You are Invited to an

Environmental Quality Board Meeting & Public Forum

Wednesday, January 21, 2026 @ 9:30 a.m.

Oklahoma Department of Environmental Quality
Multipurpose Room
707 North Robinson Avenue
Oklahoma City, Oklahoma 73102

The Board cannot act or comment on individual proceedings such as an enforcement action or a pending permit.

For more information call the Oklahoma Department of Environmental Quality at (405) 702-7100.

Public Forum

Bring your comments to
Environmental Quality Board Members
on Wednesday, January 21, 2026 @ 9:30 a.m. at
Oklahoma Department of Environmental Quality
Multipurpose Room
707 North Robinson Avenue
Oklahoma City, Oklahoma 73102

The public forum is your opportunity to comment and let us know if we are meeting your needs and providing timely responses to environmental issues. Sign-up on the forum register when you come to the Board meeting. You will be allocated time to speak to the Board about air quality, water quality, land protection, general environmental issues and other activities of the DEQ.

If you are unable to attend, but would like to submit comments about environmental issues, please contact Quiana Fields at the Oklahoma Department of Environmental Quality, P.O. Box 1677, Oklahoma City, Oklahoma 73101-1677.
Fax: 405/702-7101
Phone: 405/702-7152

The Board cannot act or comment on individual proceedings such as an enforcement action or a pending permit.

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REGULAR MEETING AGENDA
DEPARMENT OF ENVIRONMENTAL QUALITY
OKLAHOMA ENVIRONMENTAL QUALITY BOARD

A Public Meeting: 9:30 a.m., Wednesday, January 21, 2026
DEQ Multipurpose Room
707 N. Robinson
Oklahoma City, Oklahoma 73101-1677

A copy of this notice and agenda has been posted in a prominent location at the offices of the Oklahoma Department of Environmental Quality, 707 N. Robinson, Oklahoma City, Oklahoma, on January 16, 2026, at 4:30 p.m. A copy of this agenda is also available on DEQ's website at www.deq.ok.gov.

Please turn off cell phones

1. **Call to Order** – Shannon Ferrell, Chair

2. **Announcements** – Shannon Ferrell, Chair

   Announcements will include the introduction of any new Board members or special meeting guests, as well as safety information for the current meeting venue and any other general housekeeping matters of interest to the Board. These announcements are for informational purposes only, and no action by the Board is required.

3. **Roll Call –** Quiana Fields, Secretary, Board & Councils

4. **Approval of Minutes** of November 6, 2025, Regular Meeting

5. **Election of Officers** – Election of Chair and Vice-Chair for Calendar Year 2026

6. **Rulemaking – OAC 252:100 – Air Pollution Control**
   Subchapter 2 – Incorporation by Reference [AMENDED]
   Appendix Q – Incorporation by Reference [AMENDED]

   The Department is proposing to update language in Subchapter 2, Incorporation by Reference, to reflect the latest date of incorporation of EPA regulations. The Department is also proposing to update the content in OAC 252:100, Appendix Q, Incorporation by Reference, to incorporate the latest changes to EPA regulations. The gist of these rule proposals and the underlying reason for the rulemaking is to incorporate the latest changes or additions to 40 C.F.R. Part 60, New Source Performance Standards (NSPS), 40 C.F.R. Parts 61 and 63, National Emission Standards for Hazardous Air Pollutants (NESHAP), and other EPA regulations referenced in Chapter 100.

   - Presentation – Laura Lodes, Chair, Air Quality Advisory Council

- Questions and discussion by the Board
- Comments by the public
- Discussion and possible action by the Board, which may include roll call vote(s)

7. **Rulemaking – OAC 252:100 – Air Pollution Control**
   Subchapter 11 – Alternative Emissions Reduction Plans and Authorizations [REVOKED]
   Subchapter 33 – Control of Emission of Nitrogen Oxides [REVOKED]

   The Department is proposing to revoke Subchapter 11, Alternative Emissions Reduction Plans and Authorizations, and Subchapter 33, Control of Emission of Nitrogen Oxides as they have been identified as outdated and ineffective. On February 3, 2020, Governor Stitt signed Executive Order 2020-03, which directed all state agencies to review "agency's administrative rules to identify costly, ineffective, duplicative, and outdated regulations." During DEQ's comprehensive rule review, Subchapter 11 and Subchapter 33 were both identified as being potentially obsolete and ineffective. The gist of this rule proposal and the underlying reason for the rulemaking is to implement the Executive Order by "streamlining state government" through revocation of unnecessary rules.

   - Presentation – Laura Lodes, Chair, Air Quality Advisory Council
   - Questions and discussion by the Board
   - Comments by the public
   - Discussion and possible action by the Board, which may include roll call vote(s)

8. **Rulemaking – OAC 252:100 – Air Pollution Control**
   Subchapter 49 – Oklahoma Emission Reduction Technology Rebate Program [AMENDED]

   The Department is proposing to amend Subchapter 49, Oklahoma Emission Reduction Technology Rebate Program, in OAC 252:100, to implement recent changes to applicable provisions of the Oklahoma Emission Reduction Technology Incentive Act, 68 O.S. § 55006, et seq. DEQ and the Oklahoma Tax Commission jointly administer the "Oklahoma Emission Reduction Technology Rebate Program" to provide an incentive for "Emission Reduction Projects" – implementation of new and innovative technologies to reduce air pollutant emissions from oil and gas facilities. The gist of this rule proposal and the underlying reason for the rulemaking is to implement the Department's continuing responsibilities under the Oklahoma Emission Reduction Technology Incentive Act as revised during the 2025 Oklahoma Legislative Session**.**

   - Presentation – Laura Lodes, Chair, Air Quality Advisory Council
   - Questions and discussion by the Board
   - Comments by the public
   - Discussion and possible action by the Board, which may include roll call vote(s)

9. **Rulemaking – OAC 252:205 – Hazardous Waste Management**

The Department is proposing to update its rules related to the date of incorporation by reference for the Code of Federal Regulations from the year that ended June 30, 2024. The regulation changes include the following:

Incorporated are regulation amendments addressing manifest and electronic manifest (e-Manifest) requirements for shipments of hazardous waste, including those specific to hazardous waste imports and export; requirements pertaining to the international movement document for imports and exports of hazardous waste; the manifest data correction process, and the Discrepancy, Exception, and Unmanifested Waste Reports. Additionally, this rule modification makes technical corrections to address typographical errors in the e-manifest regulations.

Also incorporated are a rule change establishing 40 CFR Part 266 Subpart Q which describes alternative standards for the recovery and recycling of lower flammability hydrofluorocarbons and hydrocarbon substitutes as well as making conforming changes to corresponding parts of the hazardous waste regulations.

The final rule change incorporated serves to finalize five revisions to the August 9, 2023 direct final rule that made technical corrections to the 2016 Hazardous Waste Generator Improvements Rule, the 2019 Hazardous Waste Pharmaceutical Rule, and the 2018 Vacatur of the Definition of Solid Waste Rule. These five revisions were among eight amendments that were withdrawn due to the receipt of adverse comments.

- Presentation – Kinnamon Clark, Chair, Hazardous Waste Management Advisory Council
- Questions and discussion by the Board
- Comments by the public
- Discussion and possible action by the Board, which may include roll call vote(s)

10. **Rulemaking – OAC 252:301 – Laboratory Accreditation**

DEQ staff is proposing to update the rules to modify the title, clarify program definitions, correct references, and standardize language between other DEQ Lab Accreditation Program (LAP) rules. Additional proposed updates are to simplify the program renewal and application processes and fee calculations, remove the late application fee, and revise the annual accreditation period and timelines for submitting renewal applications and invoice payment. Other proposed changes are to update incorporations by reference for EPA methodologies and to make other amendments for conformity and added flexibility with method requirements under the EPA Primary Drinking Water regulations, National Standards for Solid Waste Methods, and EPA Test Procedures for the Analysis of Pollutants. The Department is also proposing rule amendments clarifying accreditation groups and types, proficiency testing, and laboratory assessments.

- Presentation – Brian Duzan, Chair, Water Quality Management Advisory Council

- Questions and discussion by the Board
- Comments by the public
- Discussion and possible action by the Board, which may include roll call vote(s)

11. **Rulemaking – OAC 252:302 – Field Laboratory Accreditation**

DEQ staff is proposing to update the rules to modify the title, clarify program definitions, correct references, and standardize language between other DEQ Lab Accreditation Program (LAP) rules. Additional proposed updates are to simplify the program renewal and application processes and fee calculations and revise the annual accreditation period and timelines for submitting renewal applications and invoice payment. Other proposed changes are to update incorporations by reference for EPA methodologies and make amendments allowing more flexibility with method requirements under the national program for EPA Test Procedures for the Analysis of Pollutants. The Department is also proposing rule amendments to clarify proficiency testing requirements.

- Presentation – Brian Duzan, Chair, Water Quality Management Advisory Council
- Questions and discussion by the Board
- Comments by the public
- Discussion and possible action by the Board, which may include roll call vote(s)

12. **Rulemaking – OAC 252:307 – TNI Laboratory Accreditation**

DEQ staff is proposing to update the rules to modify the title, clarify program definitions, correct references, and standardize language between other DEQ Lab Accreditation Program (LAP) rules. Additional proposed updates are to simplify the program renewal and application processes and fee calculations, remove the late application fee, and revise the annual accreditation period and timelines for submitting renewal applications and invoice payment. Other proposed changes are to update incorporations by reference for EPA methodologies and to make other amendments for conformity and added flexibility with method requirements under the EPA Primary Drinking Water regulations, National Standards for Solid Waste Methods, and EPA Test Procedures for the Analysis of Pollutants. The Department is also proposing rule amendments to clarify proficiency testing requirements.

- Presentation – Brian Duzan, Chair, Water Quality Management Advisory Council
- Questions and discussion by the Board
- Comments by the public
- Discussion and possible action by the Board, which may include roll call vote(s)

13. **Rulemaking – OAC 252:606 – Oklahoma Pollutant Discharge Elimination System (OPDES) Standards**

DEQ is proposing to update the federal rules incorporated by reference from July 8, 2024, to January 17, 2025. The regulatory changes are minor in nature, primarily consisting of grammar and style changes.

DEQ is proposing updating the section on fees. Currently, Consumer Price Index (CPI) adjustments are made on July 1st every year for individual discharge permits and individual permit fees for industrial users. The proposed update is to apply the CPI to stormwater and other general discharge permit fees.

DEQ is proposing adding and modifying definitions to Subchapter 1. INTRODUCTION, as well as adding language to SUBCHAPTER 6. POINT SOURCE DISCHARGES for determination of reasonable potential for selenium and changing language to disallow monitoring frequency reductions for a parameter when the receiving water is impaired for that parameter.

- Presentation – Brian Duzan, Chair, Water Quality Advisory Council
- Questions and discussion by the Board
- Comments by the public
- Discussion and possible action by the Board, which may include roll call vote(s)

14. **Rulemaking – OAC 252:626 – Public Water Supply Construction Standards**

DEQ is proposing to update the rule to allow electronic submittal of plans and specifications and engineering reports; update references to International Fire Code (IFC) and American Water Works Association (AWWA); and to correct typographical errors and update other incorrect references.

Proposed updates to SUBCHAPTER 9. TREATMENT include providing a specific reference to the sedimentation portion of the clarification section; removing "the maximum detention time of the rapid mix basin, at design flow is 30 seconds" and replacing with "provide good mixing of the raw water with the chemicals applied and prevent deposition of solids in the mixing zone"; and, adding language noting a rapid mix detention time of not more than 30 seconds.

Another proposed update removes the word "Slow" from the title of Appendix E.

- Presentation – Brian Duzan, Chair, Water Quality Management Advisory Council
- Questions and discussion by the Board
- Comments by the public
- Discussion and possible action by the Board, which may include roll call vote(s)

15. **Rulemaking – OAC 252:627 – Operation and Maintenance of Water Reuse Systems**

DEQ is proposing to update the rule to include Consumer Price Index (CPI) language allowing for the annual adjustment of fees based on the CPI. This will ensure consistently amongst the rules that require annual fees.

- Presentation – Brian Duzan, Chair, Water Quality Management Advisory Council
- Questions and discussion by the Board
- Comments by the public
- Discussion and possible action by the Board, which may include roll call vote(s)

16. **Rulemaking – OAC 252:656 – Water Pollution Control Facility Construction Standards**

DEQ is proposing to update the rule to allow electronic submittal of plans and specifications and engineering reports and to update references to Metcalf & Eddy.

Proposed updates to SUBCHAPTER 13. PRELIMINARY TREATMENT STANDARDS adds a citation requiring Flow Equalization Basins (FEBs) be constructed with the same location requirements as lagoons to provide for groundwater protection.

A proposed update to SUBCHAPTER 16. BIOLOGICAL TREATMENT STANDARDS specifies that 4-inch piping is a minimum requirement for return sludge piping.

- Presentation – Brian Duzan, Chair, Water Quality Management Advisory Council
- Questions and discussion by the Board
- Comments by the public
- Discussion and possible action by the Board, which may include roll call vote(s)

17. **Executive Director's Report –** Robert Singletary, Executive Director, DEQ

Mr. Singletary's report may include significant agency accomplishments and activities since the last Board meeting, as well as information pertaining to budgetary and/or legislative matters. This report is for informational purposes only, and no action by the Board is required.

18. **Federal Updates Report –** Madison Miller, Deputy Executive Director, DEQ

Mrs. Miller's report may include information pertaining to federal rulemaking, Congressional enactments, pending litigation involving the United States government and EPA, or other matters on the national scale that may be of interest to the Board. This report is for informational purposes only, and no action by the Board is required.

19. **Budget Update and Financial Overview (FY 2026) –** Kathy Aebischer, DEQ Director of Administrative Services

    Ms. Aebischer' s report will include an update and overview of DEQ's current budget for Fiscal Year 2026. This report is for informational purposes only. Although discussion may occur, no action by the Board is required.

20. **New Business** (Any matter not known about and which could not have been reasonably foreseen prior to the posting of agenda)

21. **Next Meeting**

    The next regular meeting of the Environmental Quality Board is scheduled to be held on June 9, 2026, at 9:30 a.m., at the offices of the Department of Environmental Quality, 707 N. Robinson, Oklahoma City, Oklahoma.

22. **Adjournment**

Public Forum – Following Adjournment – The Board meets several times a year at different locations across the State to hear the views and concerns of all Oklahomans about environmental issues. This opportunity is informal, and we invite you to follow the instructions provided during and at the conclusion of the Board meeting if you would like to speak during the forum. If necessary to accommodate the public, the Board Chair may decide to conduct the Forum prior to the Call to Order.

Should you desire to attend but have a disability and need an accommodation, please notify the DEQ three days in advance at 405-702-7100. For hearing impaired, the TDD Relay Number is 1-800-722-0353 for TDD machine use only.

DRAFT MINUTES
ENVIRONMENTAL QUALITY BOARD
NOVEMBER 6, 2025
DEPARTMENT OF ENVIRONMENTAL QUALITY
TAHLEQUAH, OKLAHOMA

Official EQB Approved
On January 21, 2026

Notice of Public Meeting – The Environmental Quality Board (Board) convened for a Regular Meeting at 9:30 a.m., at the Northeastern State University – Event Center, Community Room, 1205 N. Grand Avenue, Tahlequah, Oklahoma. This meeting was held in accordance with 25 O.S. Section 311, with notice of the meeting given to the Secretary of State on October 24, 2024. The agenda was mailed to interested parties on October 27, 2025 and was posted at the DEQ and the facility on November 5, 2025. Ms. Alexandria Kindrick, Vice Chair, called the meeting to order. Also, she went over safety and housekeeping rules. Ms. Fields called roll and a quorum was confirmed.

MEMBERS PRESENT	DEQ STAFF PRESENT
Richard Auer	Rob Singletary, Executive Director
Katlin Esteph	Madison Miller, Deputy Executive Director
Ken Hirshey	Jonathan Allen, General Counsel
Jimmy Kinder	Ryan McIntosh, Legislative Liaison
Alexandria Kindrick	Gary Henry, Deputy General Counsel
Brandi Lowry	Mark Hildebrand, Chief of Staff
Steve Mason	Karen Steele, Water Quality Division
Tim Munson	George Russell, Water Quality Division
Kim Peterson	Kathy Aebischer, Administrative Services Division
Pete Schultze	Kelly Dixon, Land Protection Division
Sheldon Tatum	Kendal Stegmann, Air Quality Division
	Vance Pennington, Environmental Complaints & Local Services
	Travis Mensik, Environmental Complaints & Local Services
	Dustin Davidson, State Environmental Laboratory Services
	Malcolm Zachariah, Air Quality Division
	Mark Stasyszen, Water Quality Division
	Rachel Hildebrand, Legal Secretary
	Quiana Fields, Office of the Executive Director/Board & Council Secretary
	Amanda Baker, Environmental Complaints & Local Services
	Robin Stratton, Environmental Complaints & Local Services

MEMBERS ABSENT	OTHERS PRESENT
Shannon Ferrell	Addison Gaut, Office of the Attorney General
Mike Paque	Sec. Christina Justice, Secretary of Natural Resources of the Cherokee Nation
	Jenny Longley, Court Reporter

Approval of Minutes – Ms. Kindrick called for a motion to approve the September 9, 2025 Regular Meeting minutes. Mr. Hirshey moved to approve and Mr. Auer made the second.

See transcript pages 7-9

Rich Auer	Yes	Steve Mason	Yes
Katlin Esteph	Yes	Tim Munson	Yes
Ken Hirshey	Yes	Kim Peterson	Yes
Jimmy Kinder	Yes	Pete Schultze	Yes
Alexie Kindrick	Yes	Sheldon Tatum	Yes
Brandi Lowry	Yes		

Consideration of and Action on the Annual Environmental Quality Report – Ms. Kindrick called upon Ms. Madison Milller, Deputy Executive Director of the DEQ. Ms.

Miller gave a presentation on the Annual Environmental Quality Report, that must be approved by the Board prior to its submission to the Governor, Speaker of the House and Senate President Pro Tempore by January 1st of each year. The statutorily prescribed purpose of this report is to outline DEQ's annual funding needs for providing environmental services within its jurisdiction, reflect any new federal mandates and summarize DEQ-recommended statutory changes. The Environmental Quality Board is authorized to review, amend (as necessary) and approve the report. Following questions and comments by the Board and none by the public, Ms. Kindrick called for a motion to approve the report. Mr. Kinder moved to approve and Mr. Hirshey made the second.

See transcript pages 9-32

Rich Auer	Yes	Steve Mason	Yes
Katlin Esteph	Yes	Tim Munson	Yes
Ken Hirshey	Yes	Kim Peterson	Yes
Jimmy Kinder	Yes	Pete Schultze	Yes
Alexie Kindrick	Yes	Sheldon Tatum	Yes
Brandi Lowry	Yes		

Executive Director's Report – Mr. Rob Singletary, Executive Director of the DEQ, discussed agency accomplishments and activities since the last Board meeting, as well as information pertaining to budgetary and/or legislative or related matters.

See transcript pages 32-48

Budget Update and Financial Overview (FY 2026) – Ms. Kindrick called upon Ms. Kathy Aebischer, Chief Financial Officer and Director of Administrative Services Division. Ms. Aebischer gave a presentation on the Fiscal Year 2026 budget update. No action by the Board is required.

See transcript pages 48-53

New Business – None

Next Meeting – The next Regular Meeting is scheduled for Wednesday, January 21, 2026 at 9:30 a.m., at the Department of Environmental Quality, 707 N. Robinson, Oklahoma City, Oklahoma.

Adjournment – Ms. Kindrick called for a motion to adjourn. Mr. Munson moved to adjourn and Mr. Hirshey made the second. Meeting adjourned at 10:35 a.m.

transcript pages 54-55

Rich Auer	Yes	Steve Mason	Yes
Katlin Esteph	Yes	Tim Munson	Yes
Ken Hirshey	Yes	Kim Peterson	Yes
Jimmy Kinder	Yes	Pete Schultze	Yes
Alexie Kindrick	Yes	Sheldon Tatum	Yes
Brandi Lowry	Yes		

Public Forum – Mr. Ed Brocksmith, Save the Illinois River (STIR), spoke on STIR during the public forum.

See transcript pages 55-61

The transcript and sign-in sheet become an official part of these Minutes.

REGULAR MEETING, DEPARTMENT OF ENVIRONMENTAL QUALITY
ENVIRONMENTAL QUALITY BOARD
BEGINNING AT 9:30 AM ON NOVEMBER 6, 2025
IN TAHLEQUAH, OKLAHOMA

MEMBERS PRESENT:
Richard Auer
Kenneth Hirshey, Jr.
James Kinder
Alexandria Kindrick
Steve Mason
Brandi Lowry
Peter Schultze
Tim Munson
Sheldon Tatum
Katlin Esteph
Kim Peterson

MEMBERS ABSENT:
Shannon Ferrell
Mike Paque

REPORTED BY: Jenny Longley, CSR

PROCEEDINGS

MS. KINDRICK: Okay. Good morning, everyone. Let's go ahead and get started, so Call to Order. The November 6, 2025 regular meeting of the Environmental Quality Board has been called according to the Oklahoma Open Meeting Act, Section 311 of Title 25 of the Oklahoma Statutes. Notice was filed with the Secretary of State on October 24, 2024. Agendas were mailed to the interested parties on October 27, 2025 and were posted at the DEQ and the facility on November 5, 2025. Only matters appearing on the posted agenda may be considered.

If this meeting is continued or reconvened, we must announce today the date, time and place of the continued meeting and the agenda for such continuation will remain the same as today's agenda.

So let's start with the Announcements. So just a few housekeeping things, you guys can see the exits. There's one behind y'all right here, one over to the right. Restrooms, you can enter through any of these doors and it's all the way down the hallway.

And then I want to go ahead and introduce Secretary Christina Justice. She is the

Secretary of Natural Resources of the Cherokee Nation, and I wanted to give her an opportunity to come and give a few remarks of welcome for today. So, Secretary Justice.

SECRETARY JUSTICE: Good morning. Thank you all so much for having me this morning, it's just a delight to be here. It's always meaningful for me to return to Northeastern State University, it's a place that shaped so much of who I am.

I'm proud to have graduated from this institution and also have been recognized as distinguished alumni in 2024, which was pretty cool. This campus is where I earned my criminal justice degree and also a minor in environmental management, and it's where it built the foundation that guides my service to the Cherokee Nation and our shared responsibility to the land and waters and air that we all enjoy.

Today's meeting of the Oklahoma Department of Environmental Quality underscores the importance of collaboration, partnership, and responsible stewardship. The decisions that are made in these rooms right here in our communities have real, lasting impacts.

Clean water, clean air, and healthy

ecosystems are not abstract concepts. They are central to our health, to our economy, and our cultural identity and our future.

As the Secretary of Natural Resources for the Cherokee Nation, I see firsthand how important this work is. Within my department, we have the Environmental Protection Commission, which permits the Cherokee Nation Sanitary Landfill in Stilwell, Oklahoma, which is critical infrastructure that supports families, businesses, and municipal services across that region.

We're also responsible for oversight of the newly installed wastewater treatment facility at the Sallisaw Creek Park in Sallisaw, Oklahoma. It's a major investment in improving water quality, restoring ecosystems, and strengthening the longterm environmental health of our communities.

These projects are not merely technical or regulatory accomplishments, they reflect our responsibility to steward the land for future generations.

I really want to take a moment to acknowledge something that is really important. It's really encouraging to see DEQ here, engaging directly and responsibly with the Cherokee Nation at

Page 5

a time when Tribal and State relations in Oklahoma have been, at times, a little bit strained.

It matters, your presence matters. It reaffirms a truth that's always been clear to us. The Cherokee Nation is not new to this land. We've been here, we are here, and we will remain here. We're strong, we're sovereign, but we're a resilient and reliable partner.

Our shared future environmentally, culturally, and economically is stronger when Tribal Nations and the State of Oklahoma can work together. When we combine our regulatory expertise and our cultural knowledge and our shared commitment to public health, we improve environmental quality and policy for everyone in the entire state.

I want to say that I'm glad that some of you will get to join us for lunch at the Cherokee Nation Career Readiness Center. The center sits on the site of a former brownfield. It's land that was once burdened with environmental challenges and it's now transformed into a place of opportunity, learning, and growth for our Cherokee citizens.

It stands as a living example of what restoration, vision, and partnership can achieve. I hope that the time that we share today will continue

Page 6

the spirit of collaboration reflected in today's discussions.

Thank you so much for your service, what you guys do every day. You're protecting our lands and you're protecting the communities that we all call home.

It's really good to be here, it's really good to be back at NSU, and I thank all of you again for your commitment and I hope that you have a really productive and wonderful meeting today. Thank you so much.

MS. KINDRICK: Thank you very much.

[Applause.]

MS. KINDRICK: Okay. Thank you so much. Before we head into roll call, I do want to point out that not all of us have microphones. So as we go into this, if we all have any comments or questions, et cetera, please make sure to project. I know that most of the time we don't have a problem with that, I just want to make note of it for today.

So Quiana, roll call, please?

MS. FIELDS: Mr. Auer?

MR. AUER: Here.

MS. FIELDS: Ms. Esteph?

MS. ESTEPH: Here.

Page 7

MS. FIELDS: Mr. Hirshey?

MR. HIRSHEY: Here.

MS. FIELDS: Mr. Kinder?

MR. KINDER: Here.

MS. FIELDS: Ms. Kindrick?

MS. KINDRICK: Here.

MS. FIELDS: Ms. Lowry?

MS. LOWRY: Here.

MS. FIELDS: Mr. Mason?

MR. MASON: Present.

MS. FIELDS: Mr. Munson?

MR. MUNSON: Here.

MS. FIELDS: Mr. Paque is absent.

Mr. Peterson?

MR. PETERSON: Here.

MS. FIELDS: Mr. Schultze?

MR. SCHULTZE: Here.

MS. FIELDS: Mr. Tatum?

MR. TATUM: Here.

MS. FIELDS: Dr. Ferrell is absent.

We have a quorum.

MS. KINDRICK: Thank you.

Okay. Next up we have the approval of the minutes of the September 9, 2025 regular meeting. Those minutes were sent out in our normal

Page 8

meeting packet that we received.

Any discussion of those minutes? Comments, questions?

Hearing none, I'd like to entertain a motion.

MR. HIRSHEY: I move to approve the minutes as stated.

MR. AUER: Auer, second.

MS. KINDRICK: Thank you. Quiana?

MS. FIELDS: Mr. Auer?

MR. AUER: Yes.

MS. FIELDS: Ms. Esteph?

MS. ESTEPH: Yes.

MS. FIELDS: Mr. Hirshey?

MR. HIRSHEY: Yes.

MS. FIELDS: Mr. Kinder?

MR. KINDER: Yes.

MS. FIELDS: Ms. Kindrick?

MS. KINDRICK: Yes.

MS. FIELDS: Ms. Lowry?

MS. LOWRY: Yes.

MS. FIELDS: Mr. Mason?

MR. MASON: Yes.

MS. FIELDS: Mr. Munson?

MR. MUNSON: Yes.

Page 9

MS. FIELDS: Mr. Peterson?
MR. PETERSON: Yes.
MS. FIELDS: Mr. Schultze?
MR. SCHULTZE: Yes.
MS. FIELDS: Mr. Tatum?
MR. TATUM: Yes.
MS. FIELDS: Motion passed.
MS. KINDRICK: Perfect. Thank you very much.

Okay. Next on the agenda is the Consideration of and Action on the Annual Environmental Quality Report. The Oklahoma Environmental Quality Code requires DEQ to prepare an "Oklahoma Environmental Quality Report" and to submit it to the Governor, Speaker of the House, and Senate President Pro Tempore by January 1st of each year. The statutorily prescribed purpose of the report is to outline the DEQ's annual funding needs for providing environmental services within its jurisdiction, reflect any new federal mandates, and summarize DEQ-recommended statutory changes. The Environmental Quality Board is authorized to review, amend as necessary, and approve the report.

I invite Ms. Miller, the Deputy Executive Director, up for a presentation.

Page 10

MS. MILLER: Thank you very much. My name is Madison Miller, Deputy Executive Director of DEQ. It is the most wonderful time of the year, I will present the Environmental Quality Report. And before I get started, I just want to say thank you to Secretary Justice for your remarks, we're happy to be here.

At our last board meeting in September, I went through a bunch of federal rules and talked all about them, and today in this Environmental Quality Report, there is a section for federal mandates.

And I'm not going to go as in depth as I did last time, but I am going to provide some background just so we can all get our minds wrapped back around the concepts as I talk about them.

And my slides are behind you, I don't know if you can see -- if the board can see -- you can't see anything over there, but -- yeah, you might come out here, so...

So the first section of your report is DEQ's Annual Budget Request, and this one is simple and easy. Last year, Fiscal Year '25 - which we're currently in, still - DEQ requested $21,447,676, and for the next Fiscal Year of '26 --

Page 11

sorry, I think the slide is incorrect.

So for Fiscal Year '26, which is what we're currently in, that orange box is -- that was our request for last year, which is what we're currently in, and for next year, Fiscal Year '27, it is the same, it is a flat budget. So that is really simple, straightforward.

Going into the Federal Mandates section of your report, which you all should have at your seats, I again am just going to touch on a few things. There are a lot of air rules, so this is the most rules in a particular section, but they're all really important.

So to begin, the Particulate Matter National Ambient Air Quality Standard that EPA finalized on February 7th of 2024 lowered that standard to 9 micrograms per cubic meter. All monitors in the state show attainment with that standard. So Oklahoma recommended to EPA that all 77 counties in Oklahoma retain a designation of attainment or unclassifiable.

And the EPA came out with a regulatory agenda, its Spring 2025 Regulatory Agenda came out in September of 2025, and on that list EPA has stated that it plans to reconsider the PM2.5

Page 12

standard, and that is all we know about that at this time.

There is litigation over this rule, over the 2024 rule that EPA finalized that lowered the standard that DEQ is party to, and that case is in abeyance and also is on hold for the federal shutdown, so there's nothing really to report there.

The next item on the list is ozone NAAQS. So EPA had previously announced that it would reconsider the ozone NAAQS, but ozone NAAQS is not on EPA's 2025 Spring Agenda, so as far as we know, that standard will not be being reconsidered.

Currently, all of Oklahoma is designated as in attainment for ozone, but due to 2023 and 2024 data, the NAAQS has been exceeded in Oklahoma City and Tulsa Metro Areas.

So it's not expected that EPA will redesignate any areas until, if and when, it formally reconsiders the NAAQS at some point in the future and its review process is complete, but it's important to continue to reduce emissions of ozone precursors in the interim.

Next on the list, ozone transport SIP. And we've talked about this one a lot and there is a lot of procedural detail about this one

Page 13

that I won't go into, but basically the Clean Air Act includes a provision that prohibits states from contributing significantly to NAAQS nonattainment in another state, and that's under Clean Air Act Section 110.

Oklahoma developed a SIP using modeling and approved data and advice in an EPA guidance document that determined that no significant contributions will be made to downwind states.

EPA disapproved Oklahoma's SIP and 20 other states' SIPs and subsequently promulgated a FIP, a Federal Implementation Plan, and EPA stated that that rule would be only reviewed in the D.C. Circuit Court of Appeals.

There is litigation over this rule that Oklahoma is party to. So the case was originally brought in the Tenth Circuit Court of Appeals, but was transferred to the D.C. Circuit by EPA, according to a statement that they made in the Final Rule.

The Supreme Court remanded that case to the Tenth Circuit, and the D.C. Circuit has transferred that case back to the Tenth Circuit, so it's really only been through a procedural kind of

Page 14

process at this point and the merits have not been heard, and this on EPA's Spring 2025 Agenda to reconsider, as well.

Next item is Regional Haze. EPA still has Oklahoma's regional haze round-two SIP for review and there has not been any action on that, but on October 2, 2025, EPA published an Advance Notice of Proposed Rulemaking seeking comment on how EPA can meaningfully revise the regional haze rule to streamline regulatory requirements impacting states' visibility improvement obligations under the Clean Air Act, and comments are due on that rule on December 1st of 2025.

The Oil & Gas Methane Rules is the next on the list, and the EPA's Spring 2025 Agenda includes a reconsideration of NSPS for the oil and natural gas sector. And this constitutes -- NSPS OOOOb and OOOOc, which is the 111(d) plan the states are required to put together. They were published as final on March 8, 2024.

OOOOb contains new requirements for oil and gas facilities, including a significant number of facilities that have not been previously regulated by DEQ, actually an order of magnitude increase in affected sources.

Page 15

And on July 31st of 2025, EPA published an Interim Final Rule to extend certain compliance deadlines within NSPS OOOOb and extend the deadline of submittal of the state 111(d) plan in OOOOc.

So there are two sets of litigation on this rule. The first is on the 2024 rule, which Oklahoma is party to, challenging EPA's final decision-making to regulate in the way that it did.

And then the second piece of litigation is new. It was filed by the Environmental Defense Fund concerning EPA's Interim Final Rule to extend the deadlines. And they are calling that the methane delay rule, but basically the Interim Final Rule mechanism can be used under the Administrative Procedures Act under Section 533 if there's a good cause that there should be an exception to the Act's requirements to go through notice and comment procedure if it's impracticable, unnecessary, or contrary to the public interest.

So given that the deadlines were fast approaching and/or are past, EPA used this Interim Final Rule mechanism to extend the deadlines, which is not the first time that EPA, under any administration, has used this mechanism.

Page 16

The litigation is a procedural challenge and petitioners are arguing that the methane delay rule's blatantly illegal and that changes to implementation dates are substantive amendments requiring notice and comment.

So EPA filed a motion in this case on September -- I didn't write it down, but September 25th, I think, of 2025, and it stated that it intends to issue a subsequent Final Rule in October of 2025, which has passed and that's -- you know, that probably didn't come out because of the federal shutdown.

But EPA has stated in court filings that it plans to subsequently satisfy the APA's rulemaking requirements, and so the argument would be that the case is moot, and so we'll see what happens with that.

Next item on the list is the Power Plant Greenhouse Gas Rules. In April of '24, EPA finalized greenhouse gas emission standards for fossil fuel-fired electric generating units, and this is sometimes referred to as Clean Power Plan 2.0.

And that included NSPS and emission guidelines for states to develop a plan for existing

Page 17

sources, which set forth basically that carbon capture and sequestration was the best system of emission reduction which was required under Clean Air Act Section 111.

On June 17th of '25, EPA came out with a proposed rule to repeal all the greenhouse gas emissions standards for fossil fuel-fired plants, and that rule is not final yet. There is litigation over the 2024 rule that Oklahoma is party to.

And then last time on the list of air rules is the Endangerment Finding. So on July 29th of 2025, EPA proposed to rescind the 2009 Greenhouse Gas Endangerment Finding as well as rules applicable to mobile sources that were based on that Endangerment Finding.

The rules proposed to be rescinded by EPA are applicable to mobile sources under Clean Air Act Section 202, so not implemented by DEQ, but they include greenhouse gas emission standards for light-duty, medium-duty, and heavy-duty vehicles and engines.

So despite the fact that this is affecting mobile sources and DEQ regulates stationary sources only, this rescission of the rule

Page 18

will impact PSD permitting significantly. So by operation of law under the Clean Air Act, when greenhouse gases become subject to regulation through the Endangerment Finding and in particular the issuance of vehicle standards, it triggered permitting requirements for stationary sources.

So under the Clean Air Act, PSD provision states, including Oklahoma, are required to evaluate and establish limits for any pollutants "subject to regulation" under the Clean Air Act that is emitted by a major source through either a major modification or new construction.

And this requirement for limits isn't triggered in Oklahoma unless the source is major for another regulated pollutant, as is consistent with the Supreme Court's 2014 decision in Utility Air Regulatory Group v. EPA. Thus, if greenhouse gases are no longer subject to regulation under the Act, this permitting requirement will no longer be in effect.

Moving on to Drinking Water. So, two rules to discuss here. The PFAS National Drinking Water Regulation is first. In April of 2024, the final PFAS National Drinking Water Standard was published that established maximum contaminant

Page 19

levels for six PFAS in drinking water, including a hazard index.

In May of 2025, EPA announced its intent for the future of the 2024 rule, which was to retain the 4 parts per trillion MCL for PFOA and PFOS, but extend the compliance deadlines from 2029 to 2031, rescind the regulations, and reconsider regulatory determinations for PFHxS, PFNA, HFPO-DA, and the hazard index mixture of these three plus PFBS. EPA also announced it would establish a federal exemption framework and initiate enhanced outreach to water systems.

There's no proposed rule yet, and interestingly, the litigation that ensued over the 2024 Final Rule could take care of that for EPA. So American Water Works Association v. EPA is the litigation over this rule, and on September 11th of 2025, EPA filed a motion that asked the court to vacate the determination to regulate the three individual PFAS and the mixture of those PFAS plus PFBS - which is the hazard index - and two, the MCL standards and goals related to those PFAS.

So basically, EPA said in order to expedite the process of reconsidering the rule, EPA wants the court to leave the rule -- the current

Page 20

rule standing, but strike the vacated portions, the portions they've requested to be vacated.

For lead and copper, this one's pretty straightforward. The Lead and Copper Rule improvements were finalized on October 8, 2024 which, most importantly, extended compliance deadlines for states and regulated entities. So there is litigation over this rule. EPA announced on August 25th of 2025 that it intends to defend the lawsuit.

Importantly, if the LCRI - which is the Lead and Copper Rule Improvements rule - was rescinded without a replacement, the previous rule, which is called the Lead and Copper Rule Revisions, would be the default rule and everyone would be out of compliance with that rule.

For Wastewater, just three things to discuss, quickly. EPA, according to its 2025 Spring Agenda, plans to review the Effluent Guideline Limitations for: PFAS Manufacturers Under the Organic Chemicals, Plastics, and Synthetic Fibers Point Source category; the Steam Electric power generating point source category; and the Oil and Gas Extraction category.

And EPA is taking two actions related to

Page 21

these. On September 30th of 2025, EPA published a final action to withdraw its previous proposal for the Meat and Poultry category, and on October 2nd of 2025, EPA published a Direct Final Rule to extend the date for existing Steam Electric Generating plants to decide whether to submit a notice of planned participation for the permanent cessation of coal combustion subcategory in the 2024 Supplemental Steam Electric Generating Rule.

With respect to Waters of the U.S., on March 25th of 2025, a notice was published in the Federal Register to invite stakeholder feedback on the definition of the waters of the U.S., and EPA has stated that it will align the WOTUS definition with the Supreme Court's holding in Sackett v. EPA, which stated that the Clean Water Act extends only to wetlands that have a continuous surface connection with Waters of the U.S., i.e., with a relatively permanent body of water connected to the traditional interstate navigable waters.

And this is important to Oklahoma because if continuous surface connection is interpreted liberally to include more than -- just about anything, it federalizes Waters of the State and could usurp the State's authority.

Page 22

And for 401 certification under the Clean Water Act, on July 7th of 2025, EPA established a public docket and announced listening sessions to be held regarding implementation challenges associated with Clean Water Act 401 certification.

EPA stated that it intends to realign 401 certification considerations with the direct water quality impacts of the discharge rather than broader impacts of the activity as a whole.

And this is important to Oklahoma because it more closely aligns implementation of the statute with the rule of law and reduces the likelihood that states could delay or stop projects on any basis that is not actually related to the direct impacts to the waterbody from the discharge itself rather than secondary or proximate impacts from ancillary activities.

For PFAS-specific regulations, the first topic is testing for PFAS in drinking water, and I wanted to talk about what our state lab has been doing with that and kind of how -- what the sampling results look like across the state of Oklahoma for PFAS in drinking water.

There are two separate categories here, the UCMR 5 testing results and the Small and Disadvantaged Communities Emerging Contaminants grant testing results. So UCMR 5 is under large systems -- or, it's for large systems only, and that rule required large systems to test their drinking water for PFAS and they didn't necessarily have to send those samples to the DEQ state lab.

Page 23

So those samples have been tested everywhere that they could find testing services. And granted, this program began before there was, you know, as widespread testing availability as there is now, which there's still not, you know, very widespread testing availability, so I'm told that EPA, you know, advised systems to just send it anywhere they can get it for testing. So these results are kept by EPA, stored on EPA's website, you can look them up.

DEQ provided testing services to two systems in the state under this program, and those systems did not have detects above the MCL. The remaining large systems sampled, which was 161, were analyzed elsewhere, and results with detects above the MCL include one system for PFOA and six systems for PFOS.

And for the Small and Disadvantaged Communities, our lab is running about 20 samples per

Page 24

week, and once we got this testing program up and running, this put us into full production mode in our State Environmental Lab.

So DEQ provided testing services to 317 systems throughout the state and the results with detects above the MCL for PFOA is two systems and for PFOS is one system, and detections have been found in nearly all sampling groups and in most areas sampled in the program to date, and detection level was 1, so we could see down to 1, but the MCL is 4 parts per trillion.

And also, in my talk I didn't include this, but in your report it states, you know, there are, like I just explained under the National Drinking Water Standards for PFAS, there are other PFAS constituents that are regulated under that rule currently, still, because the rule's in effect and the standards for those other PFAS have not been vacated, and there were detects above the MCL for those other PFAS.

So moving on to the next subject, the listing of PFAS as a hazardous constituent under RCRA. So in February of '24, EPA proposed to list nine PFAS, as well as their salts and structural isomers, as Hazardous Constituents under RCRA.

Page 25

And this rule was never finalized, but if finalized it would subject these requirements to corrective action requirements and would be a necessary step for future work to regulate PFAS as a listed hazardous waste. EPA included this topic in its 2025 Spring Regulatory Agenda.

And then the listing of PFAS as a hazardous substance under CERCLA, in May of 2024, EPA finalized the rule entitled Designation of PFOA and PFOS as CERCLA Hazardous Substances.

And so notice that PFOA and PFOS are the rules that EPA is wanting to only regulate under the National Drinking Water Standards, so this aligns with their plan for the National Drinking Water Standards and the MCLs for those.

So the CERCLA rule designates two PFAS and their salts and structural isomers as hazardous substances. There's litigation over this rule, and on September 17th of 2025, EPA filed a motion that requested the court lift the abeyance and order the parties to propose an amended briefing schedule, and EPA specifically stated that it has reviewed the underlying rule and has decided to keep the rule in place. So it appears EPA will defend this lawsuit and it will not reconsider this rule.

Page 26

So one topic in the category of miscellaneous coal combustion residuals. On May 8th of 2024, EPA finalized a rule to establish regulatory requirements for legacy CCR facilities. So then in 2024, DEQ updated its rules to include the CCR requirements of that Final Rule, and those rules went into effect on September 15th of 2025.

Before September 15th of '25 and after DEQ's rules had been promulgated, EPA published a rule on July 22nd of 2025 to extend the compliance deadlines in that 2024 rule.

Thus, if EPA finalizes the extension of the deadline, DEQ's rules will require compliance earlier than EPA's rules, but DEQ will not evaluate compliance with those rules until the federal compliance deadline is in effect, and we have sent letters out to facilities that are subject to this rule stating as such.

Okay. That's it for our rules, and moving into the Legislative Recommendations section of the report, we just have one, for the Uniform Environmental Permitting Act Reform.

So to fulfill permit reform initiatives on the state and federal levels, DEQ plans to request a bill that would amend the Uniform Environmental

Page 27

Permitting Act in 27A to improve efficiency in the permitting process and reduce issuance times.

Currently, newspaper publication is required for public notice at many steps throughout the process depending on the permit's tier, such as receipt of application, when the draft permit is issued and out for public comment, and when the final permit is issued, and the Act sets forth timeframes for each step in the process.

So DEQ currently is building out its website so that every action is published on the website, thus at any time, a person could look up the progress of a permit application and see what step it is in in the process.

And with respect to the statute, DEQ plans to request that newspaper publication be required at the first instance of public notice which would provide instructions to sign up for the electronic notations of future public notice periods and subsequent public notices for that permit may be made electronically rather than in the newspaper. This would provide direct and immediate notice to the public recipient rather than the public having to continually check the newspaper.

And additionally, DEQ plans to shorten the

Page 28

timeframe set forth in the Act to still provide DEQ a reasonable amount of time to complete tasks, for instance responses to public comments, but nevertheless decrease the amount of time it takes to issue that permit.

And that concludes my presentation.

MS. KINDRICK: Okay. Wonderful, thank you so much.

I'd like to entertain questions and discussion by the board.

MR. HIRSHEY: So Madison, I have a quick question on the LCRIs. I know that in the state that there were certain deadlines in which each community was supposed to turn in an inventory. Do we know how many of those -- what personal we have filed, roughly?

And then I know that, number two, the date has already passed for compliance with federal requirements. Is there any kind of unofficial update of how that is progressing regarding, you know, a probable outcome? Is there any feeling on that?

MS. MILLER: Yes. So Mark Stasyszen, our Drinking Water Administrator, is going to answer this question for you.

Page 29

MR. STASYSZEN: Okay. I definitely caught the first question about where we're at with those initial Lead Service Line inventories. Right now, we had about 900 or so due from our community and non-transient non-community systems, and the number changes every day because we still get some coming in as we do more outreach and things, but we're sitting at about 200 that are still outstanding.

And what was the second question?

MR. HIRSHEY: A status, kind of like on the -- we've passed the compliance date with the EPA, it is in a lawsuit, etc. Is there any feeling on how that lawsuit is going? Are they -- do we think they're going to relinquish this and put some ease on it or do you think they're buckling down and really trying to be firm?

MR. STASYSZEN: So I have to think that if we lost the LCRI, which is a very complex rule, that the LCRR, the previous rule, was even more complex. I think EPA is going to fight that and try to make sure that we keep that rule there.

Now, they've communicated about having additional flexibilities with the rule and things like that, but we haven't really heard anything from EPA headquarters regarding what that

Page 30

might look like.

MR. HIRSHEY: Because the cities that we deal with, you know, the inventory is not that -- you know, that difficult, obtrusive to do if it's done, you know, based on age of lines, etc., and so -- but the next step of remedy and so forth is, and what they're trying to do.

So that's why I was asking the question, is what can the cities anticipate? That's the question that I had.

MR. STASYSZEN: I would anticipate that by 2027 we'll have to have that updated baseline inventory, which really matches what we're asking for, that initial Lead Service Line Inventory, and that at some point, we're going to have to at least identify what those unknown service lines are.

MR. HIRSHEY: Thank you.

MS. LOWRY: I have a question about the 111(d) plans. Are those all on hold right now completely --

MS. MILLER: Yes.

MS. LOWRY: -- no work being done on those?

MS. MILLER: Correct.

MS. LOWRY: Do you foresee any work

Page 31

starting in any of the timelines if the Environmental Defense Fund litigation is successful or do you think you'd be able to put those into place sometime?

MS. MILLER: Well, I don't know if I'm -- I try not to anticipate the outcome of litigation and so we think that we're okay, you know, keeping that in abeyance. We're not concerned about the legal -- any legal problems with that.

MS. LOWRY: Okay.

MS. KINDRICK: Any other questions? Okay. I'd like to entertain any questions, comments, discussion by the public?

Okay. Hearing none, discussion and possible action by the board? Anything else?

Okay. Hearing nothing, I'd like to entertain a motion to approve.

MR. KINDER: I so move to approve the report.

MR. HIRSHEY: Second.

MS. KINDRICK: Okay. Roll call vote, Quiana?

MS. FIELDS: Mr. Auer?

MR. AUER: Yes.

MS. FIELDS: Ms. Esteph?

Page 32

MS. ESTEPH: Yes.

MS. FIELDS: Mr. Hirshey?

MR. HIRSHEY: Yes.

MS. FIELDS: Mr. Kinder?

MR. KINDER: Yes.

MS. FIELDS: Ms. Kindrick?

MS. KINDRICK: Yes.

MS. FIELDS: Ms. Lowry?

MS. LOWRY: Yes.

MS. FIELDS: Mr. Mason?

MR. MASON: Yes.

MS. FIELDS: Mr. Munson?

MR. MUNSON: Yes.

MS. FIELDS: Mr. Peterson?

MR. PETERSON: Yes.

MS. FIELDS: Mr. Schultze?

MR. SCHULTZE: Yes.

MS. FIELDS: Mr. Tatum?

MR. TATUM: Yes.

MS. FIELDS: Motion passed.

MS. KINDRICK: Fantastic, thank you.

Okay. Next, the Executive Director's Report with Robert Singletary, the Executive Director of DEQ. Mr. Singletary's report may include significant agency accomplishments and

Page 33

activities since the last board meeting, as well as information pertaining to budgetary and/or legislative matters. This report is for informational purposes only, and no action by the board is required.

And you're up.

MR. SINGLETARY: So I know I failed miserably at keeping my report brief at the last two board meetings. It's only two pages this time, so it's going to be brief, partly because Madison covered most of the really important stuff on the federal level.

But I did want to start off and talk a little bit about the federal level and the shutdown. Currently, our federal funds we get through EPA continue to flow for our programs, our projects continue to be funded. We've been informed that as long as there's no affirmative action by EPA personnel that those funds will continue to flow throughout the shutdown.

Obviously, if it's a continued shutdown and it goes for many more months, pass-through funds, you know, things that come through us to go to specific projects from the federal government, some of those projects will be

Page 34

paused, potentially, if that funding stops, obviously we don't have funds in-house to fund those projects.

When it comes to funding our programs, if for some reason those funds were delayed, we do have -- we're in a pretty good position to handle that for a certain amount of time for, like, our Public Water Supply program.

We have some unrestricted funds that we can shift around and use to keep those programs going, but obviously if it continued, you know for, six months or seven months or something like that, we would have a little bit of a different story, but currently we're in a really good position, the EPA going to keep things moving just like it always has.

We have taken some steps to meet kind of discretionary travel or discretionary purchases or projects that we have around the building or elsewhere, we have paused on new projects during this time until we get things kind of squared away on the federal level.

I want to give you an update on our permitting reform efforts. Madison mentioned proposed reform permitting act revision in her Environmental Quality Report.

Page 35

That is something that we are hoping to streamline some of the public notice requirements and make them more effective for the public, but also kind of shorten certain timeframes that kind of come in with multiple publications, and we're also shortening our timeframes to review the action on the permits. Because of some LEAN efforts that we're implementing through the agency, we can meet those different timelines and everybody will benefit from that.

Speaking of those LEAN efforts, we've done a LEAN effort in the Air Quality Minor Source Construction Permitting program that -- the process is complete, now we're implementing it.

Through that LEAN process, they identified about a 59-percent reduction in the number of days from the time we receive an application to when that application is issued.

That's all on paper right now, so now we need to actually implement it and, you know, a year from now, we can go back and look at the data, but we're pretty excited of what they found in that whole process of kind of value mapping all the different pitch points in the process, and it's been very informative and actually has been just a great

Page 36

team-building response from programs that have been involved in it.

We're in the process of doing something similar in the Water Quality Permitting section. It's very early in the process, but they have done some of that value mapping and they've identified some key areas that they think they can make some very significant reductions in, as well, so that's looking very promising, as well.

Madison also mentioned our transparency initiative. So we've decided a while back that we were going to just -- actually not that long ago, a few months, that we're going to start putting all of our Tier II and Tier III permits, our major permits, on our website.

As soon as we receive an application, that application goes on the website and any documentation received or issued related to that application will be in that docket for that permitting action.

Ultimately, we think that's going to help with this effort to -- with the Uniform Permitting Act changes, just to kind of feed right into it. But at the very least, there's going to be transparency, we can see when the agency is kind of

Page 37

delinquent in moving things along, it's going to be super apparent.

There's a next step in the process that's identified on the website, so it's going to hold us accountable, but then it'll also show if a consultant is kind of delinquent in getting a response in, that will be very apparent, as well, so it'll just be transparency for everybody.

That is set to be -- all the work's been done, but we're troubleshooting it right now. I think we're looking at the 17th, so 10 days from now is when that should be fully live and you can get on the website and see that in action.

Lastly, I mentioned our expedited permitting process that we're putting in place. So we were working with some of our industry partners kind of late last spring and one of them came up with the idea of putting together an expedited permitting process, and we took that, put a program together, and have now been implementing it.

And we've got our first contract for services from that team, we're awaiting their application, so that's off and running and we've got several other entities that are wanting to take advantage of that, as well, so we think that's going

Page 38

to be widely utilized.

Quick update on our hard infrastructure project, so our parking garage, you're well aware of. So since we last met, we've got a 190-foot crane in place for the new garage. The foundation is complete, they're working on that first level.

The overall project, I've been told, is just over 16 percent complete, so things are moving really quickly and we're hoping to get to 100 percent what would you say, Kathy, next spring? No, "E" is for effort. It's going to be a while, but I mean, the progress is great to watch.

Elevators, you've heard a lot about the elevators, all five of our elevators, the four passenger elevators and the freight elevator, are going to have to be replaced.

We were able to kind of declare an emergency with that and kind of have some expedited procurement process that we could utilize, so that's moving at warp speed.

MR. MASON: What's the cost for the elevators?

MR. SINGLETARY: I think it's going to be right at $2 million, right? Initially, we were

Page 39

thinking closer to $5 million, but it looks like it's going to be closer to $2 million for all five of them.

The final design has been submitted to the State Fire Marshal. Once we get that complete, we can start ordering materials and that will be, I think, going. So that will be a fun process.

So we also announced at the last meeting that Shellie Chard is going to be retiring and that George Russell is our new Water Quality Division Director. During that last meeting, I also mentioned that Karen Steele is our new Clean Water Administrator.

But since that time, you guys just met Mark Stasyszen, Mark is our new Drinking Water Administrator. Mark was a longtime senior manager with the Water Quality Division and -- well, not longtime, but a fairly good amount of time, had some great service. Unfortunately, he is a Texas longhorn.

[Laughter.]

MR. SINGLETARY: He does have a very, very impressive military background, so it kind of offset it. So we're happy to have him, we're really lucky

Page 40

that we have him in that position. So that's kind of an update on Water Quality.

Last thing I wanted to mention was our Employee and our Team of the Year. So every quarter, we name an Employee of the Quarter and then we have a Team of the Quarter, and then just recently we made -- we're going do our -- for the year.

So our Employee of the Year is Jody White. Jody works in the Administrative Services division, he was recently selected as the Employee of the Year for Fiscal Year '25. He was recognized for his outstanding leadership impact.

His guidance led to our ASD division processing over or just about 15,000 transactions in the first quarter of the year and then, I mean, really kind of where 40 percent of the revenue comes in, in that short amount of time, and he did that while really helping foster a culture of efficiency, cross-training, and shared responsibility. So I'm excited -- I don't think Jody's in here, is he? Anyways, we want to recognize him.

The Team of the Year is our Building Operations Team. They -- you know, we had -- once we took the old garage down, we discovered that when

Page 41

the building was built, the garage was in place and they never finished the exterior of the building.

So there was no waterproofing, there was no sealing, there was nothing. There was cinder blocks, and from the basement you could see, where the ground had worn out, was daylight that you could see once they dug all that out.

So the first giant rain we got in the building overflowed the basement of the building and actually different floors of the building, as well. So these guys, they did 24-hour shifts, seamless coordination, really protected the infrastructure of the agency and allowed us to continue our core operation without any interruptions.

So that was over the weekend and then through that week is when we were really dealing with some major issues in terms of potential crisis and it was really just a great example of public service and commitment to the team, and so we wanted to recognize those guys, they really deserve it.

So that's all I have.

MR. KINDER: I've got a question, Rob. So we talked a lot about the federal environmental we've been working in, but I want to bring you back to state and are you aware of any studies that are

Page 42

being done in-state that could -- may affect the agency and then -- particularly about municipal sludge or effluent to land and can you talk to that? I know we've had a lot of discussions.

MR. SINGLETARY: Yeah, there was an interim study last week. Representative Patzkowsky and Representative Shaw had kind of a joint interim study on biosolids, and we did testify and participate in that and we've participated in various meetings with them toward the buildup of that.

Obviously, the concern for those are who are interested is -- or argument formed is that part of the wastewater treatment process, there is a significant amount of biosolids that is produced and because cities are receiving waste streams from all over the place, there's PFOS in that, and so that PFOS ends up in the biosolids.

Historically, farmers have really embraced the utilization of those biosolids as a fertilizer, and it's a great commodity, it's a great way for the cities to take care of that and also it's a great method to the farmers, but there has been some concern that because there were PFOS in there that there could be potential health and

Page 43

environmental issues related to that.

Like in the very end of the Biden administration, they dropped a draft environmental risk assessment related to biosolids and the application of biosolids that identified some concerns, but it doesn't look like that's going to be completed.

They did finish a comment period on that under the new administration, but it doesn't look like that's ever going to be finalized. There's a lot of assumptions that were made in there that people disagree on, and in fact, one of the -- I think it's the Senate funding bill actually precluded any funds going to finalizing that study.

But that doesn't change the fact that there are concerns around the state, municipalities are very concerned because of the cost associated with it. If you can't land apply it, really the only other practicable thing to do with it is send it to a landfill.

There's a lot of infrastructure, lot of improvements, I think in Oklahoma City -- don't quote me on this, but I think they're spending, like, $80 million to upgrade those facilities so that they can dewater it and get it to a point that

Page 44

it could be sent to a landfill, then you have the ongoing offsets to do like transporting it and then the ticketing fees and things like that.

So it's going to be a lot of increased cost for Oklahoma City, but they've committed within the next five years to no longer land apply, but there's a lot of small municipalities around the state that really can't do that, and so we're kind of watching what happens with this pretty closely.

There are a few states that have banned it, I know Maine has completely banned biosolids; other states have said if it's, like, super high, you can't, but if it's in a moderate range that it's okay to land apply it; and then the vast majority of the states that actually have the program to permit an application are allowing it to continue as normal.

And in fact, EPA -- so I think -- I don't remember the exact numbers, I think it's, like, 23, 24 states have the authority to do it, permit it themselves, and then EPA retains that in the rest of the states.

And EPA hasn't changed their practice, so they're still allowing application of

Page 45

biosolids in the states that they actually implement it in.

So it's just a few states that are really taking an aggressive stance on it. Our position has been kind of let's see what the science says and let's wait until we know for sure because it is -- it's going to be huge impacts.

And I mean, truthfully when it comes to PFOS, there's so many different pathways to exposure that biosolids is not a major one in the general population. Obviously if it's applied on your land that's a personal decision, you know, those folks made.

But you know, it seems, in our view, it's just a little bit early without the science to make some real drastic changes, but if it is ever closely linked, we'll have a plan. So we're trying to work with all the parties involved and just trying to educate them on the science and the information that we have so they can make those policies.

MR. MASON: Rob, can you update us on two issues that are in the media right now, involving the agency?

MR. SINGLETARY: Sure.

Page 46

MR. MASON: Including the illegal disposal of the hand sanitizer in Grady County and then the Nemaha waste pits near Burlington and which even Senator Pederson has commented on. And the agency's involved in both those topics.

MR. SINGLETARY: I can definitely get you on the hand sanitizer. And so it looks like the individual that was involved in the fires that occurred several years ago in the Chickasha area, that person has pled guilty of some federal charges, so that's being resolved through our -- with our federal partners.

We did have another entity that helped with the coordination and the identification, and that's the one that's been in the news recently. We had to file a lawsuit just to prevent that as an issue, so that filed will hopefully get us some resolution there. So that's been in the news.

Madison, do you have an update on the burn pit?

MS. MILLER: I think Kelly Dixon, our Land Protection Director, has an update on that.

MS. DIXON: Good morning. Thanks for your question, Steve. The facility in Nemaha is regulated by the different state agency, Corporation

Page 47

Commission. The issues -- there was a lot of odor issues. We've looked into it, we've coordinated with EPA, and we're aligned in our determination that there's an exemption for this caustic material that's coming, it's being used as a substitute for a commercial -- an effective substitute for a commercial product and they're using it at this facility to emulsify the oily wastes in that pit.

And we have met with conservation -- I mean, I'm sorry, Corporation Commission and I believe, you know, they've taken some action against the facility and I think we've talked about closure requirements, I think they're closing that particular pit.

But as you know, the Resource Conservation and Recovery Act, in addition to managing hazardous waste cradle to grave, also tries to allow for recycling and reuse of appropriate waste material, so that's where this waste fits into.

MR. MASON: Thank you.

MS. DIXON: Does that answer your questions?

MR. MASON: Yes, ma'am.

MS. KINDRICK: Any other questions? Okay.

Page 48

Hearing none, we can move on to agenda number 7. Okay. Number 7, Budget Update and Financial Overview for Fiscal Year '26. I have Kathy Aebischer of DEQ, Director of Administrative Services. Ms. Aebischer's report will include an update and overview of DEQ's current budget for Fiscal Year 2026. This report is for informational purposes only. Although discussion may occur, no action by the board is required.

MS. AEBISCHER: Yes, thank you very much. Good morning.

I'm going to report out as of September 30th, the first quarter has been completed, and there's a handout if -- you can go through the slides since it's kind of behind you.

Everything is still looking really good. We've collected 55 percent of our projections. We are above last year's projections, and last year's collections were almost $2 million above. We've done a lot of improvements on the invoicing side, that's made a lot of difference. So -- and the divisions are doing -- there's a lot of volume going on. So on that side, we're doing really well.

Every division is up from last year

Page 49

except for land, and that's just pass-through money so it doesn't really affect their operations, it's just a project that they didn't -- they did more last year than they're doing this year. But every division is doing well, so that's really good news.

On the expenditure side we're doing well, and as Rob stated, we're able to drawdown our federal funds so environmental activities are continuing as normal. The only thing affected is if we need to do a revision to the budget, but at this time, we don't have anything major that we're waiting on.

So all activities are continuing as normal, and we've increased our draws just to make sure that we have a pulse on it and that, you know, we can immediately react if something should happen. But we're doing well, we have no concerns on the budget side and financial side.

I know that some -- in the news, it's hard to determine which agencies are affected because you're hearing some agencies having to furlough; we are not. So just, you know, we're trying to make sure our staff knows we're in really good shape and we're pretty blessed. So activities are continuing, and we've expended almost $23

Page 50

million of the budget to this point and, you know, we have no concerns.

So if we look at the sources of funds, you'll see several -- your, like, 19 funds, those are state appropriations. If you remember, we've got state appropriations for the garage, so we've carried these funds forward because it's a multi-year project.

So you'll see your garage funding, the first one of $13 million that's left of the 16, and that will be a good portion of it expended out in that fiscal year.

And then we also have -- we're carrying over the RIG -- the Oklahoma Rural Water Association that's doing the infrastructure grants, rural infrastructure grants, so those are carrying over.

And then you'll see the 576. Those are general appropriations, but for this fiscal year, they gave us special funds, so what that means is we got all of our funding for this year in July. If you get it in the general appropriations you get 1/12 throughout the year, so that's why it's a different fund, but it was what we were awarded through the state appropriation process.

Page 51

And then revolving funds of 58, we spent almost $11 million on that. We still have the PREP Funds. If you remember, those were the funds for the Tulsa Levee and for Guymon water project. Guymon's moving along. Tulsa Levee, they haven't drawn anything down yet, but that's what that 69.4 is, it's those two projects, they're in a separate fund. Federal funds, like I said, are moving along. We've spent $4.7 million to date, and so things are looking really good.

Do I have any questions?

MR. HIRSHEY: Yeah, Kathy, just out of curiosity, like when you guys -- since you own your own building and you have to do maintenance and repair and all that, when there's a large expense like the elevators, is it a 19 fund, appropriation fund that has to go back and request or how does that work?

MS. AEBISCHER: We absorb it in our budget. So we've kind of planned these building projects, we kind of have, like, a five-year plan, and we're just doing it with our own funds. Luckily, we got appropriations for the garage.

MR. HIRSHEY: Yeah, that was a --

MS. AEBISCHER: So that's supporting that,

Page 52

and we're just finding money for the elevators, which we have, we've planned for it. The roof will be next, and we're planning to do that. So we're slowly...

And looking at the operations of the building, because if you remember, they've wanted to move us. So we've done a lot of analysis, okay, what is our operating cost of that building, would it be cheaper for us to move, and we actually are pretty -- it doesn't cost us a lot of money in comparison to what a lease would be.

We've spent a lot of time on energy efficiency savings in the past year, so it's brought down those -- kind of, like, the utility costs, and we try to really watch those things to keep it where we're more efficient and then spend money on things that will continue that. So we just do it with what we have.

MR. KINDER: So maybe for the west facade update on the -- is it the west side that's bare?

MS. AEBISCHER: Say that again?

MR. SINGLETARY: You mean the waterproofing --

MR. KINDER: Yeah.

MR. SINGLETARY: -- on that? That came

Page 53

out of the garage budget.
MR. KINDER: That comes out of the garage --
MR. HIRSHEY: Because a change order for the garage?
MS. AEBISCHER: We didn't have to do a change order, it was within, like, the contingency.
MR. HIRSHEY: Okay.
MS. AEBISCHER: Yeah. And we're finding -- you know, we're being very logical, we're finding savings in other areas, so those unexpected things haven't really affected the budget to date. So --
MR. SINGLETARY: So far, so good.
MS. AEBISCHER: We have great partners with that, Lingo is a really good partner.
MR. KINDER: Nice budget. Thank you.
MS. KINDRICK: Any other questions? All right. Thank you very much.
Okay. Item number 8, New Business, which is any matter not known about and which could not have been reasonably foreseen prior to the posting of the agenda. Any new business?
Okay. Hearing none, we'll move to agenda item 9, which is the announcement for the next meeting. The next regular meeting of the

Page 54

Environmental Quality Board is scheduled to be held on January 21, 2026, at 9:30 a.m., at the offices of the Department of Environmental Quality, 707 North Robinson, Oklahoma City, Oklahoma.
And then item number 10, I would like to entertain a motion for adjournment.
MR. MUNSON: So move.
MS. KINDRICK: Thank you.
MR. HIRSHEY: Second.
MS. KINDRICK: Second? Okay. Quiana, roll call?
MS. FIELDS: Mr. Auer?
MR. AUER: Yes.
MS. FIELDS: Ms. Esteph?
MS. ESTEPH: Yes.
MS. FIELDS: Mr. Hirshey?
MR. HIRSHEY: Yes.
MS. FIELDS: Mr. Kinder?
MR. KINDER: Yes.
MS. FIELDS: Ms. Kindrick?
MS. KINDRICK: Yes.
MS. FIELDS: Ms. Lowry?
MS. LOWRY: Yes.
MS. FIELDS: Mr. Mason?
MR. MASON: Yes.

Page 55

MS. FIELDS: Mr. Munson?
MR. MUNSON: Yes.
MS. FIELDS: Mr. Schultze?
MR. SCHULTZE: Yes.
MS. FIELDS: Mr. Peterson?
MR. PETERSON: Yes.
MS. FIELDS: Mr. Tatum?
MR. TATUM: Yes.
MS. FIELDS: Motion passed.
MS. KINDRICK: All right. So the formal agenda is adjourned, thank y'all very much.
(MEETING ADOURNED AT 10:35 AM)
MS. KINDRICK: And now we will move on to our public forum.
So welcome to this public forum of the Environmental Quality Board. Public input is valuable to the board and the department and we welcome your participation.
Forums allow the public to make suggestions or express concerns about environmental laws, rules, or policy. However, concerns with an action or decision in a specific case or matter, such as pertaining to a particular permit application or enforcement case, should be communicated directly to the department. The board

Page 56

cannot and does not intervene in those case-specific decisions. We also ask that you not use the forum to advertise or publicize commercial products or services.
Because of the nature of the issues that are appropriate for the forum, you may not receive an immediate response to your comments. Department staff and/or the board generally will need some time to evaluate the comments and respond to them. If you desire to make comments at today's forum, but did not sign in on the sheet at the information table when you came in, would you please raise your hand?
Okay. Quiana, did we have anyone sign in today?
MS. FIELDS: No.
MS. KINDRICK: One last chance?
MR. BROCKSMITH: Is this the public --
MS. KINDRICK: Yes, the public forum.
MR. BROCKSMITH: Oh, I'll say something.
MS. KINDRICK: Okay. Go ahead.
MR. BROCKSMITH: Good morning, thanks for coming to Tahlequah. We didn't have a whole lot of notice on this - I say "we", Save the Illinois River, Incorporated, STIR - in our local newspaper,

Page 57

but if we'd have known you were coming, we could put on a show for you.

We could have large welcome signs on every entrance to the city saying, "Welcome ODEQ Advisory Board", and we could have -- if we had had a bridge over any of the highways -- we don't have any bridges, but we could have had our brand new, 3-and-a-half-million-dollar aerial ladder fire truck on top of the bridge with the ladders extended and a stream of water flowing over your cars as you arrived. But we are glad you're here.

STIR was founded in 1984 to protect the Illinois River, Baron Fork Creek, Flint Creek, and the Illinois River, all of the scenic rivers. It's merged into an expanded mission of protecting Lake Tenkiller and every river in Oklahoma because of their importance.

We're interested in things like nutrient limits, enforcing our phosphorus limit, on NPDES permits for cities, on a minimum flow for scenic rivers in Oklahoma and for the possibility of any other scenic rivers that might be approved by the State of Oklahoma.

We're interested in the waters of the United States, we're interested in PFAS, we're

Page 58

interested in stream bank stabilization, all those things that contribute to a clean river and a clean lake.

One of the great citizens of Tahlequah was Dr. James Boren, who was an internationally known humorist, and at a public meeting one time, he said, "I don't like clean water because it tastes funny". We'd like for you, in your capacity to advise the ODEQ, to keep us laughing. Every time we take a drink of water here in this beautiful area we call Green Country, we'd like to smile and we'd like to laugh because clean water tastes funny.

You are in the heart of the environmental movement in Oklahoma. It started here in the 1800s, when scouts from the Cherokee Nation came to select a new capitol for the Cherokees who were coming over on the Trail of Tears, not by their own volition, mind you.

And one of their missions was to find water because of their new capitol needed water, and they found it right here near where you are seated, just a block away, our beautiful springs that flow into Town Branch Creek, a tributary of the Illinois River.

Page 59

The story is that three scouts were sent out, only two of them showed up, and they waited a long time. They built campfires and they camped out here on the campus of what would become Northeastern State University, and the third scout never showed up. So they threw their hands up in the air and said, "Tahlequah", which means two is enough, the legend goes.

The earliest water protection organizations in Oklahoma began in Northeastern Oklahoma, in Green Country, because of the Illinois River and Lake Tenkiller. I'm talking about the Oklahoma Scenic Rivers Association, the Ozark Society, and a host of other organizations.

This is a discouraging time for people who like clean water and for conservationists. The news coming from the Nation's capitol and from Oklahoma is discouraging. When we hear that our Governor fired the Secretary of Environment because he attended a meeting - which happened to be in the courtroom of a federal judge, and he was a plaintiff in the suit that the judge was considering - fired him because he sat at the table for the other people from Oklahoma who were trying to defend our Illinois River from poultry

Page 60

waste.

We would ask you, since you guide the Oklahoma Department of Environmental Quality, to do one simple thing in your deliberations, and that is to follow the science. The science is there for clean water and clean lakes.

We've got to put the politics aside and just follow the science that tells us that our best streams are becoming shallower and wider and hotter, that the trees along the banks are disappearing and any stormwater carries a huge load of poultry waste nutrients into our stream and causes the river to become wider and shallower and the trees to disappear. You know those trees are there for a reason. They help keep the water clean and as good habitat for brown bass and goggle-eye and the other fish that we cherish.

