; and

(4) the results of any analyses of the treated effluent.

(i) **Additional reporting and/or sampling.** DEQ may require additional reporting and/or sampling in any administrative order, closure plan, or other official document issued by DEQ.

(j) **Use of certified laboratories.** All laboratory analyses required to be conducted pursuant to this Chapter shall be performed by laboratories certified by DEQ.

(k) **Separation Distances.** Any septage treatment facility may not be located within:

(1) one hundred feet (100') of a private water supply well, or surface waters (lakes, rivers, streams, intermittent streams, wetlands or ponds);

(2) three hundred feet (300') of a public water supply well;

(3) three hundred feet (300') of an occupied residence. If the residence is owned and occupied by the permittee, this separation distance does not apply;

(4) fifty feet (50') of a property line;

(5) a one hundred-year floodplain; or

(6) five feet (5') of any potable water supply lines.

SUBCHAPTER 9. FEES

252:645-9-1. Fees

252:645-9-2. Fee escalator based on Consumer Price Index (CPI)

252:645-9-1. Fees

(a) **Septage pumping and transporting license.** The annual fee for a septage pumping and transporting license shall be \$150.00.

(b) **Vehicles.** The annual registration fee for each septage pumping and transporting vehicle shall be \$50.00.

(c) **Permit to land apply septage.** The annual fee for a permit to land apply septage shall be \$250.00.

(d) **Permit to operate a septage treatment facility.** The annual fee for a permit to operate a septage treatment facility shall be \$250.00.

(e) **Authorization to operate a septage storage facility.** The annual fee for an authorization to operate a septage storage facility shall be \$150.00.

(f) **Late fees.** There shall be a late fee of \$50.00 for failure to renew a license, permit or authorization by January 15.

(g) **Variances.** The fee for reviewing requests for variances shall be \$200.00.

252:645-9-2. Fee escalator based on Consumer Price Index (CPI)

To assist in meeting rising costs to DEQ associated with the septage pumper and transporter program, the fees set out in this Subchapter shall be automatically adjusted on July 1, 2011, and every year thereafter on July 1st, 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. DEQ may round the adjusted fees up to the nearest dollar. DEQ 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 Section 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 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 Section, "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.