Just please flow the science. If you're considering an NPDES permit, please, if you see that it is going to add to the nutrients that enter Lake Tenkiller, to stand up and say no, we've got to tighten up this permit and protect our water from phosphorus and from nitrogen.

Thank you.

MS. KINDRICK: Thank you very much.

Page 61

Anyone else?

We appreciate your remarks on that.

Okay. I believe the public forum is finished.

Thank y'all very much for attending today.

(PROCEEDINGS ADJOURNED AT 10:44 AM)

Page 62

CERTIFICATE

I, Jenny Longley, Certified Shorthand Reporter within and for the State of Oklahoma, do hereby certify that the above and foregoing meeting was by me taken in shorthand and thereafter transcribed; and that I am not an attorney for nor relative of any of said parties or otherwise interested in the event of said action.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal this 14th day of November, 2025.

Jenny Longley, CSR

CSR # 1903

OKLAHOMA Environmental Quality

ENVIRONMENTAL QUALITY BOARD

Attendance Record

November 6, 2025

Tahlequah, Oklahoma

Public Record Notice: Information provided on this sign-in sheet is subject to disclosure under the Oklahoma Open Records Act and may be released as a public record. Entries will not be redacted. By signing, you acknowledge and accept this condition.

Name	Affiliation	Address and/or Phone and/or E-Mail
Malcolm Zacharias	DEQ	
Juliana Fields	DEQ	
Rachel Hildebrand	DEQ	
[illegible]	DEQ	
Kendal Stegmann	DEQ	
Pete Schultze	EQB	
Karen Steele	DEQ	
Madison Miller	DEQ	
George Russell	DEQ	
Kaitlin Esteph	EQB	
Brandi Lowry	EQB	

OKLAHOMA Environmental Quality

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Name	Affiliation	Address and/or Phone and/or E-Mail
Vance Pennington	DEQ	
Mark Hilbebrand	DEQ	
Amanda Barker	DEQ	
James Barnett	DEQ	
Robin Stratton	DEQ	
Kinnamon Clark	Ditch Witch	
Paige Harjo	City of Tahlequah	pharjo@tahlequah.gov
Alexie Kindrick	EQB	
Anna Childers	Benham Design	anna.childers@benham.com
Ken L. Peterson	DEQ	
Jonathan Allen	DEQ	

ENVIRONMENTAL QUALITY BOARD

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November 6, 2025

Tahlequah, Oklahoma

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Name	Affiliation	Address and/or Phone and/or E-Mail
Tim Munson	DEQB	
Jimmy Kinder	Deq Board	
T. Keith Baker	Tahlequah City Council	
Rich Ames	DEQB	
Ryan McIntosh	DEQ E	
Gary Henry	DEQ	
ED FITE	GRDA-Ecosystems	edward.fite@grda.com
Daylin Davidson	DEQ	
Kelly Dixon	DEQ	
Ken Hirshey	DEQ Board	
Travis Mensik	DEQ	

OKLAHOMA Environmental Quality

ENVIRONMENTAL QUALITY BOARD

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Name	Affiliation	Address and/or Phone and/or E-Mail
ADDISON GAUT	ATTORNEY GENERAL	ADDISON.GAUT@oag.ok.gov
Ryan Young	City of Tahlequah	ryoung@tahlequah.gov
* D.E. Smoot	Tahlequah Daily Press	desmoot.atty@outlook.com
* ED BROCKSMITH	STIR	INFO@ILOVENORIVER.ORG
MARK STAISYSZEN	DEQ	mark.staisyszen@deq.ok.gov
* Add to all Gov. delivery Emails * what effect to scenic river		

TITLE 252. DEPARTMENT OF ENVIRONMENTAL QUALITY
CHAPTER 100. AIR POLLUTION CONTROL

RULEMAKING ACTION:
PERMANENT final adoption
RULES:
Subchapter 2. Incorporation By Reference
252:100-2-3 [AMENDED]
Appendix Q. Incorporation By Reference [AMENDED]
AUTHORITY:
Environmental Quality Board; 27A O.S. Sections 2-2-101, 2-2-201, 2-3-402, and 2-5-106.
Air Quality Advisory Council; 27A O.S. Sections 2-2-201 and 2-5-107.
Oklahoma Clean Air Act; 27A O.S. Sections 2-5-101 through 2-5-130.
SUBMISSION OF PROPOSED RULES TO GOVERNOR AND CABINET SECRETARY:
August 22, 2025
COMMENT PERIOD:
September 15, 2025, through October 15, 2025
PUBLIC HEARING:
October 16, 2025, Air Quality Advisory Council
January 21, 2026, Environmental Quality Board
ADOPTION:
January 21, 2026 (proposed)
SUBMISSION OF ADOPTED RULES TO GOVERNOR AND LEGISLATURE:

LEGISLATIVE APPROVAL:

LEGISLATIVE DISAPPROVAL:

APPROVED BY GOVERNOR'S DECLARATION:

FINAL ADOPTION:

EFFECTIVE:
September 15, 2026 (proposed)
SUPERSEDED EMERGENCY ACTIONS:
n/a
INCORPORATIONS BY REFERENCE:
Incorporated standards:
Date of 40 C.F.R. provisions incorporated by reference in OAC 252:100-2-3 and in Appendix Q is changed to "as they existed on June 30, 2025."
Incorporating rules.
252:100-2-3 Incorporation by Reference
Appendix Q. Incorporation By Reference
Availability:
The standards are on file at the Department of Environmental Quality, 707 North Robinson, Oklahoma City, Oklahoma, 73102, and are available to the public for examination Monday through Friday between the hours of 8:00 a.m. and 4:30 p.m., excluding state holidays.

GIST/ANALYSIS:

The Department of Environmental Quality (Department) is proposing to update language in Subchapter 2, Incorporation by Reference, to reflect the latest date of incorporation of EPA regulations. The Department is also proposing to update the content in OAC 252:100, Appendix Q, Incorporation By Reference, to incorporate the latest changes to EPA regulations. The gist of these rule proposals and the underlying reason for the rulemaking is to incorporate the latest changes or additions to 40 C.F.R. Part 60, New Source Performance Standards (NSPS), 40 C.F.R. Parts 61 and 63, National Emission Standards for Hazardous Air Pollutants (NESHAP), and other EPA regulations referenced in Chapter 100.

CONTACT PERSON:

Melanie Foster, Department of Environmental Quality, Air Quality Division, 707 North Robinson, P.O. Box 1677, Oklahoma City, Oklahoma 73101-1677, (405) 702-4100

PURSUANT TO THE ACTIONS DESCRIBED HEREIN, THE FOLLOWING RULES ARE CONSIDERED FINALLY ADOPTED AS SET FORTH IN 75 O.S., SECTION 250.3(5) and 308(E), WITH AN EFFECTIVE DATE OF SEPTEMBER 15, 2026.

TITLE 252. DEPARTMENT OF ENVIRONMENTAL QUALITY
CHAPTER 100. AIR POLLUTION CONTROL

SUBCHAPTER 2. INCORPORATION BY REFERENCE

252:100-2-3. Incorporation by reference

Except as provided under this section, the provisions of 40 CFR listed in Appendix Q are hereby incorporated by reference as they existed on ~~June 30, 2024~~June 30, 2025.

(1) **Inclusion of 40 CFR citations and definitions.** When a provision of 40 CFR is incorporated by reference, all citations contained therein are also incorporated by reference.

(2) **Inconsistencies or duplications of requirements or incorporation dates.**

(A) In the event that there are inconsistencies or duplications between the requirements of this Chapter and the requirements of those provisions incorporated by reference in Appendix Q or elsewhere in this Chapter, the more stringent requirements shall apply.

(B) In the event that a specific date of incorporation is indicated in Appendix Q or a subchapter of this Chapter, the specified date of incorporation shall apply.

(3) **Terminology related to 40 CFR.** For purposes of interfacing with 40 CFR and unless the context clearly indicates otherwise, the following terms apply.

(A) "Administrator" is synonymous with "Executive Director."

(B) "U. S. Environmental Protection Agency" or "EPA" is synonymous with "Department of Environmental Quality" or "DEQ."

APPENDIX Q. INCORPORATION BY REFERENCE [AMENDED]

Except as provided under OAC 252:100-2-3, the following provisions of Title 40 of the Code of Federal Regulations are hereby incorporated by reference as they existed on ~~June 30, 2024~~June 30, 2025, unless otherwise noted.

PART	SUBPART	DESCRIPTION
50	n/a	Appendix B to Part 50 - Reference Method for the Determination of Suspended Particulate Matter in the Atmosphere (High-Volume Method)
50	n/a	Appendix J to Part 50 - Reference Method for the Determination of Particulate Matter as PM_{10} in the Atmosphere
51	A	Table 1 to Appendix A only of Subpart A—Emission Thresholds by Pollutant for Treatment as Point Source Under 40 CFR 51.30
51	F	Paragraph 51.100(s)(1) only of Subpart F, Procedural Requirements
51	n/a	Appendix P to Part 51 - Minimum Emission Monitoring Requirements
51	n/a	Appendix W to Part 51 – Guideline on Air Quality Models
58	n/a	Appendix A to Part 58 - Quality Assurance Requirements for Monitors used in Evaluations of National Ambient Air Quality Standards
58	n/a	Appendix B to Part 58 – Quality Assurance Requirements for Prevention of Significant Deterioration (PSD) Air Monitoring
60	A	General Provisions [Except 60.4, 60.9, 60.10 and 60.16]
60	Ba	Adoption and Submittal of State Plans for Designated Facilities
60	Cf	Emission Guidelines and Compliance Times for Municipal Solid Waste Landfills
60	D	Standards of Performance for Fossil-Fuel-Fired Steam Generators
60	Da	Standards of Performance for Electric Utility Steam Generating Units

PART	SUBPART	DESCRIPTION
60	Db	Standards of Performance for Industrial-Commercial-Institutional Steam Generating Units
60	Dc	Standards of Performance for Small Industrial-Commercial-Institutional Steam Generating Units
60	E	Standards of Performance for Incinerators
60	Ea	Standards of Performance for Municipal Waste Combustors for Which Construction is Commenced After December 20, 1989 and on or Before September 20, 1994
60	Eb	Standards of Performance for Large Municipal Waste Combustors for Which Construction is Commenced After September 20, 1994 or for Which Modification or Reconstruction is Commenced After June 19, 1996
60	Ec	Standards of Performance for Hospital/Medical/Infectious Waste Incinerators for Which Construction is Commenced After June 20, 1996
60	F	Standards of Performance for Portland Cement Plants
60	G	Standards of Performance for Nitric Acid Plants
60	Ga	Standards of Performance for Nitric Acid Plants for Which Construction, Reconstruction, or Modification Commenced After October 14, 2011
60	H	Standards of Performance for Sulfuric Acid Plants
60	I	Standards of Performance for Hot Mix Asphalt Facilities
60	J	Standards of Performance for Petroleum Refineries
60	Ja	Standards of Performance for Petroleum Refineries for Which Construction, Reconstruction, or Modification Commenced After May 14, 2007
60	K	Standards of Performance for Storage Vessels for Petroleum Liquids for Which Construction, Reconstruction, or Modification Commenced After June 11, 1973, and Prior to May 19, 1978
60	Ka	Standards of Performance for Storage Vessels for Petroleum Liquids for Which Construction, Reconstruction, or Modification Commenced After May 18, 1978, and Prior to July 23, 1984

PART	SUBPART	DESCRIPTION
60	Kb	Standards of Performance for Volatile Organic Liquid Storage Vessels (Including Petroleum Liquid Storage Vessels) for Which Construction, Reconstruction, or Modification Commenced After July 23, 1984
60	L	Standards of Performance for Secondary Lead Smelters for Which Construction, Reconstruction, or Modification Commenced After June 11, 1973, and On or Before December 1, 2022
60	La	Standards of Performance for Secondary Lead Smelters for Which Construction, Reconstruction, or Modification Commenced After December 1, 2022
60	M	Standards of Performance for Secondary Brass and Bronze Production Plants
60	N	Standards of Performance for Primary Emissions from Basic Oxygen Process Furnaces for Which Construction is Commenced After June 11, 1973
60	Na	Standards of Performance for Secondary Emissions from Basic Oxygen Process Steelmaking Facilities for Which Construction is Commenced After January 20, 1983
60	O	Standards of Performance for Sewage Treatment Plants
60	P	Standards of Performance for Primary Copper Smelters
60	Q	Standards of Performance for Primary Zinc Smelters
60	R	Standards of Performance for Primary Lead Smelters
60	S	Standards of Performance for Primary Aluminum Reduction Plants
60	T	Standards of Performance for the Phosphate Fertilizer Industry: Wet-Process Phosphoric Acid Plants
60	U	Standards of Performance for the Phosphate Fertilizer Industry: Superphosphoric Acid Plants
60	V	Standards of Performance for the Phosphate Fertilizer Industry: Diammonium Phosphate Plants
60	W	Standards of Performance for the Phosphate Fertilizer Industry: Triple Superphosphate Plants

PART	SUBPART	DESCRIPTION
60	X	Standards of Performance for the Phosphate Fertilizer Industry: Granular Triple Superphosphate Storage Facilities
60	Y	Standards of Performance for Coal Preparation and Processing Plants
60	Z	Standards of Performance for Ferroalloy Production Facilities
60	AA	Standards of Performance for Steel Plants: Electric Arc Furnaces Constructed After October 21, 1974, and On or Before August 17, 1983
60	AAa	Standards of Performance for Steel Plants: Electric Arc Furnaces and Argon-Oxygen Decarburization Vessels Constructed After August 17, 1983, and On or Before May 16, 2022
60	AAb	Standards of Performance for Steel Plants: Electric Arc Furnaces and Argon-Oxygen Decarbonization Vessels Constructed After May 16, 2022
60	BB	Standards of Performance for Kraft Pulp Mills
60	BBa	Standards of Performance for Kraft Pulp Mill Affected Sources for Which Construction, Reconstruction, or Modification Commenced After May 23, 2013
60	CC	Standards of Performance for Glass Manufacturing Plants
60	DD	Standards of Performance for Grain Elevators
60	EE	Standards of Performance for Surface Coating of Metal Furniture
60	GG	Standards of Performance for Stationary Gas Turbines
60	HH	Standards of Performance for Lime Manufacturing Plants
60	KK	Standards of Performance for Lead-Acid Battery Manufacturing Plants for Which Construction, Reconstruction, or Modification Commenced After January 14, 1980, and On or Before February 23, 2022
60	KKa	Standards of Performance for Lead Acid Battery Manufacturing Plants for Which Construction, Modification or Reconstruction Commenced After February 23, 2022
60	LL	Standards of Performance for Metallic Mineral Processing Plants

PART	SUBPART	DESCRIPTION
60	MM	Standards of Performance for Automobile and Light Duty Truck Surface Coating Operations for which Construction, Modification or Reconstruction Commenced After October 5, 1979, and On or Before May 18, 2022
60	MMa	Standards of Performance for Automobile and Light Duty Truck Surface Coating Operations for which Construction, Modification or Reconstruction Commenced After May 18, 2022
60	NN	Standards of Performance for Phosphate Rock Plants
60	PP	Standards of Performance for Ammonium Sulfate Manufacture
60	QQ	Standards of Performance for the Graphic Arts Industry: Publication Rotogravure Printing
60	RR	Standards of Performance for Pressure Sensitive Tape and Label Surface Coating Operations
60	SS	Standards of Performance for Industrial Surface Coating: Large Appliances
60	TT	Standards of Performance for Metal Coil Surface Coating
60	UU	Standards of Performance for Asphalt Processing and Asphalt Roofing Manufacture
60	VV	Standards of Performance for Equipment Leaks of VOC in the Synthetic Organic Chemicals Manufacturing Industry for which Construction, Reconstruction, or Modification Commenced After January 5, 1981, and on or Before November 7, 2006
60	VVa	Standards of Performance for Equipment Leaks of VOC in the Synthetic Organic Chemicals Manufacturing Industry for Which Construction, Reconstruction, or Modification Commenced After November 7, 2006, and on or Before April 25, 2023
60	VVb	Standards of Performance for Equipment Leaks of VOC in the Synthetic Organic Chemicals Manufacturing Industry for Which Construction, Reconstruction, or Modification Commenced After April 25, 2023
60	WW	Standards of Performance for the Beverage Can Surface Coating Industry

PART	SUBPART	DESCRIPTION
60	XX	Standards of Performance for Bulk Gasoline Terminals That Commenced Construction, Modification, or Reconstruction After December 17, 1980, and On or Before June 10, 2022
60	XXa	Standards of Performance for Bulk Gasoline Terminals that Commenced Construction, Modification, or Reconstruction After June 10, 2022
60	BBB	Standards of Performance for the Rubber Tire Manufacturing Industry
60	DDD	Standards of Performance for Volatile Organic Compound (VOC) Emissions from the Polymer Manufacturing Industry
60	FFF	Standards of Performance for Flexible Vinyl and Urethane Coating and Printing
60	GGG	Standards of Performance for Equipment Leaks of VOC in Petroleum Refineries for which Construction, Reconstruction, or Modification Commenced After January 4, 1983, and on or Before November 7, 2006
60	GGGa	Standards of Performance for Equipment Leaks of VOC in Petroleum Refineries for Which Construction, Reconstruction, or Modification Commenced After November 7, 2006
60	HHH	Standards of Performance for Synthetic Fiber Production Facilities
60	III	Standards of Performance for Volatile Organic Compound (VOC) Emissions From the Synthetic Organic Chemical Manufacturing Industry (SOCMI) Air Oxidation Unit Processes After October 21, 1983, and on or Before April 25, 2023
60	IIIa	Standards of Performance for Volatile Organic Compound (VOC) Emissions From the Synthetic Organic Chemical Manufacturing Industry (SOCMI) Air Oxidation Unit Processes for Which Construction, Reconstruction, or Modification Commenced After April 25, 2023
60	JJJ	Standards of Performance for Petroleum Dry Cleaners
60	KKK	Standards of Performance for Equipment Leaks of VOC From Onshore Natural Gas Processing Plants

PART	SUBPART	DESCRIPTION
60	LLL	Standards of Performance for SO_2 Emissions From Onshore Natural Gas Processing: SO_2 Emissions
60	NNN	Standards of Performance for Volatile Organic Compound (VOC) Emissions From Synthetic Organic Chemical Manufacturing Industry (SOCMI) Distillation Operations After December 30, 1983, and on or Before April 25, 2023
60	NNNa	Standards of Performance for Volatile Organic Compound (VOC) Emissions From Synthetic Organic Chemical Manufacturing Industry (SOCMI) Distillation Operations for Which Construction, Reconstruction, or Modification Commenced After April 25, 2023
60	OOO	Standards of Performance for Nonmetallic Mineral Processing Plants
60	PPP	Standard of Performance for Wool Fiberglass Insulation Manufacturing Plants
60	QQQ	Standards of Performance for VOC Emissions From Petroleum Refinery Wastewater Systems
60	RRR	Subpart RRR—Standards of Performance for Volatile Organic Compound Emissions From Synthetic Organic Chemical Manufacturing Industry (SOCMI) Reactor Processes After June 29, 1990, and on or Before April 25, 2023
60	RRRa	Standards of Performance for Volatile Organic Compound Emissions From Synthetic Organic Chemical Manufacturing Industry (SOCMI) Reactor Processes for Which Construction, Reconstruction, or Modification Commenced After April 25, 2023
60	SSS	Standards of Performance for Magnetic Tape Coating Facilities
60	TTT	Standards of Performance for Industrial Surface Coating: Surface Coating of Plastic Parts for Business Machines
60	TTTa	Standards of Performance for Industrial Surface Coating: Surface Coating of Plastic Parts for Business Machines for Which Construction, Reconstruction, or Modification Commenced After June 21, 2022
60	UUU	Standards of Performance for Calciners and Dryers in Mineral Industries

PART	SUBPART	DESCRIPTION
60	VVV	Standards of Performance for Polymeric Coating of Supporting Substrates Facilities
60	WWW	Standards of Performance for Municipal Solid Waste Landfills That Commenced Construction, Reconstruction, or Modification on or After May 30, 1991, but Before July 18, 2014
60	XXX	Standards of Performance for Municipal Solid Waste Landfills That Commenced Construction, Reconstruction, or Modification After July 17, 2014
60	AAAA	Standards of Performance for Small Municipal Waste Combustion Units for Which Construction is Commenced After August 30, 1999 or for Which Modification or Reconstruction is Commenced After June 6, 2001
60	CCCC	New Source Performance Standards for Commercial/Industrial Solid Waste Incinerators constructed after November 30, 1999
60	DDDD	Emissions Guidelines and Compliance Times for Commercial and Industrial Solid Waste Incineration Units, Model Rule only, Sections 60.2575 through 60.2875, including Tables 1 through 9
60	EEEE	Standards of Performance for Other Solid Waste Incineration Units for Which Construction Is Commenced After December 9, 2004, or for Which Modification or Reconstruction Is Commenced on or After June 16, 2006
60	IIII	Standards of Performance for Stationary Compression Ignition Internal Combustion Engines
60	JJJJ	Standards of Performance for Stationary Spark Ignition Internal Combustion Engines
60	KKKK	Standards of Performance for Stationary Combustion Turbines
60	LLLL	Standards of Performance for New Sewage Sludge Incineration Units
60	OOOO	Standards of Performance for Crude Oil and Natural Gas Production, Transmission and Distribution for which Construction, Modification or Reconstruction Commenced after August 23, 2011, and on or before September 18, 2015
60	OOOOa	Standards of Performance for Crude Oil and Natural Gas Facilities for Which Construction, Modification or Reconstruction Commenced After September 18, 2015 and On or Before December 6, 2022

PART	SUBPART	DESCRIPTION
60	OOOOb	Standards of Performance for Crude Oil and Natural Gas Facilities for Which Construction, Modification or Reconstruction Commenced After December 6, 2022
60	TTTT	Standards of Performance for Greenhouse Gas Emissions for Electric Generating Unit
60	TTTTa	Standards of Performance for Greenhouse Gas Emissions for Modified Coal-Fired Steam Electric Generating Units and New Construction and Reconstruction Stationary Combustion Turbine Electric Generating Units
60	n/a	Appendix A to Part 60 - Test Methods
60	n/a	Appendix B to Part 60 - Performance Specifications
60	n/a	Appendix K to Part 60 - Determination of Volatile Organic Compound and Greenhouse Gas Leaks Using Optical Gas Imaging
61	A	General Provisions
61	C	National Emission Standard for Beryllium
61	D	National Emission Standard for Beryllium Rocket Motor Firing
61	E	National Emission Standard for Mercury
61	F	National Emission Standard for Vinyl Chloride
61	J	National Emission Standard for Equipment Leaks (Fugitive Emission Sources) of Benzene
61	L	National Emission Standard for Benzene Emissions from Coke By-Product Recovery Plants
61	M	National Emission Standard for Asbestos
61	N	National Emission Standard for Inorganic Arsenic Emissions From Glass Manufacturing Plants
61	O	National Emission Standard for Inorganic Arsenic Emissions From Primary Copper Smelters
61	P	National Emission Standard for Inorganic Arsenic Emissions From Arsenic Trioxide and Metallic Arsenic Production Facilities

PART	SUBPART	DESCRIPTION
61	V	National Emission Standard for Equipment Leaks (Fugitive Emission Sources)
61	Y	National Emission Standard for Benzene Emissions From Benzene Storage Vessels
61	BB	National Emission Standard for Benzene Emissions From Benzene Transfer Operations
61	FF	National Emission Standard for Benzene Waste Operations
63	A	General Provisions
63	B	Sections 63.41, 63.43 and 63.44 only of Subpart B, Requirements for Control Technology Determinations for Major Sources in Accordance With Clean Air Act Sections, Sections 112(g) and 112(j)
63	F	National Emission Standards for Hazardous Air Pollutants From the Synthetic Organic Chemical Manufacturing Industry
63	G	National Emission Standards for Hazardous Air Pollutants From the Synthetic Organic Chemical Manufacturing Industry for Process Vents, Storage Vessels, Transfer Operations, and Wastewater
63	H	National Emission Standards for Hazardous Air Pollutants for Equipment Leaks and Fenceline Monitoring for All Emission Sources
63	I	National Emission Standards for Hazardous Air Pollutants for Certain Processes Subject to the Negotiated Regulation for Equipment Leaks
63	J	National Emission Standards for Hazardous Air Pollutants for Polyvinyl Chloride and Copolymers Production
63	L	National Emission Standards for Coke Oven Batteries
63	M	National Perchloroethylene Air Emission Standards for Dry Cleaning Facilities
63	N	National Emission Standards for Chromium Emissions From Hard and Decorative Chromium Electroplating and Chromium Anodizing Tanks
63	O	Ethylene Oxide Emissions Standards for Sterilization Facilities

PART	SUBPART	DESCRIPTION
63	Q	National Emission Standards for Hazardous Air Pollutants for Industrial Process Cooling Towers
63	R	National Emission Standards for Gasoline Distribution Facilities (Bulk Gasoline Terminals and Pipeline Breakout Stations)
63	S	National Emission Standards for Hazardous Air Pollutants from the Pulp and Paper Industry
63	T	National Emission Standards for Halogenated Solvent Cleaning
63	U	National Emission Standards for Hazardous Air Pollutant Emissions: Group I Polymers and Resins
63	W	National Emission Standards for Hazardous Air Pollutants for Epoxy Resins Production and Non-Nylon Polyamides Production
63	X	National Emission Standards for Hazardous Air Pollutants from Secondary Lead Smelting
63	Y	National Emission Standards for Marine Tank Vessel Loading Operations
63	AA	National Emission Standards for Hazardous Air Pollutants From Phosphoric Acid Manufacturing Plants
63	BB	National Emission Standards for Hazardous Air Pollutants From Phosphate Fertilizers Production Plants
63	CC	National Emission Standards for Hazardous Air Pollutants From Petroleum Refineries
63	DD	National Emission Standards for Hazardous Air Pollutants from Off-Site Waste and Recovery Operations
63	EE	National Emission Standards for Magnetic Tape Manufacturing Operations
63	GG	National Emission Standards for Aerospace Manufacturing and Rework Facilities
63	HH	National Emission Standards for Hazardous Air Pollutants From Oil and Natural Gas Production Facilities
63	II	National Emission Standards for Shipbuilding and Ship Repair (Surface Coating)

PART	SUBPART	DESCRIPTION
63	JJ	National Emission Standards for Wood Furniture Manufacturing Operations
63	KK	National Emission Standards for the Printing and Publishing Industry
63	LL	National Emission Standards for Hazardous Air Pollutants for Primary Aluminum Reduction Plants
63	MM	National Emission Standards for Hazardous Air Pollutants for Chemical Recovery Combustion Sources at Kraft, Soda, Sulfite, and Stand-Alone Semichemical Pulp Mills
63	NN	National Emission Standards for Hazardous Air Pollutants for Wool Fiberglass Manufacturing at Area Sources
63	OO	National Emission Standards for Tanks - Level 1
63	PP	National Emission Standards for Containers
63	QQ	National Emission Standards for Surface Impoundments
63	RR	National Emission Standards for Individual Drain Systems
63	SS	National Emission Standards for Closed Vent Systems, Control Devices, Recovery Devices and Routing to a Fuel Gas System or a Process
63	TT	National Emission Standards for Equipment Leaks – Control Level 1
63	UU	National Emission Standards for Equipment Leaks - Control Level 2 Standards
63	VV	National Emission Standards for Oil-Water Separators and Organic-Water Separators
63	WW	National Emission Standards for Storage Vessels (Tanks) - Control Level 2
63	XX	National Emission Standards for Ethylene Manufacturing Process Units: Heat Exchange Systems and Waste Operations
63	YY	National Emission Standards for Hazardous Air Pollutants for Source Categories: Generic Maximum Achievable Control Technology Standards

PART	SUBPART	DESCRIPTION
63	CCC	National Emission Standards for Hazardous Air Pollutants for Steel Pickling - HCl Process Facilities and Hydrochloric Acid Regeneration Plants
63	DDD	National Emission Standards for Hazardous Air Pollutants for Mineral Wool Production
63	EEE	National Emission Standards for Hazardous Air Pollutants from Hazardous Waste Combustors
63	GGG	National Emission Standards for Pharmaceuticals Production
63	HHH	National Emission Standards for Hazardous Air Pollutants From Natural Gas Transmission and Storage Facilities
63	III	National Emission Standards for Hazardous Air Pollutants for Flexible Polyurethane Foam Production
63	JJJ	National Emission Standards for Hazardous Air Pollutant Emissions: Group IV Polymers and Resins
63	LLL	National Emission Standards for Hazardous Air Pollutants From the Portland Cement Manufacturing Industry
63	MMM	National Emission Standards for Hazardous Air Pollutants for Pesticide Active Ingredient Production
63	NNN	National Emission Standards for Hazardous Air Pollutants for Wool Fiberglass Manufacturing
63	OOO	National Emission Standards for Hazardous Air Pollutant Emissions: Manufacture of Amino/Phenolic Resins
63	PPP	National Emission Standards for Hazardous Air Pollutant Emissions for Polyether Polyols Production
63	QQQ	National Emission Standards for Hazardous Air Pollutants for Primary Copper Smelting
63	RRR	National Emission Standards for Hazardous Air Pollutants for Secondary Aluminum Production
63	TTT	National Emission Standards for Hazardous Air Pollutants for Primary Lead Smelting
63	UUU	National Emission Standards for Hazardous Air Pollutants for Petroleum Refineries: Catalytic Cracking Units, Catalytic Reforming Units, and Sulfur Recovery Units

PART	SUBPART	DESCRIPTION
63	VVV	National Emission Standards for Hazardous Air Pollutants: Publicly Owned Treatment Works
63	XXX	National Emission Standards for Hazardous Air Pollutants for Ferroalloys Production: Ferromanganese and Silicomanganese
63	AAAA	National Emission Standards for Hazardous Air Pollutants: Municipal Solid Waste Landfills
63	CCCC	National Emission Standards for Hazardous Air Pollutants: Manufacturing of Nutritional Yeast
63	DDDD	National Emission Standards for Hazardous Air Pollutants: Plywood and Composite Wood Products
63	EEEE	National Emission Standards for Hazardous Air Pollutants: Organic Liquids Distribution (Non-Gasoline)
63	FFFF	National Emission Standards for Hazardous Air Pollutants: Miscellaneous Organic Chemical Manufacturing
63	GGGG	National Emission Standards for Hazardous Air Pollutants: Solvent Extraction for Vegetable Oil Production
63	HHHH	National Emission Standards for Hazardous Air Pollutants for Wet-Formed Fiberglass Mat Production
63	IIII	National Emission Standards for Hazardous Air Pollutants: Surface Coating of Automobiles and Light-Duty Trucks
63	JJJJ	National Emission Standards for Hazardous Air Pollutants: Paper and Other Web Coating
63	KKKK	National Emission Standards for Hazardous Air Pollutants: Surface Coating of Metal Cans
63	MMMM	National Emission Standards for Hazardous Air Pollutants for Surface Coating of Miscellaneous Metal Parts and Products
63	NNNN	National Emission Standards for Hazardous Air Pollutants: Surface Coating of Large Appliances
63	OOOO	National Emission Standards for Hazardous Air Pollutants: Printing, Coating, and Dyeing of Fabrics and Other Textiles
63	PPPP	National Emission Standards for Hazardous Air Pollutants for Surface Coating of Plastic Parts and Products

PART	SUBPART	DESCRIPTION
63	QQQQ	National Emission Standards for Hazardous Air Pollutants: Surface Coating of Wood Building Products
63	RRRR	National Emission Standards for Hazardous Air Pollutants: Surface Coating of Metal Furniture
63	SSSS	National Emission Standards for Hazardous Air Pollutants: Surface Coating of Metal Coil
63	TTTT	National Emission Standards for Hazardous Air Pollutants for Leather Finishing Operations
63	UUUU	National Emission Standards for Hazardous Air Pollutants for Cellulose Products Manufacturing
63	VVVV	National Emission Standards for Hazardous Air Pollutants for Boat Manufacturing
63	WWWW	National Emissions Standards for Hazardous Air Pollutants: Reinforced Plastic Composites Production
63	XXXX	National Emissions Standards for Hazardous Air Pollutants: Rubber Tire Manufacturing
63	YYYY	National Emission Standards for Hazardous Air Pollutants for Stationary Combustion Turbines
63	ZZZZ	National Emission Standards for Hazardous Air Pollutants for Stationary Reciprocating Internal Combustion Engines
63	AAAAA	National Emission Standards for Hazardous Air Pollutants for Lime Manufacturing Plants
63	BBBBB	National Emission Standards for Hazardous Air Pollutants for Semiconductor Manufacturing
63	CCCCC	National Emission Standards for Hazardous Air Pollutants for Coke Ovens: Pushing, Quenching, and Battery Stacks
63	DDDDD	National Emission Standards for Hazardous Air Pollutants for Major Sources: Industrial, Commercial, and Institutional Boilers and Process Heaters
63	EEEEE	National Emission Standards for Hazardous Air Pollutants for Iron and Steel Foundries
63	FFFFF	National Emission Standards for Hazardous Air Pollutants for Integrated Iron and Steel Manufacturing Facilities

PART	SUBPART	DESCRIPTION
63	GGGGG	National Emission Standards for Hazardous Air Pollutants: Site Remediation
63	HHHHH	National Emission Standards for Hazardous Air Pollutants: Miscellaneous Coating Manufacturing
63	IIIII	National Emission Standards for Hazardous Air Pollutants: Mercury Emissions From Mercury Cell Chlor-Alkali Plants
63	JJJJJ	National Emission Standards for Hazardous Air Pollutants for Brick and Structural Clay Products Manufacturing
63	KKKKK	National Emission Standards for Hazardous Air Pollutants for Clay Ceramics Manufacturing
63	LLLLL	National Emission Standards for Hazardous Air Pollutants: Asphalt Processing and Asphalt Roofing Manufacturing
63	MMMMM	National Emission Standards for Hazardous Air Pollutants: Flexible Polyurethane Foam Fabrication Operations
63	NNNNN	National Emission Standards for Hazardous Air Pollutants: Hydrochloric Acid Production
63	PPPPP	National Emission Standards for Hazardous Air Pollutants for Engine Test Cells/Stands
63	QQQQQ	National Emission Standards for Hazardous Air Pollutants for Friction Materials Manufacturing Facilities
63	RRRRR	National Emission Standards for Hazardous Air Pollutants: Taconite Iron Ore Processing
63	SSSSS	National Emission Standards for Hazardous Air Pollutants for Refractory Products Manufacturing
63	TTTTT	National Emission Standards for Hazardous Air Pollutants for Primary Magnesium Refining
63	UUUUU	National Emission Standards for Hazardous Air Pollutants: Coal and Oil-fired Electric Utility Steam Generating Units
63	WWWWW	National Emission Standards for Hospital Ethylene Oxide Sterilizers
63	YYYYY	National Emission Standards for Hazardous Air Pollutants for Area Sources: Electric Arc Furnace Steelmaking Facilities

PART	SUBPART	DESCRIPTION
63	ZZZZZ	National Emission Standards for Hazardous Air Pollutants for Iron and Steel Foundries Area Sources
63	BBBBBB	National Emission Standards for Hazardous Air Pollutants for Source Category: Gasoline Distribution Bulk Terminals, Bulk Plants, and Pipeline Facilities
63	CCCCCC	National Emission Standards for Hazardous Air Pollutants for Source Category: Gasoline Dispensing Facilities
63	DDDDDD	National Emission Standards for Hazardous Air Pollutants for Polyvinyl Chloride and Copolymers Production Area Sources
63	EEEEEE	National Emission Standards for Hazardous Air Pollutants for Primary Copper Smelting Area Sources
63	FFFFFF	National Emission Standards for Hazardous Air Pollutants for Secondary Copper Smelting Area Sources
63	GGGGGG	National Emission Standards for Hazardous Air Pollutants for Primary Nonferrous Metals Area Sources - Zinc, Cadmium, and Beryllium
63	HHHHHH	National Emission Standards for Hazardous Air Pollutants: Paint Stripping and Miscellaneous Surface Coating Operations at Area Sources
63	JJJJJJ	National Emission Standards for Hazardous Air Pollutants for Industrial, Commercial, and Institutional Boilers Area Sources
63	LLLLLL	National Emission Standards for Hazardous Air Pollutants for Acrylic and Modacrylic Fibers Production Area Sources
63	MMMMMM	National Emission Standards for Hazardous Air Pollutants for Carbon Black Production Area Sources
63	NNNNNN	National Emission Standards for Hazardous Air Pollutants for Chemical Manufacturing Area Sources: Chromium Compounds
63	OOOOOO	National Emission Standards for Hazardous Air Pollutants for Flexible Polyurethane Foam Production and Fabrication Area Sources
63	PPPPPP	National Emission Standards for Hazardous Air Pollutants for Lead Acid Battery Manufacturing Area Sources
63	QQQQQQ	National Emission Standards for Hazardous Air Pollutants for Wood Preserving Area Sources

PART	SUBPART	DESCRIPTION
63	RRRRRR	National Emission Standards for Hazardous Air Pollutants for Clay Ceramics Manufacturing Area Sources
63	SSSSSS	National Emission Standards for Hazardous Air Pollutants for Glass Manufacturing Area Sources
63	TTTTTT	National Emission Standards for Hazardous Air Pollutants for Secondary Nonferrous Metals Processing Area Sources
63	VVVVVV	National Emission Standards for Hazardous Air Pollutants for Chemical Manufacturing Area Sources
63	WWWWWW	National Emission Standards for Hazardous Air Pollutants: Area Source Standards for Plating and Polishing Operations
63	XXXXXX	National Emission Standards for Hazardous Air Pollutants: Area Source Standards for Nine Metal Fabrication and Finishing Source Categories
63	YYYYYY	National Emission Standards for Hazardous Air Pollutants for Area Sources: Ferroalloys Production Facilities
63	ZZZZZZ	National Emission Standards for Hazardous Air Pollutants: Area Source Standards for Aluminum, Copper, and Other Nonferrous Foundries
63	AAAAAAA	National Emission Standards for Hazardous Air Pollutants for Area Sources: Asphalt Processing and Asphalt Roofing Manufacturing
63	BBBBBBB	National Emission Standards for Hazardous Air Pollutants for Area Sources: Chemical Preparations Industry
63	CCCCCCC	National Emission Standards for Hazardous Air Pollutants for Area Sources: Paints and Allied Products Manufacturing
63	DDDDDDD	National Emission Standards for Hazardous Air Pollutants for Area Sources: Prepared Feeds Manufacturing
63	EEEEEEE	National Emission Standards for Hazardous Air Pollutants: Gold Mine Ore Processing and Production Area Source Category
63	HHHHHHH	National Emission Standards for Hazardous Air Pollutants for Polyvinyl Chloride and Copolymers Production
64	n/a (All Sections)	Compliance Assurance Monitoring (CAM)
72	All Subparts	Permits Regulation (for Acid Rain Sources)

PART	SUBPART	DESCRIPTION
98	A	Table A-1 only to Subpart A of Part 98 – Global Warming Potentials
241	n/a	Solid Wastes Used as Fuels or Ingredients in Combustion Units

TITLE 252. DEPARTMENT OF ENVIRONMENTAL QUALITY
CHAPTER 100. AIR POLLUTION CONTROL

Before the Air Quality Advisory Council on October 16, 2025
Before the Environmental Quality Board on January 21, 2026

RULE IMPACT STATEMENT

Subchapter 2. Incorporation By Reference
252:100-2-3 [AMENDED]
APPENDIX Q. Incorporation By Reference [AMENDED]

A. Statement of need for the rule change and legal basis supporting it. The Department of Environmental Quality (DEQ) must update its rules to maintain consistency with federal regulations promulgated by the Environmental Protection Agency (EPA). This rulemaking proposes to update language in OAC 252:100-2, Incorporation by Reference, and the content in OAC 252:100, Appendix Q, Incorporation by Reference, to integrate the latest changes and additions to Title 40 of the Code of Federal Regulations (C.F.R.), including but not limited to Part 60, New Source Performance Standards (NSPS) and Parts 61 and 63 National Emission Standards for Hazardous Air Pollutants (NESHAP), and other EPA regulations referenced in Chapter 100. This ensures that state rules reflect the most current federal requirements.

The legal basis for the proposed changes is supported by:
Environmental Quality Board; 27A O.S. §§ 2-2-101, 2-2-201, 2-3-402, and 2-5-106.
Air Quality Advisory Council; 27A O.S. §§ 2-2-201 and 2-5-107.
Oklahoma Clean Air Act; 27A O.S. §§ 2-5-101 through 2-5-130.
Oklahoma Uniform Permitting Act; 27A O.S. §§ 2-14-101 through 2-14-304.

B. Classification of rule change (major/non-major), justification for that classification, and business cost estimate over the first five (5) years. The proposed rule is a non-major rule change because no new costs are expected with this rulemaking and thus the business cost estimate will not exceed the threshold of $1,000,000 over the initial five-year period following the promulgation of the proposed rule, as defined in 75 O.S. Section 303(D)(3)(b). This proposed rule only incorporates by reference preexisting federal regulations. Therefore, this proposed rule will not impose any additional costs that the referenced federal rule(s) did not already impose upon affected facilities.

C. Description of the purpose of the proposed rule change, whether the change is mandated by federal law or is required to participate in or implement a federal program, and whether the change exceeds the requirements of the federal law. DEQ is proposing to update language in Subchapter 2, Incorporation by Reference, to reflect the incorporation of EPA regulations as of June 30, 2025. DEQ is also proposing to update the content in OAC 252:100, Appendix Q, Incorporation By Reference, to incorporate the latest changes to EPA regulations. The gist of these rule proposals and the underlying reasoning for the rulemaking is to incorporate the latest changes or additions to 40 C.F.R. Part 60, New

Source Performance Standards (NSPS), 40 C.F.R. Parts 61 and 63, National Emission Standards for Hazardous Air Pollutants (NESHAP), and other EPA regulations referenced in Chapter 100.

D. Description of the classes of persons who most likely will be affected by the proposed rule(s), including classes that will bear the costs of the proposed rule(s), and any information on cost impacts received by the agency from any private or public entities. The classes of persons most likely to be affected by the proposed rules are the owners and operators of facilities that are subject to the federal regulations being incorporated by reference. These same owners and operators are the class of persons who will bear any costs associated with the rules, however, no additional costs are expected to be incurred by these persons because the facilities are already subject to the federal regulations that will be incorporated by reference. As of September 15, 2025, DEQ has not received any added information regarding cost impacts from private or public entities.

E. Description of the classes of persons who will benefit from the proposed rule(s). The citizens of Oklahoma will benefit from the proposed rule amendments by the assurance that the most current regulations available are in place to protect public health and welfare.

F. Comprehensive analysis of the rule change's economic impact, including impacts to the full-time-employee count of the agency, costs or benefits, a quantification of implementation and compliance costs on the affected businesses, business sectors, public utility ratepayers, individuals, state or local governments, and on the state as a whole, with a listing of all fee changes and justification for each fee change. DEQ expects no new economic impact on the affected classes of persons (including businesses, business sectors, public utility ratepayers, individuals, state or local governments, and the state as a whole) from this rulemaking activity as it aligns state rules with preexisting federal standards, without imposing any additional requirements that are not already present in the federal regulations. Cost analyses were conducted by the EPA, in accordance with federal requirements, when it originally proposed the federal regulations that are referenced in this rule. DEQ anticipates no changes to full-time employee counts and no fee changes are included in this rulemaking.

G. Detailed explanation of methodology and assumptions used to determine the economic impact, including dollar amounts calculated. DEQ's methodology in determining the conclusion above is based on the fact that the preexisting federal regulations referenced in this proposed rule are already applicable to the affected parties. Therefore, this proposed rule enacts no new requirements.

H. Determination of whether implementation of the proposed rule(s) will have an economic impact on any political subdivisions or require their cooperation in implementing or enforcing the rule(s). DEQ anticipates no economic impact on political subdivisions. No cooperation from political subdivisions is required to implement or enforce the rule. DEQ will be responsible for all aspects of implementation and enforcement of these regulations.

I. **Determination of whether implementation of the proposed rule(s) may have an adverse economic effect on small business as provided by the Oklahoma Small Business Regulatory Flexibility Act.** DEQ anticipates no adverse economic impact on small businesses. Since these federal rules are already in place, economic impacts on small businesses will not change.

J. **Any measures taken by the agency to minimize cost and impact of the proposed rule change on business and economic development in the state, local governmental units, and for individuals.** There are no additional compliance costs expected due to this rule, and thus no additional measures were taken by DEQ.

K. **Determination of the effect of the proposed rule(s) on the public health, safety and environment and, if the proposed rule(s) is/are designed to reduce significant risks to the public health, safety and environment, an explanation of the nature of the risk and to what extent the proposed rule will reduce the risk.** The referenced preexisting federal regulations in this proposed rulemaking generally have a positive effect on public health, safety, and the environment by reducing emissions and sustaining protections against air toxics and pollutants. No additional benefits are expected from this proposed rule.

L. **Determination of any detrimental effect on the public health, safety and environment if the proposed rule(s) is/are not implemented.** If the proposed changes are not implemented, the updated standards will be enforced by the federal government rather than the State. There will be no detrimental effect on public health, safety and environment if the proposed rule is not implemented.

M. **Analysis of alternatives to adopting the rule.** DEQ has determined that full incorporation of these rules is the least costly and most effective method to achieve consistency with federal regulations without regulatory gaps. Failure to do so could place Oklahoma's delegated authority status at risk.

N. **Estimates of the amount of time that would be spent by state employees to develop the rule and of the amount of other resources that would be utilized to develop the rule.** DEQ staff estimate less than 120 hours of professional time for rule development, including but not limited to, rule drafting, legal review, stakeholder coordination, formally presenting rule changes to the Air Quality Advisory Council and Environmental Quality Board, managing public comment periods, and filing the final rule.

O. **Summary and preliminary comparison of any existing or proposed federal regulations that are intended to address the activities to be regulated by the proposed rule.** These state amendments directly incorporate federal rules from 40 C.F.R. Parts 60, 61, and 63 (e.g., NSPS for oil/gas and incinerators, NESHAPs for manufacturing), mirroring their scope, stringency, and compliance mechanisms without deviation.

P. **This rule impact statement was prepared on:** September 15, 2025
Modified on: October 15, 2025

TITLE 252. DEPARTMENT OF ENVIRONMENTAL QUALITY
CHAPTER 100. AIR POLLUTION CONTROL
SUBCHAPTER 2. INCORPORATION BY REFERENCE
APPENDIX Q. INCORPORATION BY REFERENCE

EXECUTIVE SUMMARY:

The Department is proposing to update OAC 252:100, Appendix Q, Incorporation by Reference, to incorporate the latest changes to U.S. Environmental Protection Agency (EPA) regulations.

In addition, the Department is proposing to update language in Subchapter 2, Incorporation by Reference, to reflect the latest date of incorporation of EPA regulations in Appendix Q.

DIFFERENCES FROM ANALOGOUS FEDERAL RULES:

Federal rules will be incorporated by reference with no changes.

ENVIRONMENTAL BENEFIT STATEMENT:

These rules are not more stringent than corresponding federal rules; therefore, an Environmental Benefit Statement is not required.

SUMMARY OF COMMENTS AND RESPONSES:

No comments were received.

THE AIR QUALITY COUNCIL

RULEMAKING RECOMMENDATION
TO THE ENVIRONMENTAL QUALITY BOARD

Identification of Proposed Rulemaking:

Chapter Number and Title: **OAC 252:100**
Chapter 100. AIR POLLUTION CONTROL
Subchapter 2. Incorporation by Reference [AMENDED]
Appendix Q. Incorporation by Reference [AMENDED]

On **October 16, 2025,** the members of this Council, by authority vested in them by the Oklahoma Environmental Quality Code (27 O.S. Sec. 2-2-201), by roll call vote, recommended to the Environmental Quality Board that the rulemaking described above be adopted as:

_____ X ___ permanent [take effect after legislative review]

_____ emergency [temporary, to take effect upon approval by the Governor because of time]

This Council has considered the proposed rulemaking and comments about it and determined, to the best of its knowledge, that all applicable requirements of the Oklahoma Administrative Procedures Act have been followed.

This Council authorizes the Department to prepare this recommended rulemaking for the Board, making any changes approved by the Council, correcting typographical, grammatical and reference errors, and formatting them as required by the Office of Administrative Rules. This is to be done with the understanding that such changes shall neither alter the sense of what this Council recommends nor invalidate this recommendation.

Respectfully,

Chair or Designee:

Date Signed: 10-16-25

	VOTING TO APPROVE	VOTING AGAINST	ABSTAIN	ABSENT
Matt Caves				✓
Jefferson Wilber	✓			
Gregory Elliott	✓			
James Farrell	✓			
Garry Keele II	✓			
John Privrat	✓			
Jeffrey Taylor	✓			
Michael Thayer	✓			
Laura Lodes	✓			

TITLE 252 DEPARTMENT OF ENVIRONMENTAL QUALITY
CHAPTER 100. AIR POLLUTION CONTROL

RULEMAKING ACTION:
PERMANENT final adoption
RULES:
Subchapter 11. Alternative Emissions Reduction Plans and Authorizations [REVOKED]
252:100-11-1 [REVOKED]
252:100-11-2 [REVOKED]
252:100-11-3 [REVOKED]
252:100-11-4 [REVOKED]
252:100-11-5 [REVOKED]
252:100-11-6 [REVOKED]
252:100-11-7 [REVOKED]
Subchapter 33. Control of Emission of Nitrogen Oxides [REVOKED]
252:100-33-1 [REVOKED]
252:100-33-1.1 [REVOKED]
252:100-33-1.2 [REVOKED]
252:100-33-2 [REVOKED]
AUTHORITY:
Environmental Quality Board; 27A O.S. §§ 2-2-101, 2-2-201, 2-3-402, and 2-5-106.
Air Quality Advisory Council; 27A O.S. §§ 2-2-201 and 2-5-107.
Oklahoma Clean Air Act; 27A O.S. §§ 2-5-101 through 2-5-130.
Oklahoma Uniform Permitting Act; 27A O.S. §§ 2-14-101 through 2-14-304.
SUBMISSION OF PROPOSED RULES TO GOVERNOR AND CABINET SECRETARY:
August 22, 2025
COMMENT PERIOD:
September 15, 2025, through October 15, 2025
PUBLIC HEARING:
October 16, 2025, Air Quality Advisory Council
January 21, 2026, Environmental Quality Board
ADOPTION:
January 21, 2026 (proposed)
SUBMISSION OF ADOPTED RULES TO GOVERNOR AND LEGISLATURE:

LEGISLATIVE APPROVAL:

LEGISLATIVE DISAPPROVAL:

APPROVED BY GOVERNOR'S DECLARATION:

FINAL ADOPTION:

EFFECTIVE:
September 15, 2026 (proposed)
SUPERSEDED EMERGENCY ACTIONS:
n/a
INCORPORATIONS BY REFERENCE:
n/a
GIST/ANALYSIS:

The Department of Environmental Quality (Department) is proposing to revoke Subchapter 11. Alternative Emissions Reduction Plans and Authorizations and Subchapter 33. Control of Emission of Nitrogen Oxides as they have been identified as outdated and ineffective. On February 3, 2020, Governor Stitt signed Executive Order 2020-03, which directed all state agencies to review "agency's administrative rules to identify costly, ineffective, duplicative, and outdated regulations." During the Department's comprehensive rule review, Subchapter 11 and Subchapter 33 were both identified as being potentially obsolete and ineffective. The gist of this rule proposal and the underlying reason for the rulemaking is to implement the Executive Order by "streamlining state government" through revocation of unnecessary rules.

CONTACT PERSON:

Melanie Foster, Department of Environmental Quality, Air Quality Division, 707 North Robinson, P.O. Box 1677, Oklahoma City, Oklahoma 73101-1677, (405) 702-4100.

PURSUANT TO THE ACTIONS DESCRIBED HEREIN, THE FOLLOWING RULES ARE CONSIDERED FINALLY ADOPTED AS SET FORTH IN 75 O.S., SECTION 250.3(5) and 308(E), WITH AN EFFECTIVE DATE OF SEPTEMBER 15, 2026.

TITLE 252. DEPARTMENT OF ENVIRONMENTAL QUALITY
CHAPTER 100. AIR POLLUTION CONTROL

SUBCHAPTER 11. ALTERNATIVE EMISSIONS REDUCTION PLANS AND AUTHORIZATIONS [REVOKED]

252:100-11-1. Purpose [REVOKED]

~~The purpose of this Subchapter is to provide facilities located within the state an alternative means for reducing the total burden of regulated air pollutants released into the atmosphere.~~

252:100-11-2. Definitions [REVOKED]

~~The following words and terms, when used in this Subchapter, shall have the following meaning, unless the context clearly indicates otherwise.~~

~~"**Actual emissions**" for purposes of this Subchapter, means the lowest emission rate in tons per year at which the facility actually emitted a specific pollutant during the three-year period immediately preceding the date of the alternative emissions reduction plan. The DEQ may allow the use of a different time period upon a determination that it is more representative of normal operations.~~

~~"**Affected emission point**" for purposes of this Subchapter, means an emission point that will undergo an emissions reduction or emissions increase in an alternative emissions reduction plan.~~

~~"**Affected pollutant**" for purposes of this Subchapter, means any regulated air pollutant that is reduced or increased as a result of the implementation of an alternative emissions reduction plan.~~

~~"**Net emissions reduction**" means the amount by which emissions from a facility will be reduced in an alternative emissions reduction plan. Net emissions reduction shall be calculated by subtracting the emissions of a specific pollutant allowed under an alternative emissions reduction plan from the facility's actual emissions, potential emissions, the emissions allowed under the operating permit, or the emissions allowed by rule, whichever is least.~~

~~"**Potential emissions**" for purposes of this Subchapter, means the level of emissions a source emits when operating at maximum capacity considering enforceable reductions from air pollution controls and other enforceable restrictions such as hours of operation, types of raw material or fuel, etc.~~

252:100-11-3. Applicability [REVOKED]

~~The procedures detailed in this Subchapter shall be available to all air contaminant sources located within the state except those precluded by federal law or federal regulation (e.g., PSD, NESHAP, or NSPS) provided:~~

~~(1) the facility is either in compliance with all applicable state air pollution control rules, or~~

~~(2) if the facility is not in compliance with any emission limit or standard, the petition filed pursuant to the provisions of this Subchapter constitutes a commitment to achieve a net emissions reduction from the facility as a whole that is equal to or greater than the amount by which the emission limit or standard is exceeded.~~

252:100-11-4. Application for alternative emissions reduction plan authorizations [REVOKED]

~~(a) **Filing.** A facility seeking to operate under an alternative emissions reduction plan (referred to as the plan) shall submit an application for authorization to the DEQ.~~

(b) **Content.** An alternative emissions reduction plan application shall include, but shall not be limited to:

(1) identification of the applicant facility by name and location;

(2) the name, address, and telephone/fax numbers of the owner or operator of the applicant facility;

(3) the permit number under which each affected emission point is presently operating or, if the affected emission point is grandfathered from permit requirements, the date emissions of each affected pollutant from each affected emission point commenced;

(4) a narrative of the proposed plan including a description of the means and methods to achieve the proposed alternative reductions;

(5) the specific requirement for which an exemption is being requested and why that requirement cannot or is not being met;

(6) a plot plan of all the emission points at the facility identifying the affected emission points within the facility and all affected pollutants emitted from each emission point, clearly marking the measured distance between each affected emission point, showing the stack height of each emission point or proposed emission point, showing the location of existing air pollution control equipment and the particular emission points controlled by this equipment, and showing the proposed location of any new control equipment to be added as a result of the implementation of the alternative emissions reduction plan and the emission points to be controlled by this new equipment;

(7) the actual emission levels of all affected pollutants from each emission point;

(8) estimated levels of any affected pollutant to be emitted should the authorization be issued including estimates of the levels of affected pollutants to be emitted from each emission point considered and control strategies and/or equipment that will be implemented to control emission levels;

(9) identification of all affected pollutants according to individual chemical components;

(10) as applicable, identification of particulate matter according to both chemical components and particle size;

(11) modeling/monitoring data substantiating the current ambient levels of all affected pollutants, and if required, modeling demonstrating that the plan will not cause or contribute to a violation of the NAAQS;

(12) the method utilized in calculating the projected emissions levels;

(13) if the applicant facility is out of compliance with any emission standard or limit, a compliance plan which includes dates and milestones for implementation of the elements of the alternative emissions reduction plan;

(14) the net emission reduction as defined in OAC 252:100-11-2, and;

(15) any other information required by the application form.

(c) **Multiple facilities.** If the application includes more than one facility under the control of the applicant, located on contiguous or adjacent property, and affecting the same airshed, in addition to the information required in OAC 252:100-11-4(b), the application shall include a plot plan showing the physical relationship of the facilities with the measured distance between the facilities clearly marked.

252:100-11-5. Emissions reduction plan requirements and limitations [REVOKED]

~~(a) **Requirements.**~~

~~(1) An acceptable alternative emissions reduction plan must result in a net emissions reduction, that is, a reduction in the facility's actual emissions of all regulated air pollutants for which the plan is proposed. (This does not include air pollutants that are increased due to control equipment or strategy.) This means that a facility must reduce emissions of these regulated air pollutants by an amount that brings the air burden to a level less than it would be if the facility were in compliance. The exact amount of the net emissions reduction will be set on a case by case basis, taking into account the status of the area, topography, weather conditions, surrounding business/residential factors, etc. The plan must conform to the following requirements.~~

~~(A) A net emissions reduction as defined in OAC 252:100-11-2 must be shown as a result of the control strategies proposed in the application.~~

~~(B) Facility-wide increases in any regulated air pollutants that result from the implementation of the plan shall comply with limits, standards, and requirements applicable to the emission points involved.~~

~~(C) The plan shall not cause or contribute to a violation of the NAAQS for any regulated air pollutant.~~

~~(D) The plan shall contain enforceable methods of measurement, monitoring, and reporting.~~

~~(E) Plans involving Part 70 sources located in Nonattainment Areas, in addition to the requirement in OAC 252:100-11-5(a)(1)(A), (B), (C), and (D) must include a commitment to install, maintain, and operate RACT, as defined by applicable rules, or other control measures that would achieve equivalent reductions.~~

~~(2) Multiple facilities under the control of the same owner or operator may be included in the plan if the facilities are located on contiguous or adjacent property and the emissions from all the facilities involved affect the same airshed. In addition to the requirements of OAC 252:100-11-5(a)(1), the owner or operator must demonstrate by air quality modeling that the increases and decreases in facility emissions will not adversely affect air quality in the area impacted by the affected emission points and that the plan will result in the same or better air quality level overall.~~

~~(b) **Limitation.** The following limitations shall apply to all alternative emissions reduction plans:~~

~~(1) Net emissions reduction trade-offs will not be authorized across established pollutant categories; e.g., sulfur emissions may not be traded for hydrocarbon emissions.~~

~~(2) Net emissions reduction trade-offs of particulate matter will be authorized only if the trade-off results in a net reduction in particulate matter of equal or smaller average aerodynamic diameter.~~

252:100-11-6. Authorization procedures [REVOKED]

~~(a) **Determination.** Within 30 days after receipt of all information required to accomplish the analysis of an application for an alternative emissions reduction plan, the DEQ will make a determination whether the plan should be authorized, authorized with conditions or not authorized.~~

~~(b) **Petition for recommendation to revise SIP, public notice, and Council hearing.**~~

~~(1) Upon a determination to authorize but prior to authorization, the applicant shall file a petition with the DEQ seeking a hearing and recommendation by the Air Quality Council for a corresponding revision to the SIP.~~

(2) The applicant shall notify the public of the public hearing for an alternative emissions reduction plan by methods contained in OAC 252:4-7-13.

(3) The public notice, as specified, will be sufficient to notify all sub-state entities and their representatives of the proposed recommendation for SIP revision.

(4) At such a hearing before the Air Quality Council, the applicant shall bear the burden of proof.

(c) **Major source.** In the case of a major source, as defined by the Federal Clean Air Act, that might impact the air quality of a neighboring State, the comment period for that State is extended to a 60 day period as required by Section 126 of the Federal Clean Air Act, 42 U.S.C. Section 7426.

(d) **Plan authorization.** Following receipt of the Air Quality Council's recommended revision of the SIP, the DEQ shall issue the plan authorization.

252:100-11-7. Duty to comply [REVOKED]

(a) Upon issuance of the authorization for the alternative emissions reduction plan by the DEQ, the owner or operator shall be bound by the terms and conditions therein.

(b) Any owner or operator who violates the terms or conditions in the authorized plan shall be subject to enforcement under the Oklahoma Clean Air Act.

SUBCHAPTER 33. CONTROL OF EMISSION OF NITROGEN OXIDES [REVOKED]

252:100-33-1. Purpose [REVOKED]

The purpose of this Subchapter is to control the emission of nitrogen oxides from stationary sources to prevent the Oklahoma air quality standards from being exceeded and insure that the present level of air quality in Oklahoma is not degraded.

252:100-33-1.1. Definitions [REVOKED]

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

"New fuel-burning equipment" means any fuel-burning equipment that was not in being on February 14, 1972, or any existing fuel-burning equipment that was altered, replaced, or rebuilt after February 14, 1972, resulting in increased emissions of nitrogen oxides with the following exceptions.

(A) New fuel-burning equipment for gas turbines means any gas turbine that was not in being on July 1, 1977, or any existing gas turbine that was altered, replaced, or rebuilt after July 1, 1977, resulting in increased emissions of nitrogen oxides; and

(B) New fuel-burning equipment for direct-fired processes means any direct-fired fuel-burning equipment or processes that were not in being on July 1, 1977, or any existing direct-fired fuel-burning equipment or processes that were altered, replaced, or rebuilt after July 1, 1977, resulting in increased emissions of nitrogen oxides.

"Solid fossil fuel" means solid fossil fuel such as coal and any solid fuel derived from naturally occurring coal or petroleum.

"Three-hour average" means the arithmetic average of sampling results or continuous emission monitoring data from three contiguous one-hour periods.

252:100-33-1.2. Applicability [REVOKED]

~~(a) This subchapter applies to new fuel-burning equipment that meets both of the following criteria.~~

~~(1) The fuel-burning equipment has a rated heat input of 50 MMBTU/hr or greater.~~

~~(2) The equipment burns solid fossil fuel, gaseous fuel, or liquid fuel, or a combination thereof.~~

~~(b) Glass-melting furnaces that are subject to BACT requirements contained in a currently applicable Air Quality Division permit are exempt from the requirements of OAC 252:100-33-2. The NO_X emissions from this equipment shall not cause or contribute to an exceedance of any NAAQS or PSD increment.~~

252:100-33-2. Emission limits [REVOKED]

~~(a) Fuel-burning equipment subject to this subchapter shall meet the following emission limitations except as provided in OAC 252:100-33-1.2(b) and 252:100-33-2(b).~~

~~(1) **Gas-fired fuel-burning equipment.** Emissions of nitrogen oxides (calculated as nitrogen dioxide) from any new gas-fired fuel-burning equipment shall not exceed 0.20 lb/MMBTU (86 ng/J) heat input, three-hour average.~~

~~(2) **Liquid-fired fuel-burning equipment.** Emissions of nitrogen oxides (calculated as nitrogen dioxide) from any new liquid-fired fuel-burning equipment shall not exceed 0.30 lb/MMBTU (129 ng/J) heat input, three-hour average.~~

~~(3) **Solid fossil fuel-burning equipment.** Emissions of nitrogen oxides (calculated as nitrogen dioxide) from any new solid fossil fuel-burning equipment shall not exceed 0.70 lb/MMBTU (300 ng/J) heat input, three-hour average.~~

~~(4) **Combination of fuels burned.** When different types of fuels are burned simultaneously in any combination, the NO_x standard (calculated as nitrogen dioxide in lb/MMBTU heat input, three-hour average) for the fuel-burning equipment shall be determined by proration unless a secondary fuel is used in de minimis quantities (less than 5% of total BTU input annually). Compliance shall be determined using the following formula where X is the percent of total heat input derived from gaseous fuel, Y is the percent of total heat input derived from liquid fuel, and Z is the percent of total heat input derived from solid fuel:~~

~~NO_2 limit = $0.2X + 0.3Y + 0.7Z / (X + Y + Z)$.~~

~~(b) If fuel-burning equipment, due to technological limitations, cannot meet the requirements of OAC 252:100-33-2(a) during startup and/or shutdown, the fuel-burning equipment shall comply with BACT for startup and/or shutdown as contained in a currently applicable Air Quality Division permit. The NO_X emissions during startup and/or shutdown of this equipment shall not cause or contribute to an exceedance of any NAAQS or PSD increment. Approval of technological limitations by the Director in an Air Quality Division permit does not mean automatic approval by the EPA.~~

TITLE 252. DEPARTMENT OF ENVIRONMENTAL QUALITY
CHAPTER 100. AIR POLLUTION CONTROL

Before the Air Quality Advisory Council on October 16, 2025
Before the Environmental Quality Board on January 21, 2026

RULE IMPACT STATEMENT

Subchapter 11. Alternative Emissions Reduction Plans and Authorizations [REVOKED]
252:100-11-1 [REVOKED]
252:100-11-2 [REVOKED]
252:100-11-3 [REVOKED]
252:100-11-4 [REVOKED]
252:100-11-5 [REVOKED]
252:100-11-6 [REVOKED]
252:100-11-7 [REVOKED]
Subchapter 33. Control of Emission of Nitrogen Oxides [REVOKED]
252:100-33-1 [REVOKED]
252:100-33-1.1 [REVOKED]
252:100-33-1.2 [REVOKED]
252:100-33-2 [REVOKED]

A. Statement of need for the rule change and legal basis supporting it.
The Department of Environmental Quality (DEQ) is proposing to revoke Subchapter 11. Alternative Emissions Reduction Plans and Authorizations and Subchapter 33. Control of Emission of Nitrogen Oxides as they have been identified as outdated and ineffective. The proposed change is needed in order to clean up potentially obsolete and ineffective rules.

The legal basis for the proposed changes is supported by:
Environmental Quality Board; 27A O.S. §§ 2-2-101, 2-2-201, 2-3-402, and 2-5-106.
Air Quality Advisory Council; 27A O.S. §§ 2-2-201 and 2-5-107.
Oklahoma Clean Air Act; 27A O.S. §§ 2-5-101 through 2-5-130.
Oklahoma Uniform Permitting Act; 27A O.S. §§ 2-14-101 through 2-14-304.

B. Classification of rule change (major/non-major), justification for that classification, and business cost estimate over the first five (5) years.
The proposed rule is a non-major rule change because no new costs are expected with this rulemaking and thus the business cost estimate will not exceed the threshold of $1,000,000 over the initial five-year period following the promulgation of the proposed rule, as defined in 75 O.S. Section 303(D)(3)(b). The proposed rule change would revoke state rules that impose additional requirements on facilities and therefore there are no associated compliance costs that are reasonably expected to be incurred by or passed along to businesses, state or local government units, or individuals.

C. Description of the purpose of the proposed rule change, whether the change is

mandated by federal law or is required to participate in or implement a federal program, and whether the change exceeds the requirements of the federal law.
DEQ is proposing to revoke Subchapter 11. Alternative Emissions Reduction Plans and Authorizations and Subchapter 33. Control of Emission of Nitrogen Oxides as they have been identified as outdated and ineffective. On February 3, 2020, Governor Stitt signed Executive Order 2020-03, which directed all state agencies to review "agency's administrative rules to identify costly, ineffective, duplicative, and outdated regulations." During DEQ's comprehensive rule review, Subchapter 11 and Subchapter 33 were both identified as being potentially obsolete and ineffective. The gist of this rule proposal and the underlying reason for the rulemaking is to implement the Executive Order by "streamlining state government" through revocation of unnecessary rules.

This proposed rule change is not mandated by federal law nor is it required in order to participate or implement a federal program. The revocation of Subchapter 33 would remove additional, stringent requirements that was imposed by the state rule. Any entities impacted by the associated changes would be subject to less stringent federal requirements therefore this change does not exceed the requirements of the federal law. There is no equivalent federal regulation to Subchapter 11 therefore the proposed rulemaking does not exceed any requirements of the federal law.

D. Description of the classes of persons who most likely will be affected by the proposed rule(s), including classes that will bear the costs of the proposed rule(s), and any information on cost impacts received by the agency from any private or public entities.
The classes of persons affected by the proposed changes would be the owners and operators of regulated sources of air emissions and the citizens of Oklahoma. These classes would ultimately bear the costs of the proposed rule changes, however, there are no new costs associated with this rulemaking and DEQ has received no additional information on cost impacts from private or public entities.

E. Description of the classes of persons who will benefit from the proposed rule(s).
The classes of persons affected by the proposed changes, the owners and operators of regulated sources of air emissions and the citizens of Oklahoma, will benefit from the rulemaking. The proposed rule change would revoke potentially obsolete rules which include additional, stringent requirements compared to the equivalent federal regulations where applicable.

F. Comprehensive analysis of the rule change's economic impact, including impacts to the full-time-employee count of the agency, costs or benefits, a quantification of implementation and compliance costs on the affected businesses, business sectors, public utility ratepayers, individuals, state or local governments, and on the state as a whole, with a listing of all fee changes and justification for each fee change.
DEQ expects negligible economic impact on the affected classes of persons (including businesses, business sectors, public utility ratepayers, individuals, state or local governments, and the state as a whole) from this rulemaking activity. There are no fee changes included in this rulemaking and DEQ expects no net loss or gain in revenues as a result. There will be no new quantitative impact on business entities and no expected change to the full-time-employee count of the agency from this rule proposal.

G. Detailed explanation of methodology and assumptions used to determine the economic impact, including dollar amounts calculated.

The economic impact of this rulemaking was determined to be negligible as the proposed rulemaking is a revocation of more stringent state rules. The affected classes of persons impacted by this rulemaking are subject to federal requirements regardless so there is no expected change in cost or benefits to applicable facilities. As there is no assumed cost associated with the rulemaking, there is no methodology nor assumptions used to determine this impact.

H. Determination of whether implementation of the proposed rule(s) will have an economic impact on any political subdivisions or require their cooperation in implementing or enforcing the rule(s).

DEQ anticipates no economic impact on political subdivisions due to this rulemaking activity and thus does not require their cooperation in implementation or enforcement.

I. Determination of whether implementation of the proposed rule(s) may have an adverse economic effect on small business as provided by the Oklahoma Small Business Regulatory Flexibility Act.

No adverse economic effects on owners and operators of small businesses are expected as a result of this rulemaking.

J. Any measures taken by the agency to minimize cost and impact of the proposed rule change on business and economic development in the state, local governmental units, and for individuals.

There are no additional compliance costs expected due to this rule, and thus no additional measures were taken by DEQ.

K. Determination of the effect of the proposed rule(s) on the public health, safety and environment and, if the proposed rule(s) is/are designed to reduce significant risks to the public health, safety and environment, an explanation of the nature of the risk and to what extent the proposed rule will reduce the risk.

The proposed changes are not designed to reduce significant risk and will have a negligible effect on public health, safety, and the environment as a result of the rulemaking.

L. Determination of any detrimental effect on the public health, safety and environment if the proposed rule(s) is/are not implemented.

If the proposed rule is not implemented there are no anticipated detrimental effects on public health, safety, and the environment.

M. Analysis of alternatives to adopting the rule.

DEQ has determined that there are no less costly or nonregulatory methods of achieving the purpose of the proposed change.

N. Estimates of the amount of time that would be spent by state employees to develop the rule and of the amount of other resources that would be utilized to develop the rule.

Approximately 160 hours would be spent on the research and development of this rule proposal by full-time state employees. Existing resources would be utilized to develop the rule, and no additional resources would be necessary.

O. Summary and preliminary comparison of any existing or proposed federal regulations that are intended to address the activities to be regulated by the proposed rule.

There are multiple existing federal regulations under the New Source Performance Standards (NSPS) in 40 CFR Part 60 that address activities similar to Subchapter 33. Applicable federal rules include but are not limited to 40 CFR 60 Subparts: D, Da, Db, Ea, Eb, Ec, G, GG, IIII, JJJJ, and KKKK.

The federally equivalent rules found in 40 CFR 60 Subpart IIII (Standards of Performance for Stationary Compression Ignition Internal Combustion Engines) and Subpart JJJJ (Standards of Performance for Stationary Spark Ignition Internal Combustion Engines) include standards for new engines that are higher than the equivalent limits under Subchapter 33. Compliance with all requirements of 40 CFR Part 60, Subpart GG (Standards of Performance for Stationary Gas Turbines) and KKKK (Standards of Performance for Stationary Combustion Turbines), including emission limits and as specified in a currently applicable AQD permit, is found to be comparable to the requirements under Subchapter 33 for gas turbines. The affected classes of persons impacted by this rulemaking are subject to the equivalent federal requirements as required under their permit and as required by EPA.

There is no equivalent federal regulation to Subchapter 11 that would address the activities of this proposed rule change. This rule was initially added to provide facilities flexibility in emission reduction by allowing offsets between emission points within the facility. The revocation of this rule would remove this option of internal trading and require facilities to adhere to actual emission point limits as required under their permit and expected by EPA for all individual permits.

P. This rule impact statement was prepared on: September 15, 2025
Modified on: October 15, 2025

TITLE 252. OKLAHOMA DEPARTMENT OF ENVIRONMENTAL QUALITY
CHAPTER 100. AIR POLLUTION CONTROL
SUBCHAPTER 11. ALTERNATIVE EMISSIONS REDUCTION PLANS AND AUTHORIZATIONS
SUBCHAPTER 33. CONTROL OF EMISSION OF NITROGEN OXIDES

EXECUTIVE SUMMARY:

The Department of Environmental Quality (DEQ) is proposing to revoke Subchapter 11. Alternative Emissions Reduction Plans and Authorizations and Subchapter 33. Control of Emission of Nitrogen Oxides as they have been identified as outdated and ineffective. The proposed change is needed in order to clean up potentially obsolete and ineffective rules.

DIFFERENCES FROM ANALOGOUS FEDERAL RULES:

There are multiple existing federal regulations under the New Source Performance Standards (NSPS) in 40 CFR Part 60 that address activities similar to Subchapter 33. Applicable federal rules include, but are not limited to, 40 CFR Part 60 Subparts: D, Da, Db, Ea, Eb, Ec, G, GG, IIII, JJJJ, and KKKK.

The federally equivalent rules found in 40 CFR Part 60 Subpart IIII (Standards of Performance for Stationary Compression Ignition Internal Combustion Engines) and Subpart JJJJ (Standards of Performance for Stationary Spark Ignition Internal Combustion Engines) include standards for new engines that are higher than the equivalent limits under Subchapter 33. Compliance with all requirements of 40 CFR Part 60, Subpart GG (Standards of Performance for Stationary Gas Turbines) and Subpart KKKK (Standards of Performance for Stationary Combustion Turbines), including emission limits and as specified in a currently applicable AQD permit, is found to be comparable to the requirements under Subchapter 33 for gas turbines. The affected classes of persons impacted by this rulemaking are subject to the equivalent federal requirements as required under their permit and as required by EPA.

There is no equivalent federal regulation to Subchapter 11 that would address the activities of this proposed rule change. This rule was initially added to provide facilities flexibility in emission reduction by allowing offsets between emission points within the facility. The revocation of this rule would remove this option of internal trading and require facilities to adhere to actual emission point limits as required under their permit and expected by EPA for all individual permits.

ENVIRONMENTAL BENEFIT STATEMENT:

The proposed rule changes are not more stringent than any corresponding federal rules, therefore an Environmental Benefit Statement is not required. The revocation of Subchapter 33 would remove additional, stringent requirements that were imposed by the state rule. Any entities impacted by the associated changes would be subject to less stringent federal requirements therefore this change does not exceed the requirements of the federal law. There is no equivalent

federal regulation to Subchapter 11 therefore the proposed rulemaking does not exceed any requirements of the federal law.

SUMMARY OF COMMENTS AND RESPONSES:

See attached.

SUMMARY OF COMMENTS AND STAFF RESPONSES
FOR PROPOSED REVISION TO SUBCHAPTERS 11 & 33

COMMENTS RECEIVED PRIOR TO AND AT THE OCTOBER 16, 2025
AIR QUALITY ADVISORY COUNCIL MEETING

Written Comments

There were no written comments received prior to the Air Quality Advisory Council meeting.

Oral Comments

Environmental Federation of Oklahoma – Bud Ground, President

1. **COMMENT:** Requested to know who the 10 facilities mentioned in the presentation are and if they had been notified of the rule change since DEQ stated it was not going to automatically open their permits. The concern was whether the facilities knew of this proposed rule change.

   RESPONSE: DEQ notified the public through the regular rulemaking process prior to the Air Quality Advisory Council meeting. DEQ has since reached out to facilities prior to the Environmental Quality Board meeting in January via letter to notify them of its proposed rulemaking actions.

THE AIR QUALITY COUNCIL

RULEMAKING RECOMMENDATION
TO THE ENVIRONMENTAL QUALITY BOARD

Identification of Proposed Rulemaking:

Chapter Number and Title: **OAC 252:100**

Chapter 100. AIR POLLUTION CONTROL

Subchapter 11. Alternative Emissions Reduction Plans and Authorizations [REVOKED]

252:100-11-1 [REVOKED]
252:100-11-2 [REVOKED]
252:100-11-3 [REVOKED]
252:100-11-4 [REVOKED]
252:100-11-5 [REVOKED]
252:100-11-6 [REVOKED]
252:100-11-7 [REVOKED]

Subchapter 33. Control of Emission of Nitrogen Oxides [REVOKED]

252:100-33-1 [REVOKED]
252:100-33-1.1 [REVOKED]
252:100-33-1.2 [REVOKED]
252:100-33-2 [REVOKED]

On **October 16, 2025,** the members of this Council, by authority vested in them by the Oklahoma Environmental Quality Code (27 O.S. Sec. 2-2-201), by roll call vote, recommended to the Environmental Quality Board that the rulemaking described above be adopted as:

_____**X**___ permanent [take effect after legislative review]

_____ emergency [temporary, to take effect upon approval by the Governor because of time]

This Council has considered the proposed rulemaking and comments about it and determined, to the best of its knowledge, that all applicable requirements of the Oklahoma Administrative Procedures Act have been followed.

This Council authorizes the Department to prepare this recommended rulemaking for the Board, making any changes approved by the Council, correcting typographical, grammatical and reference errors, and formatting them as required by the Office of Administrative Rules. This is to be done with the understanding that such changes shall neither alter the sense of what this Council recommends nor invalidate this recommendation.

Respectfully,

Chair or Designee:

Date Signed: 10-16-25

	VOTING TO APPROVE	VOTING AGAINST	ABSTAIN	ABSENT
Matt Caves				✓
Jefferson Wilber	✓			
Gregory Elliott	✓			
James Farrell	✓			
Garry Keele II	✓			
John Privrat	✓			
Jeffrey Taylor	✓			
Michael Thayer	✓			
Laura Lodes	✓			

TITLE 252. DEPARTMENT OF ENVIRONMENTAL QUALITY
CHAPTER 100. AIR POLLUTION CONTROL

RULEMAKING ACTION:
PERMANENT final adoption
RULES:
Subchapter 49. Oklahoma Emission Reduction Technology Rebate Program
252:100-49-5 [AMENDED]
252:100-49-7 [AMENDED]
AUTHORITY:
Environmental Quality Board; 27A O.S. §§ 2-2-101, 2-2-201, 2-3-402, and 2-5-106.
Air Quality Advisory Council; 27A O.S. §§ 2-2-201 and 2-5-107.
Oklahoma Clean Air Act; 27A O.S. §§ 2-5-101 through 2-5-130.
Oklahoma Uniform Permitting Act; 27A O.S. §§ 2-14-101 through 2-14-304.
Oklahoma Emission Reduction Technology Incentive Act; 68 O.S. § 55011
SUBMISSION OF PROPOSED RULES TO GOVERNOR AND CABINET SECRETARY:
August 22, 2025
COMMENT PERIOD:
September 15, 2025, through October 15, 2025.
PUBLIC HEARING:
October 16, 2025, Air Quality Advisory Council
January 21, 2026, Environmental Quality Board
ADOPTION:
January 21, 2026 (proposed)
SUBMISSION OF ADOPTED RULES TO GOVERNOR AND LEGISLATURE:

LEGISLATIVE DISAPPROVAL:

APPROVED BY GOVERNOR'S DECLARATION:

FINAL ADOPTION:

EFFECTIVE:
September 15, 2026 (proposed)
SUPERSEDED EMERGENCY ACTIONS:
n/a
INCORPORATIONS BY REFERENCE:
n/a
GIST/ANALYSIS:
The Department of Environmental Quality (Department or DEQ) is proposing to amend Subchapter 49, Oklahoma Emission Reduction Technology Rebate Program in OAC 252:100, to implement recent changes to applicable provisions of the Oklahoma Emission Reduction Technology Incentive Act, 68 O.S. § 55006, et seq. DEQ and the Oklahoma Tax Commission jointly administer the "Oklahoma Emission Reduction Technology Rebate Program" to provide an incentive for "Emission Reduction Projects" – implementation of new and innovative technologies to reduce air pollutant emissions from oil and gas facilities. The gist of this rule proposal and the

underlying reason for the rulemaking is to implement the Department's continuing responsibilities under the Oklahoma Emission Reduction Technology Incentive Act as revised during the 2025 Oklahoma Legislative Session.

CONTACT PERSON:

Melanie Foster, Department of Environmental Quality, Air Quality Division, 707 North Robinson, P.O. Box 1677, Oklahoma City, Oklahoma 73101-1677, (405) 702-4100

PURSUANT TO THE ACTIONS DESCRIBED HEREIN, THE FOLLOWING RULES ARE CONSIDERED FINALLY ADOPTED AS SET FORTH IN 75 O.S., SECTION 250.3(5) and 308(E), WITH AN EFFECTIVE DATE OF SEPTEMBER 15, 2026.

TITLE 252. DEPARTMENT OF ENVIRONMENTAL QUALITY
CHAPTER 100. AIR POLLUTION CONTROL

SUBCHAPTER 49. OKLAHOMA EMISSION REDUCTION TECHNOLOGY REBATE PROGRAM

252:100-49-5. Program criteria and qualification determination

(a) **Applying for rebate eligibility.** An applicant responsible for the implementation of a qualified Emission Reduction Project may submit a rebate claim to DEQ for review and determination whether the project qualifies under the program.

(1) The rebate claim shall be submitted on forms provided for this purpose, or as otherwise specified by DEQ.

(2) The rebate claim shall be submitted to DEQ no later than six (6) months after the end of the fiscal year in which the ~~expenditures were made~~implementation of the qualified Emission Reduction Project was completed. The fiscal year ends on June 30 each year.

(3) Project documentation shall include:

(A) a project description that provides information in sufficient detail to determine that it qualifies as an Emission Reduction Project (ERP) as defined in 68 O.S. § 55008;

(B) an estimation of actual resulting emission reductions;

(C) a statement that the project has been designed, installed, and operated as described in the claim and in accordance with good engineering practices and the requirements of this Chapter, and that implementation of the project is complete; and

(D) an itemization of expenses, with invoices, for all equipment installed to implement the project;

(E) a statement that specifically identifies whether the ERP pertains to refining activities, or does not pertain to refining activities.

(4) Project documentation shall state the amount of expenditures made in this state directly related to the implementation of the qualified Emission Reduction Project.

(5) The applicant shall certify that the project is not required to address an enforcement action or undertaken as a supplemental environmental project to offset an enforcement penalty.

(6) The applicant shall provide a certification from OTC that it has filed all Oklahoma tax returns and tax documents which are required by the laws of this state.

(7) The applicant shall provide evidence of a certificate of general liability insurance with a minimum coverage of One Million Dollars ($1,000,000.00) and a workers' compensation policy pursuant to the laws of this state which shall include coverage of employer's liability.

(8) The rebate claim shall include certification, signed by a responsible official, attesting to the truth, accuracy, and completeness of the claim. This certification shall contain the following language: "I certify that, based on information and belief formed after reasonable inquiry, the statements and information in the document are true, accurate, and complete."

(9) The applicant will be assessed a one-time fee of $1,000 that must accompany the rebate claim. A rebate claim without the appropriate fee is incomplete.

(b) **DEQ review of rebate claim.** DEQ will review the rebate claim information to determine if the described project is a qualified Emission Reduction Project, and will ~~the~~ notify the applicant

and OTC of its final approval or disapproval of the claim for a rebate payment from available funds in either the Oklahoma Emission Reduction Technology Upstream and Midstream Incentive Revolving Fund or the Oklahoma Emission Reduction Technology Downstream Incentive Revolving Fund, as appropriate.

(c) **Early submittal of rebate claim documentation for preliminary review.** An applicant may submit documentation for a planned ERP and corresponding rebate claim, for preliminary review by DEQ prior to the expenditure of project funds. Such submittal shall include a payment for the fee required under paragraph (9). Any resulting preliminary approval of the technical merits of the project shall be subject to final review and approval, once the project is complete and invoices are received per (a)(3)(C) and (D) above, prior to notifying OTC of a final determination under subsection (b).

(d) **Effect on OTC authority.** Nothing in this section shall limit or otherwise affect OTC's authority or responsibilities under the Act, including the authority to request submittal of additional information by the claimant

252:100-49-7. Sunset provision

This Subchapter shall cease to be in effect if and when the Oklahoma Emission Reduction Technology Rebate Program ceases on July 1, 2027, or as otherwise stipulated in 68 O.S. § 55012 or its successor. <u>All applications for rebate payment shall be submitted to the Department no later than six (6) months prior to the date of cessation.</u>

TITLE 252. DEPARTMENT OF ENVIRONMENTAL QUALITY
CHAPTER 100. AIR POLLUTION CONTROL

Before the Air Quality Advisory Council on October 16, 2025
Before the Environmental Quality Board on January 21, 2026

RULE IMPACT STATEMENT (Modified)

Subchapter 49. Oklahoma Emission Reduction Technology Rebate Program
252:100-49-5 [AMENDED]
252:100-49-7 [AMENDED]

A. Statement of need for the rule change and legal basis supporting it.
The Department of Environmental Quality (DEQ) is proposing to amend Subchapter 49, Oklahoma Emission Reduction Technology Rebate Program in OAC 252:100, to implement recent changes to applicable provisions of the Oklahoma Emission Reduction Technology Incentive Act, 68 O.S. § 55006, et seq.

The legal basis for the proposed changes is supported by:
Environmental Quality Board; 27A O.S. §§ 2-2-101, 2-2-201, 2-3-402, and 2-5-106.
Air Quality Advisory Council; 27A O.S. §§ 2-2-201 and 2-5-107.
Oklahoma Clean Air Act; 27A O.S. §§ 2-5-101 through 2-5-130.
Oklahoma Uniform Permitting Act; 27A O.S. §§ 2-14-101 through 2-14-304.
Oklahoma Emission Reduction Technology Incentive Act; 68 O.S. § 55011.

B. Classification of rule change (major/non-major), justification for that classification, and business cost estimate over the first five (5) years.
The proposed rule is a non-major rule change because no new costs are expected with this rulemaking and thus the business cost estimate will not exceed the threshold of $1,000,000 over the initial five-year period following the promulgation of the proposed rule, as defined in 75 O.S. Section 303(D)(3)(b). The proposed rule does not add any costs to facilities and instead offers facilities an opportunity to receive a rebate of up to 25% of their Emission Reduction Project costs.

C. Description of the purpose of the proposed rule change, whether the change is mandated by federal law or is required to participate in or implement a federal program, and whether the change exceeds the requirements of the federal law.
The DEQ and the Oklahoma Tax Commission jointly administer the "Oklahoma Emission Reduction Technology Rebate Program" to provide an incentive for "Emission Reduction Projects" – implementation of new and innovative technologies to reduce air pollutant emissions from oil and gas facilities. This is a state program and is not mandated by federal law or part of a federal program. The gist of this rule proposal and the underlying reason for the rulemaking is to implement DEQ’s continuing responsibilities under the Oklahoma Emission Reduction Technology Incentive Act as revised during the 2025 Oklahoma Legislative Session.

D. Description of the classes of persons who most likely will be affected by the proposed rule(s), including classes that will bear the costs of the proposed rule(s), and any information on cost impacts received by the agency from any private or public entities.

The classes of persons affected are the owners and operators of oil and gas facilities that have implemented a qualifying Emissions Reduction Project and are potentially eligible for a rebate for associated expenses. The classes of persons who will bear costs are the owners and operators of facilities that prepare and submit a rebate claim under the program. DEQ has not received any information on cost impacts as of this date.

E. Description of the classes of persons who will benefit from the proposed rule(s).

The citizens of Oklahoma will benefit from implementation of qualifying Emissions Reduction Projects that reduce emissions, and owners and operators of oil and natural gas facilities that have implemented a qualifying Emissions Reduction Project will benefit if they are eligible for a rebate for associated expenses.

F. Comprehensive analysis of the rule change's economic impact, including impacts to the full-time-employee count of the agency, costs or benefits, a quantification of implementation and compliance costs on the affected businesses, business sectors, public utility ratepayers, individuals, state or local governments, and on the state as a whole, with a listing of all fee changes and justification for each fee change.

There should be a net positive economic impact on affected classes of persons potentially eligible for a rebate under this program as they can receive a rebate of up to 25% of the costs of their Emission Reduction Project. No new costs are associated with these proposed changes and DEQ is not proposing any fee changes in this rule. There will be no impact to the full-time-employee count of the agency as DEQ will use existing staff for the program. Although no other agencies will be implementing these proposed DEQ regulations, the Oklahoma Tax Commission (OTC) will likely incur some additional costs in meeting its statutory obligations under the updated rebate program. DEQ did not evaluate any possible benefits to the OTC. DEQ will continue to use the existing $1,000 application fee to help offset costs for DEQ to administer the review of rebate claims under this rule. Other program fees and federal grants will be used to fund the remaining costs to implement these regulations.

G. Detailed explanation of methodology and assumptions used to determine the economic impact, including dollar amounts calculated.

The proposed rule change is expected to have a positive economic impact on facilities that install emissions control technology project and apply for a rebate. DEQ's methodology in determining the conclusion above is based on the potential rebate amount up to 25% of the cost of their emissions reduction technology. DEQ has not attempted to estimate a net change in revenues from these proposed rules for either DEQ or OTC, because the proposed changes are not expected to affect the number of applications received. In addition, DEQ does not have data to project how many rebate claims are likely to be received in a given year nor how much each application is requesting in rebate.

H. Determination of whether implementation of the proposed rule(s) will have an economic impact on any political subdivisions or require their cooperation in implementing or enforcing the rule(s).

DEQ anticipates no economic impact on political subdivisions. No political subdivision cooperation is required. DEQ will continue to be responsible for all aspects of implementation regarding its obligations under these regulations.

I. Determination of whether implementation of the proposed rule(s) may have an adverse economic effect on small business as provided by the Oklahoma Small Business Regulatory Flexibility Act.

DEQ anticipates no adverse effect on small business.

J. Any measures taken by the agency to minimize cost and impact of the proposed rule change on business and economic development in the state, local governmental units, and for individuals.

The proposed amendments to the existing rules are not expected to change the costs for facilities to document implementation of potentially eligible projects, including the associated expenditures and the actual emissions reduction achieved.

K. Determination of the effect of the proposed rule(s) on the public health, safety and environment and, if the proposed rule(s) is/are designed to reduce significant risks to the public health, safety and environment, an explanation of the nature of the risk and to what extent the proposed rule will reduce the risk.

The proposed rule will have a positive effect on public health, safety, and the environment and reduce risks if the rebate program serves as an incentive for additional facilities to implement Emission Reduction Projects but it is not designed to reduce specifically identified risks.

L. Determination of any detrimental effect on the public health, safety and environment if the proposed rule(s) is/are not implemented.

If the proposed rule is not implemented, facilities will have less certainty of required documentation, qualifications, and procedures under the Act. That could result in implementation of fewer new voluntary Emission Reduction Projects, and loss of any potential benefits of such projects on public health, safety, and environment.

M. Analysis of alternatives to adopting the rule.

DEQ has determined that there are no less costly or nonregulatory or less intrusive methods of achieving the purpose of the proposed rule.

N. Estimates of the amount of time that would be spent by state employees to develop the rule and of the amount of other resources that would be utilized to develop the rule.

Approximately 40 hours would be spent on the research and development of this rule proposal by full-time state employees. Existing resources would be utilized to develop the rule, and no additional resources would be necessary.

O. Summary and preliminary comparison of any existing or proposed federal regulations that are intended to address the activities to be regulated by the proposed rule.

There are no existing or proposed federal regulations that are intended to address the activities covered by the proposed rule. This is a state only program.

P. This rule impact statement was prepared on: September 15, 2025
Modified on: October 15, 2025

TITLE 252. DEPARTMENT OF ENVIRONMENTAL QUALITY
CHAPTER 100. AIR POLLUTION CONTROL
SUBCHAPTER 49. OKLAHOMA EMISSION REDUCTION TECHNOLOGY REBATE PROGRAM

EXECUTIVE SUMMARY:

The Department of Environmental Quality (Department) is proposing to amend OAC 252:100-49, Oklahoma Emission Reduction Technology Rebate Program, to implement recent changes to applicable provisions of the Oklahoma Emission Reduction Technology Incentive Act, 68 O.S. § 55006, et seq. The Department and the Oklahoma Tax Commission jointly administer the "Oklahoma Emission Reduction Technology Rebate Program" to provide an incentive for "Emission Reduction Projects" – implementation of new and innovative technologies to reduce air pollutant emissions from oil and gas facilities. The gist of this rule proposal and the underlying reason for the rulemaking is to implement the Department's continuing responsibilities under the Oklahoma Emission Reduction Technology Incentive Act as revised during the 2025 Oklahoma Legislative Session.

DIFFERENCES FROM ANALOGOUS FEDERAL RULES:

The Department knows of no analogous federal rules, because the proposed rule changes update a state-only incentive program.

ENVIRONMENTAL BENEFIT STATEMENT:

There are no corresponding federal rules, therefore an Environmental Benefit Statement is not required.

SUMMARY OF COMMENTS AND RESPONSES:

No comments have been received.

THE AIR QUALITY COUNCIL

RULEMAKING RECOMMENDATION
TO THE ENVIRONMENTAL QUALITY BOARD

Identification of Proposed Rulemaking:

Chapter Number and Title: **OAC 252:100**
Chapter 100. AIR POLLUTION CONTROL
Subchapter 49. Oklahoma Emission Reduction Technology Rebate Program [AMENDED]
252:100-49-5 [AMENDED]
252:100-49-7 [AMENDED]

On **October 16, 2025,** the members of this Council, by authority vested in them by the Oklahoma Environmental Quality Code (27 O.S. Sec. 2-2-201), by roll call vote, recommended to the Environmental Quality Board that the rulemaking described above be adopted as:

_____ X ___ permanent [take effect after legislative review]

_____ emergency [temporary, to take effect upon approval by the Governor because of time]

This Council has considered the proposed rulemaking and comments about it and determined, to the best of its knowledge, that all applicable requirements of the Oklahoma Administrative Procedures Act have been followed.

This Council authorizes the Department to prepare this recommended rulemaking for the Board, making any changes approved by the Council, correcting typographical, grammatical and reference errors, and formatting them as required by the Office of Administrative Rules. This is to be done with the understanding that such changes shall neither alter the sense of what this Council recommends nor invalidate this recommendation.

Respectfully,

Chair or Designee:

Date Signed: 10-26-25

	VOTING TO APPROVE	VOTING AGAINST	ABSTAIN	ABSENT
Matt Caves				✓
Jefferson Wilber	✓			
Gregory Elliott	✓			
James Farrell	✓			
Garry Keele II	✓			
John Privrat	✓			
Jeffrey Taylor	✓			
Michael Thayer	✓			
Laura Lodes	✓			

DRAFT MINUTES
AIR QUALITY ADVISORY COUNCIL
October 16, 2025
Department of Environmental Quality
707 North Robinson Avenue
Oklahoma City, Oklahoma

Official AQAC Approved at April 22, 2026 Meeting

Notice of Public Meeting – The Air Quality Advisory Council (AQAC) convened for its Regular Meeting at 9:00 a.m. on October 16, 2025. Notice of the meeting was forwarded to the Office of Secretary of State on October 24, 2024. The agenda was posted at the DEQ twenty-four hours prior to the meeting. Also, Ms. Melanie Foster acted as Protocol Officer and convened the hearings by the AQAC in compliance with the Oklahoma Administrative Procedures Act and Title 40 CFR Part 51 and Title 27A, Oklahoma Statutes, Sections 2-2-201 and 2-5-101 through 2-5-117. She entered the agenda and the Oklahoma Register Notice into the record and announced that if you wish to make a statement when it's time for public comments, complete the form at the registration table and you will be called upon at the appropriate time. Ms. Laura Lodes, Chair, called the meeting to order. Ms. Quiana Fields called roll and confirmed that a quorum was present.

MEMBERS PRESENT	DEQ STAFF PRESENT
Gregory Elliott	Kendal Stegmann
James Farrell	Melanie Foster
Garry Keele	Jared Milano
John Privrat	Christina Hagens
Jeffrey Taylor	Tom Richardson
Michael Thayer	Cheryl Bradley
Jefferson Wilber	Lee Warden
Laura Lodes	Austin Sides
	Rick Groshong
	Ivan Ma
MEMBERS ABSENT	Gary Henry
Matt Caves	Ryan McIntosh
	Jonathan Allen
	Camas Frey
	Carrie Schroeder
	Sidonie Quick
	Alexander Teets
	Travis Couch
	Joe Daniel
	Phillip Fielder
	Isabella Moreno
	Malcolm Zachariah
	Quiana Fields

Approval of Minutes – Ms. Lodes called for a motion to approve the Minutes of the July 30, 2025 Regular Meeting. Dr. Thayer moved to approve and Mr. Keele made the second.

See transcript page 3 - 4

Gregory Elliott	Yes	Jeffrey Taylor	Yes
James Farrell	Yes	Michael Thayer	Yes
Garry Keele	Yes	Jefferson Wilber	Yes
John Privrat	Yes	Laura Lodes	Yes

Meeting Schedule for Calendar Year 2026 – Ms. Lodes stated that we are adjusting the time to 9:30 a.m. for the upcoming Council meetings and the proposed meeting scheduled dates are: April 22 in Oklahoma City, July 22 in Tulsa and December 9 in Oklahoma City. Mr. Taylor moved to approve and Mr. Keele made the second.

See transcript page 4 – 6

Gregory Elliott	Yes	Jeffrey Taylor	Yes
James Farrell	Yes	Michael Thayer	Yes
Garry Keele	Yes	Jefferson Wilber	Yes
John Privrat	Yes	Laura Lodes	Yes

Public Rulemaking Hearing

Chapter 100. Air Pollution Control
Subchapter 2. Incorporation by Reference [AMENDED]
Appendix Q. Incorporation by Reference [AMENDED]

Mr. Jared Milano, EPS, Rules & Planning Section of the AQD, stated the Department is proposing to update language in Subchapter 2, Incorporation by Reference, to reflect the latest date of incorporation of EPA regulations. The Department is also proposing to update the content in OAC 252:100, Appendix Q, Incorporation by Reference, to incorporate the latest changes to EPA regulation. The gist of these rule proposals and the underlying reason for the rulemaking is to incorporate the latest changes or additions to 40 C.F.R. Part 60, New Source Performance Standards (NSPS), 40 C.F.R. Parts 61 and 63, National Emission Standards for Hazardous Air Pollutants (NESHAP), and other EPA regulations referenced in Chapter 100. Hearing a question by the Council and none by the public, Ms. Lodes called for a motion, Mr. Elliott moved to approve the rule and Mr. Taylor made the second.

See transcript pages 7 – 10

Gregory Elliott	Yes	Jeffrey Taylor	Yes
James Farrell	Yes	Michael Thayer	Yes
Garry Keele	Yes	Jefferson Wilber	Yes
John Privrat	Yes	Laura Lodes	Yes

Subchapter 11. Alternative Emissions Reduction Plans and Authorizations [REVOKED]
252:100-11-1 [REVOKED]
252:100-11-2 [REVOKED]
252:100-11-3 [REVOKED]
252:100-11-4 [REVOKED]
252:100-11-5 [REVOKED]
252:100-11-6 [REVOKED]
252:100-11-7 [REVOKED]

Subchapter 33. Control of Emissions of Nitrogen Oxides [REVOKED]
252:100-33-1 [REVOKED]
252:100-33-1.1 [REVOKED]
252:100-33-1.2 [REVOKED]
252:100-33-2 [REVOKED]

Ms. Christina Hagens, EPS, Rules & Planning Section of the AQD, stated that the Department is proposing to revoke Subchapter 11. Alternative Emissions Reduction Plans and Authorizations and Subchapter 33. Control of Emission of Nitrogen Oxides as they have been identified as

outdated and ineffective. On February 3, 2020, Governor Stitt signed Executive Order 2020-03, which directed all state agencies to review "agency's administrative rules to identify costly, ineffective, duplicative, and outdated regulations," During DEQ's comprehensive rule review, Subchapter 11 and Subchapter 33 were both identified as being potentially obsolete and ineffective. The gist of this rule proposal and the underlying reason for the rulemaking is to implement the Executive Order by "streamlining state government" through revocation of unnecessary rules. Hearing questions and comments by the Council and by the public, Ms. Lodes called for a motion. Mr. Farrell moved to approve and Mr. Elliott made the second.

See transcript pages 10 – 21

Gregory Elliott	Yes	Jeffrey Taylor	Yes
James Farrell	Yes	Michael Thayer	Yes
Garry Keele	Yes	Jefferson Wilber	Yes
John Privrat	Yes	Laura Lodes	Yes

Subchapter 49. Oklahoma Emission Reduction Technology Rebate Program [AMENDED]
252:100-49-5 [AMENDED]
252:100-49-7 [AMENDED]

Mr. Tom Richardson, P.E., Rules & Planning Section, AQD, stated that the Department is proposing to amend Subchapter 49, Oklahoma Emission Reduction Technology Rebate Program in OAC 252:100, to implement recent changes to applicable provisions of the Oklahoma Emission Reduction Technology Incentive Act, 68 O.S. § 55006, et. seq. DEQ and the Oklahoma Tax Commission jointly administer the "Oklahoma Emission Reduction Technology Rebate Program" to provide an incentive for "Emission Reduction Projects" – implementation of new and innovative technologies to reduce air pollutant emissions from oil and gas facilities. The gist of this rule proposal and the underlying reason for the rulemaking is to implement the Department's continuing responsibilities under the Oklahoma Emission Reduction Technology Incentive Act as revised during the 2025 Oklahoma Legislation Session. Hearing no questions or comments by the Council and none by the public, Ms. Lodes called for a motion. Mr. Keele moved to approve and Dr. Thayer made the second.

See transcript pages 21 – 25

Gregory Elliott	Yes	Jeffrey Taylor	Yes
James Farrell	Yes	Michael Thayer	Yes
Garry Keele	Yes	Jefferson Wilber	Yes
John Privrat	Yes	Laura Lodes	Yes

Ms. Foster announced the conclusion of the hearing portion of the meeting.

See transcript page 25

Presentation – Mr. Jonathan Allen, General Counsel of the DEQ gave a presentation on upcoming proposed changes to Chapter 4.

Presentation – Ms. Sidonie Quick, Chief Financial Officer of the ASD gave a presentation on the Fiscal Report.

Division Director's Report – Ms. Kendal Stegmann, Division Director of the AQD, provided an update on other Division activities.

New Business – None

Adjournment – The next regular meeting is scheduled for Wednesday, April 22, 2026 in Oklahoma City, Oklahoma. Ms. Lodes called for a motion to adjourn the meeting, Dr. Thayer moved to adjourn and Mr. Keele made the second. Meeting adjourned at 10:02 a.m.

Gregory Elliott	Yes	Jeffrey Taylor	Yes
James Farrell	Yes	Michael Thayer	Yes
Garry Keele	Yes	Jefferson Wilber	Yes
John Privrat	Yes	Laura Lodes	Yes

Transcript and attendance sheet becomes an official part of these Minutes.

HEARING
AIR QUALITY ADVISORY COUNCIL
OCTOBER 16, 2025, 9:00 AM

MEMBERS PRESENT
Laura Lodes
Garry Keele II
John Privrat
James Farrell
Jeffrey Taylor
Michael Thayer
Gregory Elliott
Jefferson Wilber

MEMBERS ABSENT
Matt Caves

REPORTED BY: Jenny Longley, CSR

PROCEEDINGS

CHAIRWOMAN LODES: I'd like to bring today's Regular Meeting of the Air Quality Advisory Council to order.

Quiana, will you please call roll?

MS. FIELDS: Yes.

Mr. Caves is absent.

Mr. Elliott?

MR. ELLIOTT: Present.

MS. FIELDS: Mr. Farrell?

MR. FARRELL: Here.

MS. FIELDS: Mr. Keele?

MR. KEELE: Here.

MS. FIELDS: Mr. Privrat?

MR. PRIVRAT: Here.

MS. FIELDS: Mr. Taylor?

MR. TAYLOR: Here.

MS. FIELDS: Dr. Thayer?

DR. THAYER: Here.

MS. FIELDS: Mr. Wilber?

MR. WILBER: Here.

MS. FIELDS: Ms. Lodes?

CHAIRWOMAN LODES: Here.

MS. FIELDS: We have a quorum.

CHAIRWOMAN LODES: Thank you.

The next item on today's agenda is Approval of the Minutes from the July 30, 2025 Regular Meeting. Do we have any comments or discussion on the minutes?

Seeing none, do I have a motion to approve the minutes?

DR. THAYER: Motion to approve.

MR. KEELE: Second.

CHAIRWOMAN LODES: I have a motion and a second.

Quiana, will you please call roll?

CHAIRWOMAN LODES: Mr. Elliott?

MR. ELLIOTT: Yes.

MS. FIELDS: Mr. Farrell?

MR. FARRELL: Yes.

MS. FIELDS: Mr. Keele?

MR. KEELE: Yes.

MS. FIELDS: Mr. Privrat?

MR. PRIVRAT: Yes.

MS. FIELDS: Mr. Taylor?

MR. TAYLOR: Yes.

MS. FIELDS: Dr. Thayer?

DR. THAYER: Yes.

MS. FIELDS: Mr. Wilber?

MR. WILBER: Yes.

MS. FIELDS: Ms. Lodes?

CHAIRWOMAN LODES: Yes.

MS. FIELDS: Motion passed.

CHAIRWOMAN LODES: The next item on today's agenda is the Meeting Schedule for Calendar Year 2026. If y'all will look at it, a couple things to note. One, we're adjusting the time to 9:30 so that it's the same timeframe as the Environmental Quality Board meeting, so figured that gave people 30 more minutes to get in if you're traveling from elsewhere.

Also, there's no January meeting on the schedule. Because of the way that EQB and the legislature aligns, it was -- we decided to forego a January meeting and we have an April 22nd meeting; the July 22nd in Tulsa; and then if you'll notice, instead of always being in October, we've moved the meeting to December 9th.

That aligns better, gives us more time for the January EQB meeting to be kind of our last-ditch effort for this December meeting. Also, personally, I like the fact that it gets us away from EFO and fall break and some of the issues we always seem to have scheduling in October with it being busy.

Page 5

Are there any questions or discussions regarding the proposed meeting schedule?

Hearing none, do I have a motion to approve the proposed meeting schedule for next year?

MR. TAYLOR: Motion to approve.

MR. KEELE: Second.

CHAIRWOMAN LODES: Thank you, I have a motion and a second.

Quiana, will you please call roll?

MS. FIELDS: Mr. Elliott?

MR. ELLIOTT: Yes.

MS. FIELDS: Mr. Farrell?

MR. FARRELL: Yes.

MS. FIELDS: Mr. Keele?

MR. KEELE: Yes.

MS. FIELDS: Mr. Privrat?

MR. PRIVRAT: Yes.

MS. FIELDS: Mr. Taylor?

MR. TAYLOR: Yes.

MS. FIELDS: Dr. Thayer?

DR. THAYER: Yes.

MS. FIELDS: Mr. Wilber?

MR. WILBER: Yes.

MS. FIELDS: Ms. Lodes?

CHAIRWOMAN LODES: Yes.

Page 6

MS. FIELDS: Motion passed.

CHAIRWOMAN LODES: We shall now enter the Public Rulemaking portion.

MS. FOSTER: Thank you, Laura.

Good morning. I'm Melanie Foster, of the Rules & Planning Section of the Air Quality Division, and I will serve as today's protocol officer for the hearing today.

The hearings will be convened by the Air Quality Council in compliance with the Oklahoma Administrative Procedures Act and Title 40 of the Code of Federal Regulations, Part 51, as well as the authority of Title 27A of the Oklahoma Statutes, Section 2-2-201 and Sections 2-5-101 through 2-5-117.

Notice of the October 16, 2025 hearings were advertised in the Oklahoma Register for the purpose of receiving comments pertaining to the proposed OAC Title 252 Chapter 100 rules as listed on the Agenda and will be entered into each record along with the Oklahoma Register filing. Notice of the Meeting was filed with the Secretary of State on October 24, 2024. The Agenda was duly posted 24 hours prior to the meeting at DEQ.

If you wish to make a statement, it

Page 7

is very important that you complete the form at the registration table and you will be called upon at the appropriate time. Audience members, please come to the podium for your comments and please state your name.

At this time, we will proceed with what's marked as Agenda Item No. 5A on the Hearing Agenda: Chapter 100, Air Pollution Control; Subchapter 2, Incorporation by Reference [Amended]; Appendix Q, Incorporation by Reference [Amended].

And Jared Milano will make the staff presentation.

MR. MILANO: Good morning, Council Members. My name is Jared Milano, an Environmental Programs Specialist with AQD, and I'll be proposing changes to Oklahoma Administrative Code Title 252, Chapter 100 Subchapter 2 and Appendix Q.

Okay. So some proposed changes. There are several proposed amendments to Subchapter 2 and Appendix Q, which are listed in your packets.

But please note one thing, that a revised notice was published on October 15, 2025 to amend the Environmental Quality Board meeting date. And should the Council recommend the proposed changes, these rules will be considered by the EQB

Page 8

in January.

So DEQ is requesting that the Air Quality Advisory Council recommend these proposed changes to Subchapter 2 and Appendix Q to the Environmental Quality Board for adoption.

Any questions?

MS. FOSTER: Thank you, Jared.

Questions and discussion by the Council?

MR. KEELE: So no new subparts, it's all just modifications that they made --

MR. MILANO: Correct. No new subparts, yeah, just amendments to the language.

MR. KEELE: Thank you.

MS. FOSTER: Any other questions? Sorry. Laura?

CHAIRWOMAN LODES: It's okay.

Any questions or comments from the Council?

MS. FOSTER: Okay. Questions, comments or discussion by the public? I have not received any notifications anybody wants to speak, but if you do, please raise your hand and come to the podium.

Seeing none, I'll ask for discussion and action by the Council.

Page 9

CHAIRWOMAN LODES: Seeing no further comments or discussion by the Council, do I have a motion to approve Subchapter 2 and Appendix Q as presented by the DEQ?

MR. ELLIOTT: I make that motion.

MR. TAYLOR: Second.

CHAIRWOMAN LODES: I have a motion and a second.

Quiana, will you please call roll?

MS. FIELDS: Mr. Elliott?

MR. ELLIOTT: Yes.

MS. FIELDS: Mr. Farrell?

MR. FARRELL: Yes.

MS. FIELDS: Mr. Keele?

MR. KEELE: Yes.

MS. FIELDS: Mr. Privrat?

MR. PRIVRAT: Yes.

MS. FIELDS: Mr. Taylor?

MR. TAYLOR: Yes.

MS. FIELDS: Dr. Thayer?

DR. THAYER: Yes.

MS. FIELDS: Mr. Wilber?

MR. WILBER: Yes.

MS. FIELDS: Ms. Lodes?

CHAIRWOMAN LODES: Yes.

Page 10

MS. FIELDS: Motion passed.

MS. FOSTER: All right. Now we will proceed with what's marked as Agenda Item 5B on the Hearing Agenda. This is Chapter 100, Air Pollution Control; Subchapter 11, Alternative Emissions Reduction Plans and Authorizations [Revoked], and that revokes 252:100-11-1, 252:100-11-2, 252:100-11-3, 252:100-11-4, 252:100-11-5, 252:100-11-6, and 252:100-11-7; as well as Subchapter 33, Control of Emission of Nitrogen Oxides [Revoked] that revokes 252:100-33-1, 252:100-33-1.1, 252:100-33-1.2, and 252:100-33-2.

Christina Hagens will make the staff presentation.

MS. HAGENS: Good morning, Madam Chair, Members of the Council, and everyone in attendance today. My name is Christina Hagens, and I will be presenting on the revocation of OAC 252:100-11 and OAC 252:100-33. A notice of the rule change was published in the Oklahoma Register on September 15, 2025, and the notice requested written comments from the public and other interested parties. No comments have been received to date, and please note that a revised Notice was published on October 15, 2025 to amend the EQB meeting date. Should the

Page 11

Council recommend these proposed changes, these rules will be considered by the EQB in January.

So what initially necessitated this rulemaking was a Governor-issued Executive Order. On February 3, 2020, Governor Stitt signed Executive Order 2020-03, which directed all state agencies to review "agency administrative rules to identify costly, ineffective, duplicative, and outdated regulations". During DEQ's comprehensive rule review, Subchapter 11 and Subchapter 33 were both identified as being potentially obsolete and ineffective.

I will now go over why each rule was identified as such, starting with Subchapter 11, Alternative Emission Reduction Plans and Authorizations.

Subchapter 11 provides the mechanism by which a facility may be allowed to comply with an alternate standard in exchange for an overall reduction in emissions. This rule was created to allow companies flexibility and cost-effectiveness to offset limits on emissions if other processes within the facility could reduce emissions more than this increase. Subchapter 11 was first published in 1982, which was before DEQ was even established, and

Page 12

this rule has been brought before the council a few times to be updated for refining language and making the program easier to understand and implement.

So a proposed plan under this rule requires a source-specific State Implementation Plan - or SIP - revision and approval from the Council. Since its inception, there's only been one documented use of the Alternative Emissions Reduction Plan which was never officially submitted. Over these past 43 years this rule was partially used once. Subchapter 11 clearly meets the Governor's target for rule cleanup so removal of this rule would ensure that staff time is not wasted on maintaining an obsolete rule that was never truly utilized. Revocation would also bring simplicity as facilities will be acting on the actual emissions.

There is no equivalent federal regulation to Subchapter 11. This rule was initially added to provide facilities flexibility and emission reduction by allowing offsets between emission points within the facility. The revocation of this rule would remove this option of internal trading and require facilities to adhere to the actual emission point limits as required under their permit and as expected by EPA for all individual

Page 13

permits.

And lastly, Subchapter 11 is not currently in our SIP, so removing this rule would not have any impact to the Oklahoma SIP or require a demonstration of any kind.

Moving on to Subchapter 33, Control of Emission of Nitrogen Oxides. Subchapter 33 was created to "control the emission of nitrogen oxides from stationary sources to prevent the Oklahoma air quality standards from being exceeded". This rule was first drafted in October of 1971, a time when there was very little federal NOx requirements and Oklahoma was in need of an applicable rule. For context, the first NAAQS and the original six criteria pollutants, were finalized April 30th of 1971, which was less than six months prior to when Subchapter 33 was before the public. So we basically had a federal rulemaking and a state rulemaking on NOx happening almost concurrently. Subchapter 33 was sufficient for the time and context of its creation, but over the years the federal NOx research and regulations have continued to develop while the state rule has mostly stagnated.

This rule has been amended a few

Page 14

times over the years for simplicity, clarification, and even as the industrial makeup of Oklahoma has changed. However, this rule remains out of date as many changes were made as needed rather than ensuring that the rule is effectively controlling NOx emissions.

Should the revocation be adopted, DEQ will continue to evaluate the need for a new NOx rule in the future especially as it relates to NOx concerns as a precursor to ozone formation.

To evaluate the potential impact of the rulemaking, staff reviewed the latest data on applicable facilities. As you can see on this map, there are currently 10 facilities limited by Subchapter 33, which includes 20 affected units. And I will note that the units in Tulsa County, there are two almost overlapping; so that's why if you count it, it should add up to 10, but there are two it's kind of hard to see from here. So "limited by" means that this is the limiting factor for that facility, so in this case Subchapter 33 is providing the backstop emission level.

Most of these facilities are operating well below the limit, although DEQ is aware that a couple facilities have had issues

Page 15

complying with the standard.

Removing Subchapter 33 does not mean that these facilities would not have any limit because they are subject to federal standards regardless. Additionally, removal of Subchapter 33 would not automatically remove limits that would result in a permit change.

So on the map, the counties in green represent the Metropolitan Statistical Areas, or MSAs, and of the identified 10 facilities, seven are within an MSA and the other three are not, but do border the county of one. So of these facilities, only one is located in an area that would not impact an Oklahoma MSA airshed, which is the one down at the very bottom.

There are multiple existing federal regulations under New Source Performance Standards, or NSPS, in 40 C.F.R. Part 60 that address activities similar to Subchapter 33. The affected facilities impacted by this rulemaking are subject to the equivalent federal requirements as required under their permit and as required by EPA. Compared to these federal standards, Subchapter 33 does not provide the intended backstop on NOx emissions and has not demonstrated a true benefit to preventing

Page 16

NOx violations.

Now, on the SIP side, a version of Subchapter 33 does exist in the Oklahoma SIP back when NOx revisions were submitted in 2010, but eventually these got caught up in the SIP backlog at EPA. Recently, on September 17, 2025, Secretary Starling submitted a letter to Administrator Mason pulling back these revisions from consideration and preventing EPA from unnecessarily reviewing outdated provisions.

If the revocation of Subchapter 33 proceeds to the EQB and is accepted, then DEQ will begin work to remove this rule from the SIP through a demonstration of noninterference under Section 110(l) of the Clean Air Act. This process will begin with a justification before EPA that DEQ's rulemaking is not interfering with (designated) attainment of the NAAQS or any other applicable requirement of the Clean Air Act. This provision will ensure that we are not harming the NAAQS and that there will be no impact to the airshed as a result of this rulemaking.

In summary, both rules were marked for cleanup due to being outdated and ineffective. Subchapter 11 was only partially used once in over

Page 17

40 years of being effective. Subchapter 33 was drafted when Oklahoma needed such a rule, since then staff has updated it as needed, but it has not kept up with federal rules as they have developed over the years.

And thus, staff requests that the council recommend revocation of Subchapter 11 and Subchapter 33 to the EQB for adoption.

Thank you.

MS. FOSTER: Questions and discussion by the Council?

CHAIRWOMAN LODES: So to clarify, if industry has Subchapter 33 in their permit, this is not going to mean they have to automatically reopen their permit, it will just be addressed at the next modification for those 10 facilities that have it in their permit, correct?

MS. HAGENS: Correct.

CHAIRWOMAN LODES: Okay. Any other questions or comments? Melanie, I see one comment from the public.

MS. FOSTER: Yes, thank you. If you will announce yourself and who you're with.

MR. GROUND: Bud Ground with Environmental Federation of Oklahoma, and my question is really

Page 18

I'd like to know what those 10 facilities are and I was wondering if they've been notified of this, specifically. I mean, I just heard you say that you were not going to open their permits, so I was just wondering if they knew this was happening.

MS. FOSTER: Thank you, Bud.

MS. HAGENS: Yes, so we -- I believe our Legal has been in contact with these -- nope? Okay.

MS. FOSTER: Do you want me to just answer?

MS. HAGENS: Yes.

MS. FOSTER: No, other than the normal public notice process, they have not been contacted directly. This was a -- to find the facilities that were subject to basically just Subchapter 33, it was a data mining process that Permitting did within their permits.

And so through the normal process of public notice we expect that they may be aware of this, but I'm not -- there have been no direct outreach to those individual facilities. There may be one that is aware that we're doing this because of some ongoing discussions with them, but otherwise, no.

And again, back to the point of

Page 19

Laura, removing Subchapter 33, their permit will still stand with the permit limit that was set by Subchapter 33 unless and until they come to us and ask for a change, and then they would have to go through the normal permitting process to request that permit limit change. So we're not expecting any direct impact on those facilities.

MS. HAGENS: No automatic triggers as a result of this revocation on the permits.

MS. FOSTER: Any other questions, comments or discussion by the public?

Seeing none, discussion and action by the Council.

CHAIRWOMAN LODES: Staff has recommended that we revoke Subchapters 11 and 33. Do I have a motion?

DR. THAYER: I have a question.

CHAIRWOMAN LODES: Yes.

DR. THAYER: Are there -- so you said you haven't reached out to these facilities. Are there now plans -- are there plans to do that or just kind of let it organically filter down to them?

MS. FOSTER: So I would say we've not made plans thus far to do that; we certainly can. Again, the expectation is that they would retain the limit,

Page 20

and so we do not necessarily expect or want them to come in and request a change to their permit.

DR. THAYER: Right. Okay.

CHAIRWOMAN LODES: Any other questions or comments from the Council?

Do I have a motion to approve revoking Subchapters 11 and 33?

MR. FARRELL: So moved.

CHAIRWOMAN LODES: I have a motion. Do I have a second?

MR. ELLIOTT: I'll second.

CHAIRWOMAN LODES: I have a motion and a second.

Quiana, will you please call roll?

MS. FIELDS: Mr. Elliott?

MR. ELLIOTT: Yes.

MS. FIELDS: Mr. Farrell?

MR. FARRELL: Yes.

MS. FIELDS: Mr. Keele?

MR. KEELE: Yes.

MS. FIELDS: Mr. Privrat?

MR. PRIVRAT: Yes.

MS. FIELDS: Mr. Taylor?

MR. TAYLOR: Yes.

MS. FIELDS: Dr. Thayer?

Page 21

DR. THAYER: Yes.
MS. FIELDS: Mr. Wilber?
MR. WILBER: Yes.
MS. FIELDS: Ms. Lodes?
CHAIRWOMAN LODES: Yes.
MS. FIELDS: Motion passed.
MS. FOSTER: So now we will proceed with what's marked as agenda item 5C on the Hearing Agenda for today: Chapter 100, Air Pollution Control; Subchapter 49, Oklahoma Emission Reduction Technology Rebate Program [Amended]; 252:100-49-5 [Amended] and 252:100-49-7 [Amended].
And Tom Richardson will make the staff presentation.
MR. RICHARDSON: Thank you, Melanie. Good morning, Madam Chair, Members of the Council, Ladies and Gentlemen. I am Tom Richardson, an engineer in the Air Quality's Division's Rules & Planning Section. My purpose today is to present proposed changes to our rules governing the Oklahoma Emission Reduction Technology Rebate Program.
Next slide. This slide summarizes the topics I will cover. First, I will say a few words about the changes made to the statute that prompted the need to change the rule language; then

Page 22

I will give an overview of the rule language we are proposing; finally, I will give staff's recommendation to the Council.
Next slide. So on the slide, you can see a screenshot of the first page of the Act. It's enrolled bill Senate No. 469, it was passed by the legislature and signed by the Governor in April of this year. It amends the language authorizing rebates for the altered projects two ways: "All applications for rebates shall be submitted no later than six months after the end of the fiscal year in which the project was completed", and, "All applications for rebates shall be submitted no later than six months prior to the date that the program will be terminated or the cessation of the program".
Next slide. Chapter 100 changes, again the Title 252 Chapter 100, Subchapter 49. And I think I'm the third one to point out that the notice of permanent proposed rulemaking was published on September 15th, a revised version of the notice was published on October 15th, and that revision stated that rather than taking it to the EQB if it is proposed by this group, it will actually be taken to EQB in January instead of in November. So those of you following with your

Page 23

packet, please turn to the appropriate location in your packet.
Next slide. Rule language changes. The first change is to mirror the language in the legislation. So the language will be amended to clarify that the application for a rebate must be submitted no later than six months after the date of the fiscal year in which the project was completed.
Next slide. The second and the last change again mirrors the legislation. So the language will address sunsetting the program, so we've amended the language to state that, "All applications must be submitted no later than six months prior to the date of cessation of the program".
Next slide. We received no comments addressing the proposed or written comments in advance addressing these proposed changes.
Next slide. And our staff recommendation. Staff are requesting that the Air Quality Council recommend proposed rule revisions to Subchapter 49 as presented today to the EQB during the January meeting for adoption as a permanent rule. That's the end of my question.
Melanie?

Page 24

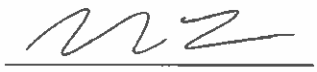
MS. FOSTER: Questions and discussion by the Council?
Seeing none, questions, comments, discussion by the public? I didn't receive any written comments, but if anybody would like to make a comment on the rule?
Seeing none, discussion and action by the Council.
CHAIRWOMAN LODES: Any further questions or comments on the proposed changes to Subchapter 49 from the Council?
Staff has recommended that we move to approve the recommended changes to Subchapter 49. Do I have a motion?
MR. KEELE: Motion to approve.
CHAIRWOMAN LODES: Do I have a second?
DR. THAYER: Second.
CHAIRWOMAN LODES: I have a motion and a second.
Quiana, please call roll.
MS. FIELDS: Mr. Elliott?
MR. ELLIOTT: Yes.
MS. FIELDS: Mr. Farrell?
MR. FARRELL: Yes.
MS. FIELDS: Mr. Keele?

MR. KEELE: Yes.
MS. FIELDS: Mr. Privrat?
MR. PRIVRAT: Yes.
MS. FIELDS: Mr. Taylor?
MR. TAYLOR: Yes.
MS. FIELDS: Dr. Thayer?
DR. THAYER: Yes.
MS. FIELDS: Mr. Wilber?
MR. WILBER: Yes.
MS. FIELDS: Ms. Lodes?
CHAIRWOMAN LODES: Yes.
MS. FIELDS: Motion passed.
MS. FOSTER: And that concludes the hearing portion of our meeting.
(HEARING ADJOURNED AT 9:25 AM)

CERTIFICATE

I, Jenny Longley, Certified Shorthand Reporter within and for the State of Oklahoma, do hereby certify that the above and foregoing meeting was by me taken in shorthand and thereafter transcribed; and that I am not an attorney for nor relative of any of said parties or otherwise interested in the event of said action.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal this 24th day of October, 2025.



Jenny Longley, CSR
CSR # 1903

OKLAHOMA Environmental Quality

AIR QUALITY ADVISORY COUNCIL

Attendance Record

October 16, 2025

Oklahoma City, Oklahoma

Public Record Notice: Information provided on this sign-in sheet is subject to disclosure under the Oklahoma Open Records Act and may be released as a public record. Entries will not be redacted. By signing, you acknowledge and accept this condition.

Name	Affiliation	Address and/or Phone and/or E-Mail
Garry Keele	McAfee Taft	garry.keele@mcafeetaft.com
Jeremy Jewell	Trinity Cons.	jjewell@trinityconsultants.com
Bud Ground	EFO	
Quiana Fields	DEQ	
MIKE THAYER	AQAC	MIKE.THAYER@okstate.edu
Carrie Schroeder	DEQ	
Greg Elliott	AQAC	greg.elliott2@valero.com
Jeff Wilbur	AQAC	JPWilber70@gmail.com
LEE WARDEN	AQD	
Sidonie Quick	ASD	405 627 5507
DAVID STEELE	STREETLIGHT NEWS	405 596 3218

OKLAHOMA Environmental Quality

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Oklahoma City, Oklahoma

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Name	Affiliation	Address and/or Phone and/or E-Mail
Joe Daniel	DEQ	
Austin Sides	DEQ	
Randall Ward	public	Randy1993@yahoo.com
Mollie Bryant	Streetlight news. org	bryant@streetlightnews.org, 405-990-0988
Phillip Fielder	DEQ	phillip.fielder@deq.ok.gov
Travis Couch	DEQ	
Whitney Hall	Envirotech Engineering + Consulting	whall@envirotechconsulting.com
Matthew Webb	CF Ind.	Matthew.Webb@CFIndustries.com
John Privrat	AQAC	
Jonathan Allen	DEQ	
Camas Frey	ODEQ	

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Name	Affiliation	Address and/or Phone and/or E-Mail
Jim Farrell	AQAC	jim.farrell@oneok.com
Matt Grimes	OG+E	grimesmm@oge.com
Rick Groshong	AQD	richard.groshong@deq.ok.gov
Ivan Ma	AQD	Ivan.ma@deq.ok.gov
Ryan McIntosh	DEQ	ryan.mcintosh@deq.ok.gov
Jeff Emmett	OG&E	emmetjde oge.com
Brooks Kirlin		bk.rin@att.net
Marla Peek	OK Farm Bureau	marlapeek@okfb.org
Laura Finley	Ryan Whaley	lfinley@ryanwhaley.com
Gary Stewart	DEQ	
Laura Lodes	AQC	

OKLAHOMA Environmental Quality

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Name	Affiliation	Address and/or Phone and/or E-Mail
Alexander Teets	AQD	
Christina Hagens	AQD	
Malcolm Zachariah	AQD	
Isabella Moreno	AQD	
Sean Walker	ET / EFU	Sean.walker@energytransfer.com
Tom Richardson	AQD	
Cheryl Bradley	AQD	
Jared Milow	AQD	
MELANIE FOSTER	AQD	
Kendal Stegmann	AQD	
Debbie Dayt	AQD	

TITLE 252. DEPARTMENT OF ENVIRONMENTAL QUALITY
CHAPTER 205. HAZARDOUS WASTE MANAGEMENT

RULEMAKING ACTION:
PERMANENT final adoption
RULES:
Subchapter 3. Incorporation by Reference
252:205-3-1. [AMENDED]
AUTHORITY:
Environmental Quality Board; 27A O.S. § 2-2-101.
Hazardous Waste Management Advisory Council, 27A O.S., §§2-2-101, 2-2-104, 2-2-201, 2 7-105, and 2-7-106.
SUBMISSION OF PROPOSED RULES TO GOVERNOR AND CABINET SECRETARY:
August 25, 2025
COMMENT PERIOD:
September 15, 2025, to October 23, 2025
PUBLIC HEARING:
October 23, 2025, Hazardous Waste Management Advisory Council
January 21, 2026, Environmental Quality Board
ADOPTION:
January 21, 2026 (Proposed)
SUBMISSION OF ADOPTED RULES TO GOVERNOR AND LEGISLATURE:

LEGISLATIVE APPROVAL:

LEGISLATIVE DISAPPROVAL:

APPROVED BY GOVERNOR'S DECLARATION:

FINAL ADOPTION:

EFFECTIVE:
September 15, 2026 (Proposed)
SUPERSEDED EMERGENCY ACTIONS:
n/a
INCORPORATION BY REFERENCE:
Incorporated standards:
Date of 40 CFR provisions incorporated by reference in these rules is changed to "as amended through July 1, 2025".
Incorporating rules:
252:205-3-1
Availability:
The standards are on file at the Department of Environmental Quality, 707 North Robinson, Oklahoma City, Oklahoma, 73102, and are available to the public for examination Monday through Friday between the hours of 8:00 a.m. and 4:30 p.m., excluding state holidays. The standards may also be viewed on the Department of Environmental Quality Website at the following link: https://oklahoma.gov/deq/divisions/executive-offices/office-of-communication-and-education/events/2025/october/hwmac-oct-2025.html

GIST/ANALYSIS:
The gist of this rulemaking is to make DEQ's hazardous waste rules consistent with the federal regulations by incorporating by reference the regulations found in Title 40 of the Code of Federal Regulations Parts 124 and 260-279, revised as of July 1, 2025. There are three (3) separate rule changes that are included in this incorporation by reference. The first amended regulation addresses manifest and electronic manifest (e-Manifest) requirements for shipments of hazardous waste, including those specific to hazardous waste imports and export; requirements pertaining to the international movement document for imports and exports of hazardous waste; the manifest data correction process, and the Discrepancy, Exception, and Unmanifested Waste Reports. Additionally, this rule modification makes technical corrections to address typographical errors in the e-manifest regulations. The second rule change establishes 40 CFR Part 266 Subpart Q which describes alternative standards for the recovery and recycling of lower flammability hydrofluorocarbons and hydrocarbon substitutes as well as making conforming changes to corresponding parts of the hazardous waste regulations. The third change finalizes five revisions to the August 9, 2023 direct final rule that made technical corrections to the 2016 Hazardous Waste Generator Improvements Rule, the 2019 Hazardous Waste Pharmaceutical Rule, and the 2018 Vacatur of the Definition of Solid Waste Rule. These five revisions were among eight amendments that were withdrawn due to the receipt of adverse comments.

CONTACT PERSON:
Jon Roberts, Hazardous Waste Compliance and Inspection Section, Department of Environmental Quality, P.O. Box 1677, Oklahoma City, OK 73101 - 1677, e-mail at jon.roberts@deq.ok.gov, phone 405-702-5226, or fax 405-702-5101.

PURSUANT TO THE ACTIONS DESCRIBED HEREIN, THE FOLLOWING RULES ARE CONSIDERED FINALLY ADOPTED AS SET FORTH IN 75 O.S., SECTIONS 250.3(5) AND 308(E) WITH AN EFFECTIVE DATE OF SEPTEMBER 15, 2025.

SUBCHAPTER 3. INCORPORATION BY REFERENCE

252:205-3-1. Reference to 40 CFR

When reference is made to Title 40 of the Code of Federal Regulations (40 CFR), it shall mean (unless otherwise specified): the Hazardous Waste Regulations, Monday, May 19, 1980, as amended through July 1, ~~2024~~2025.

TITLE 252. DEPARTMENT OF ENVIRONMENTAL QUALITY
CHAPTER 205. HAZARDOUS WASTE MANAGEMENT

SUBCHAPTER 3. INCORPORATION BY REFERENCE

252:205-3-1. Reference to 40 CFR

When reference is made to Title 40 of the Code of Federal Regulations (40 CFR), it shall mean (unless otherwise specified):

(1) the Hazardous Waste Regulations, Monday, May 19, 1980, as amended through July 1, ~~2024~~ 2025.

TITLE 252. DEPARTMENT OF ENVIRONMENTAL QUALITY
CHAPTER 205. HAZAROUS WASTE MANAGEMENT

Before the Hazardous Waste Management Advisory Council October 23, 2025
Before the Environmental Quality Board January 21, 2026

RULE IMPACT STATEMENT

A. Statement of need for the rule change and legal basis supporting it.

The Department of Environmental Quality (DEQ) is proposing to amend Subchapter three (3), Incorporation by Reference in OAC 252:205, to make DEQ's hazardous waste rules consistent with the federal regulations found in Title 40 of the Code of Federal Regulations Parts 124 and 260-279, revised as of July 1, 2025.

The legal basis for the proposed changes is supported by:
Environmental Quality Board; 27A O.S. §§ 2-2-101 and 2-2-104.
Hazardous Waste Management Advisory Council; § 2-2-201.
Oklahoma Hazardous Waste Management Act; §§ 2-7-105, and 2-7-106.

B. Classification of rule change (major/non-major), justification for that classification, and business cost estimate over the first five (5) years.

The proposed rules represent non-major rule changes. (1) The United States Environmental Protection Agency (USEPA) estimates that the first rule described in section C of this document will decrease the financial burden on all entities that manifest waste. (2) The establishment of 40 CFR 266 Subpart Q, which is the second rule change mentioned in section C, is expected to be cost neutral or to provide some savings from reduced compliance burden on affected entities, according to USEPA. (3) The third rule change finalizes five amendments that were previously withdrawn in the USEPA's December 6, 2023, partial withdrawal of the August 9, 2023, direct final rule. Because the direct final rule consists of technical corrections, no costs will be incurred by its adoption or a slight savings may be realized due to reduced ambiguity or confusion associated with the affected regulations.

C. Description of the purpose of the proposed rule change, whether the change is mandated by federal law or is required to participate in or implement a federal program, and whether the change exceeds the requirements of the federal law.

(1) The first amended regulation addresses manifest and electronic manifest (e-Manifest) requirements for shipments of hazardous waste, including those specific to hazardous waste imports and export; requirements pertaining to the international movement document for imports and exports of hazardous waste; the manifest data correction process; and the Discrepancy, Exception and Unmanifested Waste Reports. Additionally, this rule modification makes technical corrections to address typographical errors in the e-manifest regulations. This rule was promulgated under the e-Manifest Act as well as under the authority of the Hazard and Solid Waste Amendments of 1984 (HSWA). States must adopt HSWA-based requirements and prohibitions or state-law equivalents to retain final authorization. (2) The second rule change establishes 40 CFR 266 Subpart Q which describes alternative standards for the recovery and recycling of lower flammability

hydrofluorocarbons and hydrocarbon substitutes as well as making conforming changes to corresponding parts of the hazardous waste regulations. The addition of subpart Q to 40 CFR part 266 was finalized by USEPA under HSWA authority. (3) The third change finalizes five revisions to the August 9, 2023, direct final rule that made technical corrections to the 2016 Hazardous Waste Generator Improvements Rule, the 2019 Hazardous Waste Pharmaceutical Rule and the 2018 Vacatur of the Definition of Solid Waste Rule. The revisions being adopted amend the 2016 Hazardous Waste Generator Improvements Rule and the 2019 Hazardous Waste Pharmaceutical Rule. The five modifications are among eight amendments that were withdrawn due to the receipt of adverse comments. The technical corrections finalized in this rule change are under HSWA and non-HSWA authority. Failure to adopt the HSWA portions would jeopardize state authorization. Each of the three proposed rule changes will be incorporated by reference and therefore equivalent to the rules finalized by the USEPA.

D. Description of the classes of persons who most likely will be affected by the proposed rule(s), including classes that will bear the costs of the proposed rule(s), and any information on cost impacts received by the agency from any private or public entities.

The classes of persons affected by the first rule change include: (1) hazardous waste generators; hazardous waste transporters; owners and operators of treatment, storage, and disposal (TSD) facilities; entities who are involved in transboundary movements of hazardous waste including exporters, importers and owner/operators of disposal and recovery facilities and entities who are required to complete hazardous waste exception reports, discrepancy reports, or unmanifested waste reports. (2) those who recover, recycle or receive ignitable spent refrigerants that are not highly flammable. (3) hazardous waste generators; hazardous waste transporters; owners and operators of treatment, storage, and disposal facilities. DEQ has not received any information on cost impacts as of this date.

E. Description of the classes of persons who will benefit from the proposed rule(s).

(1) The regulated community will benefit as a result of increasing the utility of and reducing the overall burden associated with the e-manifest system. (2) Persons who recover, recycle or receive ignitable spent refrigerants that are not highly flammable will benefit from relaxed regulation of these materials (3) Persons subject to or otherwise interpreting the 2016 Hazardous Waste Generator Improvements Rule and the 2019 Hazardous Waste Pharmaceutical Rule will benefit from improved clarity of these regulations. Additionally, the citizens of Oklahoma will benefit from enhanced protection of human health and the environment that will result from: (1) an improved e-manifest system (2) reducing emissions of ignitable spent refrigerants to the lowest achievable level by maximizing the recovery and safe recycling of such refrigerants during the service, repair and disposal of appliances.

F. Comprehensive analysis of the rule change's economic impact, including impacts to the full-time-employee count of the agency, costs or benefits, a quantification of implementation and compliance costs on the affected businesses, business sectors, public utility ratepayers, individuals, state or local governments, and on the state as a whole, with a listing of all fee changes and justification for each fee change.

(1) A net positive economic impact is expected for all classes of persons affected by this rule change. There will be no impact on full-time DEQ employee count. DEQ personnel will have greater online access to hazardous waste manifests which will improve efficiency in the evaluation of hazardous waste transportation and overall hazardous waste activity in the state. (2) Cost savings or no economic impact is anticipated for persons directly involved in the recovery, recycling or receipt of ignitable spent refrigerants. This rule change will have no bearing on the full-time DEQ employee count nor are other entities expected to be affected economically by this rule change. (3) This rule change will have no bearing on the full-time DEQ employee count nor are other entities expected to be affected economically.

G. Detailed explanation of methodology and assumptions used to determine the economic impact, including dollar amounts calculated.

(1) Data utilized to determine the economic impact associated with his rule change was obtained from Exhibit ES-5 in *Regulatory Impact Analysis, EPA's 2024 Final Rule Integrating e-Manifest with Hazardous Waste Exports and Other Manifest-related Reports, PCB Manifest Amendments and Technical Corrections* (2) See Section 5.5 (Comparison of Costs and Benefits of RCRA Amendments) in *Draft Regulatory Impact Analysis Addendum: Analysis of the Economic Impact and Benefits of the Proposed Rule: American Innovation and Manufacturing (AIM) Act Subsection H, Management of Regulated Substances* for information pertaining to economic impacts. (3) Minor technical corrections will not have an economic impact.

H. Determination of whether implementation of the proposed rule(s) will have an economic impact on any political subdivisions or require their cooperation in implementing or enforcing the rule(s).

(1) Political subdivisions that generate hazardous waste and are required by the Resource Conservation and Recovery Act (RCRA) to use the hazardous waste manifest that are currently not registered with the e-manifest system will be required to register. USEPA estimates that a one-time cost of 0.15 hours of technical labor will be expended for each entity/registration. If every hazardous waste generator in Oklahoma, political subdivision or otherwise, previously registered or otherwise, who is required to register with the e-manifest system (544 in FY 2025 not including TSDs, short-term generators, or military facilities) invested 0.15 hours of labor at an hourly wage of $41.52 (USEPA estimate) submitted a registration, the total cost would be $3,388.03. All other aspects of this rule change will result in net savings for hazardous waste generators. (2) USEPA anticipates that political subdivisions who may recover, recycle or receive ignitable spent refrigerants will see cost savings or no economic impact as a result of this rule change. (3) This rule change consisting of technical corrections and clarifications should have no economic impact on political subdivisions. No cooperation with political subdivisions to implement or enforce these rule changes will be required: (1) USEPA will maintain responsibility for

implementing the e-manifest system with DEQ providing regulatory oversight. (2) DEQ will be responsible for regulatory oversight of 40 CFR 266 Subpart Q. (3) Likewise, DEQ is responsible for the enforcement of the Hazardous Waste Generator Improvements Rule and Pharmaceutical Rule which are the regulations affected by this rule change.

I. Determination of whether implementation of the proposed rule(s) may have an adverse economic effect on small business as provided by the Oklahoma Small Business Regulatory Flexibility Act.

(1) Businesses that generate hazardous waste and are required by RCRA to use the hazardous waste manifest that are currently not registered with the e-manifest system will be required to register. USEPA estimates that a one-time cost of 0.15 hours of technical labor will be expended for each entity/registration. If every hazardous waste generator in Oklahoma, previously registered or otherwise, who is required to register with the e-manifest system (544 in FY 2025 not including TSDs, short-term generators, or military facilities) invested 0.15 hours of labor at an hourly wage of $41.52 (USEPA estimate) submitted a registration, the total cost would be $3,388.03. All other aspects of this rule change will result in net savings for hazardous waste generators. (2) USEPA anticipates that small businesses who may recover, recycle or receive ignitable spent refrigerants will see cost savings or no economic impact as a result of this rule change. (3) This rule change consisting of technical corrections and clarifications should have no economic impact on small businesses.

J. Any measures taken by the agency to minimize cost and impact of the proposed rule change on business and economic development in the state, local governmental units, and for individuals.

The proposed rule changes will be incorporated by reference. DEQ is taking no additional measures to minimize cost and impact.

K. Determination of the effect of the proposed rule(s) on the public health, safety and environment and, if the proposed rule(s) is/are designed to reduce significant risks to the public health, safety and environment, an explanation of the nature of the risk and to what extent the proposed rule will reduce the risk.

(1) An improved and better-integrated hazardous waste manifest system should result in improved efficacy and safety during transportation of hazardous waste. (2) This rule change is expected to reduce emissions of ignitable spent refrigerants to the lowest achievable level by maximizing recovery and safe recycling during the service, repair and disposal of appliances which will have a positive effect on public health, safety and the environment. (3) Greater regulatory clarity reduces the likelihood of rule misinterpretation and any concomitant risk to public health, safety and the environment.

L. Determination of any detrimental effect on the public health, safety and environment if the proposed rule(s) is/are not implemented.

(1) This rule was promulgated under the e-Manifest Act as well as under the authority of (HSWA). States must adopt HSWA-based requirements and prohibitions or state-law equivalents to retain final authorization, the loss of which would have a detrimental effect on public health, safety and the environment of the state of Oklahoma. (2) The addition of

subpart Q to 40 CFR part 266 was finalized by USEPA under HSWA authority due to its purpose of reducing air emissions from the management of ignitable spent refrigerants in accordance with USEPA's mandate to control air emissions from hazardous waste management. Rules promulgated under HSWA authority require adoption by states to maintain authorization of the RCRA program. (3) Less regulatory clarity could result in a greater degree of noncompliance. The technical corrections finalized in this rule change are under HSWA and non-HSWA authority. Failing to adopt the HSWA portions would jeopardize state authorization.

M. Analysis of alternatives to adopting the rule.

Because the proposed rule changes would be incorporated by reference, no alternative adaptations were analyzed. Failure to adopt the HSWA-based requirements and prohibitions or state-law equivalents could result in the loss of state authorization to implement these rules.

N. Estimates of the amount of time that would be spent by state employees to develop the rule and of the amount of other resources that would be utilized to develop the rule.

The proposed rules were developed by the USEPA. Therefore, no time or other resources were spent by state employees in rule development.

O. Summary and preliminary comparison of any existing or proposed federal regulations that are intended to address the activities to be regulated by the proposed rule.

The proposed rulemaking consists strictly of rules finalized by the USEPA. Such a summary or comparison would be redundant.

P. This rule impact statement was prepared on: September 29, 2025

TITLE 252. DEPARTMENT OF ENVIRONMENTAL QUALITY
CHAPTER 205. HAZARDOUS WASTE MANAGEMENT

EXECUTIVE SUMMARY:

The gist of this rulemaking is to make DEQ's hazardous waste rules consistent with the federal regulations by incorporating by reference the regulations found in Title 40 of the Code of Federal Regulations Parts 124 and 260-279, revised as of July 1, 2025. There are three (3) separate rule changes that are included in this incorporation by reference. The first amended regulation addresses manifest and electronic manifest (e-Manifest) requirements for shipments of hazardous waste, including those specific to hazardous waste imports and export; requirements pertaining to the international movement document for imports and exports of hazardous waste; the manifest data correction process, and the Discrepancy, Exception, and Unmanifested Waste Reports. Additionally, this rule modification makes technical corrections to address typographical errors in the e-manifest regulations. The second rule change establishes 40 CFR Part 266 Subpart Q which describes alternative standards for the recovery and recycling of lower flammability hydrofluorocarbons and hydrocarbon substitutes as well as making conforming changes to corresponding parts of the hazardous waste regulations. The third change finalizes five revisions to the August 9, 2023 direct final rule that made technical corrections to the 2016 Hazardous Waste Generator Improvements Rule, the 2019 Hazardous Waste Pharmaceutical Rule, and the 2018 Vacatur of the Definition of Solid Waste Rule. These five revisions were among eight amendments that were withdrawn due to the receipt of adverse comments.

DIFFERENCE FROM ANALOGOUS FEDERAL RULES:

None. The rules passed by the HWMAC incorporate federal hazardous waste management regulations.

ENVIRONMENTAL BENEFIT STATEMENT:

Facilitating the increased usage of the e-manifest system will result in improved tracking of hazardous waste. The establishment of 40 CFR 266 Subpart Q will effectuate a reduction of emissions of ignitable spent refrigerants. Furthermore, adoption of these rule changes will make DEQ’s hazardous waste rules consistent with federal regulations.

SUMMARY OF COMMENTS AND RESPONSES:

None.

THE HAZARDOUS WASTE MANAGEMENT
ADVISORY COUNCIL
RULEMAKING RECOMMENDATION
TO THE ENVIRONMENTAL QUALITY BOARD

Identification of Proposed Rulemaking:
Chapter Number and Title: 252:205
Rulemaking Hearing - Subchapter 3. Incorporation by Reference 252:205-3-1 [AMENDED]

On **October 23, 2025**, the members of this Council, by authority vested in them by the Oklahoma Environmental Quality Code (27 O.S. Sec. 2-2-201), by roll call vote, recommended to the Environmental Quality Board that the rulemaking described above be adopted as:

_____**X**____ permanent [take effect after legislative review]

_____ emergency [temporary, to take effect upon approval by the Governor because of time]

This Council has considered the proposed rulemaking and comments about it and determined, to the best of its knowledge, that all applicable requirements of the Oklahoma Administrative Procedures Act have been followed.
This Council authorizes the Department to prepare this recommended rulemaking for the Board, making any changes approved by the Council, correcting typographical, grammatical and reference errors, and formatting them as required by the Office of Administrative Rules. This is to be done with the understanding that such changes shall neither alter the sense of what this Council recommends nor invalidate this recommendation.

Respectfully,

Kinnamon Clark
Chair or Designee:

Date Signed: 10-23-2025

	VOTING TO APPROVE:	VOTING AGAINST:	ABSTAINING:	ABSENT:
Wesley Anderson				✓
Kinnamon Clark	✓			
Matt Cobb	✓			
Dale Copeland	✓			
Kenneth Ede	✓			
Shannon Elledge	✓			
Lyndel Gibson				✓
Terry Vandell				✓
Vacant				

TITLE 252. DEPARTMENT OF ENVIRONMENTAL QUALITY
CHAPTER 301. LABORATORY ACCREDITATION

RULEMAKING ACTION:

PERMANENT final adoption

RULES:

Chapter 301. [AMENDED]
Subchapter 1. General Provisions
252:301-1-2. [AMENDED]
252:301-1-3. [AMENDED]
252:301-1-4. [REVOKED]
252:301-1-5. [AMENDED]
252:301-1-7. [AMENDED]
252:301-1-8. [REVOKED]
252:301-1-9. [AMENDED]
252:301-1-10. [NEW]
Subchapter 3. Laboratory Accreditation Process
Part 1. Application
252:301-3-1. [AMENDED]
252:301-3-2. [AMENDED]
252:301-3-3. [AMENDED]
252:301-3-4. [AMENDED]
Part 3. Conditions of Accreditation
252:301-3-31. [AMENDED]
252:301-3-32. [AMENDED]
252:301-3-33. [AMENDED]
Part 5. Grounds to Revoke
252:301-3-51. [AMENDED]
252:301-3-52. [AMENDED]
Subchapter 5. General Operations
252:301-5-3. [AMENDED]
252:301-5-4. [AMENDED]
252:301-5-5. [AMENDED]
Subchapter 7. Proficiency Testing
252:301-7-2. [AMENDED]
252:301-7-3. [AMENDED]
252:301-7-4. [AMENDED]
252:301-7-5. [AMENDED]
252:301-7-6. [AMENDED]
252:301-7-7. [AMENDED]
252:301-7-8. [AMENDED]
252:301-7-12. [AMENDED]
252:301-7-13. [REVOKED]
252:301-7-14. [AMENDED]
252:301-7-15. [AMENDED]
252:301-7-16. [AMENDED]
252:301-7-17. [AMENDED]
252:301-7-18. [AMENDED]

Subchapter 9. Quality Assurance/Quality Control
Part 3. Standard Operating Procedures and Methods Manual
252:301-9-37. [AMENDED]
252:301-9-38. [AMENDED]

AUTHORITY:
Environmental Quality Board; 27A O.S. §§ 2-2-101, 2-2-201, 2-4-302, and 2-6-103.
Water Quality Management Advisory Council; 27A O.S. § 2-2-201.
Laboratory Certification Services; 27A O.S. §§ 2-4-301 *et seq.*

SUBMISSION OF PROPOSED RULES TO GOVERNOR AND CABINET SECRETARY:
September 25, 2025

COMMENT PERIOD:
October 15, 2025, to December 2, 2025

PUBLIC HEARING:
December 2, 2025, Water Quality Management Advisory Council
January 21,2026, Environmental Quality Board

ADOPTION:
January 21, 2026 (Proposed)

SUBMISSION OF ADOPTED RULES TO GOVERNOR AND LEGISLATURE:

LEGISLATIVE APPROVAL:

LEGISLATIVE DISAPPROVAL:

APPROVED BY GOVERNOR'S DECLARATION:

FINAL ADOPTION:

EFFECTIVE:
September 15, 2026 (Proposed)

SUPERSEDED EMERGENCY ACTIONS:

INCORPORATION BY REFERENCE:

Availability:
Copies of the proposed rules may be obtained from the contact person, reviewed at the Department of Environmental Quality, 707 N Robinson, Oklahoma City, Oklahoma, during normal business hours (8:00 am - 4:30 pm Monday through Friday) or reviewed online at https://www.deq.ok.gov/council-meetings/water-quality-management-advisory-council/.

GIST/ANALYSIS:
The gist of this rule and the underlying reason for the rulemaking is to clarify program definitions,

correct references, standardize language between OK DEQ Lab Accreditation Program (LAP) rules where feasible, simplify the renewal and application processes, fee calculations, and provide transparency on administrative timeframes. Additional proposed changes include changing the title of the Chapter to be more descriptive of the accreditation program and to better differentiate from the other three accreditation program chapters and providing clear allowance to offer accreditation for other approved methods under the following national programs: EPA Primary Drinking Water Regulations, National Standards for Solid Waste Test Methods, and EPA Test Procedures for the Analysis of Pollutants. This proposed change would grant additional flexibility and clear capability to labs in the program to select from methods that are both historically and most recently approved for use in the programs mentioned above.

Specifically, the Department is proposing to create a new section 252:301-1-10, to establish a new accreditation period that runs from January through December. This change to a calendar year will allow program labs to better manage their finances and renewal applications. This change will also allow for more fluid and timely processing of applications and invoices by LAP staff. The Department is proposing to amend 252:301-1-9, "Fees," to accommodate the new section above. This amendment will simplify the calculation of accreditation application and renewal fees and eliminate a fee for late applications. There are no new fee increases or new fees. This change will make it easier for the program labs to determine the fee for participation in the program. This change will also make the rule language more consistent with other LAP rules.

The Department is proposing the clarification and specification of certain requirements in 252:301-1-5, 252:301-3-3, 252:301-5-4, and 252:301-7 for laboratories applying and maintaining accreditation regarding accreditation type, performance of proficiency tests (PTs), and assessments. One of the changes includes adjustment of frequency of assessments, which is expected to reduce expenses for laboratories participating in the accreditation program.

Further, the Department is proposing to amend 252:301-3-4, "Renewals," to establish September 15 as the deadline for submitting renewal documentation and proficiency test (PT) provider reports along with a December 15 deadline to pay renewal invoices to allow for continued participation in the program. Additional information has been added to better define the renewal process and make it more consistent with other LAP rules.

CONTACT PERSON:

The contact person is Taryn Hurley, Environmental Programs Manager, who can be reached by phone at (405) 702-1000 or by fax at (405) 702-7102. Email comments may be directed to taryn.hurley@deq.ok.gov. Mail should be addressed to Department of Environmental Quality, State Environmental Laboratory Services Division, P.O. Box 1677, Oklahoma City, OK 73101-1677, ATTN: Taryn Hurley.

PURSUANT TO THE ACTIONS DESCRIBED HEREIN, THE FOLLOWING RULES ARE CONSIDERED FINALLY ADOPTED AS SET FORTH IN 75 O.S. SECTIONS 250.3(5) AND 308(E), WITH AN EFFECTIVE DATE OF SEPTEMBER 15, 2026.

CHAPTER 301. STATE OF OKLAHOMA LABORATORY ACCREDITATION

SUBCHAPTER 1. GENERAL PROVISIONS

252:301-1-2. Accreditation exception

Operational testing analyses for municipal wastewater treatment systems and water supply systems may be submitted to ~~the~~ DEQ by an unaccredited laboratory if, at the time of the analyses, the laboratory was operated by an individual certified by ~~the~~ DEQ as a laboratory operator and the certified laboratory operator approves and signs the analyses report. For further explanation, refer to and comply with the following rules:

(1) Oklahoma Pollutant Discharge Elimination System Standards (OPDES), OAC 252:606-11-2;

(2) Public Water Supply Operations, OAC 252:631-3-2; and

(3) Waterworks and Wastewater Works Operator Certification OAC 252:710-5-53.

252:301-1-3. Definitions

In addition to the definitions contained in ~~the Environmental Quality Code (27A O.S. § 2-1-101 *et seq.*)~~Title 27A of the Oklahoma Statutes and OAC 252:4 (Department of Environmental Quality Rules of Practice and Procedure), the following words or terms, when used in this ~~Chapter~~chapter, shall have the following meaning, unless the context clearly indicates otherwise. Any technical term not defined shall be defined by its generally accepted scientific meaning or its standard dictionary meaning.

"Acceptable results", as defined in 27A O.S. § 2-4-101, means ~~*a result within limits determined on the basis of statistical procedures as prescribed by the Department*~~a result within limits determined on the basis of statistical procedures as prescribed by DEQ.

"Accreditation" or **"accredited"** means the process by which ~~the~~ DEQ ~~recognizes a laboratory as meeting certain predetermined qualifications or standards, thereby accrediting the laboratory~~evaluates an environmental laboratory's quality systems, staff, facilities, equipment, test methods, record, and reports against the requirements of this chapter. Laboratories determined to meet the qualifications and standards of this chapter are thereby accredited.

"Accreditation body" means a governmental agency that administers a laboratory accreditation program.

"Analyte" means the characteristics of a laboratory sample determined by an analytical laboratory testing procedure and is synonymous with "parameter." For purposes of this ~~Chapter~~chapter, "analyte" also means one (1) of a set of inorganic or organic chemical, physical, radiochemical or microbiological properties whose value determines the characteristics of a ~~water or wastewater~~given sample.

"Applicant" means the owner of a laboratory, or a representative authorized by the owner to act on the owner's behalf, seeking accreditation from ~~the~~ DEQ.

"Applicant laboratory" means the laboratory and its owner or authorized representative for which an application for accreditation has been filed with ~~the~~ DEQ.

"Approved method" means an analytical test method ~~which~~that has been required by law or is recognized by ~~the~~ DEQ as acceptable for a specific usage.

"Assessment" means the evaluation process used to measure or establish the performance, effectiveness, and conformance of a laboratory to the standards and requirements of this chapter. The term "evaluation" as used in 27A O.S. § 2-4-101, is synonymous with the term "assessment."

"Basic environmental laboratory" means a laboratory that is limited to the following analytes: alkalinity, ammonia nitrogen, carbonaceous biochemical oxygen demand, chemical oxygen demand, chloride, chromium, color, copper, cyanide, dissolved oxygen, Escherichia coli, fecal coliform, five-day biochemical oxygen demand, fluoride, free residual chlorine, hardness, hexavalent chromium, iron, nitrate-nitrite nitrogen, oil and grease (n-hexane extractable material), organic nitrogen, orthophosphate phosphorus (reactive phosphorus), pH, phenolics, specific conductance, sulfate, sulfide, temperature, total coliform, total dissolved solids (filterable residue), total Kjeldahl nitrogen, total organic carbon, total phosphorus, total residual chlorine, total suspended solids (non-filterable residue), turbidity, volatile residue, and zinc.

"Blind audit" means a process whereby ~~the~~ DEQ or any other designated agent submits proficiency testing samples to an accredited laboratory in a manner such that the laboratory is not aware of the process.

"Category" means a set of fields of accreditation subject to a single fee.

"Certificate" or **"certificate of accreditation"** ~~is~~means a document issued by DEQ acknowledging that an environmental laboratory has met standards of this Chapter for accreditation and identifying those fields of accreditation for which the laboratory is accredited. "Certificate" is synonymous with letters of accreditation as defined in 27A O.S. § 2-4-101 and means the same as laboratory accreditation and includes primary accreditation and ~~reciprocity~~reciprocal accreditation.

"Corrective action plan" or "(CAP)" ~~is~~means a written plan of action~~, including a schedule for implementation,~~ to correct deficiencies. ~~identified in the DEQ or DEQ approved agent's inspection report, including a timeline for implementation; or~~It includes a schedule for implementation and actions to eliminate or reduce the cause(s) of a~~an existing~~ nonconformity, defect, or other undesirable situation ~~in order~~ to prevent its recurrence. A CAP may be required in response to identified deficiencies in a DEQ or DEQ-approved agent's assessment report.

"Critical nonconformity" or **"Critical finding"** means a conclusion of noncompliance that would require an immediate corrective action or an immediate stop to testing.

"DEQ" means the Oklahoma Department of Environmental Quality. For purposes of certifications issued and enforcement matters arising prior to July 1, 1993, "DEQ" also means predecessor agencies of ~~the~~ DEQ ~~which~~that had jurisdiction over environmental water quality laboratories on June 30, 1993.

"Evaluation", as defined in 27A O.S. § 2-4-101, *means a review of the quality control and quality assurance procedures, recordkeeping, reporting procedures, methodology, personal qualifications, equipment, facilities and analytical technique of a laboratory for measuring or establishing specific parameters.* "Evaluation" is synonymous with the term "assessment."

"Field of accreditation" or **"(FoA)"** means those category, matrix, method, and analyte combinations for which DEQ offers accreditation.

~~**"Finding"** means a conclusion of noncompliance of the evaluation process supported by objective evidence.~~

"Initial accreditation" means a first-time accreditation granted to a laboratory not ~~previously~~currently accredited by ~~the~~ DEQ.

"Interim accreditation" means an ~~out-of-time~~ accreditation issued to a DEQ-accredited laboratory outside of the renewal accreditation process ~~in analytes~~ for ~~which the laboratory is not currently accredited~~ a FoA or a category not currently accredited by ~~the~~ DEQ.

"Laboratory", as defined in 27A O.S. § 2-4-101, means *a facility that performs analyses to determine the chemical, physical or biological properties of air, water, solid waste, hazardous waste, wastewater or soil or subsoil materials or performs any other analyses related to environmental quality evaluations.* "Laboratory" includes mobile laboratories.

"Laboratory waste" means by-products of the analytical process, residues of samples analyzed, discarded reagents or standards and any materials contaminated by any of these.

"Matrix" means the substrate of a test sample, e.g., drinking water, wastewater, other aqueous, or solid.

"Mobile laboratory" means a mobile facility that performs analyses in a self-contained environment with professional analytical instrumentation, excluding field testing of those analytes that require immediate measurement on site (such as, conductivity, residual chlorine, pH, dissolved oxygen, temperature).

"Nonconformity" means a conclusion of noncompliance or nonconformity of the evaluation process supported by objective evidence. This term is synonymous with both "deficiency" and "finding."

"Owner" means the sole proprietor of an individually owned laboratory, the controlling or managing partner of a laboratory held by a partnership, the major stockholders of a corporate owned laboratory, or a municipality or other local government entity ~~which~~that owns or operates a laboratory.

"Parameter" is defined in 27A O.S. § 2-4-101 and is synonymous with "analyte."

"Proficiency testing (PT) sample" means a sample submitted to a laboratory by ~~the~~ DEQ or other designated agent for the purpose of assessing the ability of the laboratory to correctly analyze samples using an approved method.

"Program" means ~~the~~ DEQ laboratory accreditation program described in this chapter.

"QA Plan" or **"Quality Assurance Plan"** means a written description of quality assurance activities (quality control) that will ensure the generation of data that are scientifically valid, defensible, and of known and acceptable limits of precision and accuracy.

"SOP manual" or **"Standard Operating Procedure manual"** means a document approved by ~~a~~ laboratory ~~director~~management that includes approved methods, equipment, and instruments used by the laboratory for analyses.

252:301-1-4. Terms [REVOKED]

~~Terms used in this Chapter shall have the meanings given to them in OAC 252:301-1-2 or the Oklahoma Environmental Quality Code. Any technical term not defined thereby shall be defined by its generally accepted scientific meaning or its standard dictionary meaning.~~

252:301-1-5. Accreditation ~~matrices~~groups and types

(a) **~~Matrices~~Groups.** Laboratories may be accredited in ~~Drinking Water~~drinking water ~~, General Water Quality, and/or Petroleum Hydrocarbons~~or ~~General Environmental~~general environmental laboratory.

(b) **Types of accreditation.** An applicant laboratory may apply at any time for initial, interim, or renewal accreditation. A laboratory applying for interim accreditation shall meet the same requirements as a laboratory applying for initial accreditation.

252:301-1-7. General ~~water quality~~environmental laboratory

(a) **Category groups.** A general ~~water quality~~environmental laboratory may be accredited in the following category groups: metals, nutrients, demands, extractable organics, general chemistry I and/or II, microbiology, pesticides - herbicides - PCBs, purgeable organics, radiological, bioassay, hazardous waste characterization, petroleum hydrocarbons, perchlorate, and/or basic environmental laboratory.

(b) **Basic environmental laboratory analytes.** Basic environmental laboratory analytes include: ~~temperature, five day biochemical oxygen demand, carbonaceous biochemical oxygen demand, chemical oxygen demand, total organic carbon (TOC), total Kjeldahl nitrogen (TKN) , nitrate-nitrite nitrogen, organic nitrogen, ammonia nitrogen, total dissolved solids (filterable residue), total suspended solids (non-filterable residue), volatile residue, total phosphorous, orthophosphate phosphorus (reactive phosphorus), chloride, fluoride, oil and grease, sulfate, pH, specific conductance, dissolved oxygen, turbidity, total residual chlorine, hardness, alkalinity, color, fecal coliform, Escherichia coli, total coliform, cyanide, phenolics, copper, zinc, iron, sulfide, chromium, and hexavalent chromium~~alkalinity,

ammonia nitrogen, carbonaceous biochemical oxygen demand, chemical oxygen demand, chloride, chromium, color, copper, cyanide, dissolved oxygen, Escherichia coli, fecal coliform, five-day biochemical oxygen demand, fluoride, free residual chlorine, hardness, hexavalent chromium, iron, nitrate-nitrite nitrogen, oil and grease (n-hexane extractable material), organic nitrogen, orthophosphate phosphorus (reactive phosphorus), pH, phenolics, specific conductance, sulfate, sulfide, temperature, total coliform, total dissolved solids (filterable residue), total Kjeldahl nitrogen, total organic carbon, total phosphorus, total residual chlorine, total suspended solids (non-filterable residue), turbidity, volatile residue, and zinc.

252:301-1-8. Petroleum hydrocarbon laboratory [REVOKED]

~~A petroleum hydrocarbon laboratory may be accredited in the following category groups: Total Petroleum Hydrocarbons (TPH), Benzene, Toluene, Ethylbenzene, and Xylene (BTEX), Flash Point, and MTBE~~

252:301-1-9. Fees

(a) **Applicable fees.** The following fees apply:

(1) Initial accreditation - $1,140.00

(2) Interim accreditation - $671.00

(3) Renewal fee - $34.00

~~(4) Renewal late fee 335.00~~

~~(5)~~(4) Accreditation amendment - $67.00

~~(6)~~(5) ~~Fee for 1 category 470.00~~Fee per category - $470.00 (5 category fees maximum)

~~(7)~~(6) ~~Fee for 2 categories 940.00~~An on-site evaluation is a reimbursable expense.

~~(8) Fee for 3 categories 1,410.00~~

~~(9) Fee for 4 categories 1,880.00~~

~~(10) Fee for 5 or more categories 2,350.00~~

~~(11) On-site evaluation Reimbursable Expense~~

(b) ~~**Renewal.** Fees to renew accreditation consist of the renewal application fee and the applicable category fee.~~**Calculation of fees.** In addition to the application fee required for initial, renewal, and interim accreditation, a laboratory must submit the applicable category fee(s) to a maximum of five (5) category fees even if a laboratory requests more than five (5) categories. Fees for accreditation amendment, as described in OAC 252:301-3-32, consist of the accreditation amendment fee. The fees associated with a laboratory assessment shall be calculated at actual cost, not to exceed $10,000 per individual laboratory, and includes, but is not limited to, the following where applicable:

(1) An assessor(s) time, labor, transportation, and per diem as described in OAC 252:301-5-4; and

(2) The onsite assessment will be invoiced at the closing of the assessment.

(c) **Public water supply system fee exemption.** There is no laboratory accreditation fee for public water supply systems that pay the minimum annual public water supply regulatory service rate fee in accordance with 27A O.S. § 2-6-306.

(d) **Annual fee adjustment.** To assist in meeting rising costs to ~~the~~ DEQ of the environmental services and regulatory programs associated with the laboratory accreditation program, the fees set out in this ~~Section~~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~~ DEQ may round the adjusted fees up to the nearest dollar. ~~The~~ 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 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) ~~An On-site evaluation fee shall be calculated at actual cost, not to exceed $10,000 per individual laboratory, and includes but is not limited to the following: assessor(s) time and labor (preliminary document review, total travel, time-on-site, report preparation, and corrective action review), transportation, per diem (if required), as described in 252:301-5-4. The on-site evaluation will be invoiced at the closing of the evaluation~~**Onsite assessment fee.** All laboratories must pay an onsite assessment fee, not to exceed $10,000.00 per individual laboratory, for each assessment to continue accreditation or as a result of just cause according to this chapter.

252:301-1-10. Accreditation period

The period of accreditation is annual, running from January 1 to December 31. Notwithstanding, an applicant laboratory may apply at any time for initial or interim accreditation. A laboratory applying for interim accreditation shall meet the same requirements as a laboratory applying for initial accreditation. Regardless of when a certificate goes into effect, it shall expire on December 31 of the same year, unless provided specific written exception by DEQ.

SUBCHAPTER 3. LABORATORY ACCREDITATION PROCESS

PART 1. APPLICATION

252:301-3-1. Application required

(a) **General.** A laboratory shall submit one (1) copy of an application for accreditation to ~~the~~ DEQ ~~along with relevant fees. The application shall be typed on forms provided by the DEQ and shall follow the general format designated by the DEQ.~~ Application forms are available on DEQ's website. Applications shall be accurately completed, signed, and submitted to DEQ electronically or by mail, with all required attachments. Application requirements are applicable to initial, interim, and renewal applications unless specifically stated otherwise.

(b) **Signature and verification.** An application shall be signed by the sole proprietor of an individually owned laboratory, the controlling or managing partner or partners of a laboratory held by a partnership, the authorized agent of a corporate owned laboratory, or the principal executive officer or ranking elected official of a municipality or other local government entity ~~which~~that owns or operates the applicant laboratory. The signer shall verify in the application that it was prepared under his direction or supervision and that the information it contains is, to the best of his knowledge, true, accurate and complete.

(c) **Application fees.** Following application processing and approval, DEQ will invoice the laboratory. Accreditation certificates will not be issued until fees are paid in full.

252:301-3-2. Contact information

In addition to other information required by this ~~Chapter~~chapter, an application shall contain the following information:

(1) The name, mailing address, street address, telephone number, e-mail address and telefax number (if any) of the applicant.

(2) The signature, typewritten name, address, telephone number and telefax number (if any) of the authorized representative of the owner.

(3) The name, mailing address, street address, telephone and telefax number (if any) of the applicant laboratory's authorized technical representative.

(4) The location(s) (address or legal description) of the laboratory, including county and driving directions and latitude/longitude.

(5) Identification of the accreditation type and categories, analytes, and/or methods sought.

(6) The name and address of any owner, stockholder, or officer of the applicant laboratory or any person who receives compensation from the applicant laboratory, who has been or currently is an owner, stockholder, or officer of, or who has received compensation from, any laboratory whose accreditation application has been previously denied or whose accreditation has been previously suspended or revoked in part or in whole by ~~the~~ DEQ.

252:301-3-3. Operational information

The application shall address the following operational issues:

(1) A listing of equipment to be used for sample analysis, storage, and reporting.

(2) A description of the methods, equipment, and instruments used by the applicant laboratory for specific analytes ~~which~~that may be in the form of an SOP manual when required.

(3) A written laboratory QA plan ~~which~~that includes but is not limited to:

(A) A listing of laboratory personnel, including the laboratory director, which gives the academic training, experience, and analytical and supervisory responsibilities of each; and

(B) A narrative description of the methods used for sample receipt, storage, and disposal.

(4) Results of laboratory's two (2) most recent ~~proficiency testing~~PT rounds, at least 15 calendar days apart.

(5) A report of a laboratory evaluation conducted by DEQ or a DEQ-approved assessor within the ~~twelve (12)~~12 months prior to the date of filing or, for in-state laboratories only, a letter requesting ~~the~~ DEQ to conduct an on-site evaluation. The evaluation report shall verify data submitted in an application, list any deficiencies and be signed by ~~the~~ DEQ or DEQ approved agent.

(A) DEQ-approved assessors for out-of-state laboratories are those that perform the assessment as an accreditation to The NELAC Institute standard through a recognized governmental accreditation body.

(B) The report must cover all requested parameters for accreditation. Parameters not covered by the assessment and report will not be considered for accreditation.

(6) If deficiencies are listed in an evaluation report, the applicant shall submit a ~~corrective action plan~~CAP ~~which~~that specifies deadlines for implementation and completion of the plan. ~~The~~ DEQ may establish conditions, including compliance schedules, for the applicant's corrective action plan.

(7) Hours of operation.

252:301-3-4. Renewals and expiration

(a) **Annual renewal required.** A laboratory that decides to remain accredited must apply to renew its accreditation annually. Application forms are available on DEQ's website. Applications shall be accurate and complete, signed, and submitted to DEQ electronically or by regular mail with all required attachments.

(b) **Laboratory responsibility.** Each laboratory is responsible for ~~renewing~~submitting its ~~accreditation~~renewal application materials by the annual renewal ~~date~~deadline. Failure to receive a renewal ~~form and invoice~~notice does not exempt laboratories from meeting the renewal deadline.

(c) ~~**DEQ invoice date.** By April 15 of each year, the DEQ shall mail the renewal forms and invoices to each accredited laboratory.~~**Renewal deadline.** The renewal application shall be accurately completed, signed, and received by DEQ with all applicable materials on or before 4:30 p.m. CST September 15.

(d) ~~**Renewal deadline.** The renewal application shall be accurately completed, signed and submitted to the DEQ with the renewal invoice and all applicable fees by 4:30 p.m. or postmarked on or before June 15. Any renewal application which is not accurately completed and is returned to the applicant or which is postmarked after June 15 but received on or before July 15 shall be considered only if accompanied by the renewal fee and a late fee. Any renewal application and fees received or postmarked after July 15 will be returned and accreditation shall not be renewed.~~**Payment deadline.** DEQ will invoice the accredited laboratory following application processing. Full payment of fees must be received on or before December 15.

(e) ~~**Specified dates.** If any date specified in this section falls on a weekend or holiday, the date of the following working day shall be the effective date.~~**PT data deadline.** Laboratories shall ensure that the PT provider has submitted all pertinent PT reports to DEQ electronically as specified in OAC 252:301-7-12 on or before September 15 of each year. PTs received later than September 15 may not be considered for accreditation renewal.

(f) ~~**Failure to renew.** To become accredited again, a laboratory that failed to renew its accreditation in a timely manner must apply for initial accreditation as a new laboratory.~~**Specified dates.** If any date specified in this section falls on a weekend or holiday, the date of the following working day shall be the effective date.

(g) **Failure to renew.** A laboratory that fails to submit renewal application materials or payment by the specified deadlines will not be eligible for renewal of their accreditation. They may reapply through the initial application process.

PART 3. CONDITIONS OF ACCREDITATION

252:301-3-31. Conditions applicable to all accreditations

The following conditions shall apply to all existing accreditations and shall be incorporated expressly or by reference into all accreditations issued or renewed after the effective date of this ~~Chapter~~chapter.

(1) **Proper operation and maintenance.** The ~~Laboratory~~laboratory shall at all times properly operate and maintain all facilities and equipment installed or used by the ~~Laboratory~~laboratory to achieve compliance with the laboratory accreditation requirements of the ~~Code~~OAC, rules of the Board as they relate to laboratory accreditation, and the provisions and conditions of this ~~Accreditation~~accreditation. Proper operation and maintenance includes effective performance of operations and adequate funding, operator staffing and training, and the provision of appropriate sample-handling equipment. All operational practices and procedures used at this site shall conform to the best possible public health and safety practices.

(2) **Duty to mitigate.** The ~~Laboratory~~laboratory shall take all reasonable steps to minimize or correct any adverse impact on the environment and the public health resulting from noncompliance with this ~~Accreditation~~accreditation and to minimize or correct any adverse impact on the environment arising from its analytical activities.
(3) **Duty to provide information.** The ~~Laboratory~~laboratory shall furnish to ~~the~~ DEQ, within a time specified, any information ~~which~~that ~~the~~ DEQ may request to determine:
(A) whether cause exists for amending, suspending, or revoking this ~~Accreditation~~accreditation;
(B) compliance with this ~~Accreditation~~accreditation; or
(C) whether an accreditation should be issued or renewed.
(4) **Records.** The ~~Laboratory~~laboratory shall keep its ~~Accreditation~~accreditation, the application on which it is based, copies of all records required to be kept by OAC 252:320 and the provisions of its ~~Accreditation~~accreditation on file at the accredited facility.
(5) **Reporting requirements.** The ~~Laboratory~~laboratory shall give advance notice to ~~the~~ DEQ as soon as possible of any planned physical alterations, additions to the accredited facility or planned changes in the accredited facility ~~which~~that may result in noncompliance with accreditation requirements.
(6) **Signatory requirement.** All applications, reports, or information submitted to ~~the~~ DEQ shall be signed by the applicant.
(7) **Consent to conditions.** Commencing analytical activities as an accredited laboratory under DEQ ~~Accreditation~~accreditation shall constitute consent to all conditions of ~~Accreditation~~accreditation.
(8) **Transfer of accreditation.** Accreditation is not transferable. An accredited laboratory may apply to amend ownership or change names, provided that facilities, equipment, personnel and all other conditions of accreditation remain unchanged.
(9) **Duty to apply.** To maintain its accredited status, the ~~Laboratory~~laboratory shall make timely application for annual renewal of ~~Accreditation~~accreditation.
(10) **Severability.** The provisions of Accreditation are severable, and if any of its provisions or the application of its provisions are held invalid, the application of such provisions to other circumstances and the remaining provisions of the ~~Accreditation~~accreditation shall not be affected thereby.

252:301-3-32. Amendments to accreditations

(a) **Changes to be reported.** Changes in laboratory name, ownership, form of ownership, location, and other changes, including personnel and/or equipment, which may significantly affect the performance of analyses for which the laboratory was originally accredited shall be reported in writing to ~~the~~ DEQ within 30 days of occurrence. If requested by owner, ~~the~~ DEQ may amend the accreditation to reflect reported changes.
(b) **Amendment fee.** An amendment fee shall be assessed in accordance with OAC 252:301-1-9.
(c) **Cause.** ~~The~~ DEQ may amend an accreditation for cause, with notice to the affected accredited laboratory and opportunity for hearing.

252:301-3-33. Self-reporting

(a) An accredited laboratory shall promptly submit correct facts or information to ~~the~~ DEQ and/or to the client when:
(1) it becomes aware that it failed to submit a material fact or submitted incorrect information in an application or a report to ~~the~~ DEQ or to a client for submission to ~~the~~ DEQ; or
(2) ~~the~~ DEQ becomes aware of same and notifies the laboratory.

(b) Failure to make a prompt submission may result in an enforcement action.

PART 5. GROUNDS TO REVOKE

252:301-3-51. Grounds to take enforcement action

In addition to the grounds listed in 27A O.S. § 2-3-501 *et seq*., § 2-4-305(A) and OAC 252:4-7-15, ~~the~~ DEQ may suspend, revoke or refuse to renew in part or in whole the accreditation of any laboratory for the following grounds:

(1) consistent and significant errors in analyses, erroneous reporting or evidence of professional or technical incompetence;

(2) misrepresentation to others regarding the type and conditions of DEQ accreditation and the reliance of others on such misrepresentation;

(3) failure to perform any of the following:

(A) to correct deficiencies, comply with a ~~corrective action plan~~CAP, or take other action required by ~~the~~ DEQ pursuant to these rules;

(B) to participate or produce acceptable results in required ~~proficiency testing~~PT;

(C) to cooperate with or allow on-site laboratory evaluations, inspections, or access to records; or

(D) failure to notify or submit reports to ~~the~~ DEQ as required by this Chapter

(4) submission of a ~~proficiency testing~~PT sample to another laboratory for analysis, and reporting data received as its own;

(5) collaboration with other laboratories on results before ~~proficiency testing~~PT sample results are submitted to the required agency;

(6) allowing persons other than qualified laboratory employees to perform and report results of accredited analytes;

(7) any other violation, action or inaction presenting good cause for such action, or

(8) failure to make payment when due.

252:301-3-52. Notice

~~The~~ DEQ may require an accredited laboratory to give written notice to its clients of the suspension or revocation of any part of its accreditation.

SUBCHAPTER 5. GENERAL OPERATIONS

252:301-5-3. Facilities, equipment and supplies

(a) **All accredited laboratories.** All equipment, reagents, glassware and supplies necessary for the proper performance of laboratory analyses shall be on hand or readily available on the premises for analytes certified or analytes listed in an application for accreditation. Equipment shall be in good working order and properly maintained and shall consist of, at a minimum, the apparatus and supplies for which the laboratory is accredited. Facilities shall have a sink with hot and cold running water, electricity, a source of distilled and/or deionized water, proper laboratory waste disposal procedures, and other features/equipment necessary to properly perform approved EPA analytical methodologies. Facilities may be physically located apart in separate buildings if the sites are within one (1) mile of each other and under the same direct management.

(b) **Drinking water accredited laboratories.** In addition to the general facilities, equipment and supply requirements, equipment required of a drinking water accredited laboratory shall include the

apparatus and supplies listed by EPA or ~~the~~ DEQ or identified by the EPA for laboratories ~~which~~that analyze drinking water.

252:301-5-4. On-site ~~evaluation~~assessment

(a) On-site ~~evaluations~~assessments may be unannounced.

(b) During an on-site ~~evaluation~~assessment, ~~the~~ DEQ may require on-site analyses of ~~proficiency test~~PT samples by laboratory personnel.

(c) Following the on-site ~~evaluation~~assessment ~~the~~ DEQ will provide the laboratory with a copy of the ~~evaluation~~assessment report. The laboratory will be afforded a designated time period in which to correct any listed deficiencies. ~~The~~ DEQ will require a laboratory to develop and implement a ~~Corrective Action Plan (CAP)~~CAP.

(d) Out-of-state laboratories already in the program may be required to have an on-site ~~evaluation~~assessment performed by a DEQ-approved assessor. The laboratory shall be solely responsible for costs associated with the on-site ~~evaluation~~assessment, if any. The ~~evaluation~~assessment report shall be submitted to ~~the~~ DEQ along with any CAP if needed.

(1) DEQ-approved assessors for out-of-state laboratories are those that perform the assessment to The NELAC Institute standard through a recognized governmental accreditation body.

(2) The assessment must cover all requested parameters for accreditation. Parameters not covered by the assessment and report will not be offered for accreditation.

(e) The laboratory shall have an on-site ~~evaluation~~assessment prior to granting an initial accreditation.

(f) Prior to granting accreditation for an additional field of accreditation to a laboratory, DEQ may perform an on-site ~~evaluation~~assessment of the laboratory. All laboratories must pay an appropriate on-site ~~evaluation~~assessment fee for each evaluation requested by the laboratory for the additional fields of accreditation.

(g) DEQ or DEQ-approved assessor may conduct on-site ~~evaluation~~assessment of a laboratory to ensure compliance with this ~~Chapter~~chapter approximately ~~biennially~~triennially, or upon receipt of complaint.

252:301-5-5. Recordkeeping and reporting

(a) The laboratory shall keep the following records on file in its accredited facility:

(1) ~~Accreditation~~accreditation and the application on which it is based;

(2) copies of all records and documentation required to be kept by this ~~Chapter~~chapter;

(3) repair and maintenance records;

(4) reports filed with ~~the~~ DEQ or submitted to clients for filing with ~~the~~ DEQ;

(5) equipment changes, additions or malfunctions; and

(6) QA/QC plans and reports.

(b) Any data report given to a customer by an accredited laboratory shall identify:

(1) the parameters for which the laboratory is DEQ-accredited;

(2) the class of DEQ-issued accreditation of each analyte; and

(3) which analytes were subcontracted out for analysis and the subcontracting laboratory's DEQ-issued accreditation number for each of the subcontracted analytes.

SUBCHAPTER 7. PROFICIENCY TESTING

252:301-7-2. Participation required

A laboratory must participate in two (2) single-blind, single-concentration, regularly scheduled ~~Proficiency Testing (PT)~~PT studies per calendar year for each analyte and matrix in each class of accreditation for which it seeks accreditation or renewal of accreditation. PT samples must be provided

by a National Environmental Laboratory Accreditation Program (NELAP) ~~Approved~~approved PT ~~Provider~~provider.

252:301-7-3. PT sample treatment

(a) Samples shall be analyzed and the results shall be returned to the PT study provider ~~no later than 45 calendar days from the scheduled study shipment date.~~before the closing date set by the PT provider. ~~The laboratory shall ensure that all PT samples are handled, i.e., managed, analyzed and reported, in the same manner as actual environmental samples utilizing the same staff, methods as used for routine analysis of that analyte, procedures, equipment, facilities, and frequency of analysis.~~

(b) The laboratory shall ensure that all PT samples are handled and treated in the same manner as environmental samples. This includes utilizing the same staff, methods, procedures, equipment, facilities, and frequency of analysis as is used for routine analysis of that analyte and matrix.

252:301-7-4. Initial accreditation

To gain initial or interim accreditation, a laboratory shall successfully analyze two (2) consecutive ~~proficiency testing (PT)~~PT rounds. ~~Proficiency testing (PT)~~PT rounds must have been performed within the last ~~twelve (12)~~12 months and at least seven (7) calendar days apart from the closing date of one (1) study to the opening date of another study for the same analyte and matrix.

252:301-7-5. General requirements

(a) Laboratories seeking to renew accreditation must successfully analyze vendor supplied, regularly scheduled ~~proficiency testing~~PT samples approximately six (6) months apart in each calendar year. Failure to meet the semiannual schedule shall be regarded as a failed study on the last day of the seventh (7th) month.

(b) Laboratories shall successfully analyze at least two (2) PT studies within the most recent three (3) rounds attempted (2 of 3) prior to renewal. Laboratories may analyze additional or supplemental studies; however, such studies must be reported to ~~the~~ DEQ.

(c) ~~General water quality proficiency testing~~PT samples must be ~~Water Pollution (WP) type testing samples~~of appropriate matrices for the accredited parameters.

(d) Drinking water ~~proficiency testing~~PT samples must be ~~Water Supply (WS) type testing samples~~of drinking water matrix.

~~(e) Petroleum hydrocarbon proficiency testing samples must include benzene, toluene, methylbenzene and xylene (BTEX) and Total Petroleum Hydrocarbons (TPH). Both soil and water matrices must be analyzed if both soil and water samples are to be accepted by the laboratory.~~

252:301-7-6. Cost responsibility

Laboratories shall bear the cost of any subscription to a ~~proficiency testing~~PT program required by ~~the~~ DEQ. ~~The~~ DEQ shall not be charged a fee for the analysis of any ~~proficiency testing~~PT samples.

252:301-7-7. Alternate program

~~The~~ DEQ may designate an alternate ~~proficiency testing~~PT program if it determines such designation is appropriate.

252:301-7-8. DEQ PT samples

As part of a laboratory's ~~proficiency testing~~PT, ~~the~~ DEQ may also submit blind audit samples to an accredited laboratory.

252:301-7-12. PT report

The PT study provider shall provide the participant laboratories and ~~the~~ DEQ a report showing the laboratory's DEQ identification number and EPA identification number, prepared value, the acceptance range, and the acceptable/not acceptable status for each analyte reported by the laboratory and any other information ~~the~~ DEQ deems necessary for accreditation purposes. The report and all associated data shall also be made available in electronic format as specified by ~~the~~ DEQ. The report shall be submitted electronically or mailed no later than twenty-one (21) calendar days from the study closing date.

252:301-7-13. PT report deadline [REVOKED]

~~Laboratories shall ensure that the PT provider has submitted all pertinent PT reports to the DEQ by 4:30 p.m. on or before July 15 of each year. Laboratories whose reports are postmarked or received after July 15 will not be considered for accreditation renewal on September 1.~~

252:301-7-14. PT criteria for laboratory accreditation

The following criteria apply individually to each analyte in each class of accreditation as defined by the laboratory seeking accreditation in its application:

(1) Results of the PT study shall be considered successfully analyzed when the results are "acceptable" and are within the acceptable limits established and published by the PT Provider.

(2) Successfully analyzed shall also mean an aggregate passing score of ninety percent (90%) for microbiological PT testing studies. No partial credit will be given;

(3) ~~The~~ DEQ shall consider PT results along with the other elements of these rules when determining a laboratory's accreditation status;

(4) For initial accreditation or supplemental testing, the studies must be at least seven (7) calendar days apart.

252:301-7-15. Failure to perform

~~The~~ DEQ shall not renew accreditation for a failed or omitted analyte or category of analytes for a laboratory ~~which~~that does not meet the requirements of this subchapter. Once accreditation for an analyte or a category of analytes has been lost, the procedures for initial or interim accreditation shall apply.

252:301-7-16. Analyte absence

(a) **Generally.** ~~If a PT sample is not given for a particular analyte for which a laboratory is requesting accreditation, accreditation for the analyte may be obtained by qualifying for accreditation for the entire category in which the analyte is found. To be eligible for accreditation in the entire category, the laboratory shall pass seventy-five percent (75%) of all PT available analytes within the category. If a laboratory completely fails an individual analyte and still receives a 75% passing rate, the laboratory will not be granted accreditation for that particular analyte but will be accredited for the rest of the category.~~If a laboratory is requesting accreditation for an analyte and matrix combination that does not have a PT available through an NELAP-approved or DEQ-approved PT provider, the laboratory may qualify for accreditation through acceptable PT performance of similar parameters. This is specifically achieved through successful analysis in two (2) out of three (3) PTs for at least seventy-five percent (75%) of all analytes that the laboratory is seeking accreditation for that are of the same matrix and in the same accreditation category. This process does not affect the accreditation status of the parameters that do have PTs available. Those parameters are evaluated in accordance with the other sections of this subchapter.

(b) **Exception.** Laboratories ~~which~~that have or are pursuing accreditation for ~~the~~a ~~Basic Environmental Category~~basic environmental laboratory are not subject to subsection (a) of this section.

252:301-7-17. Supplemental studies

A laboratory may elect to participate in PT studies more frequently than required by the semiannual schedule. Additional studies are not distinguished from the routinely scheduled studies. They are counted and scored the same way and must be at least seven (7) calendar days apart from the closing date of one (1) study to the opening date of another study for the same analyte and matrix.

252:301-7-18. Corrective action

When a laboratory fails a study, in part or in whole, it shall determine the cause for the failure and take any necessary corrective action. The laboratory shall then document both the investigation and the action(s) in a ~~corrective action report (CAP)~~CAP. The CAP shall be submitted to ~~the~~ DEQ within ~~forty-five (45)~~45 days of PT study report issuance.

SUBCHAPTER 9. QUALITY ASSURANCE/QUALITY CONTROL

PART 3. STANDARD OPERATING PROCEDURES AND METHODS MANUAL

252:301-9-37. Methodology incorporated by reference

The following EPA-approved methods are hereby incorporated by reference:

(1) "National Primary Drinking Water Regulations,"~~;~~ 40 ~~CFR~~C.F.R. Part 141, published July 1, 2021.

(2) "Test Methods for Evaluating Solid Waste, Laboratory Manual Physical/Chemical Methods," SW-846 Manual, Third Edition as amended by Final Update I, II, IIA, IIB, III, IIIA, IIIB, ~~IV~~IVA, IVB, V, VI, and VII. ~~See further SW-846-ON-LINE.; and~~

(3) "Guidelines Establishing Test Procedures for the Analysis of Pollutants," 40 ~~CFR~~C.F.R. Part 136, effective July 19, 2021.

(4) "Manual for the Certification of Laboratories Analyzing Drinking Water," Fifth Edition and Supplement 1 (EPA 815-5-05-004, January 2005 and EPA 815-F-08-006, June 2008).

(5) Any other approved method incorporated by DEQ's laboratory accreditation program in writing.

252:301-9-38. DEQ approved methodologies

The following methods are specifically approved by ~~the~~ DEQ:

(1) TNRCC Method 1005 Total Petroleum Hydrocarbons (>nC6 to nC35);

(2) Oklahoma GRO 8020/8015(Modified);

(3) Oklahoma DRO 8000/8100(Modified);

(4) ASTM mussels; and

(5) On a case~~-~~by~~-~~case basis as approved by DEQ.

TITLE 252. DEPARTMENT OF ENVIRONMENTAL QUALITY
CHAPTER 301. LABORATORY ACCREDITATION

RULE IMPACT STATEMENT

A. Statement of need for the rule change and legal basis supporting it.

This Chapter contains rules about the accreditation of privately-owned and publicly owned laboratories by DEQ. The proposed rule changes intend to clarify program definitions, correct references, standardize language between OK DEQ Lab Accreditation Program ("LAP") rules where feasible, simplify the renewal and application processes, fee calculations, and reset the yearly accreditation period to run from January through December. Additional proposed changes will serve to update incorporations by reference for EPA methodologies, and to make other amendments for conformity with past, present, and future method requirements under the following national programs: EPA Primary Drinking Water Regulations, National Standards for Solid Waste Test Methods, and EPA Test Procedures for the Analysis of Pollutants. One significant result of these proposed changes is that they will give additional flexibility to labs in the program to select from methods that are both historically and most recently approved for use in the programs mentioned above and allow LAP to offer accreditation for these methods.

DEQ is proposing to modify the title of Chapter 301 to be more descriptive of the accreditation program to improve clarity and understanding of differences among the three accreditation program chapters.

Specifically, DEQ is proposing to create a new section 252:301-1-8, to establish a new accreditation period that runs from January through December. This change to a calendar year will allow program labs to better manage their finances and renewal applications. This change will also allow for more fluid and timely processing of applications and invoices by LAP staff. DEQ is proposing to amend 252:301-1-9, "Fees," to accommodate the new section above. This amendment will simplify the calculation of accreditation application and renewal fees and eliminate a fee for late applications. There are no new fee increases or new fees. This change will make it easier for the program labs to determine the fee for participation in the program. This change will also make the rule language more consistent with other LAP rules.

DEQ is proposing the clarification and specification of certain requirements in 252:301-1-5, 252:301-3-3, 252:301-5-4, and 252:301-7 for laboratories applying and maintaining accreditation regarding accreditation type, performance of proficiency tests ("PTs"), and assessments.

Further, DEQ is proposing to amend 252:301-3-4, "Renewals," to establish a new September 15 deadline for submitting renewal documentation and proficiency test ("PT") provider reports along with a December 15 deadline to pay renewal invoices to allow for continued participation in the program. Additional information has been added to better define the renewal process and make it more consistent with other LAP rules.

B. Classification of rule change (major/non-major), justification for that classification, and business cost estimate over the first five (5) years.

This rulemaking is non-major. There is no anticipated increase in business costs over the first five years, such that the business cost will not exceed the threshold of $1,000,000.00 over the initial five-year period following the promulgation, as defined in 75 O.S. § 303(D)(3)(b).

C. Description of the purpose of the proposed rule change, whether the change is mandated by federal law or is required to participate in or implement a federal program, and whether the change exceeds the requirements of the federal law.

This rulemaking is not mandated by federal law and does not exceed the requirements of federal law. The purposes of this rulemaking are to 1) streamline definitions and terminology to be clear and consistent, 2) change the accreditation period to align with the calendar year, 3) change the renewal application due date to September 15 and payment due date to December 15 of each year for the sake of alleviating hardships for both the laboratories and the DEQ, 4) update proficiency testing requirements to match industry standard for quality assurance and be comparable to the requirements of neighboring states, such as Arkansas, Kansas, and Texas, 5) add authority to incorporate other EPA-approved methods to accreditation offerings without the need for rulemaking, and 6) relax the assessment schedule by defining it as occurring approximately every three years.

D. Description of the classes of persons who most likely will be affected by the proposed rule(s), including classes that will bear the costs of the proposed rule(s), and any information on cost impacts received by the agency from any private or public entities.

The classes of persons affected are the owners and staff of laboratories that are DEQ-accredited or applying for DEQ accreditation under this Chapter.

E. Description of the classes of persons who will benefit from the proposed rule(s).

The classes of people who benefit are the owners and staff of laboratories that are DEQ-accredited or applying for DEQ accreditation under this Chapter.

F. Comprehensive analysis of the rule change's economic impact, including impacts to the full-time-employee count of the agency, costs or benefits, a quantification of implementation and compliance costs on the affected businesses, business sectors, public utility ratepayers, individuals, state or local governments, and on the state as a whole, with a listing of all fee changes and justification for each fee change.

The probable economic impact is negligible. Accredited laboratories will no longer be charged late fees for delinquent application submissions. In the event of delinquent renewal applications, the laboratory would be required to seek initial accreditation to maintain accreditation. This would incur the initial accreditation fee for the affected laboratory. Accredited laboratories outside of the State of Oklahoma may experience limited cost increases for assessments due to the requirement of conducting assessments at The NELAC Institute standard. Proficiency test samples will be required to be performed in each matrix, which will have a minimal impact on no more than 3%

of accredited laboratories and is significantly offset by the reduction in frequency of assessments for which they would be billed. The other changes will allow laboratories to have greater choice of analytical methods available for accreditation, which has potential to increase their revenue. DEQ does not anticipate that this rulemaking will increase the full-time employee count.

G. Detailed explanation of methodology and assumptions used to determine the economic impact, including dollar amounts calculated.

Proficiency testing would pose only a de minimus cost increases on a very small portion of DEQ-accredited laboratories. A review of accreditation database records revealed that twelve laboratories hold accreditation for the solid matrix, which is affected by the rulemaking to require proficiency testing samples. Of those twelve laboratories, eleven currently participate in soil proficiency testing. Only three of those may not currently run proficiency test samples for their full solid matrix scope, resulting in four laboratories that could be impacted by this rulemaking update out of approximately 150 of our accredited laboratories.

H. Determination of whether implementation of the proposed rule(s) will have an economic impact on any political subdivisions or require their cooperation in implementing or enforcing the rule(s).

Implementation and enforcement of this rule would be handled solely by DEQ, and no cooperation by other political subdivisions would be required.

I. Determination of whether implementation of the proposed rule(s) may have an adverse economic effect on small businesses as provided by the Oklahoma Small Business Regulatory Flexibility Act.

DEQ has not received or discovered any information to indicate adverse effects on small businesses.

J. Any measures taken by the agency to minimize cost and impact of the proposed rule change on business and economic development in the state, local governmental units, and for individuals.

DEQ has removed the fee for late renewal application submissions with this rulemaking that laboratories have historically had to pay if submitted after the deadline. Economic development will be supported with this rulemaking by allowing a greater breadth of methods available for accreditation that laboratories may choose to better serve their clients. A cost reduction is included in the reduction in assessment frequency. Historically, assessments have been performed every two years. This rulemaking includes a specification that the schedule will change to be every three years. As laboratories must pay for costs associated with assessments, this will be a 33% reduction in such costs.

This rulemaking also will reduce administrative costs to laboratories and reduce time between application submittal and certificate issuance by adjusting invoicing to be performed after submission of application and by shifting the application deadline to a time of year that is generally

less busy for both laboratories and DEQ. Previously, renewal invoices were issued without first knowing which accreditation the laboratory would be requesting, which could lead to a need for them to process payment of new invoices for additional fees after initial payment had already been submitted.

K. Determination of the effect of the proposed rule(s) on the public health, safety and environment and, if the proposed rule(s) is/are designed to reduce significant risks to the public health, safety and environment, an explanation of the nature of the risk and to what extent the proposed rule will reduce the risk.

DEQ has determined this rulemaking will have the potential to increase statewide laboratory testing capacity and statewide compliance. An increase in capacity and compliance will have a positive influence on public health, safety, and the environment.

L. Determination of any detrimental effect on the public health, safety, and environment if the proposed rule(s) is/are not implemented.

There will be no detrimental effect on public health, safety, and the environment if the proposed rule is not implemented.

M. Analysis of alternatives to adopting the rule.

The alternative to adopting the proposed rule changes is to not adopt the rule changes.

N. Estimates of the amount of time that would be spent by state employees to develop the rule and of the amount of other resources that would be utilized to develop the rule.

DEQ staff estimates more than 100 hours of professional time for rule development, including but not limited to rule drafting, legal review, informal public meetings, formally presenting rule changes to the Water Quality Management Advisory Council, managing public comment periods, and filing the final rule.

O. Summary and preliminary comparison of any existing or proposed federal regulations that are intended to address the activities to be regulated by the proposed rule.

No federal regulations currently address the activities related to this rule.

P. This rule impact statement was prepared on: October 30, 2025
Modified on:

TITLE 252. DEPARTMENT OF ENVIRONMENTAL QUALITY
CHAPTER 301. LABORATORY ACCREDITATION

EXECUTIVE SUMMARY:

The gist of this rule and the underlying reason for the rulemaking is to clarify program definitions, correct references, standardize language between OK DEQ Lab Accreditation Program (LAP) rules where feasible, simplify the renewal and application processes, fee calculations, and provide transparency on administrative timeframes. Additional proposed changes include changing the title of the Chapter to be more descriptive of the accreditation program and to better differentiate from the other three accreditation program chapters and providing clear allowance to offer accreditation for other approved methods under the following national programs: EPA Primary Drinking Water Regulations, National Standards for Solid Waste Test Methods, and EPA Test Procedures for the Analysis of Pollutants. This proposed change would grant additional flexibility and clear capability to labs in the program to select from methods that are both historically and most recently approved for use in the programs mentioned above.

Specifically, the Department is proposing to create a new section 252:301-1-10, to establish a new accreditation period that runs from January through December. This change to a calendar year will allow program labs to better manage their finances and renewal applications. This change will also allow for more fluid and timely processing of applications and invoices by LAP staff. The Department is proposing to amend 252:301-1-9, "Fees," to accommodate the new section above. This amendment will simplify the calculation of accreditation application and renewal fees and eliminate a fee for late applications. There are no new fee increases or new fees. This change will make it easier for the program labs to determine the fee for participation in the program. This change will also make the rule language more consistent with other LAP rules.

The Department is proposing the clarification and specification of certain requirements in 252:301-1-5, 252:301-3-3, 252:301-5-4, and 252:301-7 for laboratories applying and maintaining accreditation regarding accreditation type, performance of proficiency tests (PTs), and assessments. One of the changes includes adjustment of frequency of assessments, which is expected to reduce expenses for laboratories participating in the accreditation program.

Further, the Department is proposing to amend 252:301-3-4, "Renewals," to establish September 15 as the deadline for submitting renewal documentation and proficiency test (PT) provider reports along with a December 15 deadline to pay renewal invoices to allow for continued participation in the program. Additional information has been added to better define the renewal process and make it more consistent with other LAP rules.

DIFFERENCE FROM ANALOGOUS FEDERAL RULES:

There are no differences from analogous federal rules.

ENVIRONMENTAL BENEFIT STATEMENT:

DEQ has determined this rulemaking will have the potential to increase statewide laboratory testing capacity and statewide compliance. An increase in capacity and compliance will have a positive influence on public health, safety, and the environment.

SUMMARY OF COMMENTS AND RESPONSES:

No comments were received.

THE WATER QUALITY MANAGEMENT ADVISORY COUNCIL
RULEMAKING RECOMMENDATION
TO THE ENVIRONMENTAL QUALITY BOARD

Identification of Proposed Rulemaking:

Chapter Number and Title:
OAC 252:301 LABORATORY ACCREDITATION

On **December 2, 2025,** the members of this Council, by authority vested in them by the Oklahoma Environmental Quality Code (27 O.S. Sec. 2-2-201), by roll call vote, recommended to the Environmental Quality Board that the rulemaking described above be adopted as:

____X _____ permanent [take effect after legislative review]

_____ emergency [temporary, to take effect upon approval by the Governor because of time]

This Council has considered the proposed rulemaking and comments about it and determined, to the best of its knowledge, that all applicable requirements of the Oklahoma Administrative Procedures Act have been followed.

This Council authorizes the Department to prepare this recommended rulemaking for the Board, making any changes approved by the Council, correcting typographical, grammatical and reference errors, and formatting them as required by the Office of Administrative Rules. This is to be done with the understanding that such changes shall neither alter the sense of what this Council recommends nor invalidate this recommendation.

Respectfully,

Chair or Designee

Date Signed: 12/2/25

	VOTING TO APPROVE	VOTING AGAINST	ABSTAINING	ABSENT
Travis Archer	X			
Brian Duzan	X			
Ron Jarman	X			
Eric Lee	X			
Mary Elizabeth Mach	X			
Rick Moore				X
Andrew Pawlisz	X			
Todd Ray	X			
Kenneth Schwab	X			
Steve Sowers	X			
Debbie Wells				X

TITLE 252. DEPARTMENT OF ENVIRONMENTAL QUALITY
CHAPTER 302. FIELD LABORATORY ACCREDITATION

RULEMAKING ACTION:

PERMANENT final adoption

RULES:

Chapter 302. Title [AMENDED]
Subchapter 1. General Provisions
252:302-1-1. [AMENDED]
252:302-1-2. [REVOKED]
252:302-1-3. [REVOKED]
252:302-1-4. [AMENDED]
252:302-1-5. [AMENDED]
252:302-1-6. [NEW]
Subchapter 3. Field Laboratory Accreditation Process
Part 1. Application
252:302-3-1. [AMENDED]
252:302-3-2. [AMENDED]
252:302-3-3. [AMENDED]
252:302-3-4. [AMENDED]
252:302-3-5. [AMENDED]
252:302-3-6. [AMENDED]
Part 3. Conditions of Accreditation
252:302-3-21. [AMENDED]
252:302-3-22. [AMENDED]
252:302-3-23. [AMENDED]
Part 5. Grounds to Suspend or Revoke
252:302-3-31. [AMENDED]
252:302-3-32. [AMENDED]
Subchapter 5. General Operations
252:302-5-1. [AMENDED]
252:302-5-2. [AMENDED]
252:302-5-3. [AMENDED]
252:302-5-6. [AMENDED]
252:302-5-7. [AMENDED]
Subchapter 7. Proficiency Testing
252:302-7-1. [AMENDED]
252:302-7-2. [AMENDED]
252:302-7-3. [AMENDED]
252:302-7-4. [AMENDED]
252:302-7-5. [AMENDED]
252:302-7-7. [AMENDED]
252:302-7-8. [AMENDED]
252:302-7-9. [AMENDED]
252:302-7-10. [AMENDED]
Subchapter 9. Quality Assurance/Quality Control
Part 1. Quality Assurance/Quality Control General Criteria

252:302-9-4. [AMENDED]
252:302-9-5. [AMENDED]
Part 3. Standard Operating Procedures and Methods Manual
252:302-9-24. [AMENDED]
252:302-9-25. [AMENDED]
Part 5. QA/QC Program Requirements
252:302-9-31. [AMENDED]
252:302-9-32. [AMENDED]

AUTHORITY:
Environmental Quality Board; 27A O.S. §§ 2-2-101, 2-2-201, 2-4-302, and 2-6-103.
Water Quality Management Advisory Council; 27A O.S. § 2-2-201.
Laboratory Certification Services; 27A O.S. §§ 2-4-302 *et seq.*

SUBMISSION OF PROPOSED RULES TO GOVERNOR AND CABINET SECRETARY:
September 25, 2025

COMMENT PERIOD:
October 15, 2025, to December 2, 2025

PUBLIC HEARING:
December 2, 2025, Water Quality Management Advisory Council
January 21, 2026, Environmental Quality Board

ADOPTION:
January 21, 2026 (Proposed)

SUBMISSION OF ADOPTED RULES TO GOVERNOR AND LEGISLATURE:

LEGISLATIVE APPROVAL:

LEGISLATIVE DISAPPROVAL:

APPROVED BY GOVERNOR'S DECLARATION:

FINAL ADOPTION:

EFFECTIVE:
September 15, 2026 (Proposed)

SUPERSEDED EMERGENCY ACTIONS:

INCORPORATION BY REFERENCE:

Availability:
Copies of the proposed rules may be obtained from the contact person, reviewed at the Department of Environmental Quality, 707 N Robinson, Oklahoma City, Oklahoma, during

normal business hours (8:00 am - 4:30 pm Monday through Friday) or reviewed online at https://www.deq.ok.gov/council-meetings/water-quality-management-advisory-council/.

GIST/ANALYSIS:

The gist of this rule and the underlying reason for the rulemaking is to clarify program definitions, correct references, standardize language between OK DEQ Lab Accreditation Program (LAP) rules where feasible, simplify the renewal and application processes, fee calculations, and provide transparency on administrative timeframes. Additional proposed changes include changing the title of the Chapter to be more descriptive of the accreditation program and to better differentiate from the other three accreditation program chapters and providing clear allowance to offer accreditation for other approved methods under EPA Test Procedures for the Analysis of Pollutants. This proposed change would grant additional flexibility and clear capability to labs in the program to select from methods that are both historically and most recently approved for use in support of their permit requirements.

Specifically, the Department is proposing to amend 252:302-1-5, "Fees," to simplify the calculation of accreditation application and renewal fees and eliminate a fee for late applications. This change will make it easier for the program labs to determine the fee for participation in the program. This change will also make the rule language more consistent with other LAP rules. There are no fee increases or new fees.

Further, The Department is proposing to amend 252:302-3-6, "Renewals," to establish September 15 as the deadline for submitting renewal documentation and proficiency test (PT) provider reports along with a December 15 deadline to pay renewal invoices to allow for continued participation in the program. The proposed changes include additional information intended to better define the renewal process and make it more consistent with other LAP rules.

CONTACT PERSON:

The contact person is Taryn Hurley, Environmental Programs Manager, who can be reached by phone at (405) 702-1000 or by fax at (405) 702-7102. Email comments may be directed to taryn.hurley@deq.ok.gov. Mail should be addressed to Department of Environmental Quality, State Environmental Laboratory Services Division, P.O. Box 1677, Oklahoma City, OK 73101-1677, ATTN: Taryn Hurley.

PURSUANT TO THE ACTIONS DESCRIBED HEREIN, THE FOLLOWING RULES ARE CONSIDERED FINALLY ADOPTED AS SET FORTH IN 75 O.S. SECTIONS 250.3(5) AND 308(E), WITH AN EFFECTIVE DATE OF SEPTEMBER 15, 2026.

CHAPTER 302. ~~FIELD~~INDUSTRIAL DISCHARGE LABORATORY ACCREDITATION

SUBCHAPTER 1. GENERAL PROVISIONS

252:302-1-1. Purpose, basis, authority, applicability

(a) The rules in this ~~Chapter~~chapter provide standards for accreditation of privately and publicly owned laboratories for performance of analyses of wastewater. This ~~Chapter~~chapter was promulgated and adopted pursuant to the Oklahoma Environmental Quality Code (Code), 27A O.S. § 2-4-101 *et seq.*, and shall apply to laboratories accredited or applying to be accredited by the Department of Environmental Quality (DEQ) as ~~a~~an ~~field~~industrial discharge laboratory. The available scope of accreditation under this chapter is generally limited to non-potable water analyses that are performed immediately upon sampling.

(b) As the Board promulgates new rules, accredited laboratories shall incorporate those procedures for all accredited analytes upon the effective date of the rule~~, July 1 of each year~~.

(c) The implementation date of this ~~Chapter~~chapter is January 1, 2013.

252:302-1-2. Field laboratory category [REVOKED]

~~A laboratory may be accredited in the category of field laboratory. A field laboratory is a small laboratory which does not want to participate in The NELAC Institute accreditation standards and is limited to analysis for pH, residual chlorine (total residual chlorine, free chlorine, total oxidants or free oxidants), turbidity, conductivity, temperature and dissolved oxygen.~~

252:302-1-3. Terms [REVOKED]

~~Terms used in this Chapter shall have the meanings given to them in this Subchapter or the Oklahoma Environmental Quality Code. Any technical term not defined thereby shall be defined by its generally accepted scientific meaning or its standard dictionary meaning.~~

252:302-1-4. Definitions

In addition to the definitions contained in ~~the Environmental Quality Code (27A O.S. § 2-1-101 *et seq.*)~~Title 27A of the Oklahoma Statutes and OAC 252:4 (Department of Environmental Quality Rules of Practice and Procedure), the following words or terms, when used in this ~~Chapter~~chapter, shall have the following meaning, unless the context clearly indicates otherwise. Any technical term not defined thereby shall be defined by its generally accepted scientific meaning or its standard dictionary meaning.

"Acceptable results," ~~;~~ as defined in 27A O.S. § 2-4-101, ~~*means a result within limits determined on the basis of statistical procedures as prescribed by the Department*~~means a result within limits determined on the basis of statistical procedures as prescribed by DEQ.

"Accreditation" or **"accredited"** means the process by which ~~the~~ DEQ ~~recognizes a laboratory as meeting certain predetermined qualifications or standards, thereby accrediting the laboratory~~evaluates an environmental laboratory's quality systems, staff, facilities, equipment, test methods, record, and reports against the requirements of this chapter. Laboratories determined to meet the qualifications and standards of this chapter are thereby accredited.

"Analyte" means the characteristics of a laboratory sample determined by an analytical laboratory testing procedure and is synonymous with "parameter".

"Applicant" means the owner of a laboratory, or a representative authorized by the owner to act on the owner's behalf, seeking accreditation from ~~the~~ DEQ.

"Applicant laboratory" means the laboratory and its owner or authorized representative for which an application for accreditation has been filed with ~~the~~ DEQ.

"Approved method" means an analytical test method ~~which~~that has been required by law or is recognized by ~~the~~ DEQ as acceptable for a specific usage.

"Assessment" means the evaluation process used to measure or establish the performance, effectiveness, and conformance of a laboratory to the standards and requirements of this chapter. The term "evaluation" as used in 27A O.S. § 2-4-101, is synonymous with the term "Assessment."

"Blind audit" means a process whereby ~~the~~ DEQ or any other designated agent submits proficiency testing samples to an accredited laboratory in a manner such that the laboratory is not aware of the process.

"Certificate" or **"certificate of accreditation"** ~~is~~means a document issued by DEQ acknowledging that an environmental laboratory has met standards of this chapter for accreditation and identifying those parameters for which the laboratory is accredited. "Certificate" is synonymous with letters of accreditation as defined in 27A O.S. § 2-4-101 and means the same as laboratory accreditation.

"Corrective ~~Action~~action ~~Plan~~plan" or **"~~Corrective Action Report~~CAP"** ~~is~~means a written plan of action~~, including a schedule for implementation,~~ to correct deficiencies~~. identified in the DEQ or DEQ approved agent's inspection report, including a timeline for implementation; or~~It includes a schedule for implementation and actions to eliminate or reduce the cause(s) of a~~n existing~~ nonconformity, defect, or other undesirable situation ~~in order~~ to prevent its recurrence. A CAP may be required in response to identified deficiencies in a DEQ or DEQ-approved agent's assessment report.

"Critical nonconformity" or **"~~Critical Finding~~critical finding"** means a conclusion of noncompliance that would require an immediate corrective action or an immediate stop to testing.

"DEQ" means the Oklahoma Department of Environmental Quality. For purposes of certifications issued and enforcement matters arising prior to July 1, 1993, "DEQ" also means predecessor agencies of DEQ that had jurisdiction over environmental water quality laboratories on June 30, 1993.

"Evaluation", as defined in 27A O.S. § 2-4-101, *means a review of the quality control and quality assurance procedures, recordkeeping, reporting procedures, methodology, personal qualifications, equipment, facilities and analytical technique of a laboratory for measuring or establishing specific parameters.* "Evaluation" is synonymous with the term "assessment."

~~**"Field laboratory"** is a small laboratory which does not want to participate in The NELAC Institute accreditation standards and is limited to analysis for pH, residual chlorine (total residual chlorine, free chlorine, total oxidants or free oxidants), turbidity, conductivity, temperature and dissolved oxygen.~~

~~**"Finding"** means a conclusion of noncompliance of the evaluation process supported by objective evidence.~~

"Industrial discharge laboratory" means a laboratory that is accredited to this chapter.

"Initial accreditation" means ~~a~~an ~~first-time~~ accreditation granted to a laboratory not ~~previously~~currently accredited by ~~the~~ DEQ.

"Interim accreditation" means an ~~out-of-time~~ accreditation issued to a DEQ-accredited laboratory outside of the renewal accreditation process for analytes in which the laboratory is not currently accredited by ~~the~~ DEQ.

"Laboratory" as defined in 27A O.S. § 2-4-101, means *a facility that performs analyses to determine the chemical, physical or biological properties of air, water, solid waste, hazardous waste, wastewater or soil or subsoil materials or performs any other analyses related to environmental quality evaluations.* "Laboratory" includes mobile laboratories.

"Laboratory waste" means by-products of the analytical process, residues of samples analyzed, discarded reagents or standards and any materials contaminated by any of these.

"Nonconformity" means a conclusion of noncompliance or nonconformity of the evaluation process supported by objective evidence. This term is synonymous with both "deficiency" and "finding."

"Owner" means the sole proprietor of an individually owned laboratory, the controlling or managing partner of a laboratory held by a partnership, the major stockholders of a corporate owned laboratory, or a municipality or other local government entity ~~which~~that owns or operates a laboratory.

"Parameter" ~~is~~means defined in 27A O.S. § 2-4-101 and is synonymous with "analyte."~~.~~

"Proficiency testing (PT) sample" means a sample submitted to a laboratory by ~~the~~ DEQ or other designated agent for the purpose of assessing the ability of the laboratory to correctly analyze samples using an approved method.

"Program" means ~~the~~ DEQ's laboratory accreditation program described in this chapter.

"Residual chlorine" means total residual chlorine, free chlorine, total oxidants, or free oxidants.

"QA ~~Plan~~plan" or **"~~Quality Assurance Plan~~quality assurance plan"** means a written description of quality assurance and quality control activities ~~(quality control)~~ that will ensure the generation of data that are scientifically valid, defensible, and of known and acceptable limits of precision and accuracy.

"SOP manual" or **"~~Standard Operating Procedure~~standard operating procedure manual"** means a document approved by ~~a~~ laboratory ~~director~~management that includes approved methods, equipment, and instruments used by the laboratory for analyses.

252:302-1-5. Fees

(a) **Applicable fees.** The following fees apply:

(1) Initial accreditation - $350.00

(2) Renewal accreditation - $350.00

(3) Interim accreditation - $200.00

~~(4) Renewal late fee - $100.00~~

~~(5)~~(4) Accreditation amendment - $70.00

~~(6)~~(5) On-site ~~evaluation~~assessment (initial) - $1,000.00

~~(7)~~(6) On-site ~~evaluation~~assessment (renewal) - $500.00 annually

~~(8)~~(7) On-site ~~evaluation~~assessment (interim) - $1,000.00

(b) **Annual fee adjustment.** To assist in meeting rising costs to ~~the~~ DEQ of the environmental services and regulatory programs associated with the laboratory services program, the fees set out in this ~~Section~~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~~ DEQ may round the adjusted fees up to the nearest dollar. ~~The~~ 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 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.

(c) **On-site ~~evaluation~~assessment fee.** ~~The evaluation fee is $1000 for initial or interim applications.~~ All laboratories must pay an assessment fee. The ~~on-site evaluation~~ fee will be invoiced with initial, interim, or renewal application fees.

252:302-1-6. Accreditation period

The period of accreditation is annual, running from January 1 to December 31. Notwithstanding, an applicant laboratory may apply at any time for initial or interim accreditation. A laboratory applying for interim accreditation shall meet the same requirements as a laboratory applying for initial accreditation. Regardless of when a certificate goes into effect, it shall expire on December 31 of the same year, unless provided specific written exception by DEQ.

SUBCHAPTER 3. FIELD LABORATORY ACCREDITATION PROCESS

PART 1. APPLICATION

252:302-3-1. Accreditation

A laboratory may apply at any time for initial~~;~~ or interim ~~or renewal~~ accreditation. A laboratory applying for interim accreditation shall meet the same requirements as a laboratory applying for initial accreditation.

252:302-3-2. Application required

(a) **General.** A laboratory shall submit one (1) copy of an application for accreditation to ~~the~~ DEQ. Application forms are available on ~~the~~ DEQ's website. Applications shall be accurately completed, signed and submitted to ~~the~~ DEQ electronically or by mail, with all required attachments. Application requirements are applicable to initial, interim, and renewal applications unless specifically stated otherwise.

~~(b) **Application fees.** Fees shall be submitted to the DEQ at the same time that applications are submitted. Applications shall not be considered until fees are received.~~

~~(c)~~(b) **Signature and verification.** An application shall be signed by the sole proprietor of an individually owned laboratory, the controlling or managing partner or partners of a laboratory held by a partnership, the authorized agent of a corporate owned laboratory, or the principal executive officer or ranking elected official of a municipality or other local government entity ~~which~~that owns or operates the applicant laboratory. The signer shall verify in the application that it was prepared under his direction or supervision and that the information it contains is, to the best of his knowledge, true, accurate, and complete.

(c) **Application fees.** Following application processing and approval, DEQ will invoice the laboratory. Accreditation certificates will not be issued until fees are paid in full.

252:302-3-3. Contact information

In addition to other information required by this ~~Chapter~~chapter, an application shall contain the following information:

(1) The name, mailing address, street address, telephone numbers, e-mail address and telefax number (if any) of the applicant.

(2) The signature, typewritten name, mailing address, telephone numbers, e-mail address and telefax number (if any) of the authorized representative of the owner.
(3) The name, mailing address, street address, telephones, e-mail address and telefax number (if any) of the applicant laboratory's authorized technical representative.
(4) The location(s) (address or legal description) of the laboratory, including county and driving directions and latitude/longitude.
(5) Identification as ~~a~~an ~~field~~industrial discharge laboratory.
(6) The name and address of any owner, stockholder, or officer of the applicant laboratory or any person who receives compensation from the applicant laboratory, who has been or currently is an owner, stockholder, or officer of, or who has received compensation from, any laboratory whose accreditation application has been previously denied or whose accreditation has been previously suspended or revoked in part or in whole by ~~the~~ DEQ.

252:302-3-4. Operational information

The application shall address the following operational issues:
(1) A listing of equipment to be used for sample analysis, storage and reporting.
(2) A description of the methods, equipment and instruments used by the applicant laboratory for specific analytes ~~which~~that may be in the form of an SOP manual when required.
(3) A written laboratory QA plan ~~which~~that includes but is not limited to:
(A) A listing of laboratory personnel, including the laboratory supervisor, which gives the academic training, experience and analytical and supervisory responsibilities; and
(B) A narrative description of the methods used for sample receipt, storage and disposal.
(4) Results of the laboratory's two (2) most recent ~~proficiency testing~~PT rounds, at least 15 calendar days apart from the date of analysis.
(5) A report of a laboratory evaluation conducted by t~~he~~ DEQ shall verify data submitted in the application, list any deficiencies and be signed by ~~the~~ DEQ.
(6) If findings are listed in an evaluation report, the applicant shall submit a ~~Corrective Action Report~~CAP ~~which~~that specifies deadlines for correction and correction of the finding. ~~The~~ DEQ may establish conditions, including compliance schedules, for the applicant's ~~Corrective Action Report~~CAP.
(7) Hours of operation.

252:302-3-5. Reasons to deny an initial application

(a) An intial application for accreditation shall be denied in the following circumstances:
(1) Failure to submit a completed application;
(2) Failure to pay required fees;
(3) Failure of laboratory staff to meet the personnel qualifications of education, training and experience;
(4) Failure to successfully analyze and report ~~proficiency testing~~PT samples;
(5) Failure to respond to an assessment report from the on-site assessment with a ~~corrective action report~~CAP within the 30 calendar days after receipt of the assessment report;
(6) Failure to implement the corrective actions detailed in the ~~corrective action report~~CAP within the specified time frame as approved by the primary accreditation body;
(7) Failure to implement a quality assurance plan;
(8) Failure to pass required on-site assessment(s);
(9) Misrepresentation of any fact pertinent to receiving or maintaining accreditation; or
(10) Denial of entry during normal business hours for an on-site assessment.

(b) If the laboratory is not successful in correcting the deficiencies, the laboratory must wait six (6) months before again reapplying for accreditation.
(c) Laboratory accreditation will not be denied without the right to due process as addressed in OAC 252:4, Rules of Practice and Procedure.

252:302-3-6. Renewals

(a) **Annual renewal required.** A laboratory that decides to remain accredited must apply to renew accreditation annually. ~~Renewal applications are available on the DEQ's website.~~Application forms are available on DEQ's website. ~~Renewal applications~~Applications shall be accurately completed, signed, and submitted to ~~the~~ DEQ electronically ~~on~~ or ~~before June 15 of each year~~by regular mail, with all required attachments.

(b) **Laboratory responsibility.** Each laboratory is responsible for ~~renewing~~submitting its ~~accreditation~~application materials by the annual renewal ~~date~~deadline. Failure to receive a renewal ~~notification and invoice~~notice does not exempt laboratories from meeting the renewal deadline.

~~(c) **DEQ invoice date.** By April 15 of each year, the DEQ shall mail invoices to each accredited laboratory.~~

~~(d)~~(c) ~~**Deadline**~~**Renewal deadline.** ~~All applicable fees shall be submitted to the DEQ by 4:30 p.m. on or before June 15 or postmarked on or before that date. Any renewal application which is not received electronically by the DEQ on or before June 15 shall be considered only if the electronic application form, renewal fee and a late fee are submitted on or before July 15 . Applications and fees received or postmarked after July 15 will be returned and accreditation shall not be renewed. PTs received later than 4:30 p.m. on July 15 of each year will not be considered for accreditation renewal~~The renewal application shall be accurately completed, signed, and received by DEQ, along with all applicable materials, on or before 4:30 p.m. CST September 15.

(d) **Payment deadline.** DEQ will invoice the accredited laboratory following application processing. Full payment of fees must be received on or before December 15.

(e) **PT data deadline.** Laboratories shall ensure that the PT provider has submitted all pertinent PT reports to DEQ electronically as specified in OAC 252:302-7-7-5 (b) on or before September 15 of each year. PTs received later than September 15 may not be considered for accreditation renewal.

~~(c)~~(f) **Specified dates.** If any date specified in this section falls on a weekend or holiday, the date of the following working day shall be the effective date.

~~(f)~~(g) **Failure to renew.** ~~To become accredited again, a~~A laboratory that ~~failed~~fails to ~~renew its accreditation in a timely manner must apply for initial accreditation as a new laboratory.~~submit renewal application materials or payment by the specified deadlines will not be eligible for renewal of their accreditation. They may reapply through the initial application process.

PART 3. CONDITIONS OF ACCREDITATION

252:302-3-21. Conditions applicable to all accreditations

The following conditions shall apply to all existing accreditations and shall be incorporated expressly or by reference into all accreditations issued or renewed after the effective date of this ~~Chapter~~chapter.

(1) **Proper operation and maintenance.** The ~~Laboratory~~laboratory shall at all times properly operate and maintain all facilities and equipment installed or used by the ~~Laboratory~~laboratory to achieve compliance with the laboratory accreditation requirements of the Code, rules of the Board as they relate to laboratory accreditation, and the provisions and conditions of this ~~Accreditation~~accreditation. Proper operation and maintenance includes effective performance

of operations and adequate funding, operator staffing and training, and the provision of appropriate sample-handling equipment. All operational practices and procedures used at this site shall conform to the best possible public health and safety practices.
(2) **Duty to mitigate.** The ~~Laboratory~~laboratory shall take all reasonable steps to minimize or correct any adverse impact on the environment and the public health resulting from noncompliance with this ~~Accreditation~~accreditation and to minimize or correct any adverse impact on the environment arising from its analytical activities.
(3) **Duty to provide information.** The ~~Laboratory~~laboratory shall furnish to ~~the~~ DEQ, within a time specified, any information ~~which~~that ~~the~~ DEQ may request to determine:
(A) whether cause exists for amending, suspending, or revoking this ~~Accreditation~~accreditation;
(B) compliance with this ~~Accreditation~~accreditation; or
(C) whether an accreditation should be issued or renewed.
(4) **Records.** The ~~Laboratory~~laboratory shall keep its ~~Accreditation~~accreditation, the application on which it is based, copies of all records required to be kept by this ~~Chapter~~chapter and the provisions of its ~~Accreditation~~accreditation on file at the accredited facility.
(5) **Reporting requirements.** The ~~Laboratory~~laboratory shall give advance notice to ~~the~~ DEQ as soon as possible of any planned physical alterations, additions to the accredited facility or planned changes in the accredited facility ~~which~~that may result in noncompliance with accreditation requirements.
(6) **Signatory requirement.** All applications, reports, or information submitted to ~~the~~ DEQ shall be signed by the applicant.
(7) **Consent to conditions.** Commencing analytical activities as an accredited laboratory under DEQ accreditation shall constitute consent to all conditions of accreditation..
(8) **Transfer of accreditation.** Accreditation is not transferable. An accredited laboratory may apply to amend ownership or change names, provided that facilities, equipment, personnel and all other conditions of accreditation remain unchanged.
(9) **Duty to apply.** To maintain its accredited status, the ~~Laboratory~~laboratory shall make timely application for annual renewal of accreditation.
(10) **Severability.** The provisions of accreditation are severable, and if any of its provisions or the application of its provisions are held invalid, the application of such provisions to other circumstances and the remaining provisions of the accreditation shall not be affected thereby.

252:302-3-22. Amendments to accreditations
(a) **Changes to be reported.** Changes in laboratory name, ownership, form of ownership, location, and other changes, including personnel and/or equipment, which may significantly affect the performance of analyses for which the laboratory was originally accredited shall be reported in writing to ~~the~~ DEQ within 30 days of occurrence. If requested by owner, ~~the~~ DEQ may amend the accreditation to reflect reported changes.
(b) **Amendment fee.** An amendment fee shall be assessed in accordance with this ~~Chapter~~chapter.
(c) **Cause.** ~~The~~ DEQ may amend an accreditation for cause, with notice to the affected accredited laboratory and opportunity for hearing.

252:302-3-23. Self-reporting
(a) An accredited laboratory shall promptly submit correct facts or information to ~~the~~ DEQ and/or to the client when:
(1) it becomes aware that it failed to submit a material fact or submitted incorrect information in an application or a report to ~~the~~ DEQ or to a client for submission to ~~the~~ DEQ; or

(2) ~~the~~ DEQ becomes aware of same and notifies the laboratory.
(b) Failure to make a prompt submission may result in an enforcement action.

PART 5. GROUNDS TO SUSPEND OR REVOKE

252:302-3-31. Grounds to take enforcement action

In addition to the grounds listed in 27A O.S. § 2-3-501 *et seq*., § 2-4-305(A) and OAC 252:4-7-15, ~~the~~ DEQ may suspend, revoke or refuse to renew in part or in whole the accreditation of any laboratory for the following grounds:

(1) consistent and significant errors in analyses, erroneous reporting or evidence of professional or technical incompetence;

(2) misrepresentation to others regarding the type and conditions of DEQ accreditation and the reliance of others on such misrepresentation;

(3) failure to perform any of the following:

(A) to correct deficiencies, comply with a ~~Corrective Action Report~~CAP, or take other action required by ~~the~~ DEQ pursuant to these rules;

(B) to participate or produce acceptable results in required ~~proficiency testing~~PT;

(C) to cooperate with or allow on-site laboratory evaluations, or access to records; or

(D) failure to notify or submit reports to ~~the~~ DEQ as required by this ~~Chapter~~chapter;

(4) submission of a ~~proficiency testing~~PT sample to another laboratory for analysis, and reporting data received as its own;

(5) collaboration with other laboratories on results before ~~proficiency testing~~PT sample results are submitted to the required agency;

(6) allowing persons other than qualified laboratory employees to perform and report results of accredited analytes; or

(7) any other violation, action or inaction presenting good cause for such action.

252:302-3-32. Notice

~~The~~ DEQ may require an accredited ~~field~~industrial discharge laboratory to give written notice to its clients of the suspension or revocation of any part of its accreditation.

SUBCHAPTER 5. GENERAL OPERATIONS

252:302-5-1. Posting of accreditation

~~A~~An ~~field~~industrial discharge laboratory shall maintain on file the list of analytes for which it is accredited and shall provide a copy of the list upon request.

252:302-5-2. Laboratory technician

(a) All ~~field~~industrial discharge laboratories shall have at least one (1) on-site employee meeting the minimum requirements of this chapter.

(b) The laboratory technician shall have at least a high school diploma or equivalent, complete a method training program under an experienced analyst and have six (6) months bench experience in the analysis of process samples.

(c) The laboratory technician shall have knowledge of the use of analytical equipment and support equipment used for the analysis of ~~pH, chlorine residual, turbidity, conductivity, temperature and dissolved oxygen~~all accredited parameters.

(d) Before analyzing compliance samples, the laboratory technician must demonstrate acceptable results on at least four (4) replicates of a known standard. These are analyzed as samples ~~over a period of 3 to 5 days;~~ after analyzing all required calibration standards. Alternately, demonstrate satisfactory participation on a PT sample. The technician shall adhere to method required QC procedures specified for blanks, precision, accuracy, sensitivity, and specificity. The demonstration must be documented according to the laboratory's QA plan.
(e) Laboratory technicians must be under the supervision of a supervisor/consultant until the minimum requirements of this subsection are met.

252:302-5-3. Data produced while in training

Data produced by laboratory technicians while in the process of obtaining the required training or experience are acceptable only when documented, reviewed, and validated by a fully qualified laboratory supervisor/consultant.

252:302-5-6. On-site evaluations

(a) An on-site ~~evaluation~~assessment may be unannounced.
(b) During an ~~evaluation~~assessment, ~~the~~ DEQ may require on-site analyses of ~~proficiency testing~~PT samples by laboratory personnel.
(c) Following the ~~evaluation~~assessment, ~~the~~ DEQ will provide the laboratory with a copy of the ~~evaluation~~assessment report within 45 days of the on-site ~~evaluation~~assessment. The laboratory will be afforded 30 days from receipt of report in which to correct any listed deficiencies. ~~The~~ DEQ may require a laboratory to develop and implement a ~~Corrective Action Report (CAR)~~CAP. ~~The~~ DEQ will provide an ~~evaluation~~assessment of the ~~CAR~~CAP within 45 days of receipt of same.
(d) Prior to granting initial accreditation to a laboratory, DEQ will perform an on-site ~~evaluation~~assessment of the laboratory.
(e) Prior to granting a laboratory an accreditation for an additional analyte, DEQ may perform an on-site ~~evaluation~~assessment of the laboratory.
(f) DEQ may conduct routine on-site ~~evaluation~~assessment of a laboratory every other year to ensure compliance with the conditions of this ~~Chapter~~chapter, or upon receipt of complaint.

252:302-5-7. Recordkeeping and reporting

(a) The laboratory shall keep the following records on file in its accredited facility for at least five (5) years:

(1) accreditation and the application on which it is based;
(2) copies of all records and documentation required to be kept by this ~~Chapter~~chapter;
(3) repair and maintenance records;
(4) reports filed with ~~the~~ DEQ or submitted to clients for filing with ~~the~~ DEQ;
(5) equipment changes, additions or malfunctions; and
(6) QA/QC plans and reports.
(7) data reported for regulatory compliance purposes, including:
(A) calibration or standardization information, or both;
(B) quality controls, including standards and duplicates;
(C) calculations;
(D) sampling and analytical data; and
(E) reports.
(8) sampling and analytical data to be retained shall include the following:
(A) date, time and location of sampling and analysis;
(B) name of the person collecting the sample;

(C) name of the analyst; and
(D) type of analysis, method utilized, and results.

(b) Any data report by an accredited laboratory shall identify that the laboratory is ~~a~~an ~~field~~industrial discharge.

SUBCHAPTER 7. PROFICIENCY TESTING

252:302-7-1. Participation required

~~A~~An ~~field~~industrial discharge laboratory must participate in two (2) single-blind, single-concentration, regularly scheduled ~~Proficiency Testing (PT)~~PT studies per calendar year for each analyte ~~in each class of accreditation~~ for which it seeks accreditation or renewal of accreditation. PT samples must be provided by a National Environmental Laboratory Accreditation Program (NELAP) approved PT provider.

252:302-7-2. PT sample treatment

(a) Samples shall be analyzed and the results shall be returned to the PT study provider ~~no later than~~before the ~~provider's~~closing date set by the PT provider. ~~The laboratory shall ensure that all PT samples are handled, *i.e.*, managed, analyzed and reported, in the same manner as actual environmental samples utilizing the same staff, methods as used for routine analysis of that analyte, procedures, equipment, facilities, and frequency of analysis.~~

(b) ~~When analyzing a PT sample, a laboratory shall employ the same calibration, laboratory quality control and accestace criteria, sequence of analytical steps, number of replicates and other procedures as used when analyzing routine samples.~~The laboratory shall ensure that all PT samples are handled and treated in the same manner as environmental samples. This includes utilizing the same staff, methods, procedures, equipment, facilities, and frequency of analysis as is used for routine analysis of that analyte and matrix.

252:302-7-3. Initial accreditation

To gain initial or interim accreditation, a laboratory shall have obtained acceptable results for two (2) consecutive ~~proficiency testing (PT)~~PT rounds. ~~Proficiency testing (PT)~~PT rounds must have been performed within the last ~~twelve (12)~~12 months and at least seven (7) calendar days apart from the ~~date of analysis~~closing date of one study to the opening date of another study for the same analyte and matrix.

252:302-7-4. PT ~~Requirements~~requirements

(a) **General requirements.** ~~Field~~Industrial discharge laboratory ~~proficiency testing~~PT samples must be ~~Water Pollution (WP) type testing samples~~of a non-potable water or wastewater matrix.

(1) Laboratories seeking to renew accreditation must obtain acceptable results for vendor supplied, regularly scheduled ~~proficiency testing~~PT samples approximately six (6) months apart in each calendar year. Failure to meet the semiannual schedule shall be regarded as a failed study on the last day of the seventh (7th) month.

(2) Laboratories shall successfully analyze at least two (2) PT studies within the most recent three (3) rounds attempted (2 of 3) prior to renewal. Laboratories may analyze additional or supplemental studies; however, such studies must be reported to ~~the~~ DEQ.

(b) **Cost responsibility**. Laboratories shall bear the cost of any subscription to a ~~proficiency testing~~PT program required by ~~the~~ DEQ. ~~The~~ DEQ shall not be charged a fee for the analysis of any ~~proficiency testing~~PT samples.

(c) **Alternate program.** ~~The~~ DEQ may designate an alternate ~~proficiency testing~~PT program if it determines such designation is appropriate.
(d) **DEQ PT samples.** As part of a laboratory's ~~proficiency testing~~PT, ~~the~~ DEQ may also submit blind audit samples to an accredited laboratory.
(e) **Restrictions on exchanging information.** A laboratory shall not attempt to obtain the prepared value of any PT sample from its PT Provider prior to the conclusion of the PT study.

252:302-7-5. Maintenance of PT records
(a) **Required records**. The laboratory shall maintain copies of all written, printed and electronic records, including but not limited to bench sheets, raw data, instrument strip charts or printouts, data calculations, and data reports, resulting from the analysis of any PT sample for a minimum of five (5) years. The records shall include a copy of the PT study report forms used by the laboratory to record PT results. All of these laboratory records shall be made readily available during on-site inspections of the laboratory.
(b) **PT report.** The PT study provider shall provide the participant laboratories and ~~the~~ DEQ a report showing the laboratory's DEQ identification number and EPA identification number, prepared value, the acceptance range, and the acceptable/not acceptable status for each analyte reported by the laboratory and any other information ~~the~~ DEQ deems necessary for accreditation purposes. The report and all associated data shall also be made available in electronic format as specified by ~~the~~ DEQ. The report shall be submitted electronically as specified by ~~the~~ DEQ.

252:302-7-7. PT criteria for laboratory accreditation
The following criteria apply individually to each analyte as defined by the laboratory seeking accreditation in its application:
(1) Results of the PT study shall be considered successful when the results are "acceptable" and are within the acceptable limits established and published by the PT Provider.
(2) ~~The~~ DEQ shall consider PT results along with the other elements of these rules when determining a laboratory's accreditation status;
(3) For initial accreditation or supplemental testing, the studies must be at least seven (7) calendar days apart from the ~~date of analysis~~closing date of one study to the opening date of another study for the same analyte and matrix.

252:302-7-8. Failure to perform
~~The~~ DEQ shall not renew accreditation for a failed or omitted analyte for a laboratory ~~which~~that does not meet the requirements of this subchapter. Once accreditation for an analyte has been lost, the procedures for initial or interim accreditation shall apply.

252:302-7-9. Supplemental studies
A laboratory may elect to participate in PT studies more frequently than required by the semiannual schedule. Additional studies are not distinguished from the routinely scheduled studies. They are counted and scored the same way and must be at least seven (7) calendar days apart from the ~~date of analysis~~closing date of one study to the opening date of another study for the same analyte and matrix.

252:302-7-10. Corrective action
When a laboratory fails a study, in part or in whole, it shall determine the cause for the failure and take any necessary corrective action. The laboratory shall then document both the investigation and

the action(s) in a ~~corrective action report (CAR)~~CAP. The ~~CAR~~CAP shall be submitted to ~~the~~ DEQ within ~~forty-five (45)~~45 days of PT study report issuance.

SUBCHAPTER 9. QUALITY ASSURANCE/QUALITY CONTROL

PART 1. QUALITY ASSURANCE/QUALITY CONTROL GENERAL CRITERIA

252:302-9-4. Procedures required for QA ~~Plan~~plan

The QA plan shall address supporting procedures including technical procedures and shall outline the structure of the documentation used in the quality assurance plans, including but not limited to the following:

(1) ensuring that all records required are retained;

(2) control and maintenance of documentation through a document control system ~~which~~that ensures that all ~~standard operating procedures (SOPs)~~SOPs, manuals, or documents clearly indicate the time period during which the procedure or document was in force;

(3) achieving traceability of measurements;

(4) handling submitted samples;

(5) feedback and corrective action whenever testing discrepancies are detected or departures from documented policies and procedures occur;

(6) dealing with complaints;

(7) protecting confidentiality (including national security concerns) and proprietary rights;

(8) audits and data review; and

(9) establishing that personnel are adequately experienced in the duties they are expected to carry out and are receiving any needed training.

252:302-9-5. References included in QA ~~Plan~~plan

The QA plan shall make reference to the following:

(1) the calibration and/or verification test procedures used;

(2) the major equipment and reference measurement standards used as well as the facilities and services used by the laboratory in conducting tests;

(3) procedures for calibration, verification and maintenance of equipment;

(4) verification practices ~~which~~that may include inter-laboratory comparisons, ~~proficiency testing~~PT programs, use of reference materials and internal quality control schemes; and

(5) procedures for reporting analytical results.

PART 3. STANDARD OPERATING PROCEDURES AND METHODS MANUAL

252:302-9-24. Selection of methods

(a) The laboratory shall analyze water samples in accordance with methods approved by the laboratory accreditation officer as required by the Clean Water Act (CWA).

(b) The laboratory shall use methods for environmental testing, including methods for sampling, which meet the needs of the client and ~~which~~that are appropriate for the environmental tests it undertakes.

252:302-9-25. Methodology incorporated by reference

"Guidelines Establishing Test Procedures for the Analysis of Pollutants" 40 ~~CFR~~C.F.R. Part 136, effective July 19, 2021, is hereby incorporated by reference. Any other EPA-approved method may also be incorporated by DEQ's laboratory accreditation program in writing.

PART 5. QA/QC PROGRAM REQUIREMENTS

252:302-9-31. QA/QC program required

Each accredited ~~field~~industrial discharge laboratory shall maintain a QA/QC program to demonstrate the precision and accuracy of analyses. The program shall be in place before accreditation is granted. For a minimum of five (5) years, each laboratory shall maintain records of all analyte accredited analyses, including but not limited to those necessary for a QA/QC program. Laboratories shall perform individual quality control for every analyte for which the laboratory is accredited or is applying for accreditation.

252:302-9-32. QA/QC documentation

(a) Documentation shall be kept to ensure quality control has been maintained and that proper methodologies have been used for the preparation and analysis of samples. All documentation shall be maintained and be readily available for reference or inspection.

(b) The following QC documentation shall be maintained in each laboratory.

(1) **Bench records.** Data associated with analysis, date, time, analyst, method, amounts, calculations, sample matrix, sample identification.

(2) **Calibration data.**

(A) Each instrument shall have documented calibration on each day of use.

(B) Each calibration shall be verified with a quality control standard that is of a source separate from the calibration source.

(C) Each aliquot of a solution used for calibration and quality control shall be used only once.

(D) Calibration shall be documented either by the instrument printout or by calculations ~~which~~that show the curve or coefficient of the linear equation or slope.

(E) Automated on-line equipment shall be calibrated according to manufacturer's instructions.

(3) **Maintenance logs.** By instrument, dates and description of repairs, preventive maintenance, malfunctions, and other actions or events affecting instrument performance

(4) **QC charts.** Quality control procedures for monitoring the validity of each environmental test must be in place. The resulting data shall be recorded in such a way that trends are detectable. Data recorded shall consist of blanks, quality control standards and duplicates

(5) **Sample login.** Sample login, including unique sample identification, date, time, source of sample (including name, location and sample matrix), preservative used, analysis required, name of collector and any pertinent field.

TITLE 252. DEPARTMENT OF ENVIRONMENTAL QUALITY
CHAPTER 302.

RULE IMPACT STATEMENT

A. Statement of need for the rule change and legal basis supporting it.

This Chapter contains rules about the accreditation of privately-owned and publicly owned laboratories by DEQ. The proposed rule changes intend to clarify program definitions, correct references, standardize language between OK DEQ Lab Accreditation Program (LAP) rules where feasible, simplify the renewal and application processes, fee calculations, and reset the yearly accreditation period to run from January through December. Additional proposed changes will serve to update incorporations by reference for EPA methodologies, and to make other amendments for conformity with past, present, and future method requirements under the national program for EPA Test Procedures for the Analysis of Pollutants. One significant result of these proposed changes is that they will give additional flexibility to labs in the program to select from methods that are both historically and most recently approved for use in the programs mentioned above and allow LAP to offer accreditation for these methods.

DEQ is proposing to modify the title of Chapter 302 to be more descriptive of the accreditation program to improve clarity and understanding of differences among the three accreditation program chapters.

Specifically, DEQ is proposing to amend 252:302-1-5, "Fees," to simplify the calculation of accreditation application and renewal fees and eliminate a fee for late applications. This change will make it easier for the program labs to determine the fee for participation in the program. This change will also make the rule language more consistent with other LAP rules. There are no fee increases or new fees.

Further, DEQ is proposing to amend 252:302-3-6, "Renewals," to establish a new September 15 deadline for submitting renewal documentation and proficiency test (PT) provider reports along with a December 15 deadline to pay renewal invoices to allow for continued participation in the program. Additional information has been added to better define the renewal process and make it more consistent with other LAP rules.

B. Classification of rule change (major/non-major), justification for that classification, and business cost estimate over the first five (5) years.

This rulemaking is non-major. There is no anticipated increase in business costs over the first five years, such that the business cost will not exceed the threshold of $1,000,000.00 over the initial five-year period following the promulgation, as defined in 75 O.S. § 303(D)(3)(b).

C. Description of the purpose of the proposed rule change, whether the change is mandated by federal law or is required to participate in or implement a federal program, and whether the change exceeds the requirements of the federal law.

This rulemaking is not mandated by federal law and does not exceed requirements of federal law. The purposes of this rulemaking are to 1) streamline definitions and terminology to be clear and consistent, 2) change the accreditation period to align with the calendar year, 3) change the renewal application due date to September 15 and payment due date to December 15 of each year to reduce burdens for the laboratories and DEQ, 4) clarify proficiency testing requirements, and 5) add authority to DEQ LAP to incorporate additional EPA-approved methods to accreditation offerings without need for additional rulemaking.

D. Description of the classes of persons who most likely will be affected by the proposed rule(s), including classes that will bear the costs of the proposed rule(s), and any n cost impacts received by the agency from any private or public entities.

The classes of persons affected are the owners and staff of laboratories that are DEQ-accredited or applying for DEQ accreditation under this Chapter.

E. Description of the classes of persons who will benefit from the proposed rule(s).

The classes of persons benefitted are the owners and staff of laboratories that are DEQ-accredited or applying for DEQ accreditation under this Chapter.

F. Comprehensive analysis of the rule change's economic impact, including impacts to the full-time-employee count of the agency, costs or benefits, a quantification of implementation and compliance costs on the affected businesses, business sectors, public utility ratepayers, individuals, state or local governments, and on the state as a whole, with a listing of all fee changes and justification for each fee change.

The probable economic impact to affected businesses is negligible. Accredited laboratories will no longer be charged late fees for delinquent application submissions. In the event of delinquent renewal applications, the laboratory would be required to seek initial accreditation to maintain accreditation. This would incur the initial accreditation fees for the affected laboratory. Laboratories have potential for administrative cost savings by the reorganization of the renewal application process and schedule. The other changes will allow laboratories to have greater choice of analytical methods available for accreditation, which has potential to increase revenue for commercial facilities and allow for permittees to perform more analyses in-house. A significant reduction in DEQ administrative costs is anticipated with this rulemaking due to more efficient and effective processing of applications and issuance of certificates and scopes.

G. Detailed explanation of methodology and assumptions used to determine the economic impact, including dollar amounts calculated.

The only aspect that has potential to increase costs to laboratories with this rulemaking is if they fail to make timely renewal application and must instead apply for initial application, which is fully avoidable.

H. Determination of whether implementation of the proposed rule(s) will have an economic impact on any political subdivisions or require their cooperation in implementing or enforcing the rule(s).

Implementation and enforcement of this rule would be handled solely by DEQ, and no cooperation by other political subdivisions would be required.

I. Determination of whether implementation of the proposed rule(s) may have an adverse economic effect on small businesses as provided by the Oklahoma Small Business Regulatory Flexibility Act.

DEQ has not received or discovered any information to indicate adverse effects on small businesses.

J. Any measures taken by the agency to minimize cost and impact of the proposed rule change on business and economic development in the state, local governmental units, and for individuals.

Economic development will be supported with this rulemaking by allowing a greater breadth of available test methods for accreditation that laboratories may choose from to better serve their clients and attract new ones. This rulemaking also will reduce laboratory administrative costs and reduce time between application submittal and certificate issuance by adjusting invoicing to be performed after submission of application and by shifting the application deadline to a time of year that is generally less busy for both laboratories and DEQ. Previously, renewal invoices were issued prior to knowing which accreditation and categories the laboratory would be requesting, resulting in significant rework.

K. Determination of the effect of the proposed rule(s) on the public health, safety and environment and, if the proposed rule(s) is/are designed to reduce significant risks to the public health, safety and environment, an explanation of the nature of the risk and to what extent the proposed rule will reduce the risk.

DEQ has determined this rulemaking will have the potential to increase statewide laboratory testing capacity and statewide compliance as well as contribute to more effective decision making by data users. Allowing DEQ to offer new and modernized testing methods makes available processes which improve data quality. An increase in capacity, compliance, and data quality will have a positive influence on public health, safety, and the environment.

L. Determination of any detrimental effect on the public health, safety, and environment if the proposed rule(s) is/are not implemented.

If the proposed rule is not implemented, there is potential that statewide laboratory testing capacity will not increase, which could negatively impact compliance and public health, safety, and the environment.

M. Analysis of alternatives to adopting the rule.

The alternative to adopting the proposed rule changes is to not adopt the rule changes, which could delay accreditation or limit the accredited testing offered by the laboratory negatively impacting business and revenue, and prevent the benefits in section J and K from being realized.

N. Estimates of the amount of time that would be spent by state employees to develop the rule and of the amount of other resources that would be utilized to develop the rule.

DEQ staff estimates more than 100 hours of professional time for rule development, including but not limited to rule drafting, legal review, informal public meetings, formally presenting rule changes to the Water Quality Management Advisory Council, managing public comment periods, and filing the final rule.

O. Summary and preliminary comparison of any existing or proposed federal regulations that are intended to address the activities to be regulated by the proposed rule.

No federal regulations currently address the activities related to this rule.

P. This rule impact statement was prepared on: October 30, 2025
Modified on:

TITLE 252. DEPARTMENT OF ENVIRONMENTAL QUALITY
CHAPTER 302. FIELD LABORATORY ACCREDITATION

EXECUTIVE SUMMARY:

The gist of this rule and the underlying reason for the rulemaking is to clarify program definitions, correct references, standardize language between OK DEQ Lab Accreditation Program (LAP) rules where feasible, simplify the renewal and application processes, fee calculations, and provide transparency on administrative timeframes. Additional proposed changes include changing the title of the Chapter to be more descriptive of the accreditation program and to better differentiate from the other three accreditation program chapters and providing clear allowance to offer accreditation for other approved methods under EPA Test Procedures for the Analysis of Pollutants. This proposed change would grant additional flexibility and clear capability to labs in the program to select from methods that are both historically and most recently approved for use in support of their permit requirements.

Specifically, the Department is proposing to amend 252:302-1-5, "Fees," to simplify the calculation of accreditation application and renewal fees and eliminate a fee for late applications. This change will make it easier for the program labs to determine the fee for participation in the program. This change will also make the rule language more consistent with other LAP rules. There are no fee increases or new fees.

Further, The Department is proposing to amend 252:302-3-6, "Renewals," to establish September 15 as the deadline for submitting renewal documentation and proficiency test (PT) provider reports along with a December 15 deadline to pay renewal invoices to allow for continued participation in the program. The proposed changes include additional information intended to better define the renewal process and make it more consistent with other LAP rules.

DIFFERENCE FROM ANALOGOUS FEDERAL RULES:

There are no differences from analogous federal rules.

ENVIRONMENTAL BENEFIT STATEMENT:

DEQ has determined this rulemaking will have the potential to increase statewide laboratory testing capacity and statewide compliance. An increase in capacity and compliance will have a positive influence on public health, safety, and the environment.

SUMMARY OF COMMENTS AND RESPONSES:

No comments were received.

THE WATER QUALITY MANAGEMENT ADVISORY COUNCIL
RULEMAKING RECOMMENDATION
TO THE ENVIRONMENTAL QUALITY BOARD

Identification of Proposed Rulemaking:

Chapter Number and Title:
OAC 252:302 FIELD LABORATORY ACCREDITATION

On **December 2, 2025**, the members of this Council, by authority vested in them by the Oklahoma Environmental Quality Code (27 O.S. Sec. 2-2-201), by roll call vote, recommended to the Environmental Quality Board that the rulemaking described above be adopted as:

____X_____ permanent [take effect after legislative review]

_____ emergency [temporary, to take effect upon approval by the Governor because of time]

This Council has considered the proposed rulemaking and comments about it and determined, to the best of its knowledge, that all applicable requirements of the Oklahoma Administrative Procedures Act have been followed.

This Council authorizes the Department to prepare this recommended rulemaking for the Board, making any changes approved by the Council, correcting typographical, grammatical and reference errors, and formatting them as required by the Office of Administrative Rules. This is to be done with the understanding that such changes shall neither alter the sense of what this Council recommends nor invalidate this recommendation.

Respectfully,

_____ Date Signed: 12/2/25
Chair or Designee

	VOTING TO APPROVE	VOTING AGAINST	ABSTAINING	ABSENT
Travis Archer	X			
Brian Duzan	X			
Ron Jarman	X			
Eric Lee	X			
Mary Elizabeth Mach	X			
Rick Moore				X
Andrew Pawlisz	X			
Todd Ray	X			
Kenneth Schwab	X			
Steve Sowers	X			
Debbie Wells				X

TITLE 252. DEPARTMENT OF ENVIRONMENTAL QUALITY
CHAPTER 307. TNI LABORATORY ACCREDITATION

RULEMAKING ACTION:

PERMANENT final adoption

RULES:

Chapter 307. Title [AMENDED]
Subchapter 1. Introduction
252:307-1-3. [AMENDED]
252:307-1-4. [AMENDED]
252:307-1-6. [AMENDED]
252:307-1-7. [AMENDED]
Subchapter 3. Laboratory Accreditation Process
252:307-3-1. [AMENDED]
252:307-3-3. [AMENDED]
252:307-3-6. [AMENDED]
Subchapter 5. Conditions of Accreditation
252:307-5-1. [AMENDED]
252:307-5-2. [AMENDED]
252:307-5-3. [AMENDED]
252:307-5-4. [AMENDED]
252:307-5-5. [AMENDED]
252:307-5-6. [AMENDED]
Subchapter 7. Onsite Assessment Requirements
252:307-7-2. [AMENDED]
Subchapter 9. Management and Technical Requirements
Part 1. Proficiency Testing
252:307-9-2. [AMENDED]
252:307-9-3. [AMENDED]
252:307-9-4. [AMENDED]
252:307-9-5. [AMENDED]
252:307-9-8. [AMENDED]
252:307-9-9. [AMENDED]
252:307-9-10. [AMENDED]
252:307-9-11. [AMENDED]
252:307-9-12. [NEW]
Part 7. Record Keeping and Reporting
252:307-9-60. [AMENDED]
Subchapter 11. Secondary Accreditation
252:307-11-1. [AMENDED]
252:307-11-2. [AMENDED]
252:307-11-3. [AMENDED]

AUTHORITY:

Environmental Quality Board; 27A O.S. §§ 2-2-101, 2-2-201, 2-4-307, and 2-6-103.
Water Quality Management Advisory Council; 27A O.S. § 2-2-201.
Laboratory Certification Services; 27A O.S. §§ 2-4-307 *et seq.*

SUBMISSION OF PROPOSED RULES TO GOVERNOR AND CABINET SECRETARY:
September 25, 2025

COMMENT PERIOD:
October 15, 2025, to December 2, 2025

PUBLIC HEARING:
December 2, 2025, Water Quality Management Advisory Council
January 21, 2026, Environmental Quality Board

ADOPTION:
January 21, 2026 (Proposed)

SUBMISSION OF ADOPTED RULES TO GOVERNOR AND LEGISLATURE:

LEGISLATIVE APPROVAL:

LEGISLATIVE DISAPPROVAL:

APPROVED BY GOVERNOR'S DECLARATION:

FINAL ADOPTION:

EFFECTIVE:
September 15, 2026 (Proposed)

SUPERSEDED EMERGENCY ACTIONS:

INCORPORATION BY REFERENCE:

Availability:
Copies of the proposed rules may be obtained from the contact person, reviewed at the Department of Environmental Quality, 707 N Robinson, Oklahoma City, Oklahoma, during normal business hours (8:00 am - 4:30 pm Monday through Friday) or reviewed online at https://www.deq.ok.gov/council-meetings/water-quality-management-advisory-council/.

GIST/ANALYSIS:
The gist of this rule and the underlying reason for the rulemaking is to clarify program definitions, correct references, standardize language between OK DEQ Lab Accreditation Program (LAP) rules where feasible, simplify the renewal and application processes, fee calculations, and provide transparency on administrative timeframes. Additional proposed changes include changing the title of the Chapter to be more descriptive of the accreditation program and to better differentiate from the other three accreditation program chapters and providing clear allowance to offer accreditation for other approved methods under the following national programs: EPA Primary Drinking Water Regulations, National Standards for Solid Waste Test Methods, and EPA Test Procedures for the Analysis of Pollutants. This proposed change would grant additional flexibility and clear capability to labs in the program to select from methods that are both historically and most recently approved for use in the programs mentioned above.

Specifically, the Department is proposing to amend 252:307-1-7, "Annual fees," to simplify the calculation of accreditation applications and renewal fees and eliminate a fee for late applications. There are no fee increases or new fees.

Additionally, the Department is proposing to amend 252:307-3-6, "Renewal and expiration," to establish September 15 as the deadline for submitting renewal documentation and proficiency test (PT) provider reports along with a December 15 deadline to pay renewal invoice to allow for continued participation in the program.

Further, the Department is proposing to add a new section, 252:307-9-12, to clarify procedure for accreditation of parameters that do not have proficiency tests available to perform.

CONTACT PERSON:

The contact person is Taryn Hurley, Environmental Programs Manager, who can be reached by phone at (405) 702-1000 or by fax at (405) 702-7102. Email comments may be directed to taryn.hurley@deq.ok.gov. Mail should be addressed to Department of Environmental Quality, State Environmental Laboratory Services Division, P.O. Box 1677, Oklahoma City, OK 73101-1677, ATTN: Taryn Hurley.

PURSUANT TO THE ACTIONS DESCRIBED HEREIN, THE FOLLOWING RULES ARE CONSIDERED FINALLY ADOPTED AS SET FORTH IN 75 O.S. SECTIONS 250.3(5) AND 308(E), WITH AN EFFECTIVE DATE OF SEPTEMBER 15, 2026.

CHAPTER 307. NATIONAL TNI LABORATORY ACCREDITATION

SUBCHAPTER 1. INTRODUCTION

252:307-1-3. Definitions

In addition to the definitions contained in Title 27A of the Oklahoma Statutes, OAC 252:4 (Department of Environmental Quality Rules of Practice and Procedure), and the TNI ~~Standard~~standard, the following words or terms, when used in this ~~Chapter~~chapter, shall have the following meaning unless the context clearly indicates otherwise. Any technical term not defined shall be defined by its generally accepted scientific meaning or its standard dictionary meaning.

"Acceptable results," ~~;~~ as defined in 27A O.S. § 2-4-101, means a result within limits determined on the basis of statistical procedures as prescribed by DEQ.

"Accreditation" or **"accredited"** means the process by which ~~the~~ DEQ evaluates an environmental laboratory's quality systems, staff, facilities, equipment, test methods, records, and reports against the requirements of this ~~Chapter~~chapter. Laboratories determined to meet the qualifications and standards of this ~~Chapter~~chapter are thereby accredited. ~~The term "certification", as used in 27A O.S. § 2-4-101, is synonymous with the term accreditation.~~

"Accreditation ~~Body~~body" means a governmental agency that holds a current ~~Certificate~~certificate of ~~Recognition~~recognition from TNI to administer a laboratory accreditation program.

"Analyte" means the ~~component, compound, element or isotope to be identified or quantified using a test or analysis~~characteristics of a laboratory sample determined by an analytical laboratory testing procedure and is synonymous with "parameter". For purposes of this chapter, "analyte" also means one (1) of a set of inorganic or organic chemical, physical, radiochemical or microbiological properties whose value determines the characteristics of a given sample.

"Applicant" means the owner of a laboratory, or a representative authorized by the owner to act on the owner's behalf, seeking accreditation from ~~the~~ DEQ.

"Applicant laboratory" means the laboratory and its owner or authorized representative for which an application for accreditation has been filed with ~~the~~ DEQ.

"Approved method" means an analytical test method ~~which~~that has been required by law or is recognized by ~~the~~ DEQ as acceptable for a specific usage.

"Assessment" means the evaluation process used to measure or establish the performance, effectiveness, and conformance of a laboratory to the standards and requirements of this ~~Chapter~~chapter. The term "~~Evaluation~~evaluation" as used in 27A O.S. § 2-4-101, is synonymous with the term "~~Assessment~~assessment".

"Basic environmental laboratory" means a laboratory that is limited to the following analytes: ~~five day biochemical oxygen demand, carbonaceous biochemical oxygen demand, chemical oxygen demand, total organic carbon (TOC), total Kjeldahl nitrogen (TKN), nitrate-nitrite nitrogen, organic nitrogen, ammonia nitrogen, total dissolved solids (filterable residue), total suspended solids (non-filterable residue), volatile residue, total phosphorous, orthophosphate phosphorus (reactive phosphorus), chloride, fluoride, oil and grease, sulfate, pH, specific conductance, dissolved oxygen, turbidity, total residual chlorine, hardness, alkalinity, color, fecal coliform, Escherichia coli, total coliform, cyanide, phenolics, copper, zinc, iron, sulfide, chromium, and hexavalent chromium~~alkalinity, ammonia nitrogen, carbonaceous biochemical oxygen demand, chemical oxygen demand, chloride, chromium, color, copper, cyanide, dissolved oxygen, Escherichia coli, fecal coliform, five-day biochemical oxygen demand, fluoride, free residual chlorine, hardness, hexavalent chromium, iron, nitrate-nitrite nitrogen, oil and grease (n-hexane extractable material), organic nitrogen, orthophosphate phosphorus (reactive

phosphorus), pH, phenolics, specific conductance, sulfate, sulfide, temperature, total coliform, total dissolved solids (filterable residue), total Kjeldahl nitrogen, total organic carbon, total phosphorus, total residual chlorine, total suspended solids (non-filterable residue), turbidity, volatile residue, and zinc.

"Blind audit" means a process whereby ~~the~~ DEQ or any other designated agent submits proficiency testing samples to an accredited laboratory in a manner such that the laboratory is not aware of the process.

"Category" means a set of ~~Fields~~fields of ~~Accreditation~~accreditation subject to a single fee.

"Certificate" or **"~~Certificate~~certificate of ~~Accreditation~~accreditation"** ~~is~~means a document issued by DEQ acknowledging that an environmental laboratory has met standards for accreditation~~;~~ and identifying those ~~Fields~~fields of ~~Accreditation~~accreditation for which the laboratory is accredited.

~~**"Critical nonconformity"** or **"critical finding"** means a conclusion of noncompliance that would require an immediate corrective action or an immediate stop to testing.~~

"Corrective ~~Action Plan~~action plan)"or **"~~Corrective Action Report~~(CAP)"** ~~is~~means a written plan of action~~, including a schedule for implementation,~~ to correct deficiencies. ~~identified in the DEQ or DEQ approved agent's inspection report, including a timeline for implementation; or~~It includes a schedule for implementation and actions to eliminate or reduce the cause(s) of ~~an existing~~a nonconformity, defect, or other undesirable situation ~~in order~~ to prevent its recurrence. A CAP may be required in response to identified deficiencies in a DEQ or DEQ-approved agent's assessment report.

"Critical nonconformity" or **"critical finding"** means a conclusion of noncompliance that would require an immediate corrective action or an immediate stop to testing.

"DEQ" means the Oklahoma Department of Environmental Quality. For purposes of certifications issued and enforcement matters arising prior to July 1, 1993, "DEQ" also means predecessor agencies of ~~the~~ DEQ ~~which~~that had jurisdiction over environmental water quality laboratories on June 30, 1993.

"Field of ~~Accreditation~~accreditation (FoA)" means those category, matrix, technology/method, and analyte combinations for which DEQ offers accreditation.

~~**"Finding"** means a conclusion of noncompliance or nonconformity of the evaluation process, referenced to the TNI Standard and supported by objective evidence.~~

"Initial accreditation" means ~~a~~an ~~first-time~~ accreditation granted to a laboratory not ~~previously~~currently accredited by ~~the~~ DEQ.

"Interim accreditation" means an ~~out-of-time filing for an~~ accreditation ~~status~~ issued to a DEQ ~~-~~accredited laboratory outside of the renewal accreditation process for a ~~Field of Accreditation~~FoA or a category not currently accredited by ~~the~~ DEQ, or where appropriate, temporary accreditation status for a laboratory that has met all accreditation criteria except for a pending on-site assessment ~~which~~that has been delayed for reasons beyond the control of the laboratory.

"Laboratory", as defined in 27A O.S. § 2-4-101, means ~~a facility that performs analyses to determine the chemical, physical or biological properties of air, water, solid waste, hazardous waste, wastewater or soil or subsoil materials or performs any other analyses related to environmental quality evaluations~~*a facility that performs analyses to determine the chemical, physical or biological properties of air, water, solid waste, hazardous waste, wastewater or soil or subsoil materials or performs any other analyses related to environmental quality evaluations*. "Laboratory" includes mobile laboratories.

"Laboratory waste" means by-products of the analytical process, residues of samples analyzed, discarded reagents or standards and any materials contaminated by any of these.

"Matrix" means the substrate of a test sample, e.g., drinking water, wastewater, other aqueous, or solid.

"Mobile laboratory" means a mobile facility that performs analyses in a self-contained environment with professional analytical instrumentation, excluding field testing of those analytes that

require immediate measurement on site (such as, conductivity, residual chlorine, pH, dissolved oxygen, temperature).

"Nonconformity" means a conclusion of noncompliance of the evaluation process, referenced to the TNI Standard, and supported by objective evidence. ~~Also may be considered a Finding~~This term is synonymous with both "deficiency" and "finding."

"Owner" means the sole proprietor of an individually owned laboratory, the controlling or managing partner of a laboratory held by a partnership, the major stockholders of a corporate owned laboratory, or a municipality or other local government entity ~~which~~that owns or operates a laboratory.

"Parameter" ~~is~~means "parameter" as defined in 27A O.S. § 2-4-101 and synonymous with "analyte".

"Primary accreditation" ~~is~~means an authorization issued to an Oklahoma laboratory following an assessment of the laboratory's total quality system, on-site assessment, and ~~proficiency testing~~PT for ~~fields of accreditation~~FoAs.

"Primary accreditation body" (Primary AB) means the accreditation body responsible for assessing a laboratory's total quality system, on-site assessment, and ~~proficiency testing (PT)~~PT performance tracking for ~~fields of accreditation~~FoAs.

"Proficiency testing (PT) sample" means a sample submitted to a laboratory by ~~the~~ DEQ or other designated agent for the purpose of assessing the ability of the laboratory to correctly analyze samples using an approved method.

"Program" means ~~the~~ DEQ's laboratory accreditation program described in this chapter.

"Quality manual" means a document stating the management policies, objectives, principles, organizational structure and authority, responsibilities, accountability, and implementation of the laboratory to ensure the quality of its product and the utility of its product to its users. The ~~Quality Manual~~quality manual will ensure the generation of data that are scientifically valid, defensible and of known and acceptable limits of precision and accuracy.

"Quality system" means a structured and documented management system describing the policies, objective, principles, organizational authority, responsibilities, accountability, and implementation plan of a laboratory for ensuring quality in its work processes, products and services. The quality system provides the framework for planning, implementing, and assessing work performed by the laboratory and for carrying out required quality assurance and quality control activities.

"Secondary accreditation" is authorization issued to a laboratory based on recognition and review of an existing primary accreditation for the same ~~fields of accreditation~~FoAs.

"Secondary accreditation body" (Secondary AB) means an accreditation body that grants laboratory accreditation for a ~~field of accreditation~~FoA based on recognition of accreditation from a ~~Primary Accreditation Body~~primary accreditation body for the same ~~fields of accreditation~~FoAs.

"Standard operating ~~procedures~~procedure" (~~SOPs~~SOP) means a written document approved by ~~a~~ laboratory ~~director~~management that details the method for an operation, analysis, or action, with thoroughly prescribed techniques and steps. SOPs include the methods for performing certain routine or repetitive tasks.

"Synthetic organic chemicals" (SOCs) are man-made organic chemicals that are less volatile than volatile organic compounds. SOCs are used as pesticides, defoliants, fuel additives and as ingredients for other organic compounds.

"The NELAC Institute" (TNI) means an organization of federal and state agencies whose purpose is to foster the generation of environmental data of known and documented quality through an open, inclusive, and transparent process that is responsive to the needs of the environmental laboratory community. The TNI Consensus Standards Development Program (CSDP) establishes compliance standards that reflect the best professional practices in the environmental laboratory industry. The TNI National Environmental Laboratories Accreditation Program (NELAP) implements TNI's consensus

standards through state agencies recognized by TNI as ~~Accreditation Bodies~~accreditation bodies. DEQ is the TNI ~~Accreditation Body~~accreditation body in the State of Oklahoma.

"TNI Standard" means the performance standard for analytical testing of environmental samples and the laboratory accreditation process adopted by TNI, current to the date incorporated by reference in this ~~Chapter~~chapter.

252:307-1-4. Incorporation by reference

(a) **TNI Standard.** Laboratories accredited under this ~~Chapter~~chapter shall meet the requirements of the TNI ~~Standard~~standard for the Environmental Laboratory Sector, Volume 1, "Management and Technical Requirements for Laboratories Performing Environmental Analysis." Modules 1, 2, 3, 4, 5, 6 and 7 as adopted January 31, 2020, which are hereby incorporated by reference.

(b) **EPA methodology.** Environmental analysis for compliance with the ~~Federal~~ Safe Drinking Water Act, ~~Federal~~ Clean Water Act and ~~Federal~~ Resource Conservation and Recovery Act require conformance with applicable EPA approved methodology. If EPA has approved a test procedure for analysis of a specific analyte, the laboratory must use an approved test procedure. The following EPA-approved methods are hereby incorporated by reference:

(1) "Guidelines Establishing Test Procedures for the Analysis of Pollutants," 40 ~~CFR~~C.F.R. Part 136, effective July 19, 2021;

(2) "Test Methods for Evaluating Solid Waste, Laboratory Manual Physical/Chemical Methods," SW-846 Manual, Third Edition as amended by Final Updates I, II, IIA, IIB, III, IIIA, IIIB, IVA, IVB V, VI, and VII~~.~~; ~~See further SW-846-ON-LINE;~~

(3) "Methodologies set forth in the National Primary Drinking Water Regulations," 40 ~~CFR~~C.F.R. Part 141 as published July 1, 2021; ~~and~~

(4) "Manual for the Certification of Laboratories Analyzing Drinking Water," Fifth Edition and Supplement 1 (EPA 815-5-05-004, January 2005 and EPA 815-F-08-006, June 2008)~~.~~; and

(5) Any other approved method incorporated by DEQ laboratory accreditation program in writing.

~~(d)~~(c) **DEQ approved methodologies.** The following methods are specifically approved by ~~the~~ DEQ:

(1) TNRCC Method 1005 Total Petroleum Hydrocarbons (>nC6 to nC35) of June 1, 2001;

(2) Oklahoma GRO 8020/8015(Modified) of February 24, 1996;

(3) Oklahoma DRO 8000/8100(Modified) of October 22, 1997;

(4) ASTM mussels of 2006;

(5) ASTM E 1193-97 for whole effluent toxicity tests; and

(6) On a case-by-case basis as approved by DEQ.

~~(c)~~(d) **Inconsistencies between test methods and rules.** In the event there are inconsistencies between the requirements of this ~~Chapter~~chapter and requirements of those provisions incorporated by reference, the laboratory must meet all applicable requirements. Laboratories are encouraged to consult with DEQ when in doubt about the proper or applicable test method.

252:307-1-6. Annual accreditation

The ~~term~~period of accreditation is annual, running from ~~September~~January 1 to ~~August~~December 31 ~~the following year~~. Notwithstanding, an applicant laboratory may apply at any time for initial~~,~~ or interim ~~or renewal~~accreditation. A laboratory applying for interim accreditation shall meet the same requirements as a laboratory applying for initial accreditation. Regardless of when a certificate goes into effect, it shall expire on December 31 of the same year, unless provided specific written exception by DEQ.

252:307-1-7. Annual fees

(a) **Applicable fees.** The following fees apply:

(1) Initial accreditation: $1,183.00

(2) Interim accreditation: $696.00

(3) Renewal fee: ~~35.31~~$35.00

~~(4) Renewal late fee 347.86~~

~~(5)~~(4) Accreditation amendment: ~~69.57~~$69.00

~~(6) Fee for 1 category 488.05~~

~~(7) Fee for 2 categories 976.09~~

~~(8) Fee for 3 categories 1,464.14~~

~~(9) Fee for 4 categories 1,952.18~~

~~(10) Fee for 5 or more categories 2,440.23~~

(5) Fee per category: $488.00 (5 category fees maximum)

~~(11)~~(6) Onsite Assessment: Fee Reimbursable Expenses

(b) **Calculation of fees.** In addition to the application fee required for initial, renewal, and interim accreditation, a laboratory must submit the applicable category fee(s) to a maximum of five (5) category fees even if a laboratory requests more than five (5) categories. Fees for accreditation amendment, as described in OAC 252:307-5-2, consist of the accreditation amendment fee. The ~~onsite assessment fee~~fees associated with a laboratory assessment shall be calculated at actual cost, not to exceed $10,000 per individual laboratory, and includes, but is not limited to, the following as applicable: assessor(s) time, ~~and~~labor ~~(preliminary document review, total travel, time-on-site, report preparation, and corrective action review)~~, transportation, and per diem ~~(if required),~~ as described in OAC 252:307-7-1. The onsite assessment will be invoiced at the closing of the assessment.

(c) **Annual fee adjustment.** To assist in meeting rising costs to ~~the~~ DEQ of the environmental services and regulatory programs associated with the laboratory services program, the fees set out in this ~~Section~~section shall be automatically adjusted on July 1 every year after 2008 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~~ DEQ may round the adjusted fees up to the nearest dollar. ~~The~~ 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. Current laboratory accreditation fees are available on ~~the~~ DEQ website.

(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"~~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.

(d) **Onsite assessment fee.** All laboratories must pay an onsite assessment fee for each assessment to continue accreditation or as a result of just cause according to this chapter.

SUBCHAPTER 3. LABORATORY ACCREDITATION PROCESS

252:307-3-1. Application requirements

(a) **General.** A laboratory shall submit one (1) copy of the application, whether for primary accreditation or secondary accreditation. Application forms are available on ~~the~~ DEQ's website. Applications shall be accurate and complete, signed, and submitted to ~~the~~ DEQ electronically or by ~~regular~~ mail, with all required attachments. Application requirements are applicable to initial, interim, and renewal applications unless specifically stated otherwise.

(b) **TNI ~~Standard~~standard.** Laboratories shall obtain a copy of the TNI ~~Standard~~standard for use in their accredited laboratory programs. Standards may be obtained from ~~The NELAC Institute~~TNI, ordered on-line at http://www.nelac-institute.org/standards.php.

(c) **Signature and verification.** An application shall be signed by the sole proprietor of an individually owned laboratory, the controlling or managing partner or partners of a laboratory held by a partnership, the authorized agent of a corporate owned laboratory, or the principal executive officer or ranking elected official of a municipality or other local government entity ~~which~~that owns or operates the applicant laboratory. The signer shall verify in the application that it was prepared under his direction or supervision and that the information it contains is, to the best of his knowledge, true, accurate and complete.

(d) **Certification of compliance.** A "~~Certification~~certification of ~~Compliance~~compliance" statement must accompany the application for laboratory accreditation in accordance with the ~~2009~~2016 TNI Standard. The statement must be signed and dated by both the laboratory management and the quality assurance officer, or other designated person, for that laboratory. The certification statement must contain at least the following statements: "The applicant understands and acknowledges that the laboratory is required to be continually in compliance with ~~the Oklahoma Department of Environmental Quality~~DEQ standards and is subject to the enforcement and penalty provisions of that accreditation body. I hereby certify that I am authorized to sign this application on behalf of the applicant/owner and that there are no misrepresentations in my answer to the questions on this application."

(e) **Application fees.** ~~Fees shall be submitted to the DEQ at the same time that applications are submitted. Applications will not be reviewed until fees are received.~~Following application processing and approval, DEQ will invoice the laboratory. Accreditation certificates will not be issued until fees are paid in full.

(f) **Environmental permit.**

(1) All laboratory accreditation applicants are subject to the tiered application procedural requirements of the Oklahoma Uniform Environmental Permitting Act, 27A O.S. § 2-14-101 *et seq.*, and Subchapter 7 of OAC 252:4 Rules of Practice and Procedure. Laboratory ~~Accreditation~~accreditation is a Tier 1 action.

(2) Applicant laboratories must certify by affidavit that they own the real property where the laboratory is located, have a current lease or easement for the purpose, or have provided legal notice to the landowner. The landowner affidavits must be filed with the initial application, and thereafter any time there is a change in location or ownership. Landowner affidavit forms are available on ~~the~~ DEQ's website.

(g) **Primary accreditation.** Applicants for primary accreditation shall submit the application and required attachments ~~which~~that shall address all information requirements in OAC 252:307-3-2 and ~~307-3-3~~252:307-3-3.

(h) **Secondary accreditation**. Applicants for secondary accreditation shall submit the application plus the Primary AB's general scope of accreditation in a format required by DEQ. Applicants for secondary accreditation need not submit information required in OAC 252:307-3-3.

(i) **Processing.** Applications for primary and secondary accreditation shall be processed in the chronological order in which they are received.

252:307-3-3. Operational information

The application for primary accreditation shall include the following:

(1) A report of an onsite assessment conducted by ~~the~~ DEQ or a DEQ-approved assessor within the ~~eighteen (18)~~18 months prior to the date of filing or, for in-state laboratories only, a letter requesting ~~the~~ DEQ to conduct an on-site assessment. The assessment report shall verify data submitted in an application, list any deficiencies and be signed by ~~the~~ DEQ or DEQ-approved assessor.

(2) A listing of equipment to be used for sample analysis, storage and reporting.

(3) ~~Standard Operating Procedures (SOPs)~~SOPs for every analyte or method performed by the laboratory. An SOP may be a copy of a published or referenced method or may be written by the laboratory. Each SOP shall include or reference the following topics, as applicable:

(A) Identification of the method;
(B) Applicable matrix or matrices;
(C) Limits of detection and quantitation;
(D) Scope and application, including parameters to be analyzed;
(E) Summary of the method;
(F) Definitions;
(G) Interferences;
(H) Safety;
(I) Equipment and supplies;
(J) Reagents and standards;
(K) Sample collection, preservation, shipment and storage;
(L) Quality control;
(M) Calibration and standardization;
(N) Procedure;
(O) Data analysis and calculations;
(P) Method performance;
(Q) Pollution prevention;
(R) Data assessment and acceptance criteria for quality control measures;
(S) Corrective actions for out-of-control data;
(T) Contingencies for handling out-of-control or unacceptable data;
(U) Waste management;
(V) References; and
(W) Any tables, diagrams, flowcharts and validation data.

(4) A written quality manual ~~which~~that shall meet all requirements, for inclusion or reference, of the TNI ~~Standard~~standard.

(5) A statement of personnel qualifications showing that laboratory employees meet the applicable personnel requirements of the TNI ~~Standard~~standard. Educational requirements will be considered only if awarded by an accredited institution of higher education.

(6) Results of laboratory's two (2) most recent ~~proficiency testing~~PT rounds, at least 15 calendar days apart. All PT laboratory records shall be made readily available prior to and during on-site assessments of the laboratory.

(7) If deficiencies are listed in an assessment report, the applicant shall submit a corrective action plan ~~which~~that specifies deadlines for implementation and completion of the plan. ~~The~~

DEQ may establish conditions, including compliance schedules, for the applicant's corrective action plan.

252:307-3-6. Renewal and expiration

(a) **Annual renewal required.** A laboratory that decides to remain accredited must ~~timely submit an application for renewal each year, or its accreditation will expire on August 31~~apply to renew accreditation annually. Application forms are available on DEQ's website. Applications shall be accurate and complete, signed, and submitted to DEQ electronically or by regular mail, with all required attachments.

(b) **Laboratory responsibility.** Each laboratory is responsible for ~~renewing~~submitting its ~~accreditation~~renewal application materials by the annual renewal ~~date~~deadline. Failure to receive a renewal ~~notification and invoice~~notice does not exempt laboratories from meeting the renewal deadline.

~~(c) **DEQ invoice date.** By April 15 of each year, the DEQ mails invoices to each accredited laboratory.~~

~~(d)~~(c) **~~Deadline~~Renewal deadline.** ~~All applicable fees shall be submitted to the DEQ by 4:30 p.m. on or before June 15 or postmarked on or before that date.~~ The renewal application shall be accurately completed, signed and received by DEQ along with all applicable materials on or before 4:30 p.m. CST September 15.~~Any renewal application which is not received electronically by the DEQ on or before June 15 shall be considered only if the electronic application form, renewal fee and a late fee are submitted on or before July 15. Applications and fees received or postmarked after July 15 will be returned and accreditation shall not be renewed.~~

(d) **Payment deadline.** DEQ will invoice the accredited laboratory following application processing. Full payment of fees must be received on or before December 15.

(e) **PT ~~provider~~data deadline.** Laboratories shall ensure that the PT provider has submitted all pertinent PT reports to ~~the~~ DEQ electronically ~~or postmarked~~ on or before ~~July~~September 15 of each year. PTs received later than ~~July~~September 15 ~~will~~ may not be considered for accreditation renewal.

(f) **Specified dates.** If any date specified in this section falls on a weekend or holiday, the date of the following working day shall be the effective date.

(g) **Failure to renew.** ~~To become accredited again, a laboraotory that failed to renew its accreditation in a timely manner must apply for initial accreditation as a new laboratory.~~A laboratory that fails to submit renewal application materials or payment by the specified deadlines will not be eligible for renewal of their accreditation. They may reapply through the initial application process.

SUBCHAPTER 5. CONDITIONS OF ACCREDITATION

252:307-5-1. Conditions applicable to all accreditations

The following conditions shall apply to all existing accreditations and shall be incorporated expressly or by reference into all accreditations issued or renewed after the effective date of this ~~Chapter~~chapter.

(1) **Proper operation and maintenance.** The laboratory shall at all times properly operate and maintain all facilities and equipment installed or used by the laboratory to achieve compliance with the laboratory accreditation requirements of 27A O.S. § 2-4-101 *et seq.*, rules for laboratory accreditation at OAC 252:307, and the provisions and conditions of its ~~Accreditation~~accreditation. Proper operation and maintenance includes effective performance of operations and adequate funding, operator staffing and training, and the provision of appropriate sample-handling equipment. All operational practices and procedures used shall conform to the best possible public health and safety practices.

(2) **Duty to mitigate.** The laboratory shall take all reasonable steps to minimize or correct any endangerment of human health resulting from noncompliance with this

~~Accreditation~~accreditation and to minimize or correct any adverse impact on the environment arising from its analytical activities.

(3) **Duty to provide information.** The laboratory shall furnish to ~~the~~ DEQ, within a time specified, any information ~~which~~that ~~the~~ DEQ may request to determine:

(A) whether cause exists for amending, suspending, or revoking ~~Accreditation~~accreditation;

(B) compliance with ~~Accreditation~~accreditation; or

(C) whether an accreditation should be issued or renewed.

(4) **Reporting requirements.** The laboratory shall give advance notice to ~~the~~ DEQ as soon as possible of any planned physical alterations, additions to the accredited facility or planned changes in the accredited facility ~~which~~that may result in noncompliance with accreditation requirements.

(5) **Signatory requirement.** All applications, reports, or information submitted to ~~the~~ DEQ shall be signed by the applicant.

(6) **Consent to conditions.** Commencing analytical activities as an accredited laboratory under DEQ accreditation shall constitute consent to all conditions of accreditation.

(7) **Transfer of accreditation.** Accreditation is not transferable. An accredited laboratory may apply to amend its accreditation to reflect a change of ownership or name change, provided that facilities, equipment, personnel and all other conditions of accreditation remain unchanged.

(8) **Duty to apply.** To maintain its accredited status, the laboratory shall make timely application for annual renewal of accreditation.

(9) **Severability.** The provisions of accreditation are severable, and if any of its provisions or the application of its provisions are held invalid, the application of such provisions to other circumstances and the remaining provisions of the accreditation shall not be affected thereby.

(10) **Use of TNI logo.** The laboratory is allowed to use the TNI symbol on its reports or certificates issued within the scope of its accreditation. Misuse of the logo constitutes a failure to comply with accreditation requirements.

(11) **Withdrawal from TNI.** If a laboratory wishes to withdraw from this program, in total or in part, it must notify DEQ in writing.

(12) **Standard of ~~Conduct~~conduct.** The laboratory shall not use its accreditation in such a manner as to bring ~~the~~ DEQ's laboratory accreditation program ~~(LAP)~~ into disrepute.

252:307-5-2. Amendments to accreditations

(a) **Changes to be reported.** Changes in laboratory name, ownership, form of ownership, location, and other changes, including personnel, main policies, and/or equipment, which may significantly affect the performance of analyses for which the laboratory was originally accredited shall be reported in writing to ~~the~~ DEQ within 30 days of occurrence. If requested by owner, ~~the~~ DEQ may amend the accreditation to reflect reported changes.

(b) **Amendment fee.** An amendment fee shall be assessed in accordance with OAC 252:307-1-7.

(c) **Cause.** ~~The~~ DEQ may amend an accreditation for cause, with notice to the affected accredited laboratory and opportunity for hearing.

252:307-5-3. Self-reporting

(a) An accredited laboratory shall promptly submit correct facts or information to ~~the~~ DEQ and/or to the client when:

(1) it becomes aware that it failed to submit a material fact or submitted incorrect information in an application or a report to ~~the~~ DEQ or to a client for submission to the DEQ; or

(2) ~~the~~ DEQ becomes aware of same and notifies the laboratory.
(b) Failure to make a prompt submission may result in an enforcement action.

252:307-5-4. Failure to comply

(a) Any person or laboratory to whom this ~~Chapter~~chapter applies must comply with the requirements of this ~~Chapter~~chapter and the statutory requirements of 27A O.S. § 2-3-501 *et seq*., § 2-4-305(A) and OAC 252:4-7-15. Failure to apply for or receive any part of an accreditation does not negate the requirement to meet any applicable requirement. Failure to comply may result in denial of applications, administrative and monetary penalties, suspension, reduction in scope, revocation or denial of renewal in part or in whole of the accreditation of any laboratory, and civil and/or criminal prosecution. Failure to comply includes:

(1) repeat or significant errors in analyses, erroneous reporting or evidence of professional or technical incompetence;

(2) misrepresentation to others regarding the type and conditions of DEQ accreditation and the potential or actual reliance of others on such misrepresentation;

(3) failure to perform any of the following:

(A) to correct deficiencies, comply with a ~~corrective action plan~~CAP, or take other action required by ~~the~~ DEQ pursuant to these rules;

(B) to participate in or produce acceptable results in required ~~proficiency testing~~PT;

(C) to cooperate with or allow on-site laboratory evaluations, assessments, or access to record;

(D) to notify or submit reports to ~~the~~ DEQ as required by this ~~Chapter~~chapter; or

(E) to maintain required records on file.

(4) submission of a ~~proficiency testing~~PT sample to another laboratory for analysis, and reporting data received as its own;

(5) collaboration with another laboratory or any other individual on PT sample results prior to submittal to DEQ or prior to the closing date of the study;

(6) allowing persons other than qualified laboratory employees to perform and report results of accredited analytes;

(7) making any false statement or representation in or omitting material information from any required application, analysis, or report;

(8) when the ~~primary accreditation body (Primary AB)~~Primary AB suspends a laboratory; or

(9) failure to pay fees when due.

(b) ~~The~~ DEQ reserves the right to enforce against a secondary accredited laboratory if the ~~Primary~~primary AB does not take action or during the ~~Primary~~primary AB's enforcement action.
(c) As a part of any administrative order issued to a laboratory found to have unacceptable practices, the laboratory may be required, at its own cost, to hire a third party NELAP assessor to conduct an extraordinary assessment. The third party assessor must send the report to DEQ, and results or recommendations from the assessment may be incorporated as requirements of the administrative order.
(d) All information included and documented in an extraordinary assessment report is public information and is subject to the Oklahoma Open Records Act, 51 Oklahoma Statutes, Section ~~24A~~24A.1 *et seq*.
(e) Laboratory accreditation will not be suspended or revoked without the right to due process as addressed in OAC 252:4, Rules of Practice and Procedure.

252:307-5-5. Notice

~~The~~ DEQ may require an accredited laboratory to give written notice to its clients of the suspension or revocation of any part of its accreditation.

252:307-5-6. Individual proceedings

Proceedings for accreditation revocation, suspension, or reinstatement shall be conducted in accordance with 27A O.S. § 2-3-501 *et seq.,* and OAC 252:4, Rules of Practice and Procedure.

SUBCHAPTER 7. ONSITE ASSESSMENT REQUIREMENTS

252:307-7-2. Conduct of onsite assessments

(a) Onsite assessments may be unannounced.

(b) During an onsite assessment ~~the~~ DEQ, or DEQ's subcontractor, may require analyses of ~~proficiency test~~PT samples by laboratory personnel. Laboratories shall make all employees available for interviews during onsite assessments.

(c) Following the onsite assessment, ~~the~~ DEQ will provide the laboratory with a written assessment report. The laboratory will be afforded 30 days from the date of receipt in which to develop a corrective action plan, and 90 days in which to correct any listed deficiencies unless extended by written agreement of the parties or unless the laboratory is under an administrative order.

(d) All information included and documented in an assessment report is public information and is subject to the Oklahoma Open Records Act.

SUBCHAPTER 9. MANAGEMENT AND TECHNICAL REQUIREMENTS

PART 1. PROFICIENCY TESTING

252:307-9-2. Participation required

The laboratory must meet the PT requirements for initial and continued accreditation as specified in the TNI ~~Standard~~standard for each field of ~~proficiency testing~~accreditation for which it seeks accreditation or maintenance of accreditation. PT samples must be obtained from a TNI accredited PT provider.

252:307-9-3. Initial and continuing PT studies evaluation

A laboratory seeking to obtain or maintain accreditation shall successfully complete two (2) initial or continuing PT studies for each requested field of ~~proficiency testing~~accreditation within the most recent three (3) rounds attempted. For a laboratory seeking to obtain accreditation, the most recent three (3) rounds attempted shall have occurred within 18 months of the laboratory's application date. When a laboratory has been granted accreditation status, it shall continue to complete PT studies for each field of ~~proficiency testing~~accreditation and maintain a history of at least two (2) acceptable PT studies for each field of ~~proficiency testing~~accreditation out of the most recent three (3). For initial accreditation, the laboratory must successfully analyze two (2) sets of PT studies, the analyses to be performed at least seven (7) calendar days apart from the closing date of one (1) study to the ~~shipment~~opening date of another study for the same field of ~~proficiency testing~~accreditation. For continuing accreditation, completion dates of successive proficiency rounds for a given field of ~~proficiency testing~~accreditation shall be approximately six (6) months apart. Failure to meet the semiannual schedule shall be regarded as a failed study on the last day of the seventh (7th) month. Initial or continuing PT studies must meet all applicable criteria described in this ~~Chapter~~chapter and the TNI ~~Standard~~standard.

252:307-9-4. Cost responsibility

Laboratories shall bear the cost of any ~~proficiency testing~~PT required by ~~the~~ DEQ.

252:307-9-5. DEQ PT samples

As part of a laboratory's ~~proficiency testing~~PT, ~~the~~ DEQ may also submit blind audit samples to an accredited laboratory.

252:307-9-8. Failure to perform PT

A laboratory's accreditation for a field of ~~proficiency testing~~accreditation will be suspended when a laboratory fails to comply with ~~Subchapter~~subchapter 9 ~~Section~~section 3: failing to maintain a history of at least two (2) acceptable PT studies out of the most recent three (3). The suspension will be temporary lasting no more than six (6) months or when the accreditation expires whichever is longer. The laboratory must notify the ~~Laboratory Accreditation Program~~laboratory accreditation program of its intent to regain accreditation through submission of a ~~corrective action plan~~CAP and regaining acceptable PT performance. Once accreditation for a field of ~~proficiency testing~~accreditation has been lost, the procedures for initial or interim accreditation shall apply.

252:307-9-9. Supplemental PT testing

A laboratory may elect to participate in PT testing more frequently than required by the semiannual schedule. Any additional tests performed by a laboratory must be submitted to DEQ in the same manner as required tests. Additional PT tests are counted and scored the same way as required tests, and must be at least seven (7) calendar days apart from the closing date of one (1) study to the opening date of another study for the same analyte and matrix.

252:307-9-10. Corrective action

When a laboratory receives an evaluation of not acceptable for any FoA, the laboratory shall determine the cause for the failure and take any necessary corrective action. The laboratory shall then document both the investigation and the action(s) in a ~~corrective action report (CAP)~~CAP. The CAP shall be submitted to ~~the~~ DEQ within ~~forty-five (45)~~45 days of the PT report issuance.

252:307-9-11. Alternate PT provider

~~The~~ DEQ may designate an alternative ~~proficiency testing~~PT provider if it determines such designation is appropriate.

252:307-9-12. Analyte absence

If a laboratory is requesting accreditation for an analyte and matrix combination that does not have a PT available through an NELAP-approved or DEQ-approved PT provider, the laboratory may qualify for accreditation through acceptable PT performance of similar parameters. This is specifically achieved through successful analysis in two (2) out of three (3) PTs for at least seventy-five percent (75%) of all analytes that the laboratory is seeking accreditation for that are of the same matrix and in the same accreditation category. This process does not affect the accreditation status of the parameters that do have PTs available. Those parameters are evaluated in accordance with the other sections of this subchapter.

PART 7. RECORD KEEPING AND REPORTING

252:307-9-60. Required records

All required laboratory records must be written in a clear and unambiguous manner, be readily available for reference or inspection, and shall include:

(1) **Records of accreditation.** The laboratory shall keep the following records on file at its main facility.

(A) Scope of accreditation and the application on which it is based;

(B) Copies of final reports and quality documents associated with reported data submitted to ~~the~~ DEQ or clients;

(C) Internal audits and quality assurance plans; ~~also~~and

(D) Each laboratory shall maintain on file the list of analytes for which it is accredited, and shall provide a copy of the list upon request.

(2) **Quality manual~~;~~.** ~~which is addressed in~~Refer to OAC 252:307-9-42;

(3) **Bench records.** All raw data, whether hard copy or electronic data associated with testing, including analysts' worksheets and data output records (chromatograms, strip charts, and other instrument response readout records); date, time, analyst, method, amounts (volume and weights), clean up, separation protocols, incubation periods, calculations, sample matrix, and sample identification.

(4) **Calibration data.** Calibration criteria, frequency and acceptance criteria including the curve or coefficient of the linear equation ~~which~~that describes the calibration curve; measure of relative error; concentration/response data (or relative response data) for standards; percent recovery of all calibration checks (MRL, PSC initial) standard and the date it was analytically determined; percent recovery of the continuing calibration check standard; and laboratory sample identification of the samples run with the curve.

(5) **Sample history and associated data.** All data is to be clearly and unambiguously documented so that all steps of the method are indicated. This shall include but is not limited to the following: ~~Date~~date, analyst, type of extraction or digestion for each sample, and laboratory sample identification.

(6) **Surrogate and tracer records.** Surrogates or tracers, when required, are chosen to reflect the chemistries of the targeted components of the method and are added prior to sample preparation/extraction. The laboratory shall document the amount of surrogate or tracer spiked, percent recovery of each surrogate, date, analyst, and laboratory sample identification. The results are compared to the acceptance criteria as published in the method. If there are no established criteria, the laboratory shall determine internal criteria and document the method used to establish the limits.

(7) **Maintenance logs.** Maintenance logs shall be kept for each instrument, to include dates and description of repairs, preventive maintenance, malfunctions, and other actions or events affecting performance. All instruments not in service must be tagged out of service. Maintenance logs shall also be kept for all devices that are necessary to support laboratory operations. These include, but are not limited to~~:~~ balances, ovens, refrigerators, freezers, incubators, water baths, temperature measuring devices (including thermometers and thermistors), thermal/pressure sample preparation devices and volumetric dispensing devices (such as Eppendorf® ~~[Registered Trademark]~~ or automatic dilutor/dispensing devices), if quantitative results are dependent on their accuracy, as in standard preparation and dispensing or dilution into a specified volume. Each balance shall be annually serviced and calibrated by a recognized accredited metrological service.

(8) **Corrective action procedures.** Procedures for evaluating, documenting and reporting corrective action used for audits, PT failures, out-of-control situations and in response to enforcement actions.

(9) **Quality protocols.** Procedures for monitoring the validity of the environmental testing and the resulting data shall be recorded in such a way that trends are detectable, and statistical

techniques shall be applied to the reviewing of the results. All laboratories shall have documentation for positive and negative controls, variability, repeatability, and accuracy of the method.

(10) **Chain of custody and sample accession.** Procedural plans for sample login, unique sample identification (all sample containers), date, time, source of sample (including name, location (location code) and sample matrix), preservative used, analysis required, name of collectors and any pertinent field data.

(11) **Spike duplicates and spike-duplicate data.** The laboratory shall document procedures for determining the effect of the sample matrix on method performance. These procedures relate to the analyses of quality system matrix-specific quality control samples, and are designed as data quality indicators for a specific sample using the designated method. Information shall include but is not limited to~~:~~ date, analyst, laboratory sample number, amount spiked, percent recovery, percent of difference, and makeup and concentration in the spiking solution.

(12) **Electronic data.** All electronic data including security, software documentation and verification, software and hardware audits, backups, and records of any changes to automated data entries shall be preserved.

(13) **Sensitivity, LOD/LOQ.** Procedures used for determining limits of detection (LOD) and quantitation shall be documented. Documentation shall include the quality system matrix type. All supporting data shall be retained. Limit of quantitation ~~LOQ~~(LOQ) shall be verified annually within the established control limits.

SUBCHAPTER 11. SECONDARY ACCREDITATION

252:307-11-1. DEQ as a secondary accreditation body

(a) ~~The~~ DEQ shall grant accreditation to laboratories accredited by any other TNI primary accreditation body in accordance with 27A O.S.§ 2-4-306 on a laboratory-by-laboratory basis. No additional ~~proficiency testing~~PT, quality assurance, or on-site assessment requirements for the fields of testing for which the laboratory holds primary TNI accreditation shall be required.

(b) When granting secondary accreditation to a laboratory, ~~the~~ DEQ shall grant accreditation:

(1) for only the fields of testing, methods and analytes for which the laboratory holds current accreditation from a primary AB, and that fall within the scope of this ~~Chapter~~chapter; and

(2) issue certificates to the applicant laboratory within 30 calendar days of receipt of the laboratory's application unless potential noncompliance with TNI standards is noted.

252:307-11-2. Potential noncompliance when DEQ is secondary AB

(a) If ~~the~~ DEQ notes any potential noncompliance with the TNI standards by a laboratory during the initial application process for secondary accreditation, ~~the~~ DEQ shall immediately notify, in writing, the applicable TNI-recognized primary AB.

(b) The applicant laboratory is to be notified only in situations where no administrative or judicial prosecution is contemplated.

(c) The notification must cite the applicable sections within the TNI standards for which noncompliance by the laboratory has been noted.

(d) If the alleged noncompliance is noted during the initial application process for secondary accreditation, final action on the application shall not be taken until the alleged noncompliance issue has been resolved.

(e) If the alleged nonconformance is noted after the secondary accreditation has been granted, the laboratory shall maintain its current secondary accreditation status until the alleged noncompliance issue

has been resolved.

252:307-11-3. Potential noncompliance when DEQ is primary AB

(a) When ~~the~~ DEQ receives notification of potential noncompliance from a secondary AB, it shall review and investigate the alleged noncompliance and take appropriate action in accordance with OAC 252:307-5-4, including the addition of any change of accreditation status in the TNI National Environmental Laboratory Accreditation Database.

(b) Within 20 days of the notification of potential noncompliance from a secondary AB, ~~the~~ DEQ shall respond in writing with a copy to the secondary AB, providing the following information:

(1) an initial report of the findings;

(2) a description of the actions to be taken; and

(3) a schedule for implementation of corrective action, if necessary.

TITLE 252. DEPARTMENT OF ENVIRONMENTAL QUALITY
CHAPTER 307.

RULE IMPACT STATEMENT

A. Statement of need for the rule change and legal basis supporting it.

This Chapter contains rules about the accreditation of privately-owned and publicly owned laboratories by the Department. The proposed rule changes intend to clarify program definitions, correct references, standardize language between OK DEQ Lab Accreditation Program (LAP) rules where feasible, simplify the renewal and application processes, fee calculations, and reset the yearly accreditation period to run January through December. Additional proposed changes will serve to update incorporations by reference for EPA methodologies, and to make other amendments for conformity with past, present, and future method requirements under the following national programs: EPA Primary Drinking Water Regulations, National Standards for Solid Waste Test Methods, and EPA Test Procedures for the Analysis of Pollutants. One significant result of these proposed changes is that they will give additional flexibility to labs in the program to select from methods that are both historically and most recently approved for use in the programs mentioned above and allow the LAP to offer accreditation for these methods.

The Department is proposing to modify the title of Chapter 307 to be more descriptive of the accreditation program to improve clarity and understanding of differences among the three accreditation program chapters.

Specifically, the Department is proposing to amend 252:307-1-7, "Annual fees," to simplify the calculation of accreditation applications and renewal fees and eliminate a fee for late applications. There are no fee increases or new fees.

Additionally, the Department is proposing to amend 252:307-3-6, "Renewal and expiration," to establish a new September 15 deadline for submitting renewal documentation and proficiency test (PT) provider reports along with a December 15 deadline to pay renewal invoice to allow for continued participation in the program.

Further, the Department is proposing to add a new section, 252:307-9-12, to clarify procedure for accreditation of parameters that do not have proficiency tests available to perform.

B. Classification of rule change (major/non-major), justification for that classification, and business cost estimate over the first five (5) years.

This rulemaking is non-major. There is no anticipated increase in business costs over the first five years, such that the business cost will not exceed the threshold of $1,000,000.00 over the initial five-year period following the promulgation, as defined in 75 O.S. § 303(D)(3)(b).

C. Description of the purpose of the proposed rule change, whether the change is mandated by federal law or is required to participate in or implement a federal program, and whether the change exceeds the requirements of the federal law.

This rulemaking is not mandated by federal law and does not exceed requirements of federal law. The purposes of this rulemaking are to 1) streamline definitions and terminology to be clear and consistent, 2) change the accreditation period to align with the calendar year, 3) change the renewal application due date to September 15 and payment due date to December 15 of each year to reduce burdens for the laboratories and DEQ, 4) clarify proficiency testing requirements, and 5) add authority to DEQ LAP to incorporate additional EPA-approved methods to accreditation offerings without need for additional rulemaking.

D. Description of the classes of persons who most likely will be affected by the proposed rule(s), including classes that will bear the costs of the proposed rule(s), and any information on cost impacts received by the agency from any private or public entities.

The classes of persons affected are the owners and staff of laboratories that are DEQ-accredited or applying for DEQ accreditation under this Chapter.

E. Description of the classes of persons who will benefit from the proposed rule(s).

The classes of people who benefit are the owners and staff of laboratories that are DEQ-accredited or applying for DEQ accreditation under this Chapter.

F. Comprehensive analysis of the rule change's economic impact, including impacts to the full-time-employee count of the agency, costs or benefits, a quantification of implementation and compliance costs on the affected businesses, business sectors, public utility ratepayers, individuals, state or local governments, and on the state as a whole, with a listing of all fee changes and justification for each fee change.

The probable economic impact to affected businesses is negligible. Accredited laboratories will no longer be charged late fees for delinquent application submissions. In the event of delinquent renewal applications, the laboratory would be required to seek initial accreditation to maintain accreditation. This would incur the initial accreditation fee for the affected laboratory. Laboratories have potential for administrative cost savings by the reorganization of the renewal application process and schedule. The other changes will allow laboratories to have greater choice of analytical methods available for accreditation, which has potential to increase their revenue.
A significant reduction in DEQ administrative costs is anticipated with this rulemaking due to more efficient and effective processing of applications and issuance of certificates and scopes.

G. Detailed explanation of methodology and assumptions used to determine the economic impact, including dollar amounts calculated.

The only aspect that has potential to increase costs to laboratories with this rulemaking is if they fail to make timely renewal application and must instead apply for initial application, which is fully avoidable.

H. Determination of whether implementation of the proposed rule(s) will have an economic impact on any political subdivisions or require their cooperation in implementing or enforcing the rule(s).

Implementation and enforcement of this rule would be handled solely by DEQ, and no cooperation by other political subdivisions would be required.

I. Determination of whether implementation of the proposed rule(s) may have an adverse economic effect on small businesses as provided by the Oklahoma Small Business Regulatory Flexibility Act.

DEQ has not received or discovered any information to indicate adverse effects on small businesses.

J. Any measures taken by the agency to minimize cost and impact of the proposed rule change on business and economic development in the state, local governmental units, and for individuals.

Economic development will be supported with this rulemaking by allowing a greater breadth of available test methods for accreditation that laboratories may choose from to better serve their clients and attract new ones. This rulemaking also will reduce laboratory administrative costs and reduce time between application submittal and certificate issuance by adjusting invoicing to be performed after submission of application and by shifting the application deadline to a time of year that is generally less busy for both laboratories and DEQ. Previously, renewal invoices were issued prior to knowing which accreditation and categories the laboratory would be requesting, resulting in significant rework.

K. Determination of the effect of the proposed rule(s) on the public health, safety and environment and, if the proposed rule(s) is/are designed to reduce significant risks to the public health, safety and environment, an explanation of the nature of the risk and to what extent the proposed rule will reduce the risk.

DEQ has determined this rulemaking will have the potential to increase statewide laboratory testing capacity and statewide compliance as well as contribute to more effective decision making by data users. Allowing DEQ to offer new and modernized testing methods makes available processes which improve data quality. An increase in capacity, compliance, and data quality will have a positive influence on public health, safety, and the environment.

L. Determination of any detrimental effect on the public health, safety, and environment if the proposed rule(s) is/are not implemented.

If the proposed rule is not implemented, there is potential that statewide laboratory testing capacity will not increase, which could negatively impact compliance and public health, safety, and the environment.

M. Analysis of alternatives to adopting the rule.

The alternative to adopting the proposed rule changes is to not adopt the rule changes, which could delay accreditation or limit the accredited testing offered by the laboratory, negatively impact business and revenue, and prevent the benefits in sections J and K from being realized.

N. Estimates of the amount of time that would be spent by state employees to develop the rule and of the amount of other resources that would be utilized to develop the rule.

DEQ staff estimates more than 100 hours of professional time for rule development, including but not limited to rule drafting, legal review, informal public meetings, formally presenting rule changes to the Water Quality Management Advisory Council, managing public comment periods, and filing the final rule.

O. Summary and preliminary comparison of any existing or proposed federal regulations that are intended to address the activities to be regulated by the proposed rule.

No federal regulations currently address the activities related to this rule.

P. This rule impact statement was prepared on: October 30, 2025
Modified on:

TITLE 252. DEPARTMENT OF ENVIRONMENTAL QUALITY
CHAPTER 307. TNI LABORATORY ACCREDITATION

EXECUTIVE SUMMARY:

The gist of this rule and the underlying reason for the rulemaking is to clarify program definitions, correct references, standardize language between OK DEQ Lab Accreditation Program (LAP) rules where feasible, simplify the renewal and application processes, fee calculations, and provide transparency on administrative timeframes. Additional proposed changes include changing the title of the Chapter to be more descriptive of the accreditation program and to better differentiate from the other three accreditation program chapters and providing clear allowance to offer accreditation for other approved methods under the following national programs: EPA Primary Drinking Water Regulations, National Standards for Solid Waste Test Methods, and EPA Test Procedures for the Analysis of Pollutants. This proposed change would grant additional flexibility and clear capability to labs in the program to select from methods that are both historically and most recently approved for use in the programs mentioned above.

Specifically, the Department is proposing to amend 252:307-1-7, "Annual fees," to simplify the calculation of accreditation applications and renewal fees and eliminate a fee for late applications. There are no fee increases or new fees.

Additionally, the Department is proposing to amend 252:307-3-6, "Renewal and expiration," to establish September 15 as the deadline for submitting renewal documentation and proficiency test (PT) provider reports along with a December 15 deadline to pay renewal invoice to allow for continued participation in the program.

Further, the Department is proposing to add a new section, 252:307-9-12, to clarify procedure for accreditation of parameters that do not have proficiency tests available to perform.

DIFFERENCE FROM ANALOGOUS FEDERAL RULES:

There are no differences from analogous federal rules.

ENVIRONMENTAL BENEFIT STATEMENT:

DEQ has determined this rulemaking will have the potential to increase statewide laboratory testing capacity and statewide compliance. An increase in capacity and compliance will have a positive influence on public health, safety, and the environment.

SUMMARY OF COMMENTS AND RESPONSES:

Comment Period: October 15, 2025, through December 2, 2025. Water Quality Management Advisory Council meeting on December 2, 2025, and Environmental Quality Board on January 21, 2026.

COMMENT: Nina Fraulini with IDEXX submitted a written comment to request that Alternative Testing Methods Approved for Analyses Under the Safe Drinking Water Act, listed in 40 CFR 141.21(f)(3) be added to the list of EPA Methodologies in OAC 252:307-1-4 (b).

DEQ RESPONSE: No change was made because the methodologies listed in 40 CFR 141.21(f)(3) are already incorporated by reference in the proposed draft text.

THE WATER QUALITY MANAGEMENT ADVISORY COUNCIL
RULEMAKING RECOMMENDATION
TO THE ENVIRONMENTAL QUALITY BOARD

Identification of Proposed Rulemaking:

Chapter Number and Title:
OAC 252:307 TNI LABORATORY ACCREDITATION

On **December 2, 2025,** the members of this Council, by authority vested in them by the Oklahoma Environmental Quality Code (27 O.S. Sec. 2-2-201), by roll call vote, recommended to the Environmental Quality Board that the rulemaking described above be adopted as:

____X_____ permanent [take effect after legislative review]

_____ emergency [temporary, to take effect upon approval by the Governor because of time]

This Council has considered the proposed rulemaking and comments about it and determined, to the best of its knowledge, that all applicable requirements of the Oklahoma Administrative Procedures Act have been followed.

This Council authorizes the Department to prepare this recommended rulemaking for the Board, making any changes approved by the Council, correcting typographical, grammatical and reference errors, and formatting them as required by the Office of Administrative Rules. This is to be done with the understanding that such changes shall neither alter the sense of what this Council recommends nor invalidate this recommendation.

Respectfully,

_____ Date Signed: 12/2/25
Chair or Designee

	VOTING TO APPROVE	VOTING AGAINST	ABSTAINING	ABSENT
Travis Archer	X			
Brian Duzan	X			
Ron Jarman	X			
Eric Lee	X			
Mary Elizabeth Mach	X			
Rick Moore				X
Andrew Pawlisz	X			
Todd Ray	X			
Kenneth Schwab	X			
Steve Sowers	X			
Debbie Wells				X

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

RULEMAKING ACTION:
PERMANENT final adoption
RULES:
Subchapter 1. Introduction
252:606-1-2 [AMENDED]
252:606-1-2.1 [AMENDED]
252:606-1-4 [AMENDED]
Subchapter 3. Discharge Permitting Process for Individual and General Discharge Permits
252:606-3-4 [AMENDED]
Subchapter 6. Point Source Discharges
252:606-6-14 [AMENDED]
252:606-6-31 [AMENDED]
252:606-6-52 [AMENDED]
252:606-6-53 [AMENDED]
252:606-6-55 [AMENDED]
252:606-6-91 [AMENDED]
AUTHORITY:
Environmental Quality Board; 27A O.S. § 2-2-101.
Water Quality Management Advisory Council; 27A O.S. §§ 2-2-201, 2-6-103, and 2-6-203.
SUBMISSION OF PROPOSED RULES TO GOVERNOR AND CABINET SECRETARY:
September 25, 2025
COMMENT PERIOD:
October 15, 2025, to December 2, 2025
PUBLIC HEARING:
Comments were taken from October 2, 2025, to December 2, 2025. Additionally, comments can also be made at the Environmental Quality Board meeting on January 21, 2026.
ADOPTION:
January 21, 2026, (Proposed)
SUBMISSION OF ADOPTED RULES TO GOVERNOR AND LEGISLATURE: January 31, 2026
EFFECTIVE:
September 15, 2026 (Proposed)
SUPERSEDED EMERGENCY ACTIONS:
n/a
INCORPORATION BY REFERENCE:
Incorporated standards:
Date of 40 CFR provisions incorporated by reference in these rules is changed to "as published on January 17, 2025."
Incorporating rules:
OAC 252:606-1-4
Availability:
The standards are on file at the Department of Environmental Quality, 707 North Robinson, Oklahoma City, Oklahoma, 73102, and are available to the public for examination Monday

through Friday between the hours of 8:00 a.m. and 4:30 p.m., excluding state holidays. The standards may also be viewed on the Department of Environmental Quality Website at the following link: Water Quality Management Advisory Council Meeting, December 2, 2025

GIST/ANALYSIS:

The gist of this rule and the underlying reason for the rulemaking is to update the date of incorporation by reference for the Code of Federal Regulations from July 8, 2024, to January 17, 2025. DEQ will be proposing updating the section on fees. Currently, Consumer Price Index (CPI) adjustments are made on July 1st every year for individual discharge permit fees and individual permit fees for industrial users. The proposed update is to apply the CPI to stormwater and other general discharge permit fees. DEQ will be proposing adding and modifying definitions to Subchapter 1. INTRODUCTION, as well as changing language to Subchapter 6. POINT SOURCE DISCHARGES to disallow monitoring frequency reductions for a parameter when the receiving water is impaired for that parameter. The definitions that were added or modified include: beneficial use, regulatory low flow, 30Q2, $Q_{u(30Q2),}$ and $\mathbf{Q_{e(30)}}$.

CONTACT PERSON:

Brian Clagg, Department of Environmental Quality, Water Quality Division, 707 North Robinson, P.O. Box 1677, Oklahoma City, Oklahoma 73101-1677, (405) 702-8100 (phone), brian.clagg@deq.ok.gov (e-mail).

CHAPTER 606. OKLAHOMA POLLUTANT DISCHARGE ELIMINATION SYSTEM (OPDES) STANDARDS

SUBCHAPTER 1. INTRODUCTION

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 DEQ laboratory accreditation program.

"Acute WET testing" means WET testing which measures short-term lethality to a specific aquatic animal test species as specified in OAC 252:606-6-29.

"Arithmetic mean" means the sum of the values of individual data points in a data set divided by the number of data points. This term is synonymous with arithmetic average.

"Background concentration" means the concentration of a substance in receiving water immediately upstream of, but not influenced by, a wastewater discharge.

"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.~~means a classification of the waters of the State, according to their best uses in the interest of the public. These classifications are provided in OAC 252:730-5-3.

"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).

"CAFO" means Concentrated Animal Feeding Operation.

"Chronic WET testing" means WET testing which measures long term lethal and sublethal effects to a specific aquatic animal test species as specified in OAC 252:606-6-29.

"Coefficient of variation" or **"CV"** means, when used in the context of effluent data, the measure of an effluent distribution's variation relative to its mean. When used in the context of WET test acceptability, CV means the % variation among test replicates in either the control or the critical dilution.

"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.

"CPP" means the Continuing Planning Process document, which describes present and planned water quality management programs and the strategy used by the State in conducting these programs.

"Critical dilution" means an effluent dilution, expressed as a percentage, representative of the dilution afforded a wastewater discharge according to the appropriate Q*-dependent chronic mixing zone equation for chronic WET testing. The critical dilution for acute WET testing is 100%.

"CWA" means the Clean Water Act and amendments thereto.

"Defensible analytical data" means data traceable to a laboratory certified for that pollutant by DEQ under OAC 252:301 or data accepted by EPA; data traceable to a municipal laboratory operated by a properly certified laboratory technician by OAC 252:710; or data generated by a state or federal agency laboratory with equivalent certification. Quality assurance procedures, including chain of custody records, shall be adequate and documentable. Quality control data required in the analytical method shall be available from the laboratory upon request.

"DEQ" means the Oklahoma Department of Environmental Quality.

"Detectable concentration" means a concentration greater than zero (0) using a ninety-nine percent (99%) probability basis.

"Dilution series" means a set of proportional effluent dilutions for acute or chronic WET testing based on a specified critical dilution, which is typically the next-to-highest dilution in the series.

"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.

"Fish and Wildlife Propagation" means the WQS beneficial use designation for promoting fish and wildlife propagation for the fishery classifications of HLAC, WWAC, CWAC, and Trout Fishery (Put and Take).

"Fish Consumption" means the WQS beneficial use designation for the protection of human health for the consumption of fish flesh.

"Generator" or **"operator"** means authorized person under whose ownership or management authority, biosolids are used or disposed.

"Geometric mean" means the antilog of the arithmetic average of the natural logarithms of the individual points in a data set.

"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.

"Intermittent toxicity" means two or more lethal or sublethal effect test failures of a routine acute or chronic WET test within any 18-month period.

"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 DEQ, or the use of Class A biosolids whose production is permitted by DEQ.

"LC_{50} (lethal concentration)" means the concentration of a toxicant in an external medium that is lethal to fifty percent of the test animals for a specified period of exposure.

"Life of the permit" means a specific time frame from the date of the issuance of a permit until a new or renewed permit is issued.

"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.

"Log-normally distributed" means a distribution of effluent data which is positively skewed.

"Log transformation" means the mathematical transformation of an observed data set which results in a data set consisting of the natural logarithms of the individual data points in the observed data set.

"Major discharger" means an industrial facility which has a point rating greater than or equal to 80 according to the NPDES permit rating system for industrial discharges; a POTW with a design flow greater than or equal to 1.0 MGD; or any facility designated as such by EPA in conjunction with the state permitting authority.

"Measurable level" means a detectable concentration for which the analytical signal to noise ratio is significantly high to report a reliable single number. The measurable level corresponds to the lowest point at which the analytical calibration curve is determined based on analyses for the pollutant of concern.

"Mineral constituents" means chlorides, sulfates and total dissolved solids collectively.

"Municipal" means a publicly owned treatment works or facilities which are privately owned that generate only domestic waste including mobile home parks, homeowner's associations, etc.

"Narrative water quality criterion" means a statement or other qualitative expressions of chemical, physical, or biological parameters that is assigned to protect a beneficial use.

"No Observed Effect Concentration-Lethal" or **"NOECL"** means the greatest tested effluent dilution in a WET test at and below which lethality to test organisms does not occur that is statistically different from the control (0% effluent) at the 95% confidence level.

"No Observed Effect Concentration-Sublethal" or **"NOECS"** means the greatest tested effluent dilution in a WET test at and below which a sublethal effect to test organisms does not occur that is statistically different from the control (0% effluent) at the 95% confidence level.

"NRCS" means Natural Resources Conservation Service.

"Numerical water quality criterion" means a concentration or other quantitative measures of a chemical, physical, or biological parameters that is assigned to protect a beneficial use.

"OAC" means Oklahoma Administrative Code.

"Oklahoma Water Quality Standards" or **"WQS"** means DEQ rules (OAC 252:730) 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.

"Once-through cooling water" means cooling water that is not recirculated.

"OPDES" means Oklahoma Pollutant Discharge Elimination System (see also NPDES).

"OPDES Act" means the Oklahoma Pollutant Discharge Elimination System Act.

"OPDES Permit" means a permit issued pursuant to the OPDES Act.

"O.S." means Oklahoma Statutes.

"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 DEQ.

"Period of Record" means a continuous period for which a facility's effluent data is reviewed for the purposes of characterizing the effluent.

"Permit cycle" means the life of a permit from the date of issuance to the date of expiration as specifically stated on a permit, unless the expiration of the permit is extended by operation of statute, rule or agreement of the permittee and DEQ.

"Persistent toxicity" means the repeated failure of an acute or chronic WET test. If the required WET testing frequency is monthly, repeated failure occurs upon the failure of two of the three consecutive monthly tests for the same test species. If the required WET testing frequency is other than monthly, repeated failure occurs upon the failure of the required test plus one of the two monthly retests for the same test species in the ensuing two-month period.

"Point Source" means any discernible, confined and discrete conveyance or outlet, including but not limited to any pipe, ditch, channel, tunnel, conduit, well, discrete fissure, container, rolling stock, or vessel or other floating craft, from which pollutants are or may be discharged into waters of the state.

The term "point source" shall not include agricultural stormwater runoff and return flows from irrigated agriculture.

"Positively skewed" means a data distribution which is asymmetric about its arithmetic mean with a tail in the positive direction.

"POTW" means publicly owned treatment works.

"Reasonable potential" means causes, or has a reasonable potential to cause, or contribute to an exceedance of a water quality criterion.

"Receiving water" means the water of the state to which a wastewater is discharged.

"Regulatory effluent flow" means the effluent flow, which is water quality criterion-dependent, used in determining reasonable potential and wasteload allocations for a substance.

"Regulatory low flow" means a condition where the flow of water in a stream is significantly reduced, often during prolonged dry weather. This phenomenon is characterized by a decrease in stream flow, which can be defined by specific statistics such as the 7Q2 or 30Q2. Regulatory low flow is important for setting permit discharge limits and ensuring ecological protection, as it can lead to water quality issues and affect water resources.

"Robust Regression on Order Statistics" or **"Robust ROS"** means a statistical method that computes a regression line to estimate values for non-detect data and combines these estimates with detected observations to compute sample statistics.

"RPF_{95}" means the reasonable potential factor for an effluent distribution, based on a 95% probability basis, for the purpose of determining whether an effluent limitation is required.

"$RPF_{95(M)}$" means the reasonable potential factor for an effluent distribution, based on a 95% confidence interval and 95% probability basis, and accounting for the size of the effluent data set, for the purpose of determining whether further effluent monitoring is required.

"Standard deviation" or **"s_x"** means the standard deviation of an untransformed data set based on a sample of size N.

"Standard deviation of log-transformed x" or **"sln(x)"** means the standard deviation of a log-normally transformed data set based on a sample of size N.

"Sublethal test failure" means the statistically significant difference (at the 95% confidence level) between reproduction or growth of the test organism at or below the chronic critical dilution after completion of an EPA approved chronic test method.

"TDS" means total dissolved solids.

"Trigger Background concentration" means the background concentration necessary to trigger reasonable potential for a substance to exceed an applicable criterion given a specified mean effluent concentration.

"USC" means United States Code.

"Wasteload allocation" or **"WLA"** means the portion of a receiving water's that is allocated to one of its existing or future point sources of pollution.

"WET limit" means a WET testing limitation in the form of a $NOEC_L$, $NOEC_S$, or LC_{50}, the exceedance of which constitutes a permit violation.

"WET testing" means testing for whole effluent toxicity:

(A) using an effluent dilution series based on a critical dilution,

(B) with a specific aquatic animal species, and

(C) utilizing EPA-approved testing methods.

252:606-1-2.1. Technical Definitions

The following technical definitions, when used in this Chapter, shall have the following meaning:

"ΔT_{max}" means the maximum temperature increase in ℃ at the edge of the temperature mixing zone.

"**7Q2**" means the 7-day low flow of a stream likely to occur with a 50% probability each year. The procedure for determining a site-specific 7Q2 is described at OAC 252:740-1-6.

"30Q2" means the 30-day low flow of a stream likely to occur with a 50% probability each year.

"**ACD**" means acute critical dilution.

"**BOD_5**" means 5-day biochemical oxygen demand.

"**BT/C ratio**" means the ratio of trigger background concentration to associated water quality criterion.

"**$(BT/C)_{max}$**" means the maximum BT/C ratio for a given criterion for which background monitoring is required as a permit condition.

"**C_{95}**" means the 95th percentile maximum likelihood effluent concentration of a substance. It is the product of $CE_{(mean)}$ and RPF_{95}.

"**$C_{95(M)}$**" means the 95th percentile maximum likelihood effluent concentration of a substance, accounting for the size of the effluent data set. It is the product of $C_{E(max)}$ and $RPF_{95(M)}$.

"**C_A**" means the acute numerical criterion for toxic substances.

"**C_B**" means background concentration.

"**C_C**" means the chronic numerical criterion for toxic substances.

"**C_d**" means the instream concentration of a substance resulting from a wastewater discharge.

"**$C_{d(A)}$**" means the instream concentration of a substance as determined by the acute mixing equation.

"**$C_{d(c)}$**" means the maximum instream concentration of a substance at the edge of the chronic mixing zone.

"**$C_{d(FF)}$**" means the instream concentration of a substance after complete mixing, as applied to determination of reasonable potential to exceed a human health criterion for the consumption of fish flesh.

"**$C_{d(FFW)}$**" means the instream concentration of a substance after complete mixing, as applied to determination of reasonable potential to exceed a human health criterion for the consumption of fish flesh and water.

"**$C_{d(NRWQC)}$**" means the instream concentration of a substance after complete mixing, as applied to determination of reasonable potential to exceed an EPA human health criterion for the consumption of fish flesh.

"**$C_{d(RAW)}$**" means the instream concentration of a substance after complete mixing, as applied to determination of reasonable potential to exceed a raw water column criterion.

"**$C_{d(SS)}$**" means the instream concentration of a substance after complete mixing, as applied to determination of reasonable potential to exceed an agriculture sample standard (SS).

"**$C_{d(YMS)}$**" means the instream concentration of a substance after complete mixing, as applied to determination of reasonable potential to exceed an agriculture yearly mean standard (YMS).

"**$C_{E(max)}$**" means the maximum concentration of a substance in an effluent data set.

"**$C_{E(mean)}$**" means mean effluent concentration.

"**C_{FF}**" means the numerical criterion for the protection of human health for the consumption of fish flesh.

"**C_{FFW}**" means the numerical criterion for the protection of human health for the consumption of fish flesh and water.

"**C_{NRWQC}**" means the EPA recommended national water quality criterion for the protection of human health for the consumption of fish flesh.

"**C_{RAW}**" means the numerical criterion for protection of the raw water column.

"**C_{SS}**" means agriculture sample standard numerical criterion, i.e., the historic segment averaged SS value from Appendix F of OAC 252:730, unless data more representative of the receiving stream are available.

"**C_{YMS}**" means agriculture yearly mean standard numerical criterion, i.e., the historic segment averaged YMS value from Appendix F of OAC 252:730, unless data more representative of the receiving stream are available.

"**$CBOD_5$**" means 5-day carbonaceous biochemical oxygen demand.

"**CCD**" means chronic critical dilution.

"**CWAC**" means cool water aquatic community.

"**D**" means, in the context of a discharge to a lake through a pipe, the pipe diameter in feet.

"**DML**" means daily maximum permit limitation.

"**DML_{CL}**" means agriculture criterion-based DML for chlorides.

"**DML_{FF}**" means the human health/fish flesh DML.

"**DML_{FFW}**" means the human health/fish flesh and water DML.

"**DML_{HH}**" means human health-based DML.

"**DML_{RAW}**" means the raw water column DML.

"**DML_{SO4}**" means agriculture criterion-based DML for sulfates.

"**DML_{T}**" means the temperature based DML.

"**DML_{TDS}**" means agriculture criterion-based DML for total dissolved solids (dried at 180°C).

"**DML_{TOX}**" means toxic substance-based DML.

"**DO**" means dissolved oxygen.

"**HLAC**" means habitat-limited aquatic community.

"**LTA**" means long-term average.

"**LTA_{A}**" means the toxic substance acute numerical criterion LTA.

"**LTA_{C}**" means the toxic substance chronic numerical criterion LTA.

"**LTA_{FF}**" means the fish flesh human health criterion LTA.

"**LTA_{FFW}**" means the fish flesh and water human health criterion LTA.

"**LTA_{RAW}**" means the raw water column criterion LTA.

"**LTA_{SS}**" means the agriculture sample standard LTA.

"**LTA_{T}**" means the temperature criterion LTA.

"**LTA_{TOX}**" means the limiting toxic substance-based LTA, i.e., the smallest of LTA_A or LTA_C, as applicable.

"**LTA_{YMS}**" means the agriculture yearly mean standard LTA.

"**MAL**" means monthly average permit limitation.

"**MAL_{A}**" means the toxic substance acute criterion MAL.

"**MAL_{C}**" means the toxic substance chronic criterion MAL.

"**MAL_{CL}**" means agriculture criterion-based MAL for chlorides.

"**MAL_{FF}**" means the human health/fish flesh MAL.

"**MAL_{FFW}**" means the human health/fish flesh and water MAL.

"**MAL_{RAW}**" means the raw water column MAL.

"**MAL_{HH}**" means human health-based MAL.

"**MAL_{SO4}**" means agriculture criterion-based MAL for sulfates.

"**MAL_{T}**" means temperature MAL.

"**MAL_{TDS}**" means agriculture criterion-based MAL for total dissolved solids (dried at 180°C).

"**MAL_{TOX}**" means toxic substance-based MAL.

"**MGD**" means million gallons per day.

"**mg/L**" means milligrams per liter.

"**MQL**" means minimum quantifiable level.

"**N**" means the number of individual data points, collected over time, in an effluent or background data set.

"**N_m**" means the per month monitoring frequency where a permit limitation is established. When used in the context of temperature limitations, Nm is equal to four times Nw (i.e., Nm = 4 × Nw).

"**N_w**" means the per week monitoring frequency where a temperature permit limitation is established.

"**NRWQC**" means the National Recommended Water Quality Criteria, publication no. EPA 822-Z-99-001, April 1999.

"**PBCR**" means Primary Body Contact Recreation.

"**Q***" means the ratio of the regulatory effluent flow to the regulatory receiving water flow.

"**Q_e**" means regulatory effluent flow.

"**$Q_{e(30)}$**" means the Q_e that is the highest monthly average flow over the ~~two year~~two-year period of record for an industrial facility. For intermittent dischargers, $Q_{e(30)}$ is calculated based on the days when discharge actually occurs.

"**$Q_{e(D)}$**" means the Qe that is the lesser of the design flow for a municipal POTW or the design flow listed in the Section 208 Areawide Basin Plan.

"**$Q_{e(LTA)}$**" means the Qe that is the arithmetic ~~(long term)~~ long-term average flow over the ~~two year~~ two-year period of record for an industrial facility.

"**Q_u**" means regulatory receiving water flow upstream of a point of wastewater discharge.

"**$Q_{u(7Q2)}$**" means the same as 7Q2.

"**$Q_{u(30Q2)}$**" means the same as 30Q2.

"**$Q_{u(LTA)}$**" means the Q_u that is the mean annual ~~(long term)~~ long-term receiving water flow.

"**$Q_{u(STA)}$**" means the Qu that is the ~~short term~~ short-term average receiving water flow and is equal to $Q_{u(LTA)} \times 0.68$.

"**SBCR**" means Secondary Body Contact Recreation

"**SNC**" means significant noncompliance.

"**SS**" means sample standard.

"**T_a**" means regulatory ambient temperature in ℃.

"**T_{95}**" means the 95th percentile of the effluent temperature distribution (in ℃) of sustained two-hour daily maximum effluent temperatures where effluent temperature is recorded continuously and the distribution of daily maximum effluent temperatures where temperature is recorded at discrete intervals of two hours or longer, provided that recording intervals for temperature do not exceed six hours.

"**TIE**" means toxicity identification evaluation.

"**TRC**" means total residual chlorine.

"**TRO**" means total residual (halogenated) oxidants.

"**µg/L**" means micrograms per liter.

"**W**" means, in the context of a discharge to a lake through an open channel (i.e., canal), the channel width in feet.

"**WAL**" means weekly average permit limitation.

"**WAL_T**" means temperature WAL.

"**WET**" means whole effluent toxicity.

"**WLA_A**" means a toxic substance acute criterion WLA.

"**WLA_C**" means a toxic substance chronic criterion WLA.

"**WLA_{FF}**" means a human health/fish flesh criterion WLA.

"**WLA_{FFW}**" means a human health/fish flesh and water criterion WLA.
"**WLA_{RAW}**" means a raw water column criterion WLA.
"**WLA_{SS}**" means an agriculture sample standard WLA.
"**WLA_{T}**" means a temperature criterion WLA.
"**WLA_{YMS}**" means an agriculture yearly mean standard WLA.
"**WQMP**" means the statewide Section 208 Water Quality Management Plan.
"**WWAC**" means warm water aquatic community.
"**YMS**" means yearly mean standard.

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 12, 2023~~January 17, 2025.

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

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 DEQ in meeting rising costs to the permitting and enforcement activities covered by this Chapter, the fees set out in (b), ~~and~~ (c), and (d) 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. 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 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 DEQ 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.

SUBCHAPTER 6. POINT SOURCE DISCHARGES

252:606-6-14. Requirements specific to numeric criteria for toxic substances for the Fish and Wildlife Propagation beneficial use

(a) **Background assumed zero**. DEQ will assume zero background levels for direct discharges of once through cooling water.

(b) **Hardness or pH dependent criteria**. Where a criterion for a pollutant is hardness or pH-dependent, DEQ will add hardness or pH monitoring, as appropriate, to the background monitoring requirements.

(c) **Representative of low flow conditions in streams**. The permittee shall collect background samples as close to low flow conditions as possible in streams.
(d) **Background data from a previous permit**. DEQ will not use background data referenced in the previous permit unless the data is defensible analytical data.
(e) **Background monitoring**. Where toxicity-based effluent limitations for a substance are established in a permit and a complete background data set meeting the requirements of OAC 252:606-6-11 is not available, background monitoring of the limited substance is required. This requirement does not apply where the background shall be considered equal to zero in accordance with OAC 252:606-6-14(a), where $Q^* \geq 0.333$, or where the ~~7Q2~~regulatory low flow of the receiving stream is assumed to be 1 cfs.

252:606-6-31. WET test requirements

WET testing is required for all major dischargers and those minor dischargers identified by DEQ as posing a significant unaddressed toxic risk. Q^* is calculated as described in Appendix J.

(1) The following requirements apply to all WET testing:

(A) **Acute testing only**. Acute testing only is required for all discharges to lakes and to streams where $Q^* < 0.054$.

(B) **Chronic testing only**. Chronic testing only is required where $Q^* > 0.3333$.

(C) **Acute and chronic testing, except for *Daphnia Magna***. Both acute and chronic testing are required where $0.054 \leq Q^* \leq 0.3333$.

(2) **Acute and/or chronic testing using *Daphnia magna***. Acute and/or chronic testing using Daphnia magna may substitute for acute and/or chronic testing for *Daphnia pulex* or *Ceriodaphnia dubia* in the following circumstances:

(A) acute testing using *Daphnia magna* for streams where the instream concentration of TDS is less than or equal to 1000 mg/L after mixing using the ~~7Q2~~ regulatory low flow, may be considered by DEQ on a case-by-case basis where the TDS level in an effluent has been demonstrated to cause WET test failures to *Daphnia pulex*.

(B) acute testing using *Daphnia magna* for streams where the instream concentration of TDS is greater than 1000 mg/L after mixing using the ~~7Q2~~regulatory low flow, may be considered on a case-by-case basis where the TDS level in an effluent has been demonstrated to cause WET test failures to *Daphnia pulex* and the background TDS level of the receiving stream causes toxicity to *Daphnia pulex* in a control dilution (0% effluent).

(C) chronic testing using *Daphnia magna* may be considered by DEQ on a case-by-case basis where the TDS level in the effluent has demonstrated WET test failures to *Ceriodaphnia dubia*, where the background TDS levels of the receiving stream causes toxicity to *Ceriodaphnia dubia*, in a control dilution (0% effluent), and where the permittee can demonstrate that the ionic ratios in the effluent are similar to the ionic ratios in the receiving stream.

(3) **Mussels**. Acute and/or chronic testing of mussels shall be required if DEQ determines that the discharge may affect an indigenous population(s) of mussels.

252:606-6-52. Effluent regulatory flows for the implementation of numerical criteria for toxic substances to protect the Fish and Wildlife Propagation beneficial use

The following effluent regulatory flows apply for the implementation of numerical toxicity criteria for toxic substances to protect the Fish and Wildlife Propagation beneficial use:

(1) **Industrial**. For industrial facilities, $Q_{e(30)}$ is used as the regulatory effluent flow.

(2) **Municipal**. The treatment facility's design flow $Q_{e(D)}$ is used as the regulatory effluent flow. The design flow used for permitting purposes ~~will~~shall not exceed the approved design

flow in the WQMP.

252:606-6-53. Q* ratio for the implementation of numerical criteria for toxic substances to protect the Fish and Wildlife Propagation beneficial use

Use the following to determine Q* ratio for all toxic substances, unless otherwise specified in this Section:

(1) The following are used to determine Q* ratios in streams:

(A) **Industrial effluent**. Q* is the ratio of $Q_{e(30)}$ to $Q_{u(7Q2)}$.

(B) **Municipal effluent**. Q* is the ratio of $Q_{e(D)}$ to $Q_{u(7Q2)}$.

(2) Q* is not applicable to lakes.

252:606-6-55. Wasteload allocations for the implementation of numerical criteria for toxic substances to protect the Fish and Wildlife Propagation beneficial use

If a pollutant exhibits reasonable potential to exceed WQS, a water quality-based permit limit is required for that pollutant. Background levels used in calculating WLA_A and WLA_C are described in OAC 252:606-6-11 through 14. If a pollutant's background level alone exceeds a criterion, the WLA is set equal to that criterion.

(1) **Streams**. The following applies to streams:

(A) **WLA_A**. Where Q_e is expressed in cfs, Equation L-1 is used to determine ~~WLAA~~WLA_A. Where Q_e is expressed in MGD, Equation L-2 is used.

(B) **WLA_C**. Depending on the value of Q*, Equation L-3, L-4, or L-5 is used to determine WLA_C.

(2) **Lakes**. Depending on whether the discharge conveyance is a pipe or canal, Equation L-6 or L-7 is used to determine WLA_C, or WLA_A, if an acute criterion applies, in the absence of a chronic criterion.

252:606-6-91. Performance-based monitoring frequency reductions and increases

(a) When MALs have been established in a previous permit and a parameter(s) has been monitored for one complete permit cycle (five years), performance-based monitoring frequency reductions or increases will be considered. Performance-based monitoring frequency reductions for waterbodies with an impairment shall not be permitted for the impaired parameter.

(1) Except for ammonia, when a permittee has experienced:

(A) no permit limit violation of any kind for a limited parameter during the permit cycle, a performance-based monitoring frequency reduction may be granted according to Table O-1 in Appendix O.

(B) a non-SNC permit limit violation during the permit cycle, the permittee is ineligible for a performance-based monitoring frequency reduction for that parameter for the ensuing permit cycle.

(C) SNC violations for a parameter during the permit cycle, the permittee is:

(i) ineligible for a performance-based monitoring frequency reduction for that parameter for the ensuing permit cycle, and

(ii) a monitoring frequency increase is required in accordance with Table O-2 in Appendix O.

(2) Permittees may request toxicity-based ammonia limit monitoring frequency reductions according to 252:606-6-26 or WET testing frequency reductions according to 252:606-6-42.

(3) The monitoring frequency for a metal may be reduced below the levels stated in Table O-1 in Appendix O to once every six months if:

(A) the permit includes a long-term average effluent concentration for the permit cycle of less than ten percent (10%) of the Monthly Average Concentration Limit;
(B) it no longer exhibits reasonable potential (either from monitoring or effluent limit);
(C) there is a limit for that parameter in a previous permit that cannot be removed; and
(D) the parameter is not causing the receiving water body to be listed as a Category 5 water body in Oklahoma's Integrated Report.

(b) Performance-based monitoring frequency reductions shall not be based on a weekly average, a daily minimum or a daily maximum concentration limit.

(c) The permit frequency reductions stated in this Section and in Appendix O do not affect the need or number of control tests to be undertaken as required in Appendix A of 252:606.

(d) In accordance with 252:730-5-10 and 252:730-5-16, no frequency reduction shall be allowed for bacterial limitations.

(e) Any control test undertaken in accordance with OAC 252:606, Appendix A, shall be reported on the DMRs as required by 40 CFR § 122.41 (l)(4)(ii), provided the control test sample meets all the sample protocol requirements as contained in the OPDES permit.

TITLE 252. DEPARTMENT OF ENVIRONMENTAL QUALITY
CHAPTER 606.

RULE IMPACT STATEMENT

A. Statement of need for the rule change and legal basis supporting it.

The gist of this rule and the underlying reason for the rulemaking is to: update this Chapter to incorporate by reference federal rules from July 8, 2024, to January 17, 2025; updating fees to apply the Consumer Price Index ("CPI") to stormwater and other general discharge permit fees; adding definitions and other provisions for the determination of reasonable potential for selenium; disallowing reduction of monitoring frequency for a parameter when the receiving stream is impaired for that parameter; and adding equation for selenium long-term average (LTA) to Appendix L.

B. Classification of rule change (major/non-major), justification for that classification, and business cost estimate over the first five (5) years.

This rulemaking is non-major. There is no anticipated increase in business costs over the first five years, other than the portion of the rulemaking related to fees. Fees that will be adjusted based upon the CPI are not likely to change substantially, such that the business cost will not exceed the threshold of $1,000,000.00 over the initial five-year period following the promulgation, as defined in 75 O.S. § 303(D)(3)(b). Incorporation by reference of federal rules primarily reflects grammatical and stylistic changes made by the EPA to the federal rules. Therefore, this incorporation by reference will not impose any additional costs that the referenced federal rule(s) did not already impose upon affected entities. Other proposed changes are not expected to increase or add new business costs.

C. Description of the purpose of the proposed rule change, whether the change is mandated by federal law or is required to participate in or implement a federal program, and whether the change exceeds the requirements of the federal law.

The rulemaking aims to update the rules concerning the date of incorporation by reference for the Code of Federal Regulations from July 8, 2024, to January 17, 2025, to reflect grammatical and stylistic changes. Updating fees to apply the CPI to stormwater and other general discharge permit fees will make this Chapter uniform with other Chapters. It will also add definitions and other provisions for the determination of reasonable potential for selenium. It will disallow reduction of monitoring frequency for a parameter when the receiving stream is impaired for that parameter, and add an equation for selenium LTA to Appendix L.

D. Description of the classes of persons who most likely will be affected by the proposed rule(s), including classes that will bear the costs of the proposed rule(s), and any information on cost impacts received by the agency from any private or public entities.

DEQ has not received any information from public or private entities concerning the cost impacts of the proposed regulations. Classes of the persons affected are those who own, operate, or plan to operate municipal or industrial wastewater treatment facilities and those who must obtain permits to treat, dispose of, and reuse municipal and industrial wastewater. This will also affect customers of those systems, incarcerated persons, and any other persons who recreate in the waters of the state. These same owners and operators are the class of persons who will bear any costs associated with the rules, such as any increase in fees using the CPI.

E. Description of the classes of persons who will benefit from the proposed rule(s).

Classes of persons benefited are those who own, operate, or plan to operate municipal and industrial wastewater treatment facilities, as well as those who must obtain permits to treat, dispose of, and reuse municipal and industrial wastewater. This will also affect customers of those systems, incarcerated persons, any other person who recreates in Oklahoma's waters, and those who consume drinking water in Oklahoma.

F. Comprehensive analysis of the rule change's economic impact, including impacts to the full-time-employee count of the agency, costs or benefits, a quantification of implementation and compliance costs on the affected businesses, business sectors, public utility ratepayers, individuals, state or local governments, and on the state as a whole, with a listing of all fee changes and justification for each fee change.

Other than any increase in fees due to an adjustment under the CPI, DEQ expects no new significant economic impact on the affected classes of persons (including businesses, business sectors, public utility ratepayers, individuals, state or local governments, and the state as a whole) from this rulemaking activity as it aligns state rules with preexisting federal standards and aims to provide uniformity for DEQ permit fees. For the portion of this rulemaking that is for incorporation by reference, cost analyses were conducted by EPA, in accordance with federal requirements, when it originally proposed the federal regulations that are referenced in this rule. DEQ anticipates no changes to full-time employee counts.

G. Detailed explanation of methodology and assumptions used to determine the economic impact, including dollar amounts calculated.

Overall cost estimates cannot readily be determined or assumed, except that fees might increase based on the CPI.

H. Determination of whether implementation of the proposed rule(s) will have an economic impact on any political subdivisions or require their cooperation in implementing or enforcing the rule(s).

DEQ anticipates no economic impact on political subdivisions, except that fees might increase based on the CPI. No cooperation from political subdivisions is required to implement or enforce the rule.

I. Determination of whether implementation of the proposed rule(s) may have an adverse economic effect on small businesses as provided by the Oklahoma Small Business Regulatory Flexibility Act.

DEQ has not identified any foreseeable adverse effect on small businesses (defined in 75 O.S. § 502), except for a small business that might be required to pay a fee that increases based on the CPI.

J. Any measures taken by the agency to minimize cost and impact of the proposed rule change on business and economic development in the state, local governmental units, and for individuals.

There are no additional compliance costs expected due to this rule, and thus, no additional measures were taken by DEQ.

K. Determination of the effect of the proposed rule(s) on the public health, safety and environment and, if the proposed rule(s) is/are designed to reduce significant risks to the public health, safety and environment, an explanation of the nature of the risk and to what extent the proposed rule will reduce the risk.

There is no specific anticipated effect on public health and safety.

L. Determination of any detrimental effect on the public health, safety, and environment if the proposed rule(s) is/are not implemented.

There has been no determination of any detrimental effect on public health, safety, and the environment.

M. Analysis of alternatives to adopting the rule.

The alternative to adopting the proposed rule changes is not to adopt the rule changes.

N. Estimates of the amount of time that would be spent by state employees to develop the rule and of the amount of other resources that would be utilized to develop the rule.

DEQ staff estimates more than 120 hours of professional time for rule development, including but not limited to rule drafting, legal review, informal public meetings, formally presenting rule changes to the Water Quality Management Advisory Council, managing public comment periods, and filing the final rule.

O. Summary and preliminary comparison of any existing or proposed federal regulations that are intended to address the activities to be regulated by the proposed rule.

This rulemaking incorporates certain federal rules by reference to the most recent federal version. The applicable federal rule changes are largely grammatical and stylistic. This rulemaking also reflects updates to criteria and methodologies.

P. This rule impact statement was prepared on: October 30, 2025
Modified on:

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

EXECUTIVE SUMMARY:

The gist of this rule and the underlying reason for the rulemaking is to update the date of incorporation by reference for the Code of Federal Regulations from July 8, 2024, to January 17, 2025. DEQ will be proposing updating the section on fees. Currently, Consumer Price Index (CPI) adjustments are made on July 1st every year for individual discharge permit fees and individual permit fees for industrial users. The proposed update is to apply the CPI to stormwater and other general discharge permit fees. DEQ will be proposing adding and modifying definitions to Subchapter 1. INTRODUCTION, as well as changing language to Subchapter 6. POINT SOURCE DISCHARGES to disallow monitoring frequency reductions for a parameter when the receiving water is impaired for that parameter. The definitions that were added or modified include: beneficial use, regulatory low flow, 30Q2, $Q_{u(30Q2),}$ and $Q_{e(30).}$

DIFFERENCE FROM ANALOGOUS FEDERAL RULES:

The proposed changes include in part updates to the adoption of the federal rules by reference; therefore, there are no differences from analogous federal rules.

ENVIRONMENTAL BENEFIT STATEMENT:

This rulemaking maintains the current environmental benefits as provided by law. These rules are not more stringent than corresponding federal rules.

SUMMARY OF COMMENTS AND RESPONSES:

Comments from Kelsey Royce:
At the WQMAC meeting on December 2, 2025, Kelsey Royce, a citizen, shared her concern about how beneficial use of waterbodies is determined and whether those determinations adequately reflect the public's best interest. In particular, she shared her concerns about the condition of the Arkansas River in Tulsa, Oklahoma, which people use for recreation and which is in close proximity to refineries. She expressed concern that harmful chemicals may not be monitored adequately. Ms. Royce also noted that groundwater contamination directly impacts surface water quality.

DEQ Response:
DEQ appreciates Ms. Royce's comments and concerns. DEQ's mission is to protect human health and the environment. While 252:606 is a portion of a regulatory framework aimed at protecting human health and the environment, it is not the best forum to address Ms. Royce's concerns, particularly those about the Arkansas River in Tulsa, Oklahoma. Such concerns are better addressed through the issuance and renewal of industrial discharge

permits, during which DEQ evaluates specific discharges and provides opportunities for public notice and comment.

Comments from OG&E;
On December 1, 2025, the Oklahoma Gas and Electric Company ("OG&E") submitted its written comments. Concerning Chapter 606, OG&E expressed concern that changing regulatory low flows from a seven-day two-year ("7Q2") to a thirty-day two-year ("30Q2") would significantly increase the regulatory low flow.

DEQ Response:
DEQ believes OG&E's concerns are largely moot because DEQ is no longer recommending changes to Chapters 730 and 740 that would implement changes to regulatory low flow. Nonetheless, DEQ chose to leave the definition in for 30Q2 so that there would be no need to reopen Chapter 606 in the future.

Comments from Environmental Federation of Oklahoma ("EFO"):
On December 1, 2025, EFO submitted its written comments to the proposed rulemaking. EFO stated, "The change in the definition of 'Beneficial Use' sets a high standard with the use of the term 'best uses' which may be used to limit industrial discharges. We believe that Beneficial Use should be defined something like: 'Beneficial use is the use of water resulting in appreciable gain or benefit to the user, consistent with state law'."

DEQ Response:
The phrase "beneficial use" is used differently in various contexts in Oklahoma law. For instance, 82 O.S. § 105.2 uses the phrase "beneficial use" to refer to the quantity of water used, as well as the purpose and method of its use in economic activities. In contrast, the proposed definition change in Chapter 606 is associated with the way the phrase is used in the Clean Water Act and federal regulations, and relates to protection of water quality for discharge-receiving waters under Oklahoma's Water Quality Standards (OWQS). Because a portion of the OWQS and its implementation is contained within Chapter 606, this proposed definition for "beneficial use" is intended to reconcile the Chapter 606 and Chapter 730 definitions of the same phrase.

THE WATER QUALITY MANAGEMENT ADVISORY COUNCIL
RULEMAKING RECOMMENDATION
TO THE ENVIRONMENTAL QUALITY BOARD

Identification of Proposed Rulemaking:

Chapter Number and Title:
OAC 252:606 OKLAHOMA POLLUTANT DISCHARGE ELIMINATION SYSTEM (OPDES) STANDARDS

On **December 2, 2025,** the members of this Council, by authority vested in them by the Oklahoma Environmental Quality Code (27 O.S. Sec. 2-2-201), by roll call vote, recommended to the Environmental Quality Board that the rulemaking described above be adopted as:

____X____ permanent [take effect after legislative review]

_____ emergency [temporary, to take effect upon approval by the Governor because of time]

This Council has considered the proposed rulemaking and comments about it and determined, to the best of its knowledge, that all applicable requirements of the Oklahoma Administrative Procedures Act have been followed.

This Council authorizes the Department to prepare this recommended rulemaking for the Board, making any changes approved by the Council, correcting typographical, grammatical and reference errors, and formatting them as required by the Office of Administrative Rules. This is to be done with the understanding that such changes shall neither alter the sense of what this Council recommends nor invalidate this recommendation.

Respectfully,

Chair or Designee

Date Signed: 12/2/25

	VOTING TO APPROVE	VOTING AGAINST	ABSTAINING	ABSENT
Travis Archer	X			
Brian Duzan	X			
Ron Jarman	X			
Eric Lee	X			
Mary Elizabeth Mach	X			
Rick Moore				X
Andrew Pawlisz	X			
Todd Ray	X			
Kenneth Schwab	X			
Steve Sowers	X			
Debbie Wells				X

TITLE 252. DEPARTMENT OF ENVIRONMENTAL QUALITY
CHAPTER 626. PUBLIC WATER SUPPLY CONSTRUCTION STANDARDS

RULEMAKING ACTION:
PERMANENT final adoption
RULES:
Subchapter 3. Permit Procedures
252:626-3-2 [AMENDED]
252:626-3-6 [AMENDED]
252:626-3-7 [AMENDED]
Subchapter 9. Treatment
252:626-9-2 [AMENDED]
252:626-9-8 [AMENDED]
252:626-9-10 [AMENDED]
252:626-9-11 [AMENDED]
Subchapter 17. Finished Water Storage
252:626-17-1 [AMENDED]
Subchapter 19. Distribution System
252:626-19-3 [AMENDED]
Appendix E. Gravel Support for Rapid Rate Slow Sand Filters [AMENDED]
AUTHORITY:
Environmental Quality Board; 27A O.S. § 2-2-101.
Water Quality Management Advisory Council; 27A O.S. §§ 2-2-201, 2-6-103, and 2-6-203.
SUBMISSION OF PROPOSED RULES TO GOVERNOR AND CABINET SECRETARY:
September 25, 2025
COMMENT PERIOD:
October 15, 2025, to December 2, 2025
PUBLIC HEARING:
Comments were taken from October 2, 2025, to December 2, 2025. Additionally, comments can also be made at the Environmental Quality Board meeting on January 21, 2026.
ADOPTION:
January 21, 2026, (Proposed)
SUBMISSION OF ADOPTED RULES TO GOVERNOR AND LEGISLATURE: January 31, 2025
EFFECTIVE:
September 15, 2026 (Proposed)
SUPERSEDED EMERGENCY ACTIONS:
n/a
INCORPORATION BY REFERENCE:
Incorporated standards:
n/a
Incorporating rules:
n/a
Availability:
The standards are on file at the Department of Environmental Quality, 707 North Robinson, Oklahoma City, Oklahoma, 73102, and are available to the public for examination Monday through Friday between the hours of 8:00 a.m. and 4:30 p.m., excluding state holidays. The

standards may also be viewed on the Department of Environmental Quality Website at the following link: Water Quality Management Advisory Council Meeting, December 2, 2025

GIST/ANALYSIS:

The gist of this rule and the underlying reason for the rulemaking is to allow electronic submittal of plans and specifications and engineering reports; update references to International Fire Code (IFC) and American Water Works Association (AWWA); correct typographical errors and update other incorrect references; provide specific reference to the sedimentation portion of the clarification section; remove "the maximum detention time of the rapid mix basin, at design flow is 30 seconds" and replace with "provide good mixing of the raw water with the chemicals applied and prevent deposition of solids in the mixing zone; add language noting a rapid mix detention time of not more than 30 seconds; and remove "Cathodic protection shall be provided for all steel tanks to prevent under bottom corrosion". For Appendix E, DEQ is proposing to amend the name of the Appendix. There are no substantive changes to the Appendix.

CONTACT PERSON:

Brian Clagg, Department of Environmental Quality, Water Quality Division, 707 North Robinson, P.O. Box 1677, Oklahoma City, Oklahoma 73101-1677, (405) 702-8100 (phone), brian.clagg@deq.ok.gov (e-mail).

CHAPTER 626. PUBLIC WATER SUPPLY CONSTRUCTION STANDARDS

SUBCHAPTER 3. PERMIT PROCEDURES

252:626-3-2. Applications

(a) Submit legible applications on forms provided by the DEQ and include:

(1) the type of entity that is applying,

(2) the legal description,

(3) a minimum of 2 sets of plans and specifications, with at least one set of construction plans printed on 11" x 17" paper and one set of specifications loosely bound that is suitable for scanning, or alternatively submit through DEQ's electronic submission portal as authorized,

(4) a final design analysis. Provided, an authorized design-build project may use the flexible permitting process upon approval by DEQ as provided in these rules. If design-build is used, the final design package must encompass the entire completed project,

(5) all appropriate fees, and

(6) engineering report approved by the DEQ for major waterworks projects, or smaller projects utilizing non-conventional processes.

(b) Public entities other than municipalities must provide certified copies of the results of the last election or appointment of the members of the governing body. Public entities must provide a citation of legal authority to own and operate the proposed facility.

(c) Applicants other than public entities must provide copies of documents that created them and provide a citation to their statutory authority.

252:626-3-6. Engineering report

(a) **Copies and timing.** Submit 3 copies of an approvable engineering report as required in OAC 252:626-3-2 for proposed new construction or modifications to PWS systems, or alternatively submit through DEQ's electronic submission portal, at least 30 days prior to the submission of the application for a permit to construct.

(b) **Purpose.** The purpose of the report is to present the Engineer's findings with enough attention given to detail(s) to allow adequate review of the project by the owner and applicable regulatory agencies.

(c) **Requirements.** The report must include all information necessary for a comprehensive evaluation of the proposed construction. The report must present, at a minimum, the following:

(1) **General information.** Include the following:

(A) a description of existing water works and wastewater facilities,

(B) identification of the municipality or area served,

(C) name and mailing addresses of the owner and official custodian,

(D) a statement as to whether the project will be constructed in phases. If the project is to be constructed in phases, the statement will include the number of phases necessary to complete the project and which portions of the project will be completed in each phase,

(E) a demonstration that adequate capacity, treatment and compliance with the primary drinking water standards are maintained during construction,

(F) a letter from the permittee approving the contents contained in the engineering report as submitted,

(G) a map showing legal and natural boundaries of entire service area, and

(H) a map showing new service areas or annexed areas.

(2) **Extent of water works system.** Include the following:

(A) a description of the area to be served,

(B) provisions for extending the waterworks system,

(C) establish the anticipated design average and peak flows for existing and potential industrial, commercial, institutional and other water supply needs for both the current service area and potential future service areas,

(D) a hydraulic analysis that demonstrates that a minimum of 25 psi shall be met at all times throughout the distribution system, and

(E) a site plan and schematic layout of treatment facilities.

(3) **Alternate plan.** Where feasible and practical, provide a minimum of 3 alternative solutions and discuss the alternatives, including cost estimates and reasons for selecting the one recommended.

(4) **Soil, ground water conditions, and foundation problems.** The report must include a description of the following:

(A) the character of the soil where water mains are to be laid,

(B) soil conditions, which might affect foundations of proposed structures, and

(C) the approximate elevation of ground water in relation to subsurface structures.

(5) **Water use data.** Provide the following water use data:

(A) a description of the population trends as indicated by available records, and the estimated population which will be served by the proposed water supply system or expanded system,

(B) present water consumption of existing systems and the projected average and maximum daily demands that were used as the basis of the design, and

(C) present or estimated yield of supply source(s) along with a copy of the water rights verification form and/or the purchase water contract.

(6) **Fire flow requirements.** Demonstrate that the plans meet the requirements regarding fire flows pursuant to the *International Fire Code,* published by the International Code Council, Inc., ~~2003~~2024 Edition, *Distribution System Requirements for Fire Protection, ~~M 31~~M31*, published by the AWWA, ~~3rd~~4th Edition or other recommendations of similar organizations for the fire service area.

(7) **Sewer system available.** Describe the methods of disposal for sanitary and all other wastewater from the treatment plant.

(8) **Sources of water supply.** For the alternative chosen, the report must describe the proposed source or sources of water supply to be developed, the reasons for their selection, and provide information required by OAC 252:626-7 and the following:

(A) surface water sources, including:

(i) hydrological data, stream flow and weather records,

(ii) safe yield, including all factors that may affect it,

(iii) maximum flood or pool elevation,

(iv) description of watershed, noting any existing or potential sources of contamination which may affect water quality, and

(v) quality of the raw water with special reference to fluctuations.

(B) ground water sources, including:

(i) sites considered,

(ii) advantages of the site selected,

(iii) elevations with respect to surroundings,

(iv) character of formations through which the source is to be developed,

(v) geologic conditions affecting the site,

(vi) summary of exploration; test well depth and method of construction; placement of liners or screen; test pumping rates and duration; water levels and specific capacity; chemical and radiological quality of the water,

(vii) sources of possible contamination including but not limited to wastewater collection and treatment facilities, landfills, outcroppings of consolidated water-bearing formations, waste disposal wells, slush pits, irrigation wells and abandoned wells, and

(viii) industrial and other private water supply. Where pertinent, use significant ground water developments within a 1 mile radius of the proposed ground water source, giving depths, size, protective casing depth, capacity, location, type and any available information pertaining thereto.

(9) **Proposed treatment processes.** Summarize and determine the adequacy of proposed processes and unit parameters for the treatment of the water under consideration. Pilot studies may be required for

innovative design. Post treatment for membrane systems shall be in accordance with OAC 252:626-9-9 (f)(6).

(10) **Residuals management.** Submit a Residuals Management Plan that discusses the wastes and volume generated by existing and proposed water treatment processes, their volume, proposed treatment of waste products, points of discharge or method of disposal or land application.

(11) **Project sites.** Address the following in the report:

(A) discussion of various sites considered and advantages of those recommended,

(B) the proximity of residences, industries, and other establishments, and

(C) any potential sources of pollution that may influence the quality of the supply or interfere with effective operation of the water works system, including but not limited to, absorption systems, septic tanks, privies, sink holes, sanitary landfills, refuse and garbage dumps.

(12) **Cost estimates.** Address the following in the report:

(A) estimated cost of integral parts of the system,

(B) detailed estimated annual cost of operation, and

(C) proposed methods to finance both capital charges and operating expenses.

(13) **Future extensions.** Summarize future needs and services.

(14) **Design-build.** Authorized design-build projects may use the flexible construction permitting process as approved in the engineering report, including:

(A) Label cover documents prominently as "Design-build"

(B) Completed attestation form from applicant certifying that project is design-build;

(C) Description of design packages, including the number (maximum of six), scope of each package, expected schedule of each package, and expected schedule of completion for major construction items;

(D) The engineering report will address the entire scope of the project at 100% completion.

252:626-3-7. Plans and specifications

(a) Plans and specifications must address the entire project pursuant to the approved engineering report as required in OAC 252:626-3-2. If the applicant plans to phase construction, the approved engineering report shall contain a description of each phase of the project and the sequence of construction to ensure continuity of the system and that adequate capacity will be available for each phase.

(b) All detailed plans must be legible and drawn to a suitable scale. Plans for modifications or extensions to existing systems or plants must indicate clearly the connections or relation. Include the following:

(1) A general layout sheet that includes:

(A) title and date,

(B) name of municipality, rural water district, or other entity or person who owns the system,

(C) area or institution to be served,

(D) scale, in feet,

(E) north point,

(F) data used,

(G) boundaries of the municipality, rural water district, or area to be served,

(H) name, telephone number, and address of the designing engineer,

(I) the Engineer's seal and signature,

(J) location and size of existing water mains, and

(K) location and nature of existing water works structures and appurtenances affecting the proposed improvements.

(L) authorized design-build projects must label cover documents prominently as "Design-build" specify the design package number, and reference the approved engineering report number.

(2) Detailed sheets that include:

(A) stream crossings with profiles of the stream bed showing the normal, high and low water levels,

(B) profile sheets with a horizontal scale of not more than 100 feet to the inch and a vertical scale of not more than 10 feet to the inch. Both scales must be clearly indicated. A smaller horizontal scale may be used for rural water distribution systems, but in no case smaller than 500 feet to the inch. Plans with contour intervals of 10 feet or less may be provided in lieu of profiles,

(C) dimensional boundaries of property intended for ground water development. Show location with respect to known references such as street intersections or section lines,

(D) topography and arrangement of existing and proposed wells or structures, with contour intervals not greater than 2 feet. Contour intervals of greater than 2 feet can be used for water line plans. Contour intervals cannot be greater than 10 feet,

(E) elevations of the highest known flood level, floor of the structure, upper terminal of protective casings and outside surrounding grade, using Federal Emergency Management Agency (FEMA) or equivalent elevations as reference,

(F) drawings of well construction, showing diameter and depth of drill holes, casing and liner diameters and depths, grouting depths, elevations and designation of geological formations, water levels and other details to describe the proposed well completely,

(G) location of all existing and potential sources of pollution within 300 feet of the raw water source and within 100 feet of underground treated water storage facilities,

(H) size, length, and identity of sewers, drains, and water mains near the proposed water works,

(I) schematic flow diagrams and hydraulic profiles showing the flow through plant units,

(J) piping in sufficient detail to show flow through the plant, including waste lines, and locations of all sampling taps,

(K) locations of all chemical feeding equipment and points of chemical application, sanitary and other facilities, including but not limited to lavatories, showers, toilets, and lockers,

(L) all appurtenances, specific structures, equipment, water treatment plant waste disposal units and points of discharge,

(M) locations, dimensions and elevations of all proposed and existing plant units,

(N) adequate description of any features not otherwise covered by the specifications,

(O) location of all valves, and

(P) location of all storage tanks, including the capacity of the tanks and top and bottom elevations.

(c) Specifications must:

(1) supply complete, detailed, technical specifications for all parts of the proposed project, including a program for keeping existing water works facilities in operation during construction of additional facilities,

(2) cover in detail materials to be used, methods of making or drilling well(s), dimensions, depth, straightness of the hole, required logs, tests, records, locations of water formations, grouting or cementing, shooting and final testing of the well(s), for ground water systems,

(3) provide supporting data regarding reliability of operation, maintenance and operator training, if automatic equipment is proposed. Provide manual override for any automatic controls;

(4) be written so that a representative of the manufacturer will check the installation and supervise initial operation of the major items of mechanical equipment and pumps,

(5) provide complete sets of all special tools and accessories required for operation and maintenance, together with parts lists, and operation and maintenance manuals for each piece of mechanical equipment, and

(6) provide for an Operation and Maintenance (O & M) Manual for the operation and maintenance of the public water supply system. The O & M Manual shall include at a minimum:

(A) System Treatment Requirements;

(B) Description, Operation and Control of the Water Treatment Plant;

(C) Control of Unit Processes;

(D) Laboratory Testing;

(E) Common Operating Problems;
(F) Start-Up Testing and Procedures;
(G) Standard Operating Procedures;
(H) Alternative and Emergency Operations;
(I) Emergency Shutdown Operations and Emergency Response;
(J) Records Control and Retention;
(K) Safety;
(L) Public Water Supply System Maintenance Records;
(M) ~~Stormroom~~Storeroom and Inventory System; and
(N) Utilities.

(d) File as-built plans (plans of record) which identify any changes to the DEQ approved plans and specifications and an Engineer's certification that the construction was completed according to the requirements of this Chapter within 6 months after the project is completed.

SUBCHAPTER 9. TREATMENT

252:626-9-2. Pretreatment

(a) Provide pre-sedimentation basins for package and slow sand filter water treatment plants if the raw water turbidity is variable and exceeds 30 NTU at any time during the year. Surface water containing an excessive amount of suspended material or high organic content which cannot be readily removed by a package treatment plant or slow sand filtration requires pre-sedimentation and may require additional treatment prior to conventional treatment.

(b) Pre-sedimentation basins shall be designed in accordance with OAC ~~252:626-9-8~~252:626-9-8(a)(3)(B).

(c) Provide pre-sedimentation for microfiltration and ultrafiltration (MF/UF) for removal of total organic carbon or other soluble compounds, including, but not limited to iron and manganese. If the engineering report demonstrates that total organic carbon will not cause disinfection by-products violations then pre-sedimentation is not necessary. Other pretreatment methods, other than pre-sedimentation, shall be based on the results of a three (3) month pilot study. The study shall also determine the need for additional treatment if the water is high in turbidity or includes undesirable soluble constituents such as iron and manganese.

(d) Pretreatment for nanofiltration and reverse osmosis (NF/RO) depends on the quality of the raw water. If the feed water has a turbidity of less than 1 NTU or an SDI of less than 5, then cartridge filters with a pore size range of less than 20 μm are required prior to the NF/RO treatment. If the feed water turbidity is 1 NTU or greater or the SDI is 5 or greater, then a more rigorous method of particulate removal, such as conventional treatment (including media filtration) or MF/UF membranes for particle removal is required. The use of MF/UF for pretreatment is more commonly known as an integrated membrane system (IMS). The IMS is one method allowed for the removal of particulate matter and microorganisms as well as some dissolved contaminants such as hardness, iron and manganese or disinfection by-product (DBP) precursors.

252:626-9-8. Clarification

(a) **Standard design.**

(1) **Rapid mix.** Rapid mix means the rapid dispersion of chemicals throughout the water to be treated. Provide for the following:

(A) equip mixing basins with mechanical mixing devices capable of adjustment to compensate for variations in raw water quality and flow. Commercial in-line static mixers capable of producing results equal to basins containing mechanical mixers at all anticipated flows will be acceptable,

(B) ~~the maximum detention time of the rapid mix basin, at design flow is 30 seconds~~provide good mixing of the raw water with the chemicals applied and prevent deposition of solids in the mixing zone, and

(C) locate the rapid mix and flocculation basins as close together as possible.

(2) **Flocculation.** Flocculation means the agitation of water at low velocities through gentle stirring by hydraulic or mechanical means. Arrange piping to allow either unit to be removed from service without disrupting operation of the treatment plant.

(A) Flow-through velocity must be 0.5 to 1.5 ft/min, with a detention time for floc formation of at least 30 minutes.

(B) Provide variable speed drives to control the speed of agitators to a peripheral paddle speed of 0.5 to 3.0 ft/s.

(C) Locate flocculation and sedimentation basins as close together as possible. The velocity of flocculated water through pipes or conduits to settling basins must be 0.5 to 1.5 ft/s. Design to minimize turbulence at bends and changes in direction.

(D) Provide a basin drain line of at least four inches (4") in diameter.

(E) Baffling may be used to provide for flocculation. The design shall be such that the velocities and flows in this paragraph will be maintained.

(3) **Sedimentation.** Conventional horizontal flow sedimentation basins shall conform to the following.

(A) Sedimentation must follow flocculation. Arrange piping to allow either unit to be removed from service without disrupting operation of the treatment plant.

(B) The following criteria apply to conventional sedimentation units:

(i) a minimum detention time of 4 hours is required except when used for lime-soda softening of ground water, the settling time is reduced to a minimum of 2 hours,

(ii) design basins to prevent short-circuiting. Design inlets to distribute water equally and at uniform velocities. Open ports, submerged ports, or similar entrance arrangements are required. Design port to provide uniform flows across the basin and control headloss to prevent floc breakage,

(iii) provide outlet weirs and maintain velocities suitable for settling in the basin,

(iv) limit flow rate over the weir to 20,000 gal/day/ft of weir length,

(v) limit the velocity through the basin to 0.5 ft/min,

(vi) design basins with mechanical residuals removal and slope the floor to conform to manufacturer's recommendations. Provide a basin drain line of at least 4 inches in diameter,

(vii) rectangular basins must have a minimum length-to-width ratio of 2:1, and

(viii) make provisions for the operator to observe or sample residuals being withdrawn from the unit.

(C) **Tube settlers.**

(i) Set tubes at a 60-degree angle to the flow.

(ii) A minimum detention time of three (3) hours is required for surface water treatment and two (2) hours for groundwater treatment.

(iii) Design tube settlers to maintain velocities suitable for settling in the basin and to minimize short-circuiting.

(iv) Size drain piping to facilitate a quick flush of the settler units and to prevent flooding other portions of the plant.

(v) Provide sufficient freeboard above the top of settlers to prevent freezing in the units in outdoor installations

(vi) The maximum application rate is 2 gpm per square foot of cross-sectional area.

(vii) Provide flushing lines, equipped with backflow prevention, to facilitate maintenance and cleaning.

(b) **Solids contact unit.**

(1) **Installation of equipment.** Supervision of all mechanical equipment installation by a representative of the manufacturer at the time of installation and initial operation is required.

(2) **Sampling taps.** Adequate piping with sampling taps located to permit the collection of samples from critical portions of the units are required.

(3) **Chemical feed.** Apply chemicals at points and means necessary to ensure satisfactory mixing with the water.

(4) **Mixing.** Rapid mix units ahead of the solids contact units, must comply with OAC 252:626-9-8 (a)(1). Construct solids contact mixing devices to provide good mixing of raw water with previously formed residuals particles, and prevent deposition of solids in the mixing zone.

(5) **Flocculation.** Flocculation equipment must:

(A) be adjustable (speed or paddle pitch),

(B) provide for coagulation in a separate chamber or baffled zone within the unit, and

(C) provide a combined flocculation and mixing period of not less than 30 minutes.

(6) **Residuals concentrators.** Provide either internal or external concentrators to obtain concentrated residuals with a minimum of wastewater.

(7) **Residuals removal.** Provide units with suitable controls for residuals withdrawal and the following:

(A) residuals pipes not less than 4 inches in diameter and equipped with appropriate cleanouts to facilitate cleaning,

(B) entrance to residuals withdrawal piping that will prevent clogging,

(C) valves located outside the tank for accessibility, and

(D) the ability for the operator to observe and sample residuals being withdrawn from the unit.

(8) **Settling zone detention period.** Minimum detention times for the settling zone (excluding the zones for mixing, flocculation, and sludge collection) are:

(A) three hours for suspended solids contact clarifiers and for softeners treating surface water, and

(B) one and one-half hours for suspended solids contact softeners treating only groundwater.

(9) **Suspended slurry concentrate.** Design softening units so that continuous slurry concentrates of 1% or more, by weight, can be maintained.

(10) **Weirs or orifices.** Design overflow weirs so that water at the surface of the unit does not travel more than 10 feet horizontally to the collection trough.

(A) Weirs must be adjustable, and at least equivalent in length to the perimeter of the tank.

(B) Do not exceed weir loading rates of:

(i) 14,400 gal/day/ft of weir length for units used as clarifiers, and

(ii) 28,800 gal/day/ft of weir length for units used as softeners treating only groundwater.

(C) Weirs must provide uniform rise rates over the entire area of the tank.

(D) Where orifices are used, the loading rates per foot of launder rates shall be equivalent to the weir loading rates.

(11) **Upflow rates.** Do not exceed upflow rates of:

(A) 1.0 gal/min/ft2 of area at the residuals separation line for units used as clarifiers, and

(B) 1.75 gal/min/ft2 of area at the slurry separation line, for units used as softeners treating only groundwater.

252:626-9-10. Softening

Select the softening process based on mineral qualities of raw water, desired finished water quality, requirements for disposal of residuals or brine waste, cost of plant, cost of chemicals and plant location.

(1) **Lime or lime-soda process.**

(A) **Residuals removal.** Provide mechanical residuals removal equipment in the sedimentation basin.

(B) **Rapid mix.** In addition to the rapid mix requirements of OAC 252:626-9-8(a)(1), the design of a softening plant must allow for the recycling of previously formed calcium carbonate crystals (lime residuals) to the rapid mix basin, and a rapid mix detention time of not more than 30 seconds.

(C) **Filtration.** In addition to the requirements for filter design as set forth in OAC 252:626-9-9, equip filters with a mechanical surface sweep to assist filter backwashing.

(D) **Stabilization.** Equipment for stabilization of water softened by the lime or lime-soda process is required.

(2) **Cation exchange process.**

(A) **Pre-treatment.** Pre-treatment is required when the content of iron, manganese, or a combination of the two, is 1 mg/l or more.

(B) **Design.** Automatic regeneration based on volume of water softened is required unless manual regeneration can be justified and is approved by the DEQ. Provide a manual override on all automatic controls.

(C) **Exchange capacity.** Do not exceed the resin manufacturer's recommended design capacity for hardness removal and regeneration.

(D) **Depth of resin.** The depth of the exchange resin must be at least 3 feet.

(E) **Flow rates.** Do not exceed 7 gal/min/ft2 flow rate for softening of bed area. Provide for backwash flow rate of 6 B 8 gal/min/ft2 of bed area.

(F) **Freeboard.** The freeboard will depend upon the specific gravity of the resin and the direction of water flow. Washwater collector shall be twenty-four inches (24") above the top of the resin on downflow units.

(G) **Underdrains and supporting gravel.** Design the bottoms, strainer systems and support for the exchange resin to conform to criteria provided for rapid rate gravity filters.

(H) **Brine distribution.** Provide for even distribution of the brine over the entire surface of both upflow and downflow units.

(I) **Blending configuration.** Provide piping around softening units to produce blended water of desirable hardness. Provide an automatic proportioning or regulating device and shut-off valve on each line. Install totalizing meters on the bypass line and on each softener unit. Treatment of the water will be required when iron and/or manganese levels in the blended water exceed the levels for secondary standards found in 40 CFR, Part 143.

(J) **Additional limitations.** Do not apply water with turbidity of 5 NTU or more directly to the cation exchange softener. Do not use silica gel resins for waters having a pH above 8.4 or containing less than 6 mg/l of silica. When the applied water contains a chlorine residual, the cation exchange resin must be a type that is not damaged by chlorine.

(K) **Sampling taps.** Provide smooth-nose sampling taps for the collection of representative samples. Locate the taps to provide sampling of the softener influent, effluent, and blended water. Install sampling taps for the blended water at least 20 feet downstream from the point of blending.

(L) **Brine and salt storage tanks.** Cover brine measuring or salt dissolving tanks and wet salt storage facilities and construct them of corrosion-resistant material. The make-up water inlet must have a free fall discharge of two pipe diameters above the maximum liquid level of the unit or obtain DEQ approval of other methods of protection from back-siphonage. Support the salt on graduated layers of gravel with a suitable means of collecting the brine. Equip wet salt storage basins with manhole or hatchway openings having raised curbs and watertight covers with overhanging edges similar to those required for finished water reservoirs. Overflow, where provided, must have a free fall discharge and terminate at an approved brine waste disposal facility.

(M) **Salt storage capacity.** Design salt storage large enough to accommodate a 30-day supply.

(N) **Stabilization.** Provide stabilization for corrosion control.

(O) **Waste disposal.** Provide a DEQ approved disposal plan for brine waste. If disposal is to an impoundment, then the impoundment must be lined with a synthetic liner in accordance with the requirements contained in OAC 252:656.

(P) **Construction material.** Pipes and contact materials must be resistant to the aggressiveness of salt.

(Q) **Housing.** Enclose and separate salt storage from other operating areas.

(3) **New technology.** Other forms of softening not covered in this subchapter shall be considered for approval under the conditions of OAC 252:626-3-8 until data from a sufficient number of installations demonstrate their ability to perform satisfactorily.

(4) **Water quality test equipment.** Provide test equipment for pH, alkalinity and total hardness to determine treatment effectiveness.

252:626-9-11. Disinfection

(a) **General.**

(1) **Surface and GWUDI.** All surface and GWUDI supplies require disinfection.

(2) **Groundwater.** Full-time disinfection of a groundwater supply is required whenever the record of bacteriological tests indicates the water is or was ever bacteriologically unsafe pursuant ~~to252626-7-4(a)(2)~~ to 252:626-7-4(a)(2).

(3) **Modification to disinfection process.** Do not make any changes to the disinfection process unless approved by the DEQ.

(4) **CT Standards.** Design the system to meet the CT standards in accordance with 40 CFR § 141.72. CT shall provide 4.0 log inactivation for viruses.

(5) **Accomplished log inactivation.** Total log removal/inactivation required for *Giardia, Cryptosporidium* and viruses shall be accomplished through filtration and disinfection as described in the "Microbial and Disinfection Byproduct Rules Simultaneous Compliance Guidance Manual," EPA 815-R-99-015.

(b) **Chlorination.**

(1) **Chlorinators.** Provide solution-feed-gas-type chlorinators positive displacement hypochlorite feeders or tablet chlorinators. Only NSF approved tablet chlorinators are allowed.

(2) **Capacity.** Design the capacity of chlorine feeders to produce a free chlorine residual of at least 2 mg/l in the water after a contact time needed to meet the required CT Value. The equipment must accurately operate over the desired feeding range.

(3) **Stand-by equipment.** Provide stand-by equipment to replace the largest unit during shutdowns and adequate spare parts for chlorinators. Hypochlorinators of adequate capacity may temporarily replace gas-type chlorinators in small plants.

(4) **Proportioning.** Provide automatic proportioning chlorinators where the rate of flow or chlorine demand is not constant.

(5) **Contact time and point of application.**

(A) At plants treating surface water, make provisions for applying disinfectant to raw water, water applied to filters, filtered water, and water entering the distribution system. At plants treating ground water, make provisions for applying chlorine to the detention basin inlet and water entering the distribution system.

(B) Design all basins used for disinfection to minimize short-circuiting and increase contact time.

(C) If primary disinfection is accomplished using ozone, chlorine dioxide, or any other chemical that does not provide a residual disinfectant, then chlorine or chloramines must be added to provide a residual disinfectant.

(6) **Testing equipment.** Provide chlorine residual test equipment recognized in the latest edition of "Standard Methods for the Examination of Water and Wastewater" published by AWWA, APHA, and WEF. Public water supply systems that serve a population greater than 3,300 shall have equipment that continuously measures and records chlorine residuals at the entry point to the distribution system.

(7) **Chlorinator piping.** Design the chlorinator water supply piping to prevent contamination of the treated water supply by back-siphonage or cross connections with non-potable water. At all facilities treating surface water, pre-chlorination and post-chlorination systems must be independent to prevent possible siphoning of partially treated water into the clear well.

(c) **Chloramines.** Disinfection with chloramines is not allowed for primary disinfection to meet CT requirements.

(d) **Chlorine dioxide.** Perform an oxidant demand study before selecting chlorine dioxide as a primary disinfectant.

(e) **Chlorine dioxide testing equipment.** When treatment with chlorine dioxide is used, provide equipment for testing concentrations of chlorine dioxide and chlorites.

(f) **Ultraviolet disinfection.** UV drinking water disinfection applications shall be closed channel reactors. Full-scale drinking water applications generally use UV low-pressure, UV low-pressure high-output, or UV medium pressure mercury vapor lamps. There are several factors to determine which lamp to use, including the number of lamps needed, lamp life, power usage, start-up time and germicidal efficiency.

(1) **Reactor dose monitoring approaches.** One of the following UV reactor dose-monitoring approaches shall be used:

(A) **UV intensity setpoint approach.** This approach relies on one or more "setpoints" for UV intensity that are established during validation testing, pursuant to the requirements contained in ~~252:626-9-11(e)(2)(C)~~252:626-9-11(f)(2)(C), to determine UV dose. During operations, the UV intensity as measured by the UV sensors must meet or exceed the setpoint(s) to ensure delivery of the required dose. In the UV intensity setpoint approach, UV transmittance does not need to be monitored separately. Instead, the intensity readings by the sensor account for changes in UV transmittance. The operating strategy can be with either a single setpoint (one UV intensity setpoint is used for all validation flow rates) or a variable setpoint (the UV intensity setpoint is determined using a lookup table or equation for a range of flow rates).

(B) **Calculated dose approach.** This approach uses a dose monitoring equation to estimate the UV dose based on the measured flow rate, UV intensity, and UV transmittance. The dose monitoring equation shall be developed through validation testing, pursuant to the requirements contained in ~~252:626-9-11(e)(2)(C)~~626-9-11(f)(2)(C). During reactor operations, the UV reactor control system inputs the measured parameters into the dose monitoring equation to produce a calculated dose. The water system operator divides the calculated dose by the validation factor and compares the resulting value to the required dose for the target pathogen and log inactivation level.

(2) **Design.** The following criteria shall be included in the design of the UV system:

(A) **Flow rate.** Maximum instantaneous flow rates shall be stated in the validation report pursuant to the requirements contained in ~~252:626-9-11(e)(2)(C)~~626-9-11(f)(2)(C).

(B) **Target pathogen(s) and log inactivation.** The log inactivation for the target pathogen(s) must be determined before sizing the UV reactor. The target microorganism(s) and their log-inactivation level shall be stated in the engineering report. The required UV doses for *Cryptosporidium* and *Giardia* inactivation are lower than those needed for the inactivation of viruses. Most viruses can be easily inactivated with chlorine.

(C) **Validation.** To ensure the validation testing and data analysis is conducted in a technically sound manner and without bias, a person independent of the UV reactor manufacturer shall oversee the validation testing. Individuals qualified for such oversight shall include engineers experienced in testing and evaluating UV reactors and scientists experienced in the microbial aspects of biodosimetry. Appropriate individuals should have no real or apparent conflicts of interest regarding the ultimate use of the UV reactor being tested. The range of validated operating conditions must be included in the validation testing and submittal of a validation report shall be required. The validation testing shall be completed in accordance with procedures outlined in the publication, "Ultraviolet Disinfection Guidance Manual for the Final Long Term 2 Enhanced Surface Water Treatment Rule," EPA 815-R-06-007, (2006).

(D) **Sizing.** A fouling aging factor of 0.70 shall be used to size the UV reactor.

(E) **Required UV dose.** The validation process shall determine the dose monitoring for the required dose over the range of flow, UVT, lamp aging and fouling that will occur at the water treatment plant.

(F) **Water quality.** The following water quality parameters shall be included in the design of the system:

(i) Fouling factors, which include, temperature, pH, turbidity, iron, calcium, manganese, alkalinity and total hardness;

(ii) UV transmittance at 254 mn; and

(iii) UV transmittance from 200-300 mn for MP reactors only.

(G) **Operating pressure.** Provide the expected operating pressures for the UV system. The maximum operating pressure to be withstood by the lamp sleeves and UV reactor housing.
(H) **UV sensors.** A germicidal spectral response shall be specified. A minimum of one UV sensor shall be specified per UV reactor. The actual number shall be the same as used during the validation process pursuant to the requirements contained ~~in252:626-9-11(c)(2)(C)~~in 252:9-11(f)(2)(C). The following shall also be required:

(i) UV sensors used during validation shall read within 10% of the average of 3 or more reference sensor measurements.

(ii) UV sensors during operation shall be calibrated with 3 or more reference UV sensor measurements. Reference UV sensors are off-line UV sensors that shall be at least as accurate as the duty UV sensors and shall be constructed identically, unless changes are made to the reference sensor to make said sensor more accurate.

(iii) Reference UV sensors shall have calibration traceable to one of the following national standards:

(I) The National Physical Laboratory;

(II) The National Institute of Standards and Technology;

(III) Deutsche Vereinigung des Gas- und Wasserfaches (GVDW); and

(IV) Osterreichisches Normungsinstitut (ORNORM).

(I) **Hydraulics.** The following hydraulic information shall be provided:

(i) The maximum system pressure at the UV reactor;

(ii) The maximum allowable head loss through the UV reactor;

(iii) Special surge conditions that may be experienced; and

(iv) The hydraulic constraints based on the site-specific and validated conditions.

(J) **Location constraints.** Do not install UV disinfection upstream of filtration for surface and GWUDI water treatment plants due to the potential of particles interfering with UV disinfection.

(K) **Lamp Sleeves.** The following shall be applicable to all lamp sleeves installed:

(i) Lamp sleeves shall be annealed to minimize internal stress;

(ii) Lamp sleeve specifications shall describe the type of lamp sleeve cleaning system to be used, whether an off-line chemical clean, an off-line mechanical clean, or an on-line mechanical and/or chemical clean method is used. Indicate how the capacity of the system will be affected by the chosen cleaning system; and

(iii) Provide piping and valves necessary to properly dispose of chemicals used during the cleaning of the lamp sleeves.

(L) **Alarms.** At a minimum, the following UV reactor alarms shall be specified:

(i) Lamp or ballast failure;

(ii) Low UV intensity or low validated UV dose;

(iii) High temperature;

(iv) Operating conditions outside of validated range; and

(v) Wiper failure.

(M) **Instrumentation.** At a minimum, the following signals and indicators shall be specified:

(i) UV lamp status;

(ii) UV reactor status;

(iii) All signals used in the dose monitoring algorithm (e.g. at a minimum lamp output, UV intensity, flow, and UVT);

(iv) Lamp cleaning cycle and history;

(v) Accumulated run time for individual lamps or banks of lamps and reactors; and

(vi) Influent flow rate.

(N) **Controls.** At a minimum, the following UV reactor controls shall be specified:

(i) UV dose setpoints, UV intensity set points or UV transmittance setpoints as appropriate;

(ii) UV lamps, on and off control;

(iii) UV reactor, on and off control;
(iv) UV reactor manual and automatic control;
(v) UV reactor local and remote control;
(vi) Manual lamp power level control;
(vii) Manual lamp cleaning cycle control; and
(viii) Automatic lamp cleaning cycle setpoint control.

(O) **Startup Criteria.** The equipment installed shall meet the performance requirements contained in the specifications. The following specific performance criteria shall be included in the specifications:

(i) Allowable head loss at each design flow rate;
(ii) Estimated power consumption under the design operating conditions;
(iii) Disinfection capacity of each reactor under the design water quality conditions;
(iv) Sensitivity of equipment to variations in voltage or current; and
(v) Reference UV sensor, duty UV sensor, and UV transmittance analyzer performance.

(P) **Warranties.** A physical equipment warranty for a minimum of one year is required. Lamps shall be warranted to provide the lamp intensity under design conditions and warranted for a minimum number of operating hours taking into consideration the fouling and aging of the lamp.

(Q) **UV transmittance analyzer.** When a UV transmittance analyzer is provided, a calibrated spectrophotometer is required, capable to measure UV absorbance and/or UVT at 254 nm, across a 4 cm or 5 cm pathlength.

(R) **Back-up power supply.** Power surges and the appropriate power conditioning equipment must be addressed in the specifications.

SUBCHAPTER 17. FINISHED WATER STORAGE

252:626-17-1. General

(a) Construct tanks of reinforced concrete or steel in accordance with AWWA standard specifications. Adequately protect steel tanks against corrosion.

(b) Provide all tanks with a bypass.

(c) Provide safety equipment in accordance with OSHA standards.

(d) Maintain sufficient storage capacity to meet domestic demands and fire flow demands, where fire protection is provided.

(1) Satisfy fire flow requirements pursuant to the *International Fire Code,* published by the International Code Council, Inc., ~~2003~~2024 Edition, *Distribution System Requirements for Fire Protection, ~~M 31~~M31,* published by the AWWA, ~~3rd~~4th Edition where fire protection is provided.

(2) Systems not providing fire protection are required to maintain a minimum storage capacity of 24 hours capable of delivering 25 psi throughout the distribution system.

(e) **Location of standpipes and finished water storage.**

(1) Place the bottom of standpipes on a suitable foundation at the normal ground surface and above the 100-year flood plain.

(2) When the bottom of a finished water storage structure must be below normal ground surface, place it above the ground water table. Sewers, drains, standing water, and similar sources of possible contamination must be kept at least 50 feet from the finished water storage structure. Do not locate below ground finished water storage structures within 20 feet of a sanitary sewer or 50 feet from pressure sewer lines.

(3) The top of a reservoir must be at least two feet above the normal ground surface. Clearwells constructed under filters may be exempted from this requirement when the total design gives the same protection.

(f) **Protection.**

(1) **Cover of finished water storage.** Storage of treated water must have a watertight roof or cover, which will exclude birds, animals, insects and excessive dust. Locate the top of all finished water storage structures above possible flood elevations.

(2) **Protection from trespasses.** Provide fencing, locks on access manholes, and other necessary precautions to prevent vandalism, pilfering, trespassing, or sabotaging.

~~(3) Cathodic protection shall be provided for all steel tanks to prevent under bottom corrosion.~~

(g) **Drains.** Connection through a 6 inch air gap or two pipe diameters of the drain whichever is greater is allowed.

(h) **Overflow.** Provide all water storage structures with an overflow that terminates at an elevation between 12 and 24 inches above the ground surface, and release water over a drainage inlet structure or splash plate.

(1) Do not connect the water storage structure overflow line to a sewer or storm drain.

(2) Locate all overflow pipes so that any release of water is visible.

(3) Equip the ends of the pipes with flex gates.

(4) Design the overflow pipe with sufficient diameter to permit wasting of water in excess of the filling rate.

(i) **Access.** Design finished water storage structures with convenient access to the interior for cleaning and maintenance. Manholes located on top of storage structures must:

(1) be surrounded with a frame at least 4 inches in height above the surface of the roof at the opening,

(2) be elevated 24 to 36 inches above the top of sod covering ground level structures,

(3) be fitted with a solid watertight cover, which overlaps the framed opening and extends down around the frame at least 2 inches,

(4) be hinged at one side, and

(5) have a locking device.

(j) **Vents.** Vent all finished water storage structures. Overflows are not considered vents. Open construction between the side wall and roof is not allowed. Design of vents must:

(1) prevent the entrance of surface water, rainwater, birds, insects and animals,

(2) limit the introduction of dust,

(3) terminate in an inverted U with the opening 24 to 36 inches above the roof or sod covering on ground-level structures, and

(4) be covered with a 24 mesh corrosion resistant screen installed at a location least susceptible to vandalism.

(k) **Roof and side wall.** Make the roof and side walls of all structures watertight with no openings except properly constructed vents, manholes, overflows, risers, drains, pump mountings, control ports, and piping for inflow and outflow.

(1) Any pipes running through the roof or side wall of a metal finished water storage structure must be welded, or properly gasketed. In concrete storage structures, connect pipes to standard wall castings poured in place during the forming of the concrete. The wall castings must have seepage rings imbedded in the concrete.

(2) Curb and properly sleeve all openings in the storage structure roof or top to prevent entrance of surface water or floor drainage into the structure.

(3) Locate valves and controls outside the storage structure so that valve stems and similar projections will not pass through the roof or top of the structure.

(l) **Drainage of roof.** The roof of the storage structure must be well drained and designed not to hold water or snow. Do not allow downspout pipes to enter or pass through the reservoir.

(m) **Freezing.** Design finished water storage structures and their appurtenances to prevent freezing.

(n) **Internal catwalk.** Every catwalk over finished water in a storage structure must have a solid floor with raised edges so shoe scrapings and dirt will not fall into the water.

(o) **Outlet piping.** Locate the outlet pipes from all storage structures in a manner that will prevent the flow of sediment into the distribution system.

(p) **Grading.** Grade the area surrounding a ground level structure to prevent surface water from standing within 50 feet of the structure.

(q) **Painting and cathodic protection.** Provide proper protection to metal surfaces by paints or other protective coatings. Paint systems must be listed by NSF or UL as meeting the ANSI/NSF Standards for contact with potable water. Cathodic protective devices are required where soil conditions warrant.
(r) **Disinfection.** Disinfect finished water storage structures in accordance with AWWA standard specifications.

SUBCHAPTER 19. DISTRIBUTION SYSTEM

252:626-19-3. Water main design for all systems providing fire protection
(a) **Sizing of mains.** Size all lines after a hydraulic analysis pursuant to the *International Fire Code,* published by the International Code Council, Inc., ~~2003~~2024 Edition, *Distribution System Requirements for Fire Protection, ~~M 31~~M31,* published by the AWWA, ~~3rd~~4th Edition or other recommendations of similar organizations for the fire service area. The minimum main size is 6 inches in diameter.
(b) **Hydrants.**

(1) Fire hydrants must have a 4-1/2 inch pumper outlet and at least two 2-1/2 inch hose outlets.
(2) Fire hydrants shall only be connected to water systems and mains designed to carry fire-flows.
(3) Locate and space hydrants pursuant to the *International Fire Code,* published by the International Code Council, Inc., ~~2003~~2024 Edition, *Distribution System Requirements for Fire Protection, ~~M 31~~M31,* published by the AWWA, ~~3rd~~4th Edition or other recommendations of similar organizations for the fire service area.
(4) The minimum hydrant lead size is 6 inches in diameter.
(5) Provide a shut-off valve to allow hydrant maintenance or replacement.
(6) The lowest outlet shall be installed no less than 18 inches above the surrounding grade and the operating nut no higher than 4 feet above grade.
(7) Drains from fire hydrant barrels shall not be connected to sanitary sewers or storm drains.

(c) **Valves.** Install valves on all small distribution lines branching from larger mains. Locate positive closing valves for isolating a line so that a single break will:

(1) require no more than 500 feet of pipe be removed from service in high-service areas,
(2) require no more than 1,320 feet in other sections, and
(3) not require shutting down an artery.

APPENDIX E. GRAVEL SUPPORT FOR RAPID RATE ~~SLOW~~ SAND FILTERS

Figure 1

APPENDIX E. GRAVEL SUPPORT FOR RAPID RATE SAND FILTERS

Size	Depth
2½ to 1½ inches	5 to 8 inches
1½ to ¾ inches	3 to 5 inches
¾ to ½ inches	3 to 5 inches
½ to 3/16 inches	2 to 3 inches
3/16 to 3/32 inches	2 to 3 inches

Appendix E, Table I. Daily design flow

Motels or Hotel (1 bedroom per unit)	200 GPD
Motels (Kitchen facilities) per unit	250 GPD
Institution per Person:	
Resident workers	100 GPD
Non-resident Workers	20 GPD
Factories per person (excl. Industrial waste) each shift	20 GPD
Day school per pupil	8 GPD
Boarding School per pupil	75 GPD
Restaurants per patron	15 GPD
Trailer Parks per Unit	250 GPD
Drive-In Theater per car space	10 GPD
Self-service laundry (per customer)	50 GPD
Country Club per member	50 GPD
Service station per vehicle served	15 GPD
Retail store per toilet	500 GPD
Urban residence per person	100 GPD
Farm Residence per person	100 GPD
Livestock	
Beef Cow	12 GPD
Dairy Cow	50 GPD
Hog or sheep	4 GPD
Chicken	4 GPD
Turkey	7 GPD

Figure 2

Appendix E, Table II. Orifice sizing

Orifice Size (inches)	Head in Feet			
	2	4	6	8
	Gallons of Water Delivered per Day			
1/16	95	135	165	191
1/8	381	539	660	762
3/16	858	1,213	1,485	1,715
1/4	1,525	2,156	2,641	3,049
5/16	2,382	3,369	4,126	4,764
3/8	3,430	4,851	5,941	6,860
7/16	4,669	6,603	8,087	9,338
1/2	6,098	8,624	10,562	12,196
3/4	13,271	19,404	23,765	27,442
1	24,393	34,497	42,249	48,785
1-1/4	38,113	53,901	66,015	76,227
1-1/2	54,884	77,617	95,061	109,767
1-3/4	74,702	105,646	129,389	149,405
2	97,571	137,986	168,998	195,142

$$Q = C_d A(2gh)^{1/2}$$

$$C_d = 0.60$$

$$g = 32.2\ ft/s^2$$

A is ft^2, 1 ft^2 = 144 in^2

Appendix E, Figure 1. General Well Design
Appendix E. Figure 2. General Well Design

These two figures are drawings that are currently incompatible with the Word format of the other Chapter 626 appendices. See customer assistance for hard copies of these drawings.

TITLE 252. DEPARTMENT OF ENVIRONMENTAL QUALITY
CHAPTER 626. PUBLIC WATER SUPPLY CONSTRUCTION STANDARDS

RULE IMPACT STATEMENT

A. Statement of need for the rule change and legal basis supporting it.

The gist of this rule and the underlying reason for the rulemaking is to allow electronic submittal of plans and specifications and engineering reports; update references to International Fire Code ("IFC") and American Water Works Association ("AWWA"); correct typographical errors and update other incorrect references; provide specific reference to the sedimentation portion of the clarification section; remove "the maximum detention time of the rapid mix basin, at design flow is 30 seconds" and replace with "provide good mixing of the raw water with the chemicals applied and prevent deposition of solids in the mixing zone; add language noting a rapid mix detention time of not more than 30 seconds for lime softening only; and remove "Cathodic protection shall be provided for all steel tanks to prevent under bottom corrosion". For Appendix E, DEQ is proposing to amend the name of the Appendix. There are no substantive changes to the Appendix.

B. Classification of rule change (major/non-major), justification for that classification, and business cost estimate over the first five (5) years.

The proposed rule is a non-major rule change because no new costs are expected with this rulemaking. Thus, the business cost estimate will not exceed the threshold of $1,000,000 over the initial five-year period following the promulgation of the proposed rule, as defined in 75 O.S. Section 303(D)(3)(b).

C. Description of the purpose of the proposed rule change, whether the change is mandated by federal law or is required to participate in or implement a federal program, and whether the change exceeds the requirements of the federal law.

The proposed changes are not required by federal law and do not exceed the requirements of federal law. In addition to allowing electronic submittal of plans and specifications and engineering reports, the proposed rule change corrects typographical errors, updates incorrect references, and eliminates a redundant rule. The proposed rule change also updates references to the IFC and AWWA.

D. Description of the classes of persons who most likely will be affected by the proposed rule(s), including classes that will bear the costs of the proposed rule(s), and any information on cost impacts received by the agency from any private or public entities.

Classes of persons affected are those who construct, own, operate, plan to operate, and/or maintain public water supply systems. This will also affect customers of those systems, including incarcerated persons.

E. Description of the classes of persons who will benefit from the proposed rule(s).

Classes of persons benefited are those who construct, own, operate, plan to operate, and/or maintain public water supply systems. This will also benefit customers of those systems, including incarcerated persons.

F. Comprehensive analysis of the rule change's economic impact, including impacts to the full-time-employee count of the agency, costs or benefits, a quantification of implementation and compliance costs on the affected businesses, business sectors, public utility ratepayers, individuals, state or local governments, and on the state as a whole, with a listing of all fee changes and justification for each fee change.

DEQ expects no new significant economic impact on the affected classes of persons (including businesses, business sectors, public utility ratepayers, individuals, state or local governments, and the state as a whole) from this rulemaking activity as it aligns state rules with preexisting federal standards, without imposing any additional requirements that are not already present in the federal regulations. DEQ does not anticipate that this rulemaking will increase the full-time employee count.

G. Detailed explanation of methodology and assumptions used to determine the economic impact, including dollar amounts calculated.

DEQ's methodology in determining the conclusion above is based on the fact that the changes are grammatical and typographical changes, as well as updates to the newest editions of the IFC and AWWA standards. Additionally, the changes include clarifications and explicitly allow for electronic submissions to DEQ, making the submittal process faster and less costly.

H. Determination of whether implementation of the proposed rule(s) will have an economic impact on any political subdivisions or require their cooperation in implementing or enforcing the rule(s).

DEQ anticipates no economic impact on political subdivisions. No cooperation from political subdivisions is required to implement or enforce the rule.

I. Determination of whether implementation of the proposed rule(s) may have an adverse economic effect on small businesses as provided by the Oklahoma Small Business Regulatory Flexibility Act.

DEQ anticipates no adverse economic impact on small businesses.

J. Any measures taken by the agency to minimize cost and impact of the proposed rule change on business and economic development in the state, local governmental units, and for individuals.

There are no additional compliance costs expected due to this rule, and thus, no additional measures were taken by DEQ.

K. Determination of the effect of the proposed rule(s) on the public health, safety and environment and, if the proposed rule(s) is/are designed to reduce significant risks to the public health, safety and environment, an explanation of the nature of the risk and to what extent the proposed rule will reduce the risk.

The proposed changes will generally have a positive effect on public health, safety, and the environment by providing clarification and updates to the Chapter.

L. Determination of any detrimental effect on the public health, safety, and environment if the proposed rule(s) is/are not implemented.

There will be no detrimental effect on public health, safety, and the environment if the proposed rule is not implemented.

M. Analysis of alternatives to adopting the rule.

The alternative to adopting the proposed rule changes is not to adopt the rule changes.

N. Estimates of the amount of time that would be spent by state employees to develop the rule and of the amount of other resources that would be utilized to develop the rule.

DEQ staff estimates more than 50 hours of professional time for rule development, including but not limited to rule drafting, legal review, informal public meetings, formally presenting rule changes to the Water Quality Management Advisory Council, managing public comment periods, and filing the final rule.

O. Summary and preliminary comparison of any existing or proposed federal regulations that are intended to address the activities to be regulated by the proposed rule.

The proposed changes are primarily intended to reference the newest editions of the IFC and AWWA standards. The proposed changes also include grammatical and typographical changes. They also allow for electronic submissions and clarify existing rules. The changes enhance the implementation of the Safe Drinking Water Act and corresponding regulations in Title 40 of the Code of Federal Regulations.

P. This rule impact statement was prepared on: October 30, 2025
Modified on:

TITLE 252. DEPARTMENT OF ENVIRONMENTAL QUALITY
CHAPTER 626. PUBLIC WATER SUPPLY CONSTRUCTION STANDARDS

EXECUTIVE SUMMARY:

The gist of this rule and the underlying reason for the rulemaking is to allow electronic submittal of plans and specifications and engineering reports; update references to International Fire Code (IFC) and American Water Works Association (AWWA); correct typographical errors and update other incorrect references; provide specific reference to the sedimentation portion of the clarification section; remove "the maximum detention time of the rapid mix basin, at design flow is 30 seconds" and replace with "provide good mixing of the raw water with the chemicals applied and prevent deposition of solids in the mixing zone; add language noting a rapid mix detention time of not more than 30 seconds; and remove "Cathodic protection shall be provided for all steel tanks to prevent under bottom corrosion". For Appendix E, DEQ is proposing to amend the name of the Appendix. There are no substantive changes to the Appendix.

DIFFERENCE FROM ANALOGOUS FEDERAL RULES:

Not applicable for this rulemaking

ENVIRONMENTAL BENEFIT STATEMENT:

This rulemaking maintains the current environmental benefits as provided by law. These rules are not more stringent than corresponding federal rules.

SUMMARY OF COMMENTS AND RESPONSES:

Ann Marie Beer:
Ann Marie Beard, a citizen, shared her comments at the WQMAC meeting on December 2, 2025. She expressed concerns about the lack of requirements for grading and drainage in Chapter 626. She also asked if Chapter 626 included requirements for beginning and end dates for construction and if there are regulations about the age of water storage tanks.

> DEQ Response:
> DEQ appreciates Ms. Beer's concerns. Although the proposed rules in Chapter 626 are outside the scope of Ms. Beer's comments, DEQ regularly conducts sanitary surveys of public water systems every three years, and these sanitary surveys include an evaluation of water storage tanks. Additionally, construction permits expire after one year, which can be extended if needed. Because DEQ has limited jurisdiction, there may be other rules and regulations that control conditions such as grading and elevation.

THE WATER QUALITY MANAGEMENT ADVISORY COUNCIL
RULEMAKING RECOMMENDATION
TO THE ENVIRONMENTAL QUALITY BOARD

Identification of Proposed Rulemaking:

Chapter Number and Title:
OAC 252:626 PUBLIC WATER SUPPLY CONSTRUCTION STANDARDS

On **December 2, 2025**, the members of this Council, by authority vested in them by the Oklahoma Environmental Quality Code (27 O.S. Sec. 2-2-201), by roll call vote, recommended to the Environmental Quality Board that the rulemaking described above be adopted as:

____X_____ permanent [take effect after legislative review]

_____ emergency [temporary, to take effect upon approval by the Governor because of time]

This Council has considered the proposed rulemaking and comments about it and determined, to the best of its knowledge, that all applicable requirements of the Oklahoma Administrative Procedures Act have been followed.

This Council authorizes the Department to prepare this recommended rulemaking for the Board, making any changes approved by the Council, correcting typographical, grammatical and reference errors, and formatting them as required by the Office of Administrative Rules. This is to be done with the understanding that such changes shall neither alter the sense of what this Council recommends nor invalidate this recommendation.

Respectfully,

Chair or Designee: _____ Date Signed: 12/2/25

	VOTING TO APPROVE	VOTING AGAINST	ABSTAINING	ABSENT
Travis Archer	X			
Brian Duzan	X			
Ron Jarman	X			
Eric Lee	X			
Mary Elizabeth Mach	X			
Rick Moore				X
Andrew Pawlisz	X			
Todd Ray	X			
Kenneth Schwab	X			
Steve Sowers	X			
Debbie Wells				X

TITLE 252. DEPARTMENT OF ENVIRONMENTAL QUALITY
CHAPTER 627. OPERATION AND MAINTENANCE OF WATER REUSE SYSTEMS

RULEMAKING ACTION:
PERMANENT final adoption
RULES:
Subchapter 1. General Provisions
252:627-1-7 [AMENDED]
AUTHORITY:
Environmental Quality Board; 27A O.S. § 2-2-101.
Water Quality Management Advisory Council; 27A O.S. §§ 2-2-201, 2-6-103, and 2-6-203.
SUBMISSION OF PROPOSED RULES TO GOVERNOR AND CABINET SECRETARY:
September 25, 2025
COMMENT PERIOD:
October 15, 2025, to December 2, 2025
PUBLIC HEARING:
Comments were taken from October 2, 2025, to December 2, 2025. Additionally, comments can also be made at the Environmental Quality Board meeting on January 21, 2026.
ADOPTION:
January 21, 2026, (Proposed)
SUBMISSION OF ADOPTED RULES TO GOVERNOR AND LEGISLATURE:
January 31, 2026
EFFECTIVE:
September 15, 2026 (Proposed)
SUPERSEDED EMERGENCY ACTIONS:
n/a
INCORPORATION BY REFERENCE:
Incorporated standards:
n/a
Incorporating rules:
n/a
Availability:
The standards are on file at the Department of Environmental Quality, 707 North Robinson, Oklahoma City, Oklahoma, 73102, and are available to the public for examination Monday through Friday between the hours of 8:00 a.m. and 4:30 p.m., excluding state holidays. The standards may also be viewed on the Department of Environmental Quality Website at the following link: Water Quality Management Advisory Council Meeting, December 2, 2025
GIST/ANALYSIS:
The gist of this rule and the underlying reason for the rulemaking is to update the rule to include Consumer Price Index (CPI) language allowing for the annual adjustment of fees based on the CPI. This will ensure consistently amongst the rules that require annual fees.
CONTACT PERSON:
Brian Clagg, Department of Environmental Quality, Water Quality Division, 707 North Robinson, P.O. Box 1677, Oklahoma City, Oklahoma 73101-1677, (405) 702-8100 (phone), brian.clagg@deq.ok.gov (e-mail).

CHAPTER 627. OPERATION AND MAINTENANCE OF WATER REUSE SYSTEMS

SUBCHAPTER 1. GENERAL PROVISIONS

252:627-1-7. Annual fees for water reuse systems

(a) **Fees.** Each water reuse system shall be charged an annual fee. [See 27A O.S. § 2-3-402] The annual fee for suppliers shall be:

(1) Category 2 - $700.00

(2) Category 3 - $400.00

(3) Category 4 - $200.00

(4) Category 5 - $100.00

(5) Water reuse systems will be charged an additional $50.00 per user if the supplier does not have a DEQ approved inspection program.

(b) **Due date.** Suppliers shall submit payment of the fees within thirty (30) days of receipt of invoices mailed by DEQ.

(c) **Annual fee adjustment.** To assist in meeting rising costs to DEQ of the public water supply program associated with implementation and enforcement of the federal primary drinking water standards, the fees set out in paragraph (a) above shall be automatically adjusted on July 1st every year to correspond to the percentage, if any, by which the Consumer Price Index (CPI) for the most recent calendar year exceeds the CPI for the previous calendar year. 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 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.

TITLE 252. DEPARTMENT OF ENVIRONMENTAL QUALITY
CHAPTER 627. OPERATION AND MAINTENANCE OF WATER REUSE SYSTEMS

RULE IMPACT STATEMENT

A. Statement of need for the rule change and legal basis supporting it.

The gist of this rule and the underlying reason for the rulemaking is to allow for the annual adjustment of fees based on the Consumer Price Index ("CPI"). This will ensure consistency among DEQ's rules that require annual fees.

B. Classification of rule change (major/non-major), justification for that classification, and business cost estimate over the first five (5) years.

This rulemaking is non-major. There is no anticipated increase in business costs over the first five years, other than the portion of the rulemaking related to fees. Fees that will be adjusted based upon the CPI are not likely to change substantially, such that the business cost will not exceed the threshold of $1,000,000.00 over the initial five-year period following the promulgation, as defined in 75 O.S. § 303(D)(3)(b).

C. Description of the purpose of the proposed rule change, whether the change is mandated by federal law or is required to participate in or implement a federal program, and whether the change exceeds the requirements of the federal law.

The proposed changes are not required by federal law and do not exceed the requirements of federal law. The proposed rule allows for the annual adjustment of fees based on the CPI.

D. Description of the classes of persons who most likely will be affected by the proposed rule(s), including classes that will bear the costs of the proposed rule(s), and any information on cost impacts received by the agency from any private or public entities.

Classes of persons affected are those who construct, own, operate, plan to operate, and/or maintain water reuse systems. This will also affect customers of those systems, including incarcerated persons.

E. Description of the classes of persons who will benefit from the proposed rule(s).

Classes of persons benefited are those who construct, own, operate, plan to operate, and/or maintain water reuse systems. This will also benefit customers of those systems, including incarcerated persons.

F. Comprehensive analysis of the rule change's economic impact, including impacts to the full-time-employee count of the agency, costs or benefits, a quantification of

implementation and compliance costs on the affected businesses, business sectors, public utility ratepayers, individuals, state or local governments, and on the state as a whole, with a listing of all fee changes and justification for each fee change.

DEQ expects no new significant economic impact on the affected classes of persons (including businesses, business sectors, public utility ratepayers, individuals, state or local governments, and the state as a whole) from this rulemaking other than any adjustment in fees based on the CPI. DEQ does not anticipate that this rulemaking will increase the full-time employee count.

G. Detailed explanation of methodology and assumptions used to determine the economic impact, including dollar amounts calculated.

DEQ's methodology in determining the conclusion above is premised on the potential increase in fees based on an adjustment in the CPI.

H. Determination of whether implementation of the proposed rule(s) will have an economic impact on any political subdivisions or require their cooperation in implementing or enforcing the rule(s).

The only economic impact on political subdivisions would be from the potential increase in fees based on an adjustment in the CPI.

I. Determination of whether implementation of the proposed rule(s) may have an adverse economic effect on small businesses as provided by the Oklahoma Small Business Regulatory Flexibility Act.

DEQ has not identified any foreseeable adverse effect on small businesses (defined in 75 O.S. § 502), except for a small business that might be required to pay a fee that increases based on an adjustment to the CPI.

J. Any measures taken by the agency to minimize cost and impact of the proposed rule change on business and economic development in the state, local governmental units, and for individuals.

There are no additional compliance costs expected due to this rule, and thus, no additional measures were taken by DEQ.

K. Determination of the effect of the proposed rule(s) on the public health, safety and environment and, if the proposed rule(s) is/are designed to reduce significant risks to the public health, safety and environment, an explanation of the nature of the risk and to what extent the proposed rule will reduce the risk.

The proposed changes will generally have a positive effect on public health, safety, and the environment by allowing for the adjustment of fees based on the CPI.

L. Determination of any detrimental effect on the public health, safety, and environment if the proposed rule(s) is/are not implemented.

There will be no detrimental effect on public health, safety, and the environment if the proposed rule is not implemented.

M. Analysis of alternatives to adopting the rule.

The alternative to adopting the proposed rule changes is not to adopt the rule changes.

N. Estimates of the amount of time that would be spent by state employees to develop the rule and of the amount of other resources that would be utilized to develop the rule.

DEQ staff estimates no more than 10 hours of professional time for rule development, including but not limited to rule drafting, legal review, informal public meetings, formally presenting rule changes to the Water Quality Management Advisory Council, managing public comment periods, and filing the final rule.

O. Summary and preliminary comparison of any existing or proposed federal regulations that are intended to address the activities to be regulated by the proposed rule.

The proposed change allows DEQ to increase fees based on an adjustment of the CPI, which will make it uniform with other DEQ rules. However, the rulemaking does not directly implicate federal regulations.

P. This rule impact statement was prepared on: October 30, 2025
Modified on:

TITLE 252. DEPARTMENT OF ENVIRONMENTAL QUALITY
CHAPTER 627. OPERATION AND MAINTENANCE OF WATER REUSE SYSTEMS

EXECUTIVE SUMMARY:

The gist of this rule and the underlying reason for the rulemaking is to update the rule to include Consumer Price Index (CPI) language allowing for the annual adjustment of fees based on the CPI. This will ensure consistently amongst the rules that require annual fees.

DIFFERENCE FROM ANALOGOUS FEDERAL RULES:

Not applicable for this rulemaking

ENVIRONMENTAL BENEFIT STATEMENT:

This rulemaking maintains the current environmental benefits as provided by law. These rules are not more stringent than corresponding federal rules.

SUMMARY OF COMMENTS AND RESPONSES:

DEQ received no comments.

THE WATER QUALITY MANAGEMENT ADVISORY COUNCIL
RULEMAKING RECOMMENDATION
TO THE ENVIRONMENTAL QUALITY BOARD

Identification of Proposed Rulemaking:

Chapter Number and Title:
OAC 252:627 OPERATION AND MAINTENANCE OF WATER REUSE SYSTEMS

On **December 2, 2025,** the members of this Council, by authority vested in them by the Oklahoma Environmental Quality Code (27 O.S. Sec. 2-2-201), by roll call vote, recommended to the Environmental Quality Board that the rulemaking described above be adopted as:

____X____ permanent [take effect after legislative review]

_____ emergency [temporary, to take effect upon approval by the Governor because of time]

This Council has considered the proposed rulemaking and comments about it and determined, to the best of its knowledge, that all applicable requirements of the Oklahoma Administrative Procedures Act have been followed.

This Council authorizes the Department to prepare this recommended rulemaking for the Board, making any changes approved by the Council, correcting typographical, grammatical and reference errors, and formatting them as required by the Office of Administrative Rules. This is to be done with the understanding that such changes shall neither alter the sense of what this Council recommends nor invalidate this recommendation.

Respectfully,

_____ Date Signed: 12/2/25
Chair or Designee

	VOTING TO APPROVE	VOTING AGAINST	ABSTAINING	ABSENT
Travis Archer	X			
Brian Duzan	X			
Ron Jarman	X			
Eric Lee	X			
Mary Elizabeth Mach	X			
Rick Moore				X
Andrew Pawlisz	X			
Todd Ray	X			
Kenneth Schwab	X			
Steve Sowers	X			
Debbie Wells				X

TITLE 252. DEPARTMENT OF ENVIRONMENTAL QUALITY
CHAPTER 656. WATER POLLUTION CONTROL FACILITY CONSTRUCTION STANDARDS

RULEMAKING ACTION:
PERMANENT final adoption
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Subchapter 3. Permit Procedures
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252:656-3-2 [AMENDED]
252:656-3-4 [AMENDED]
Subchapter 11. Lagoon Standards
252:656-11-2 [AMENDED]
Subchapter 13. Preliminary Treatment Standards
252:656-13-4 [AMENDED]
Subchapter 16. Biological Treatment Standards
252:656-16-1 [AMENDED]
252:656-16-3 [AMENDED]
Subchapter 17. Clarifier Standards
252:656-17-2 [AMENDED]
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GIST/ANALYSIS:

The gist of this rule and the underlying reason for the rulemaking is to allow electronic submittal of plans and specifications and engineering reports; update references to Metcalf & Eddy; update wet weather flow equalization basin construction to require wet weather Flow Equalization Basins (FEBs) be located with the same requirements as lagoons to provide for groundwater protection; and, update return sludge piping language to specify that 4-inch piping is a minimum requirement.

CONTACT PERSON:

Brian Clagg, Department of Environmental Quality, Water Quality Division, 707 North Robinson, P.O. Box 1677, Oklahoma City, Oklahoma 73101-1677, (405) 702-8100 (phone), brian.clagg@deq.ok.gov (e-mail).

CHAPTER 656. WATER POLLUTION CONTROL FACILITY CONSTRUCTION STANDARDS

SUBCHAPTER 3. PERMIT PROCEDURES

252:656-3-1. Permitting process

(a) This Subchapter implements the permitting process of Part 4, Wastewater and Wastewater Treatment Systems, 27A O.S. § 2-6-401 et seq., and the Oklahoma Uniform Environmental Permitting Act, 27A O.S. § 2-14-101 et seq.

(b) Permits are required for the construction or modification of non-industrial wastewater and water reuse systems.

(c) The permit application is a two-step process:

(1) The first step is the submission of an engineering report (as described in 252:656-3-4); and

(2) The second step is the submission of the final design report along with the required application forms and fees. The final design report shall:

(A) include 2 sets of plans and specifications, with at least one set of plans printed on 11" x 17" paper and at least one set of specifications loosely bound and suitable for scanning, or alternatively submit through DEQ's electronic submission portal as authorized, and

(B) reflect any changes from the approved engineering report. Provided, an authorized design-build project may use the flexible permitting process upon approval by DEQ as provided in these rules. If design-build is used, the final design package must encompass the entire completed project.

(d) Unless an extension is granted, a construction permit expires if construction does not begin within one year from the date the permit is issued.

(e) Permits to construct or modify non-industrial wastewater and water reuse systems shall only be issued to public entities unless all components of the proposed systems, including all service lines, are located on property:

(1) owned by the applicant, or

(2) dedicated to the applicant through a recorded easement for the installation and operation of the system.

252:656-3-2. Applications

(a) **Permit application requirements.** Applicants seeking permits to construct either a non-industrial wastewater or water reuse system shall submit the following to DEQ:

(1) an application;

(2) the appropriate fee;

(3) two (2) copies of an engineering report in compliance with OAC 252:656-3-4, or alternatively submit through DEQ's electronic submission portal as authorized;

(4) two (2) sets of plans and specifications, or alternatively submit through DEQ's electronic submission portal as authorized; and

(5) documentation of adequate financial accountability.

(b) **Application.** The application shall be complete and legible and include:

(1) the type of entity that is applying for the permit,

(2) the legal description of the property where the system will be located,

(3) a final design analysis,and

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(4) a list of all applicable ASTM standards required for construction, installation and testing of the processes and equipment listed in the plans and specifications.

(c) **Governing body and authority of public entity.** Public entities other than municipalities shall provide certified copies of the results of the last election or appointment of the members of the governing body. Public entities must also provide citations to their legal authority to own and operate the proposed facility.

(d) **Notice to political subdivision.** If the proposed facility is to be located within a political subdivision, the applicant must notify the political subdivision.

(e) **Financial accountability.** All applicants must demonstrate they have adequate financial accountability, and technical and managerial capacity to comply with the requirements of this Chapter and to continuously maintain the facility.

(1) If the applicant is not a city, town or other public entity, the applicant must demonstrate to the satisfaction of the DEQ:

(A) that the applicant can cover the expected costs for operation and maintenance, replacement and closure;

(B) that the applicant can provide for the continued existence and financial accountability of the facility;

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

(D) that all components of the non-industrial wastewater or water reuse system, including service lines, are located on property under the control of the applicant through a recorded easement or ownership of the property. [See 27A O.S. § 2-6-401(A)].

(2) Financial accountability may be demonstrated in one of the following fashions:

(A) 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

(B) Other proof of financial viability, such as the issuance of a bond or insurance contract covering the operation and maintenance of the wastewater 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.

(f) **Transferring applications.** Applications and unexpired permits may be transferred upon showing the transferee has legal authority and financial accountability, and that both parties agree to the transfer.

(g) **Compliance with permit.** Applicants shall:

(1) construct wastewater and water reuse systems according to the plans and specifications approved by DEQ;

(2) comply with the terms of the permits that are issued by DEQ. Permits may contain provisions more stringent than these rules in order to meet water quality standards;

(3) not proceed with construction before the permit is issued by DEQ; and

(4) not deviate from the approved plans and specifications.

252:656-3-4. Engineering report

(a) Applicants shall submit to DEQ two (2) copies of the engineering report, or alternatively submit through DEQ's electronic submission portal as authorized, or alternatively submit through DEQ's electronic submission portal as authorized;for proposed new construction or modifications to sewage collection systems, or treatment works at least thirty (30) days prior to the submittal of plans and

specifications. Applicants shall also submit a letter in which the applicant endorses the contents of each engineering report submitted to DEQ. For line extension and lift station construction, the submission of an Engineering Report Form, developed by DEQ, signed and sealed by an engineer licensed by the State of Oklahoma, may be submitted to meet the requirements of the necessary engineering report, unless a full engineering report is required by DEQ. Engineering reports shall include:

(1) **Volume and strength of sewage flow.** Establish the existing and anticipated design average and design peak flows and waste load for the existing and ultimate conditions. Include the basis for projecting initial current and/or future dry and wet weather flows and waste load for the existing, or initial, service area, and the anticipated future service area. For discharging facilities, the report must demonstrate that the proposed project complies with the design flow in the 208 Plan and other applicable OPDES permit limits.

(2) **Existing system.** Describe the existing system, including the need for the project related to health and safety, system operations and maintenance, and population growth. Issues that must be addressed include, but are not limited to, suitability of existing facilities for continued use, adequacy of water supply, history of compliance with state and federal requirements, and comparison of existing treatment units with state and federal design requirements.

(3) **Project description and alternatives.** The report must contain a description of the alternatives that were considered to meet the identified need. Provide a service area and project site maps showing the existing and proposed systems. The information must describe legal and natural boundaries, major obstacles, elevations, and any other information necessary to properly evaluate the project. Describe the proposed project and, where two or more solutions exist, discuss the alternatives including cost analysis and discuss the reasons for selecting the one recommended. For each alternative considered, the report must provide the following:

(A) **Description.** A description of the collection system, pumping systems, treatment, and discharge facilities associated with each alternative as applicable.

(B) **Design criteria.** The design parameters used for evaluation purposes.

(C) **Schematic.** A schematic diagram(s) of all existing and proposed treatment processes.

(D) **Land requirements.** The identification of sites and easements that will be used and whether the sites:

(i) are currently owned or leased by the applicant, or

(ii) will be acquired or leased by the applicant.

(E) **Construction problems.** A discussion of concerns such as subsurface rock, high water table, limited access, or other conditions that may affect the cost of construction or the operation of the facility.

(F) **Advantages and disadvantages.** A description of the ability of each alternative to meet the owner's needs, address violations cited in any enforcement orders, satisfy public and environmental concerns, and comply with regulatory requirements. The report must demonstrate the compatibility of each alternative with existing, comprehensive, and area-wide development plans. Provide a short description of environmental impacts that may preclude any alternatives.

(G) **Selected alternative.** A complete description of the proposed project based on the general description presented in the evaluation of alternatives. The report must show that the proposed project will comply with all the requirements of this Chapter. At a minimum, the following information must be included:

(i) **Treatment.** A description of the processes, including biosolids management, in detail and the identification of the location of the plant and the site of any discharges; a status of compliance with the 208 Plan, and if

applicable, include current revisions with copy of DEQ approval letter, if approved in the current 208 Plan.

(ii) **Pumping stations.** The size, type, location and any special power requirements, including provisions for emergency operations, of all pumping stations.

(iii) **Collection system layout.** Identify general location of line improvements, including: lengths, sizes and key components.

(iv) **Calculations.** Provide supporting calculations in sufficient detail to demonstrate compliance with DEQ design requirements to assure adequate capacity for the collection and treatment system as a whole to transport and treat the wastewater or reclaimed water. For collection system projects, the submittal must include a map with a list of manholes and pipes and the associated characteristics, such as elevation of inverts, pipe diameter, pipe segment length, and other information necessary to evaluate the project. The report must provide assurance that the receiving collection and treatment systems have adequate capacity.

(4) **Construction sequence.** A description of the sequence of construction and steps needed to maintain compliance during construction. If the project is not to be completed in one sequence, then provide details of the phases.

(5) **Site.** Describe the topography, soils, geologic conditions, depth to bedrock, groundwater level, floodway or floodplain considerations, and other pertinent site information. The project must be constructed on the site consistent with approved plans. Include 6 months of data on the groundwater level. Provide soil boring information pursuant to OAC 252:656-11-3 (a) for projects that include lagoons or other non-industrial impoundments.

(6) **Water supply.** Identify surface water intakes within five (5) miles of the discharge and known public and private water wells within three hundred feet (300').

(7) **Receiving stream.** Identify the receiving stream and its wasteload requirements according to the Water Quality sections of OAC 252:606 and Oklahoma's Water Quality Management Plan (208 Plan).

(8) **Disposition of biosolids.** Discuss the available alternatives for biosolids reuse and/or disposal (OAC 252:606 and OAC 252:515). Submit a sludge management or sludge disposition plan to DEQ for approval. All biosolids that will be land applied and/or disposed in a landfill must comply, at a minimum, with the Class B pathogen reduction requirements contained at 40 CFR, Part 503, adopted by reference at OAC 252:606.

(9) **Industrial wastes.** Discuss the characteristics and volume of anticipated industrial wastes.

(10) **Collection system.** Describe the area to be served by existing and proposed sewers. Sewer capacities must be designed for the estimated ultimate population that will be served. Similarly, consideration must be given to the maximum anticipated loadings from institutions, industrial parks and other similarly situated facilities.

(11) **Financing.** Provide itemized cost estimates to build, operate and maintain the proposed project including, but not limited to:

(A) development, construction, land and rights-of-way, legal services, engineering services, contingencies, refinancing, and any other factors associated with the proposed project;

(B) discuss financing methods;

(C) provide information regarding rate structures, annual operating and maintenance (O&M) cost, tabulation of users by monthly usage categories and revenue received for the last three fiscal years; and

(D) give status of existing debts and required reserve accounts. Include a schedule of short-lived assets and a recommended annual reserve deposit to fund replacement of short-lived assets such as pumps, paint and small equipment.

(12) **Enforcement orders.** Discuss all applicable enforcement orders, including the violations cited in the orders and how the project will eliminate said violations.

(13) **Conclusions and Recommendations.** Provide any additional findings and recommendations that must be considered in development of the project. This must include:

(A) recommendations for a specific course of action to be undertaken;

(B) any special studies to be developed;

(C) highlight the need for special coordination, include a recommended plan of action to expedite project development, etc.

(14) **Project Schedule.** The report must propose a schedule to:

(A) obtain funds to complete the proposed project;

(B) submit construction plans, specifications, and permit application(s);

(C) start construction;

(D) complete construction, and

(E) attain compliance with applicable OPDES discharge permits.

(b) **Water reuse treatment and reclaimed water distribution systems.** Applicants shall submit to DEQ two (2) copies of the engineering report for proposed new construction or modifications to water reuse treatment and reclaimed water distribution systems. Engineering reports shall be submitted at least thirty (30) days prior to the submission of plans and specifications and all engineering reports submitted to DEQ shall be signed and sealed by an engineer licensed by the State of Oklahoma. Applicants shall also submit a letter in which the applicant endorses the contents of each engineering report submitted to DEQ. For line extension and lift station construction, the submission of an Engineering Report Form, developed by DEQ, signed and sealed by an engineer licensed by the State of Oklahoma, may be submitted to meet the requirements of the necessary engineering report, unless a full engineering report is required by DEQ. Engineering reports shall include the following, as applicable:

(1) **Volume and quality of reclaimed water flow.** Describe anticipated flow from wastewater treatment works to the water reuse treatment facility. For discharging facilities, the report must demonstrate how the proposed project impacts the design flow in the 208 Plan and other applicable OPDES permit limits.

(2) **Existing system.** Describe existing wastewater treatment and water reuse systems. Descriptions shall include: the suitability of existing facilities for continued use, adequacy of water supply and the facility's history of compliance with state and federal requirements.

(3) **Project description.** Provide service area and project site maps showing the existing and proposed systems. The information shall describe legal and natural boundaries, elevations, major obstacles and any other information necessary to properly evaluate the project. Project descriptions shall include the following:

(A) **Description.** A description of the wastewater treatment system preceding the water reuse treatment facility.

(B) **Design criteria.** The design parameters used for evaluation purposes.

(C) **Schematic.** Schematic diagrams of all existing and proposed treatment processes.

(D) **Land requirements.** Identification of the sites and easements that will be used and whether the sites:

(i) are currently owned or leased by the applicant, or

(ii) will be acquired or leased by the applicant.

(E) **Treatment.** A detailed description of the treatment processes, including biosolids management, identification of the location of the plant and the site of any discharges:

(i) **Pumping stations.** Identify the size, type, location, any special power requirements and provisions for emergency operations of all pumping stations.

(ii) **Reclaimed water distribution system layout.** Identify the general locations of line improvements, including lengths, sizes and key components.

(iii) **Calculations.** Provide supporting calculations in sufficient detail to demonstrate compliance with DEQ design requirements.

(4) **Construction sequence.** A description of the sequence of construction and steps needed to maintain compliance during construction. If the project is not to be completed in one sequence, then provide details of the phases.

(5) **Site.** Describe the topography, soils, geologic conditions, depth to bedrock, groundwater level, floodway or floodplain considerations, and other pertinent site information. The project must be constructed on the site consistent with approved plans. Include 6 months of data on the groundwater level. Provide soil boring information pursuant to OAC 252:656-11-3 (a) for projects that include lagoons or other non-industrial impoundments.

(6) **Biosolids handling.** If the proposed project will increase the production of biosolids and/or residuals, provide a description of any modifications necessary to properly treat and dispose of biosolids. All biosolids that will be land applied and/or disposed in a landfill must comply, at a minimum, with the Class B pathogen reduction requirements contained at 40 CFR, Part 503, adopted by reference at OAC 252:606. Submit a sludge management or sludge disposition plan as appropriate to the DEQ for approval.

(7) **Reclaimed water distribution system.** A description of the following:

(A) The location, size, and direction of flow of all existing and proposed reclaimed water distribution lines from the point of connection with the existing or proposed treatment works or storage locations to the end user.

(B) A summary of quantities that includes, at a minimum, pipe size, materials and linear feet of piping, types of testing and number and size of pumps.

(C) The disinfection system design based on one of the following criteria:

(i) maintaining a chlorine residual to end-of-pipe pursuant to Appendix A of OAC 252:627; or

(ii) a DEQ approved calibrated model of chlorine decay rate in the distribution system to demonstrate that adequate chlorine residual will be maintained to prevent slime growth and regrowth of pathogens to end-of-pipe.

(8) **Financing.** Itemized cost estimates to build, operate and maintain the proposed project including, but not limited to:

(A) development, construction, land and rights-of-way, legal services, engineering services, contingencies, refinancing, and any other factors associated with the proposed project;

(B) financing methods;

(C) information regarding rate structures, annual operating and maintenance (O&M) cost, tabulation of users by monthly usage categories and revenue received for the last three fiscal years; and

(D) the status of existing debts and required reserve accounts. Include a schedule of short-lived assets and a recommended annual reserve deposit to fund replacement of short-lived assets such as pumps, paint and small equipment.

(9) **Enforcement orders.** A discussion of all enforcement orders, identifying the violations cited in orders and explaining how the project will eliminate those violations.

(10) **Conclusions and Recommendations.** All engineering reports shall include a recommendation for a specific course of action to be undertaken. The conclusions and recommendations shall also include any additional findings, identify any special studies to be developed, and any other recommendations that must be considered in development of the project.

(11) **Project Schedule.** A proposed schedule to obtain funds to:

(A) complete the proposed project;

(B) submit construction plans, specifications, and permit application(s);

(C) start construction;

(D) complete construction; and

(E) attain compliance with applicable OPDES discharge permits.

(c) Authorized design-build projects may use the flexible permitting process as approved in the engineering report, including:

(1) Label cover documents prominently as "Design-build;"

(2) Provide completed attestation form from applicant certifying that project is design-build;

(3) Description of design packages, including the number (maximum of six), scope of each package, expected schedule of each package, and expected schedule of completion for major construction items;

(4) The engineering report will address the entire scope of the project at 100% completion.

SUBCHAPTER 11. LAGOON STANDARDS

252:656-11-2. Basis of design

(a) **Facultative Lagoons.** Facultative lagoons depend on the relationship between organic loading and surface area (algal photosynthesis) or on surface area and supplemental mechanical aeration to provide an aerobic layer of water at the surface. Facultative lagoons may be either total retention or flow-through (discharge) to waters of the state.

(b) **Flow-through lagoons.**

(1) **Organic loading.** Limit the organic load to 35 pounds BOD per acre (water surface area) per day for any cell depending solely on algal photosynthesis for oxygen. The total water surface area requirement based on organic loading is calculated at the average water depth. Flow-through lagoon systems will not consistently provide ammonia removal through the nitrification process so the effluent from these facilities may be toxic to aquatic life and thus cause whole effluent toxicity test failures.

(2) **Flow Control.** Provide at least two primary cells on new systems. Design the primary cells so they may be operated in either series or in parallel, with at least 60 days retention time. Provide at least two secondary cells operating in series with the primary cells and in series with each other. Provide a bypass line around any secondary cell in a series to the next cell. The secondary cells shall have at least 60 days detention for a total of at least 120 days detention in the system.

(3) **Depth.** The maximum water depth shall not exceed 6 feet in primary cells and 10 feet in secondary cells. Provide structures to allow the primary cells to operate between four foot depth and the maximum design depth plus three feet of freeboard. The operating depth for a flow-through lagoon shall be between 4 and 6 feet.

(c) **Total Retention.** Size the primary cell(s) for the expected organic loading and additional evaporation cells designed for the hydraulic load. Base the design of all cells receiving raw wastewater on an organic loading of 35 lbs BOD per surface acre per day at the average operating depth. Design the primary cells so they may be operated in either series or in parallel.

(1) **Surface evaporation.** Where more than one acre of surface area is needed, provide at least two cells. For those systems greater than five (5) acres surface area provide at least two primary cells.

(A) Provide sufficient area to evaporate the annual influent flow based on the average daily design flow with allowances for infiltration and inflow to the sewage collection system.

(B) Base the evaporation rates on the annual average pan evaporation minus the 90th percentile annual precipitation for the geographical location, as contained in Appendix E.

(C) The system shall be designed with a five (5) foot operating depth, with three (3) feet of freeboard.

(2) **Land Application.** Design two (2) primary cells and one storage cell. Follow design guidelines stated in Subchapter 25 of this Chapter.

(A) Primary cells shall have sixty (60) days of retention time.

(B) Secondary cells shall have ninety (90) days of storage with the operating depth not to exceed ten (10) feet.

(d) **Aerated lagoon systems.** The following apply to all new aerated lagoon systems. Only partial-mix systems will be considered for systems with 30 day average concentration limits for BOD and TSS of 30 mg/l and 90 mg/l, respectively, as their basic permit requirement. Aerated lagoon systems will not consistently provide ammonia removal through the nitrification process so the effluent from these facilities may be toxic to aquatic life and thus cause whole effluent toxicity test failures.

(1) **Number of cells.** At least two aerated cells, in series, followed by one settling lagoon and provide a hydraulic retention time of at least two days.

(2) **Depth.** The design water depth shall be 10 to 15 feet.

(3) **Design Requirements.** Submit design calculations to the DEQ for review, and justify the use of any constants not listed.

(4) **Aeration requirements.** Oxygen requirements will depend on organic loading, required treatment, and concentration of suspended solids to be maintained in the aerated cells. Aeration equipment shall be capable of maintaining a minimum dissolved oxygen level of 2 mg/l in the lagoons at all times. In the absence of experimentally determined values, the design oxygen requirements shall be 1.8 lb O_2/lb BOD applied at maximum loading.

(5) **Additional information.** For a more detailed discussion of aerated lagoon design see *Design Manual Municipal Wastewater Stabilization Ponds*, U.S. Environmental Protection Agency, EPA-625/1-83-015 (1983). Also use ~~*Wastewater Engineering: Treatment, Disposal & Reuse*~~ *Wastewater Engineering Treatment and Resource Recovery*, Metcalf & Eddy~~, Inc.~~ AECOM ~~4th Edition, (2003)~~ 5th Edition (2014).

(6) **Disinfection.** Disinfection shall be required for all lagoon systems proposed to discharge to "waters of the state" where the beneficial use of the receiving water body is designated in Oklahoma's Water Quality Standards (OAC 252:730) as either "Primary Body Contact Recreational" or "Public or Private Water Supply".

SUBCHAPTER 13. PRELIMINARY TREATMENT STANDARDS

252:656-13-4. Wet weather flow equalization basins

(a) **Basin type.** For gravity inlet systems, provide flow splitting or automated flow diversion devices to divert excess flows to the flow equalization basin(s). Design shall include a method to return contents to primary basins. For pumped systems, installation of control valves or dedicated pumps to handle wet weather flow shall be used to divert wet weather flow to the basin. Depending on the elevation of the

basin, it may be possible to return the flow to the plant's primary units by gravity. If not, a pump return system will be necessary.
(b) **Design criteria.** The design of basins requires a thorough evaluation of flow patterns and volumes. Items to be considered are basin geometry, construction materials, storage capacity and operational controls.
(c) **Basin layout.** Basins designed for storage of five million gallons or more require a minimum of two compartments designed to operate in series. All flow must be diverted to a lined basin where solids can settle and, at a predetermined elevation, overflow to additional basins. A single basin equipped with an impervious liner is acceptable where the required storage capacity is less than five million gallons. Provisions are required for returning the contents of the basins to the treatment plant and for removal of settled solids.
(d) **Basin construction.** Basin construction must be in accordance with OAC 252:656-11-1, OAC 252:656-11-3, and OAC 252:656-11-4 with the following exceptions:

(1) Top of dikes may be reduced to a width of 6 feet.

(2) Bottoms of lagoon cells shall be adequately sloped to allow drainage to waste return structure(s).

(3) For basins with two compartments, the first basin must be lined below the maximum design water elevation with concrete, asphalt, or equivalent material. Single compartment basins must be lined as above.

(e) **Storage capacity.** Design minimum storage to contain the anticipated excess flow during the largest seven-day wet weather period in 10 years, with the capability to be emptied in a timely manner. Actual flow data shall be used to develop flow balance or mass diagrams for determining basin capacity. Base the frequency and duration of storms on field data and weather service records.
(f) **Aeration requirements.** Where oxygen is required to prevent the wastewater from becoming anaerobic provide air at the rate of 1.25 to 2.0 cfm per 1,000 gallons basin volume. Where mechanical aerators are used, 7.5 horsepower per million gallons of basin capacity is required.
(g) **Pumps and flow control methods.** Controls are required to regulate flow to the basin and return flow to the plant. Adequate controls with measuring devices are required to divert all flow in excess of the plant hydraulic capacity to the basin. Provisions and controls are required to return the basin contents to the plant after the wet weather event has passed and influent flow returned to normal. Return flow may be manual or automatic, but sufficient flow measurement and instrumentation devices must be included to determine the actual flow to the first treatment unit. Where basin return flow is automatic, control equipment must limit the combination of plant influent plus the basin return flow to the hydraulic capacity of the plant.

SUBCHAPTER 16. BIOLOGICAL TREATMENT STANDARDS

252:656-16-1. Suspended growth systems

(a) **General.** Suspended growth wastewater treatment systems generally consist of one or more basins where incoming wastewater is mixed with mixed liquor suspended solids and aerated for a period of time. The mixed liquor suspended solids are then separated from the mixture where a portion is returned to the mixing basin and the remainder diverted to other units for additional treatment before beneficial re-use by land application or landfill disposal. The liquid after separation from the solid is discharged or diverted to other units for additional treatment before discharge. Suspended growth systems covered by these standards are commonly know as the Activated Sludge process including the Sequencing Batch Reactor ("SBR") process. The activated sludge process includes several modifications. The most common is the extended aeration process which includes the oxidation ditch and SBR variations. Submit a complete design analysis for all suspended growth systems to DEQ for review. Contact stabilization is

not recommended as the only secondary treatment process, but may be considered where equalization of flow is provided or where other treatment units follow.

(b) **Primary treatment.** The conventional activated sludge process must be preceded by primary treatment in the form of a primary clarifer(s) in accordance with 252:656-17. Provide equipment necessary to adequately remove sludge as it accumulates and transport it to sludge treatment facilities.

(c) **System Design.** Submit a comprehensive discussion of all functional design calculations used to size activated sludge treatment facilities. Include the following:

(1) influent wastewater characteristics,
(2) temperature range of wastewater,
(3) primary treatment of the waste,
(4) hydraulic and organic loading applied to the aeration basin,
(5) anticipated mixed liquor suspended solids level to be maintained in the aeration basin,
(6) aeration time,
(7) oxygen and mixing requirements for average and peak flows,
(8) recirculation and sludge wasting,
(9) degree of treatment anticipated, and
(10) equation(s) used to compute treatment efficiency.

(d) **Aeration basins.**

(1) **Capacities and permissible loadings.** The minimum design criteria for activated sludge systems are listed in Appendix A, Design Tables.

(2) **Arrangement of aeration basins.**

(A) **Basin dimensions.** Design each unit to:

(i) Maintain effective mixture and use of air.
(ii) Prevent unaerated sections and noticeable channeling.
(iii) Maintain velocities sufficient to prevent deposition of solids.
(iv) Restrict short-circuiting through the tank.

(B) **Basin lining.** Line earthen aeration basins with concrete, asphalt or equivalent material below the maximum water elevation. Do not use plastic liners in aeration tanks.

(C) **Number of units.** Divide the total aeration basin volume into at least two units, capable of independent operation.

(D) **Inlets and outlets.**

(i) **Controls.** Provide inlet and outlet devices to control flow and maintain constant water level in all aeration basins. Design the system to allow for the maximum instantaneous hydraulic load with any single unit out of service.

(ii) **Channels.** Design channels and pipes to maintain a velocity sufficient to hold solids in suspension or provide a mechanical means for suspending the solids. Provide for draining each channel when it is not being used.

(E) **Freeboard.** Provide at least 18 inches of freeboard.

(e) **Aeration equipment.**

(1) **Common elements.** Aeration equipment must be capable of maintaining at least 2.0 mg/l of dissolved oxygen in the mixed liquor at all times and provide thorough mixing.

(A) **CBOD removal.** Where data is not available, the design oxygen requirement for the activated sludge process is 1.1 lb O_2/lb peak BOD applied to the aeration basins. For the extended aeration process, the requirement is 1.8 lb O_2/lb peak BOD.

(B) **Nitrification.** For nitrification the oxygen requirement for oxidizing ammonia must be added to the requirement for carbonaceous BOD removal. The nitrogen oxygen demand (NOD) shall be taken as 4.6 lb O_2/lb NH_3 at peak diurnal flow.

Assure sufficient alkalinity to maintain pH as required by 252:656-16-3 (b)(3). If the alkalinity is not sufficient, then chemical addition must be required.

(2) **Diffused air systems.**

(A) **Common elements.** Normal air requirements for all activated sludge processes, except extended aeration, is 1,500 ft3/lb peak BOD for aeration basin loading. For the extended aeration process the value is 2,000 ft3/lb peak BOD loading.

(B) **Blowers.** Design the blower system to account for temperature extremes ranging from 4 degrees F to 104 degrees F.

(C) **Multiple units.** Provide multiple units with enough capacity to meet the maximum air demand with the largest unit out of service. The design must also allow the volume of air delivered to be varied in proportion to the load demand of the plant.

(D) **Diffusers.** Systems must be capable of providing the diurnal peak oxygen demand or 200% of the design average oxygen demand, whichever is larger. Design air piping systems where the total head loss from blower outlet (or silencer outlet where used) to the diffuser inlet does not exceed 0.5 psi at average operating conditions. The spacing of diffusers must be in accordance with the oxygen requirements through the length of the channel or basin, and designed to allow spacing adjustment without major revisions to the air header piping. All plants using less than four aeration basins must be designed to incorporate removable diffusers that can be serviced and/or replaced without dewatering the basin.

(E) **Filters.** Provide all blowers with air filters.

(3) **Mechanical aeration systems.** The design requirements of a mechanical aeration system shall meet the following:

(A) Maintain all mixed liquor suspended solids in suspension;

(B) Meet maximum oxygen demand and maintain process performance with the largest unit out of service. A minimum of two units shall be provided;

(C) Provide for varying the amount of oxygen transferred in proportion to the load demand on the plant; and

(D) If depth of submersion is an important criteria, the aerators must be adjustable or the basin liquid levels must be easily controlled with regard to depth.

(f) **Sequencing batch reactor systems.**

(1) **Reactor design.** Provide at least three (3) reactors. Design each reactor to operate in a cyclic mode with sufficient time to fill, aerate, settle and remove the clarified liquid.

(A) Organic loading shall be between 5 to 20 pounds of BOD per thousand cubic feet per day. Design the system using food to mass (F/M) ratios of 0.05 to 0.30. The total reactor volume must provide at least 18 hours of hydraulic detention time. Size the reactor volume on the hydraulic retention time and decant volume.

(B) The design operating levels shall be 10 to 20 feet with at least two feet of freeboard.

(C) Design for no more than four operating cycles per day per reactor at average design flow.

(D) Sludge production depends on the mode of operation. For extended aeration mode (24 hours retention time), base sludge handling design on a minimum sludge production of 0.5 lbs. per lb. of BOD removed. For conventional activated sludge mode, or for systems using more than two cycles per day, base sludge production on 0.75 to 0.95 lbs. per lb. of BOD.

(E) Base sludge storage requirements on a concentration of 8,000 mg/l with a specific gravity of 1.02 for the settled sludge. Base the calculated sludge volume on the liquid depth after decanting.

(2) **Aeration equipment.** Aeration equipment must provide at least 1.4 lbs. of oxygen per lb. of BOD removed at a minimum residual dissolved oxygen level of 2.0 mg/l during the aeration period. Where nitrification is required, the aeration equipment shall have the capacity to provide an additional 4.6 lbs. of oxygen per lb. of ammonia nitrogen.

(3) **Decanter systems.** Design the decanter system to draw effluent from 12 to 18 inches below the surface and to prohibit floating scum from entering the system during fill and aeration periods. The design must not create currents that pull solids from the settled zone at the lowest point in the cycle. The entrance velocities into the decanter shall not exceed 1.0 fps at the maximum design flow condition.

(4) **Scum management.** Provide resuspension or removal equipment to control excessive scum build-up.

(g) **Oxidation ditches.** An oxidation ditch may take any linear shape as long as it forms a closed circuit, and does not produce any eddies or dead spots.

(1) **Pretreatment.** Bar screens and grit removal facilities are required. Primary settling is not necessary except for high strength waste.

(2) **Aeration basin.**

(A) The volume of the oxidation ditch must provide 18 to 24 hours hydraulic detention time at average dry weather flow. Organic loading may range from 12 to 15 pounds BOD per 1,000 ft3/day.

(B) Depth shall be at least 3 feet.

(C) Freeboard shall be at least one foot at maximum water depths.

(D) Aeration equipment shall maintain at least 1 fps velocity throughout the ditch.

(E) Construct the ditch with reinforced concrete at least 4 inches thick for ditches up to 5 feet deep, and 6 inches thick where deeper.

(F) Rotor weight shall not be supported directly by gear reduction or motor equipment. Protect motors, gear reduction equipment and bearings from inundation and rotor spray.

(3) **Rotor aerators.**

(A) Install at least two complete rotor units. Design the system so a single rotor can provide the average design oxygen demand and minimum velocity of 1 fps throughout the basin.

(B) Place rotors before a long, straight ditch section.

(C) Provide a method to control rotor submergence.

(4) **Miscellaneous.**

(A) Introduce raw sewage and returned sludge immediately upstream of the rotor that is farthest from the effluent control weir.

(B) Provide elevated walkways for rotor maintenance.

(h) **Return sludge equipment.**

(1) **Return rate.** Design all return pumping systems for the capability to be operated at the following return rates:

(A) Standard Rate:

(i) 15% minimum to

(ii) 75% maximum

(B) Carbonaceous Stage of Separate Stage Nitrification:

(i) 15% minimum to

(ii) 75% maximum

(C) Step Aeration:

(i) 15% minimum to

(ii) 75% maximum

(D) Extended Aeration:
(i) 50% minimum to
(ii) 150% maximum
(E) Nitrification Stage of Separate Stage Nitrification:
(i) 50% minimum to
(ii) 200% maximum.

(2) **Return pumps.** Maintain the maximum return sludge requirement with the largest pump out of service. Provide a positive head on all pumps' suctions under all operating conditions. Provide a minimum pump's suction and discharge opening of at least 3 inches. Air lift systems shall be at least 3 inches in diameter. Further, air compressors shall be of sufficient capacity to supply design air requirements plus a 25% safety factor.

(3) **Return piping.** Provide minimum 4-inch discharge piping designed to maintain a minimum velocity of 2 fps at normal return rates. Provide mechanisms for observing, sampling and controlling return sludge flow from each clarifier.

(i) **Waste sludge facilities.** Waste sludge control facilities shall have a maximum capacity of not less than 25 percent of the average rate of sewage flow and function satisfactorily at rates of 0.5 percent of average sewage flow or a minimum of 10 gpm, whichever is larger.

(j) **Measuring devices.** Install a means to measure flow rates of raw sewage, primary effluent, waste sludge, return sludge, and air to each basin unit.

252:656-16-3. Biological nutrient removal

(a) **Purpose.** Processes for nutrient removal in wastewater include conversion of ammonia and organic nitrogen to nitrate nitrogen (nitrification), the conversion of nitrate nitrogen to nitrogen gas (denitrification) and removal of phosphorus.

(b) **Single stage (combined carbonaceous BOD removal and nitrification).** Design processes according to the requirements of 252:656 and submit all design calculations. The following factors will have a significant impact on the nitrification process: ammonia and nitrite concentrations, BOD/TKN ratio, dissolved oxygen concentration, temperature, alkalinity and pH. The following steps shall be considered in the design of the suspended growth reactor and the resulting calculations submitted to DEQ for review. If actual kinetic coefficients cannot be obtained, textbook values may be used for design.

(1) Select an appropriate safety factor to handle peak, diurnal and transient loadings (a minimum safety factor of 2.0 applied to design mean cell residence time is required).

(2) Select the mixed liquor dissolved oxygen (DO) concentration. The minimum acceptable level is 2.0 mg/l. Determine the amount of oxygen required to satisfy the nitrogenous oxygen demand. Provide a minimum of 4.6 mg O_2/mg N oxidized.

(3) Evaluate the requirement for pH control. Every mg/l of ammonium-nitrogen (NH4-N) oxidized will result in the destruction of 7.14 mg/l alkalinity.

(4) Estimate the maximum growth rate of nitrifying bacteria under the most adverse DO, pH and temperature conditions.

(5) Determine the design mean cell residence time with the safety factor (10-day is recommended).

(6) Predict the effluent nitrogen concentration.

(7) Determine the hydraulic retention time to achieve the necessary nitrogen concentration. A 10-hour retention time is needed to compensate for lower nitrification rates when wastewater temperatures are below 50 degrees F.

(c) **Separate-stage nitrification.** Design processes according to the requirements of 252:656 and submit all design calculations. Separate-stage suspended growth nitrification processes are similar in design to

the activated sludge process. Show the process factors, considering the following:

(1) Experimentally measured nitrification rates are more appropriate than theoretical rates.

(2) Nitrification rates increase as the temperature increases.

(3) Nitrification rates increase as the BOD/TKN ratio decreases.

(4) Nitrification rates are affected by pH.

(5) Nitrification rates vary from 0.05 to 0.6 lbs. NH_4-N oxidized per pound of MLVSS.

(d) **Biological phosphorus removal.** Design proprietary processes and submit all design calculations according to the manufacturer's recommendations or ~~*Wastewater Engineering: Treatment, Disposal & Reuse*~~ *Wastewater Engineering Treatment and Resource Recovery*, Metcalf & Eddy~~, Inc.~~ AECOM, ~~4th Edition (2003)~~ 5th Edition (2014).

(e) **Chemical phosphorus removal.**

(1) **Preliminary testing.** Laboratory, pilot, or full scale studies of various chemical feed systems and treatment processes are recommended for existing plant facilities to determine the achievable performance level, cost-effective design criteria, and ranges of required chemical dosages.

(2) **System flexibility.** Systems shall be designed with sufficient flexibility to allow for several operational adjustments in chemical feed location, chemical feed rates, and for feeding alternate chemical compounds.

(3) **Dosage.** The design chemical dosage shall include the amount needed to react with the phosphorus in the wastewater, the amount required to drive the chemical reaction to the desired state of completion, and the amount required due to inefficiencies in mixing or dispersion. Excessive chemical dosage should be avoided.

(4) **Chemical feed points.** Selection of chemical feed points shall include consideration of the chemicals used in the process, necessary reaction times between chemical and polyelectrolyte additions, and the wastewater treatment processes and components utilized. Flexibility in feed locations shall be provided to optimize chemical usage.

(5) **Flash mixing.** Each chemical must be mixed rapidly and uniformly with the flow stream. Where separate mixing basins are provided, they shall be equipped with mechanical mixing devices. The detention period shall be at least 30 seconds.

(6) **Flocculation.** The particle size of the precipitate formed by chemical treatment may be very small. Consideration shall be given in the process design to the addition of synthetic polyelectrolytes to aid settling. The flocculation equipment shall be adjustable in order to obtain optimum floc growth, control deposition of solids, and prevent floc destruction.

(7) **Liquid-solids separation.** The velocity through pipes or conduits from flocculation basins to settling basins shall not exceed 1.5 feet per second in order to minimize floc destruction. Entrance works to settling basins shall also be designed to minimize floc shear.

(8) **Sludge handling.** For design of the sludge handling system, special consideration shall be given to the type and volume of sludge generated in the phosphorus removal process.

(9) **Filtration.** Effluent filtration shall be provided where effluent phosphorus concentrations of 1 mg/l or less must be achieved.

SUBCHAPTER 17. CLARIFIER STANDARDS

252:656-17-2. Clarifier design considerations

(a) **Flow distribution.** Effective flow splitting devices and control appurtenances (i.e. gates, splitter boxes, etc.) shall be provided to permit proper proportioning of flow and solids loading to each unit throughout the expected range of flows.

(b) **Primary clarifier design criteria.** Primary clarifiers shall be placed downstream of flow distribution devices. Surface settling rates for primary tanks shall not exceed 1,000 gal/ft2/day at design average flows or 1,500 gal/ft2/day for peak hourly flows. Peak hourly flow is based upon a 2-hour sustained peak, as defined by ~~*Wastewater Engineering: Treatment, Disposal & Reuse*~~ *Wastewater Engineering Treatment and Resource Recovery*, Metcalf & Eddy, ~~Inc. 4th Edition (2003)~~ AECOM, 5th Edition (2014). The primary clarifier must have a minimum side water depth of twelve feet (12'). Clarifier sizing shall be calculated for both flow conditions and the larger surface area determined shall be used. Primary settling of normal domestic sewage can be expected to remove 30 to 35% of the influent BOD. However, anticipated BOD removal for sewage containing appreciable quantities of industrial wastes (or chemical additions to be used) shall be determined by laboratory tests and consideration of the quantity and character of the wastes.

(c) **Secondary clarifier design criteria.** See Appendix B.

(d) **Inlet structures.** Design inlets to prevent short-circuiting, to dissipate velocity and diffuse flow equally across the entire cross-section of the settling chamber. Design channels to maintain a velocity of at least 1 fps at one-half design flow. When scum ports in the inlet diffusion well baffle are provided, the elevation of the bottom edge of the ports shall be no lower than 0.10 feet below the elevation of the crest of the overflow weirs.

(e) **Weirs.** Overflow weirs shall be adjustable and level.

(1) **Location.** Locate overflow weirs to optimize hydraulic retention time and minimize short-circuiting.

(2) **Design rates.** Weir loadings shall not exceed 10,000 gal/linear foot/day for plants designed for average flows of 1.0 mgd or less. Higher weir loadings may be used for plants designed for larger average flows, but shall not exceed 15,000 gal/linear foot/day. Where the flow is pumped to the clarifier, the weir length shall be based on the average pump delivery rates to avoid short-circuiting.

(3) **Weir troughs.** Design weir troughs to prevent submergence at maximum design flow, and to maintain a velocity of at least 1 fps at one-half design flow.

(4) **Dewatering.** Provide the necessary piping and equipment to permit complete dewatering to the floor for the bypassing of individual units for maintenance and repair.

(5) **Freeboard.** Walls shall extend at least 6 inches above the surrounding ground surface and provide at least 12 inches of freeboard. Provide additional freeboard or wind screens for larger clarifiers subject to high velocity wind currents that would cause tank surface waves and inhibit scum removal.

TITLE 252. DEPARTMENT OF ENVIRONMENTAL QUALITY
CHAPTER 656. WATER POLLUTION CONTROL FACILITY CONSTRUCTION STANDARDS

RULE IMPACT STATEMENT

A. Statement of need for the rule change and legal basis supporting it.

The gist of this rule and the underlying reason for the rulemaking is to allow the electronic submittal of plans and specifications and engineering reports; update references to the 5th edition of Metcalf & Eddy's textbook titled "Wastewater Engineering Treatment and Resource Recovery"; allow for approval of designs of grit chambers with an engineering justification; update citations to other rules; clarify that a return sludge piping must provide a minimum four (4) inch discharge piping; and provide that for Category 6 reclaimed water that does not require a permit to supply, the reclaimed water must be drawn from the effluent of the final treatment process unit, with the intake located within or immediately downstream of the disinfection unit where disinfection is provided, shall only be used within the wastewater treatment plan

B. Classification of rule change (major/non-major), justification for that classification, and business cost estimate over the first five (5) years.

This rulemaking is non-major. There is no anticipated increase in business costs over the first five years, such that the business cost will not exceed the threshold of $1,000,000.00 over the initial five-year period following the promulgation, as defined in 75 O.S. § 303(D)(3)(b).

C. Description of the purpose of the proposed rule change, whether the change is mandated by federal law or is required to participate in or implement a federal program, and whether the change exceeds the requirements of the federal law.

The proposed changes are not required by federal law and do not exceed the requirements of federal law.

D. Description of the classes of persons who most likely will be affected by the proposed rule(s), including classes that will bear the costs of the proposed rule(s), and any n cost impacts received by the agency from any private or public entities.

Classes of persons affected are those who construct, own, operate, plan to operate, and/or maintain municipal or industrial wastewater treatment facilities, and that must obtain permits to treat, dispose, and reuse municipal and industrial wastewater. This will also affect customers of those systems, incarcerated persons, and any other persons who recreate in Oklahoma's waters.

E. Description of the classes of persons who will benefit from the proposed rule(s).

Classes of persons benefitted are those who construct, own, operate, plan to operate, and/or maintain municipal or industrial wastewater treatment facilities and that must obtain permits to treat, dispose, and reuse municipal and industrial wastewater. This will also affect customers of those systems, incarcerated persons, and any other persons who recreate in Oklahoma's waters.

F. Comprehensive analysis of the rule change's economic impact, including impacts to the full-time-employee count of the agency, costs or benefits, a quantification of implementation and compliance costs on the affected businesses, business sectors, public utility ratepayers, individuals, state or local governments, and on the state as a whole, with a listing of all fee changes and justification for each fee change.

DEQ expects no new significant economic impact on the affected classes of persons (including businesses, business sectors, public utility ratepayers, individuals, state or local governments, and the state as a whole) from this rulemaking. DEQ does not anticipate that this rulemaking will increase the full-time employee count.

G. Detailed explanation of methodology and assumptions used to determine the economic impact, including dollar amounts calculated.

DEQ's methodology in determining the conclusion is that the proposed changes include clarifications of existing rules and explicitly allow for electronic submissions to DEQ, making the submittal process faster and less costly.

H. Determination of whether implementation of the proposed rule(s) will have an economic impact on any political subdivisions or require their cooperation in implementing or enforcing the rule(s).

DEQ anticipates no economic impact on political subdivisions. No cooperation from political subdivisions is required to implement or enforce the rule.

I. Determination of whether implementation of the proposed rule(s) may have an adverse economic effect on small businesses as provided by the Oklahoma Small Business Regulatory Flexibility Act.

DEQ anticipates no adverse economic impact on small businesses.

J. Any measures taken by the agency to minimize cost and impact of the proposed rule change on business and economic development in the state, local governmental units, and for individuals.

There are no additional compliance costs expected due to this rule, and thus, no additional measures were taken by DEQ.

K. Determination of the effect of the proposed rule(s) on the public health, safety and environment and, if the proposed rule(s) is/are designed to reduce significant risks to the public health, safety and environment, an explanation of the nature of the risk and to what extent the proposed rule will reduce the risk.

The proposed changes will generally have a positive effect on public health, safety, and the environment by clarifying the existing rules and allowing for electronic submittal of plans and specifications and engineering reports.

L. Determination of any detrimental effect on the public health, safety, and environment if the proposed rule(s) is/are not implemented.

There will be no detrimental effect on public health, safety, and the environment if the proposed rule is not implemented.

M. Analysis of alternatives to adopting the rule.

The alternative to adopting the proposed rule changes is not to adopt the rule changes.

N. Estimates of the amount of time that would be spent by state employees to develop the rule and of the amount of other resources that would be utilized to develop the rule.

DEQ staff estimates more than 50 hours of professional time for rule development, including but not limited to rule drafting, legal review, informal public meetings, formally presenting rule changes to the Water Quality Management Advisory Council, managing public comment periods, and filing the final rule.

O. Summary and preliminary comparison of any existing or proposed federal regulations that are intended to address the activities to be regulated by the proposed rule.

The changes enhance the implementation of the Clean Water Act and corresponding regulations in Title 40 of the Code of Federal Regulations.

P. This rule impact statement was prepared on: October 30, 2025
Modified on:

TITLE 252. DEPARTMENT OF ENVIRONMENTAL QUALITY
CHAPTER 656. WATER POLLUTION CONTROL FACILITY CONSTRUCTION STANDARDS

EXECUTIVE SUMMARY:

The gist of this rule and the underlying reason for the rulemaking is to allow electronic submittal of plans and specifications and engineering reports; update references to Metcalf & Eddy; update wet weather flow equalization basin construction to require wet weather Flow Equalization Basins (FEBs) be located with the same requirements as lagoons to provide for groundwater protection; and, update return sludge piping language to specify that 4-inch piping is a minimum requirement.

DIFFERENCE FROM ANALOGOUS FEDERAL RULES:

Not applicable for this rulemaking

ENVIRONMENTAL BENEFIT STATEMENT:

This rulemaking maintains the current environmental benefits as provided by law. These rules are not more stringent than corresponding federal rules.

SUMMARY OF COMMENTS AND RESPONSES:

Kelsey Royce:
Ms. Royce asked how many permits a day DEQ staff reviews projects and whether the public can be notified when projects are under review by DEQ.

> DEQ Response: Ms. Royce's questions are generally outside the scope of the proposed rule. Nonetheless, there is no set number of permits per day that are reviewed. The duration of the review of a given permit can vary widely. DEQ typically reviews permits between 30 to 45 days, but there are often delays caused by deficiencies and late submissions. DEQ is developing a Permitting Dashboard for public access and notice of permits is published in local newspapers.

THE WATER QUALITY MANAGEMENT ADVISORY COUNCIL
RULEMAKING RECOMMENDATION
TO THE ENVIRONMENTAL QUALITY BOARD

Identification of Proposed Rulemaking:

Chapter Number and Title:
OAC 252:656 WATER POLLUTION CONTROL FACILITY CONSTRUCTION STANDARDS

On **December 2, 2025,** the members of this Council, by authority vested in them by the Oklahoma Environmental Quality Code (27 O.S. Sec. 2-2-201), by roll call vote, recommended to the Environmental Quality Board that the rulemaking described above be adopted as:

_____X _____ permanent [take effect after legislative review]

_____ emergency [temporary, to take effect upon approval by the Governor because of time]

This Council has considered the proposed rulemaking and comments about it and determined, to the best of its knowledge, that all applicable requirements of the Oklahoma Administrative Procedures Act have been followed.

This Council authorizes the Department to prepare this recommended rulemaking for the Board, making any changes approved by the Council, correcting typographical, grammatical and reference errors, and formatting them as required by the Office of Administrative Rules. This is to be done with the understanding that such changes shall neither alter the sense of what this Council recommends nor invalidate this recommendation.

Respectfully,

_____ Date Signed: 12/2/25
Chair or Designee

	VOTING TO APPROVE	VOTING AGAINST	ABSTAINING	ABSENT
Travis Archer	X			
Brian Duzan	X			
Ron Jarman	X			
Eric Lee	X			
Mary Elizabeth Mach	X			
Rick Moore				X
Andrew Pawlisz	X			
Todd Ray	X			
Kenneth Schwab	X			
Steve Sowers	X			
Debbie Wells				X

DRAFT MINUTES
WATER QUALITY MANAGEMENT ADVISORY COUNCIL
December 2, 2025
Oklahoma Department of Environmental Quality
Multipurpose Room
Oklahoma City, Oklahoma

Official WQMAC
Approved at the April 21, 2026 Meeting

Notice of Public Meeting – The Water Quality Management Advisory Council (WQMAC) convened for a Regular Meeting at 2:00 p.m. at the Oklahoma Department of Environmental Quality (DEQ), 707 North Robinson, Oklahoma City, Oklahoma. The meeting was held in accordance with the Open Meeting Act, with notice of the meeting given to the Secretary of State on October 24, 2024. The agenda was posted at DEQ twenty-four hours prior to the meeting. Mr. Brian Duzan, Chair, called the meeting to order. Ms. Quiana Fields called roll and confirmed that there was a quorum.

MEMBERS PRESENT
Travis Archer
Ron Jarman
Eric Lee
Mary Elizabeth Mach
Rick Moore
Andrew Pawlisz
Todd Ray
Kenneth Schwab
Steve Sowers
Brian Duzan

MEMBERS ABSENT
Debbie Wells

DEQ STAFF PRESENT
George Russell
Karen Steele
Mark Stasyszen
Brian Clagg
Patrick Rosch
Taryn Hurley
April Eberle
Afiya Wilkins
Jonathan Allen
John Brown
Isaac Cornelson
Greg Carr
Dustin Davidson
Gary Henry
Travis Herrian
Quiana Fields

OTHERS PRESENT
Marcy King, Court Reporter
Michelle Wynn, OSEE

Approval of Minutes from the September 23, 2025 Meeting – Mr. Duzan called for a motion to approve the September 23, 2025 minutes, Mr. Sowers moved to approve and Mr. Lee made the second.

See transcript pages 3-4

Travis Archer	Yes	Todd Ray	Yes
Ron Jarman	Yes	Kenneth Schwab	Abstain
Eric Lee	Yes	Steve Sowers	Yes
Mary Elizabeth Mach	Yes	Brian Duzan	Yes
Andrew Pawlisz	Yes		

Mr. Duzan introduced new member, Todd Ray to the Council.

See transcript page 4- 5

Council Meetings Schedule for Calendar Year 2026 – Mr. Duzan called for a motion to approve the 2026 Council dates: April 21, July 28, September 22 and December 8. Ms. Mach moved to approve and Mr. Lee made the second.

See transcript pages 5 - 6

Travis Archer	Yes	Todd Ray	Yes
Ron Jarman	Yes	Kenneth Schwab	Yes
Eric Lee	Yes	Steve Sowers	Yes
Mary Elizabeth Mach	Yes	Brian Duzan	Yes
Andrew Pawlisz	Yes		

PERMANENT RULEMAKING OAC 252:301 – LABORATORY ACCREDITATION – Ms. Taryn Hurley, Environmental Programs Manager of the SELSD, stated that after legislative and gubernatorial approval of changes to chapters 301, 302 and 307, during the 2025 legislative session, an unintended oversight by DEQ to timely publish a Permanent Rule Document in The Oklahoma Register as required by the Administrative Rules on Rulemaking and the Administrative Procedures Act resulted in a failure to promulgate the rule changes. As such, the rulemaking process must be repeated and DEQ staff is proposing the same changes as approved in the April 30, 2024, WQMAC meeting. These changes include updating the rule to modify the title, clarify program definitions, correct references and standardize language between other DEQ Lab Accreditation Program (LAP) rules. Additional proposed updates are to simplify the program renewal and application processes and fee calculations, remove the late application fee, and revise the annual accreditation period and timelines for submitting renewal applications and invoice payment. Other proposed changes are to update incorporations by reference for EPA methodologies and to make other amendments for conformity and added flexibility with method requirements under the EPA Primary Drinking Water regulations, National Standards for Solid Waste Methods, and EPA Test Procedures for the Analysis of Pollutants. DEQ is also proposing rule amendments clarifying accreditation groups and types, proficiency testing and laboratory assessments. Following questions and comments by the Council and none by the public, Mr. Duzan called for a motion. Mr. Sowers moved to approve, and Dr. Jarman made the second.

See transcript pages 6 - 16

Travis Archer	Yes	Todd Ray	Yes
Ron Jarman	Yes	Kenneth Schwab	Yes
Eric Lee	Yes	Steve Sowers	Yes
Mary Elizabeth Mach	Yes	Brian Duzan	Yes
Andrew Pawlisz	Yes		

PERMANENT RULEMAKING OAC 252:302 – FIELD LABORATORY ACCREDITATION – Ms. Hurley stated due to the need to repeat the previous rulemaking process, DEQ staff are proposing the same changes as approved in the April 30, 2024, WQMAC meeting. These changes include updating the rule to modify the title, clarify program definitions, correct references and standardize language between other DEQ LAP rules. Additional proposed updates are to simplify the program renewal and application processes and fee calculations and revise the annual accreditation period and timelines for submitting renewal applications and invoice payment. Other proposed changes are to update incorporations by reference for EPA methodologies and make amendments allowing more flexibility with method requirements under the national program for EPA Test Procedures for the Analysis of Pollutants. DEQ is also proposing rule amendments to clarify proficiency testing requirements. Hearing no comments by the Council or the public, Mr. Duzan called for a motion. Ms. Mach moved to approve and Mr. Schwab made the second.

See transcript pages 17 - 21

Travis Archer	Yes	Todd Ray	Yes
Ron Jarman	Yes	Kenneth Schwab	Yes
Eric Lee	Yes	Steve Sowers	Yes
Mary Elizabeth Mach	Yes	Brian Duzan	Yes
Andrew Pawlisz	Yes		

PERMANENT RULEMAKING OAC 252:307 – TNI LABORATORY ACCREDITATION – Ms. Hurley stated that due to the need to repeat the previous rulemaking process, DEQ staff are proposing the same changes as approved in the April 30, 2024, WQMAC meeting. These changes include updating the rule to modify the title, clarify program definitions, correct references and standardize language between other DEQ LAP rules. Additional proposed updates are to simplify the program renewal and application processes and fee calculations and revise the annual accreditation period and timelines for submitting renewal applications and invoice payment. Other proposed changes are to update incorporations by reference for EPA methodologies and make amendments allowing more flexibility with method requirements under the national program for EPA Test Procedures for the Analysis of Pollutants. DEQ is also proposing rule amendments to clarify proficiency testing requirements. Hearing no comments by the Council or the public, Mr. Duzan called for a motion. Mr. Lee moved to approve, and Mr. Sowers made the second.

See transcript pages 21 - 25

Travis Archer	Yes	Todd Ray	Yes
Ron Jarman	Yes	Kenneth Schwab	Yes
Eric Lee	Yes	Steve Sowers	Yes
Mary Elizabeth Mach	Yes	Brian Duzan	Yes
Andrew Pawlisz	Yes		

OAC 252:606 – OKLAHOMA POLLUTANT DISCHARGE ELIMINATION SYSTEM (OPDES) STANDARDS – Mr. Brian Clagg, Environmental Programs Manager of the WQD, stated that the DEQ will be proposing to update the federal rules incorporated by reference from July 8, 2024, to January 17, 2025. The regulatory changes are minor in nature, primarily consisting of grammar and style changes.

DEQ is proposing updating the section on fees. Currently, Consumer Price Index (CPI) adjustments are made on July 1st every year for individual discharge permits and individual permit fees for industrial users. The proposed update is to apply the CPI to stormwater and other general discharge permit fees.

DEQ is proposing adding and modifying definitions to Subchapter 1. INTRODUCTION, as well as adding language to SUBCHAPTER 6. POINT SOURCE DISCHARGES for determination of reasonable potential for selenium and changing language to disallow monitoring frequency reductions for a parameter when the receiving water is impaired for that parameter. Equation L-9a for calculating the toxic substance chronic numerical criterion long-term average is proposed to be added to Appendix L as well as Equations L-12 and L-13 for converting from fish tissue to water column for selenium criteria. Following questions and comments by the Council and by the public, Mr. Duzan called for a motion. Dr. Jarman made a motion to approve and Mr. Russell interrupted to add to the motion a correction "of long-term" and Ms. Mach made the second.

See transcript pages 25 - 48

Travis Archer	Yes	Todd Ray	Yes

Ron Jarman	Yes	Kenneth Schwab	Yes
Eric Lee	Yes	Steve Sowers	Yes
Mary Elizabeth Mach	Yes	Brian Duzan	Yes
Andrew Pawlisz	Yes		

OAC 252:626 – PUBLIC WATER SUPPLY CONSTRUCTION STANDARDS – Mr. Clagg stated that the DEQ is proposing to update the rule to allow electronic submittal of plans and specifications and engineering reports; update references to International Fire Code (IFC) and American Water Works Association (AWWA); and to correct typographical errors and update other incorrect references.

Proposed updates to SUBCHAPTER 9. TREATMENT include providing a specific reference to the sedimentation portion of the clarification section; removing the "maximum detention time of the rapid mix basin, at design flow is 30 seconds" and replacing with "provide good mixing of the raw water with the chemicals applied and prevent deposition of solids in the mixing zone", and, adding language noting a rapid mix detention time of not more than 30 seconds.

A proposed update removes the word "Slow" from the title of Appendix E. Following questions and comments by the Council and the public, Mr. Duzan called for a motion. Ms. Mach made a motion and Mr. Sowers made the second.

See transcript pages 48 - 62

Travis Archer	Yes	Todd Ray	Yes
Ron Jarman	Yes	Kenneth Schwab	Yes
Eric Lee	Yes	Steve Sowers	Yes
Mary Elizabeth Mach	Yes	Brian Duzan	Yes
Andrew Pawlisz	Yes		

OAC 252:627 – OPERATION AND MAINTENANCE OF WATER REUSE SYSTEMS – Mr. Clagg stated that the DEQ is proposing to update the rule to include Consumer Price Index (CPI) language allowing for the annual adjustment of fees based on the CPI. This will ensure consistently amongst the rules that require annual fees. Hearing no questions or comments by the Council or the public, Mr. Duzan called for a motion. Mr. Lee moved to approve and Mr. Schwab made the second.

See transcript pages 62 - 64

Travis Archer	Yes	Todd Ray	Yes
Ron Jarman	Yes	Kenneth Schwab	Yes
Eric Lee	Yes	Steve Sowers	Yes
Mary Elizabeth Mach	Yes	Brian Duzan	Yes
Andrew Pawlisz	Yes		

OAC 252:656 – WATER POLLUTION CONTROL FACILITY CONSTRUCTION STANDARDS – Mr. Clagg stated that the DEQ is proposing to update the rule to allow electronic submittal of plans and specifications and engineering reports and to update references to Metcalf & Eddy.

Proposed updates to SUBCHAPTER 13. PRELIMINARY TREATMENT STANDARDS allows consideration of other designs regarding detention times in Vortex-type grit chambers which may be authorized with engineering justification; and, regarding wet weather flow equalization basin

construction, adds a citation requiring Flow Equalization Basins (FEBs) be located with the same requirements as lagoons to provide for groundwater protection.

A proposed update to SUBCHAPTER 16. BIOLOGICAL TREATMENT STANDARDS specifies that 4-inch piping is a minimum requirement for return sludge piping. A proposed update to SUBCHAPTER 27. WATER REUSE specifies that Category 6 reclaimed water must be drawn from the effluent of the final treatment process unit, with the intake located within or immediately downstream of the disinfection unit where disinfection is provided. Following questions and comments by the Council and by the public, Mr. Duzan called for a motion. Ms. Mach made a motion to approve the rules with the exception of the 13-2(g)(2), engineering justification and section 17 requiring a reuse location and Mr. Russell added to the motion to change date from 2014 to 2024 and Mr. Lee made the second.

See transcript pages 64 - 82

Travis Archer	Yes	Todd Ray	Yes
Ron Jarman	Yes	Kenneth Schwab	Yes
Eric Lee	Yes	Steve Sowers	Yes
Mary Elizabeth Mach	Yes	Brian Duzan	Yes
Andrew Pawlisz	Yes		

Mr. Duzan mentioned that Chapter 730 and 740 (items #12 & #13 on the agenda) will not be discussed at today's meeting, due to some late comments.

See transcript pages 82 - 83

DIRECTOR'S REPORT – Mr. George Russell, Division Director of the WQD, provided an update on division activities.

See transcript pages 83 - 91

NEW BUSINESS – None

ANNOUNCEMENTS – The next scheduled meeting is on Tuesday, April 21, 2026, 2:00p.m. at DEQ.

ADJOURNMENT – Mr. Duzan called for a motion to adjourn. Mr. Sowers moved to adjourn and Dr. Jarman made the second. The meeting was adjourned at 3:42 p.m.

See transcript page 91 - 92

Travis Archer	Yes	Todd Ray	Yes
Ron Jarman	Yes	Kenneth Schwab	Yes
Eric Lee	Yes	Steve Sowers	Yes
Mary Elizabeth Mach	Yes	Brian Duzan	Yes
Andrew Pawlisz	Yes		

Transcript and Attendance Sheets are attached as an official part of these Minutes.

Page 1

DEPARTMENT OF ENVIRONMENTAL QUALITY
WATER QUALITY MANAGEMENT ADVISORY COUNCIL MEETING
ON DECEMBER 2, 2025 AT 2:00 P.M.
IN OKLAHOMA CITY, OKLAHOMA

REPORTED BY: MARCY A. KING, CSR, RPR

Page 2

CHAIRPERSON MR. DUZAN: The Water Quality Management Advisory Council was called in accordance with the Open Meeting Act. Notice for the December 2nd, 2025 regular meeting was filed with the Secretary of State on October 24th, 2024. The agenda was duly posted to the DEQ at least 24 hours prior to the meeting. Only matters appearing on the posted agenda may be considered at this regular meeting. In the event that this meeting is continued or reconvened, public notice of the date, time and place of the continued meeting will be given by announcement at this meeting. Only matters appearing on the agenda of a meeting which is continued may be discussed at the continued or reconvened meeting. And that's the call to order. Roll call.

MS. FIELDS: Mr. Archer.
MR. ARCHER: Here.
MS. FIELDS: Dr. Jarman.
DR. JARMAN: Here.
MS. FIELDS: Mr. Lee.
MR. LEE: Here.
MS. FIELDS: Ms. Mach.
MS. MACH: Here.
MS. FIELDS: Dr. Moore is absent.

Page 3

Mr. Pawlisz.
MR. PAWLISZ: Here.
MS. FIELDS: Mr. Ray.
MR. RAY: Here.
MS. FIELDS: Mr. Schwab.
MR. SCHWAB: Here.
MS. FIELDS: Mr. Sowers.
MR. SOWERS: Present.
MS. FIELDS: Ms. Wells is absent.
Mr. Duzan.
CHAIRPERSON MR. DUZAN: Here.
We have a quorum.

CHAIRPERSON MR. DUZAN: Okay. The next thing we'll go on to is the approval of the minutes from our last September 23rd meeting.

MR. SOWERS: I make a motion to approve.

MR. LEE: Second.

CHAIRPERSON MR. DUZAN: We have a motion and a second. We'll have a vote.

MS. FIELDS: Mr. Archer.
MR. ARCHER: Yes.
MS. FIELDS: Dr. Jarman.
DR. JARMAN: Yes.
MS. FIELDS: Mr. Lee.

Page 4

MR. LEE: Yes.
MS. FIELDS: Ms. Mach.
MS. MACH: Yes.
MS. FIELDS: Mr. Pawlisz.
MR. PAWLISZ: Yes.
MS. FIELDS: Mr. Ray.
MR. RAY: Yes.
MS. FIELDS: Mr. Schwab.
MR. SCHWAB: Abstain.
MS. FIELDS: Mr. Sowers.
MR. SOWERS: Yes.
MS. FIELDS: Mr. Duzan.
CHAIRPERSON MR. DUZAN: Yes.
MS. FIELDS: Motion passed.

CHAIRPERSON MR. DUZAN: Okay. Before going on I understand that we do have a new member to the meeting to our council. So if you would like to kind of give us your name and your background.

MR. RAY: Yes, sir. I'm Todd Ray. I've been in the water industry for about 21 years. I've worked for the City of Ada for five, and then I've been in Pontotoc County rural water for 16 years. I sat on the Oklahoma Rural Water Association Board for two years. I also sat on an

Page 5

executive committee there.
CHAIRPERSON MR. DUZAN: Okay. Glad to have you on board, and I'm sure you're going to bring a lot of valuable insight to what we do here.
MR. RAY: Yes, sir. Thank you.
CHAIRPERSON MR. DUZAN: The next thing on the list is the meeting schedule for the calendar year of 2026, which is in the agenda. Do I have any questions or comments? Then I'll make a motion to approve them as listed.
MS. MACH: Motion to agree.
MR. LEE: Second.
CHAIRPERSON MR. DUZAN: We have a motion and a second. We'll have a vote.
Ms. FIELDS: Mr. Archer.
MR. ARCHER: Yes.
MS. FIELDS: Dr. Jarman.
DR. JARMAN: Yes.
MS. FIELDS: Mr. Lee.
MR. LEE: Yes.
MS. FIELDS: Ms. Mach.
MS. MACH: Yes.
MS. FIELDS: Mr. Pawlisz.
MR. PAWLISZ: Yes.

Page 6

MS. FIELDS: Mr. Ray.
MR. RAY: Yes.
MS. FIELDS: Mr. Schwab.
MR. SCHWAB: Yes.
MS. FIELDS: Mr. Sowers.
MR. SOWERS: Yes.
MS. FIELDS: Mr. Duzan.
CHAIRPERSON MR. DUZAN: Yes.
MS. FIELDS: Motion passed.
Mr. DUZAN: Okay. Now moving on to the bulk of what we're here for, Permanent Rulemaking OAC 252:301, Laboratory Accreditation. And I believe we have a presentation from Taryn Hurley.
Taryn.
MS. HURLEY: Good afternoon. I am Taryn Hurley and I'm the environmental program manager for the State Environmental Laboratory Services Division. This afternoon I'll be presenting discussion for permanent rulemaking for Chapters 301, 302, and 307 for the Laboratory Accreditation Program, or LAP.
The rulemaking that I'm presenting today has previously been approved by this council during the April 30th, 2024 session. After

Page 7

legislative and gubernatorial approval of changes to Chapters 301, 302 and 307 during the 2025 legislative session an unintended oversight by DEQ to timely publish a permanent rule document in the Oklahoma Register, as required by the administrative rules on rulemaking, and the Administrative Procedures Act resulted in failure to promulgate the rule changes.
As such, the rulemaking process must be repeated, and DEQ staff are proposing the same changes as previously approved. In the original performance of this rulemaking, the Laboratory Accreditation Program worked to ensure that private and publicly owned laboratories in these programs were notified of the proposed changes, and had ample opportunity to be engaged in the process either of being able to ask questions or through providing public comment.
After the original March 15th, 2024 publication of the draft proposed rule text and the notices of rulemaking intent in the Oklahoma Register in the Office of Administrative Rules, and on the DEQ WQMAC web page, LAP staff did the following.
LAP staff did the following one. On

Page 8

March 18th, 2024 all 696 LAP contacts were notified via email about two upcoming in-person proposed rulemaking meetings. Then, on March 19th, the primary point of contact for each of the eight in-state labs in our TNI program were specifically emailed to invite them to the in-person meetings. On March 22nd, all LAP contacts were emailed a copy of the LAP quarterly newsletter, which included notice of the upcoming proposed rulemaking, the upcoming in-person meetings, and an opportunity to join a future zoom meeting.
At the end of March, two informal in-person meetings regarding the proposed rules were held. The first was conducted here at DEQ on March 26th, 2024 with 17 attendees. Our second meeting was held March 28th, 2024 in Tulsa at the Mohawk Water Treatment Plant with 16 attendees.
On April 3rd, 2024 an email invitation link to join the online meeting on April 17th, 2024 was sent to the 152 accredited labs. The online meeting had 21 attendees.
During these meetings attendees were provided, one, a summary of the proposed changes for each rule. Two, the primary expected impacts

Page 9

to laboratories. Three, guidance to where the proposed rule text could be reviewed on the DEQ website. Four, how and when they could provide formal written and oral comment. And five, opportunities to ask questions about the proposed changes. After identification of the administrative error in necessitating this repeat rulemaking, the same draft proposed rule text and notices of rulemaking intent were published in the Oklahoma Register and placed on the DEQ WQMAC webpage in October of 2025.

As I discuss, the proposed changes for all three laboratory accreditation program chapters, you will hear identical or nearly identical items multiple times. This is due to our efforts to improve and update all chapters holistically to ensure that definitions, language and requirements are aligned with one another where possible.

We expect these changes will improve the accessibility and ease of use for our customers, particularly when making changes to their existing accreditations, and for our LAP staff when pursuing future rulemaking as necessary.

Page 10

For OAC 252:301, DEQ staff is first proposing to modify the chapter name from Laboratory Accreditation to State of Oklahoma Laboratory Accreditation to be more descriptive of the specific accreditation program, and to clarify the differences among the three accreditation program chapters 301, 302 and 307. Chapter 301 is the state accreditation program that offers a wide range of parameters that range across scientific disciplines and technologies and accommodates analysis of drinking water.

Under Subchapter 1, General Provisions, proposed amendments are to clarify program definitions and to standardize definitions and terminology between the three LAP chapters and Oklahoma Statute 27A.

Subchapter 301-1-5 reduces the groups for which accreditation can be requested from three groups to two. Drinking water and general environmental.

The general environmental group will cover the previous general water quality and petroleum hydrocarbons groups resulting in the revocation of Section 301-1-8. The department also proposes to amend 301-1-9 fees to simplify

Page 11

the calculation of application and renewal fees. Note that no new or increased fees are proposed.

The most significant proposal is the addition of the new Section, 301-1-10, changing the accreditation period to a calendar year cycle of January through December from the historical September through August cycle. This change of accreditation period is also proposed for the other LAP rules.

DEQ proposes amendments to sections of Subchapter 3, the laboratory accreditation process to update accreditation application steps. This includes updating the date for submitting renewal application materials and proficiency testing reports to September 15th from June 15th to accommodate the changing accreditation period, and on removing the requirement for submitting fees with the application.

The proposed change of the renewal cycle will permit renewal fees to be determined based on the laboratory's requested scope of accreditation and not based on their existing scope of accreditation.

Renewal invoices will have the invoice due date set to December 15th following

Page 12

application and review, and will result in reducing inaccurate invoices and payments, and ultimately providing more timely processing and issuing of certificates.

Amendments in Subchapter 5 include language and terminology changes, such as exchanging assessment for evaluation or audit for improving consistency among all LAP rules. A proposed change in Section 301-5-4 will add a specification that the only assessors that will be deemed acceptable to DEQ for out-of-state assessments will be assessors from a nationally recognized governmental TNI accreditation body. This change will ensure that assessments for accredited laboratories under this chapter are all performed uniformly, and with the same quality of assessments and technical resources regardless of location.

Another change is for on-site assessments to occur approximately once every three years instead of every two. This will both reduce costs for these laboratories as well as align the frequency of assessments under this rule with the frequency of EPA drinking water laboratory audits.

Page 13

Subchapter 7 has been amended to reduce ambiguity of current requirements for proficiency testing. Section 301-7-13 PT report deadline was revoked as this was addressed under amendments mentioned earlier. There is no change in PT frequency requirements.

Proposed amendments to the quality assurance quality control Subchapter 9 are to update incorporations by reference for EPA methodologies, and to add clear flexibility to offer accreditation for other approved methods under the EPA primary drinking water regulations, test methods for evaluating Solid Waste, Laboratory Physical or Chemical Methods and EPA test procedures for the analysis of pollutants.

Additional changes in the proposed rule text will correct typographical and grammatical errors, including removing the word "the" from the front of DEQ for consistency with other DEQ rules.

In the original rulemaking there was one written comment noting a typographical error that was corrected in the draft text. No comments have been received as part of this recent rulemaking.

In conclusion, DEQ is asking the

Page 14

council to recommend the environmental quality board this permanent rulemaking for Chapter 301.

CHAIRPERSON MR. DUZAN: Okay. Thank you. Any questions or comments from the council?

MR. LEE: I do have one on -- you're talking about consistency under 7-18 corrective action. It looks like throughout the document we used words to describe numbers, and we put the numbers in parenthesis. And then whatever the noun is, or the days or hours, whatever after that, and here we're striking and getting rid of the text on 45 days. So I'm just curious, is that going to be the new consistency, is getting rid of the words in front of the numbers?

MS. HURLEY: On 301 7-18?

MR. LEE: Yes.

MS. HURLEY: Sorry. My copy of the draft text does not have 45 struck out.

MR. LEE: Okay. Maybe I have an old version.

MS. HURLEY: I'll check it.

MR. LEE: Okay. Thank you.

CHAIRPERSON MR. DUZAN: Now, I guess my question is is the -- we're currently engaged in

Page 15

our renewal now that is following the new rules, which aren't really official.

MS. HURLEY: So we aren't following the new rules. We did just -- we did move forward with some administrative changes that the legal team felt that we could move forward within our existing rules to try to streamline the customer experience because they were expecting the rules to be promulgated in September 2025 and we didn't want to direct them back. We didn't feel like that would be appropriate, so we found where we could administratively continue.

CHAIRPERSON MR. DUZAN: Was that just -- because all of the labs were on board with the new cycle. And then all of a sudden we're back to the old cycle.

MS. HURLEY: We decided to administratively move to the new cycle, because we do have the authority to do so, but we wanted the transparency of putting it into our rules for future rulemaking so that we could carry that forward, and it would be easier for our customers to understand.

CHAIRPERSON MR. DUZAN: Okay. Any other questions or comments from the council?

Page 16

Questions or comments from the public? Okay. I will entertain a motion.

MR. SOWERS: Motion to approve.

DR. JARMAN: Second.

CHAIRPERSON MR. DUZAN: Okay. We have a motion and a second. We'll have a vote.

MS. FIELDS: Mr. Archer.

MR. ARCHER: Yes.

MS. FIELDS: Dr. Jarman.

DR. JARMAN: Yes.

MS. FIELDS: Mr. Lee.

MR. LEE: Yes.

MS. FIELDS: Ms. Mach.

MS. MACH: Yes.

MS. FIELDS: Mr. Pawlisz.

MR. PAWLISZ: Yes.

MS. FIELDS: Mr. Ray.

MR. RAY: Yes.

MS. FIELDS: Mr. Schwab.

MR. SCHWAB: Yes.

MS. FIELDS: Mr. Sowers.

MR. SOWERS: Yes.

MS. FIELDS: Mr. Duzan.

CHAIRPERSON MR. DUZAN: Yes.

MS. FIELDS: Motion passed.

Page 17

CHAIRPERSON MR. DUZAN: Okay. We're going to move now on to 252:302, the field laboratory accreditation.

Taryn.

MS. HURLEY: Thank you.

All the public participation that was described in relation to the previous rulemaking applies to this chapter. For OAC 252:302 DEQ staff is proposing to modify the chapter name from Field Laboratory Accreditation to Industrial Discharge Laboratory Accreditation so it will be more descriptive of this accreditation program, and to clarify the differences among the three accreditation program chapters.

Chapter 302 was originally implemented in 2013, and is the state accreditation program that offers a narrow scope of accreditation that is strictly limited to the analysis of non-potable water, it is mostly for analyses that are performed within very short holding times. Typically these are analyses such as ph, chlorine, turbidity, dissolved oxygen or temperature that must be tested within 15 minutes of sample collection.

The laboratories in this program are

Page 18

primarily on-site facility laboratories that report data to DEQ for Clean Water Act compliance.

Under Subchapter 1, General Provisions, the proposed amendments are to clarify and standardize program definition and terminology between the three LAP chapters and Oklahoma statute under Title 27A. The fee for submitting late renewal applications was removed in Section 302-1-5. If this chapter modification is approved and becomes effective, laboratories that missed their deadline would be required to reapply through the initial accreditation process. No additional or increased fees are included.

As with Chapter 301, the most significant proposal is the addition of the new Section, 302-1-6 changing the accreditation period to a calendar year running from January to December from the historical September through August cycle.

Issued certificates would reflect the effective date of January 1st and expire December 31st of each year.

DEQ proposes amendments in sections of Subchapter 3, the laboratory accreditation process, to update the accreditation application

Page 19

process. This includes striking language requiring application fees to be submitted with the application materials. Updating the date for submitting renewal application materials to September 15th from June 15th, and adding a December 15th deadline for invoice payment. The proposed change of the renewal cycle period will allow for more timely processing and issuing of certificates.

A proposed amendment in Section 302-9-25 of the quality assurance/quality control subchapter would allow the LAP to update incorporations by reference for other EPA approved methodologies, adding flexibility for both the LAP and the impacting laboratories to meet regulatory changes and needs.

Additional proposed changes will also update text including replacing the word "field" with "industrial discharge," and correct the typographical and grammatical errors, including removing the word "the" from the front of DEQ for consistency with other required DEQ rules. No comments have been received as part of this rulemaking.

In conclusion, DEQ is asking the

Page 20

council to recommend to the Environmental Quality Board this permanent rulemaking for Chapter 302.

CHAIRPERSON MR. DUZAN: Okay. Thank you. I notice that you just got your green button on so you're going to have to repeat everything in the first part.

MS. HURLEY: Please, no.

CHAIRPERSON MR. DUZAN: Okay. Questions or comments from the council on 302?

Questions or comments from the public?

Then we'll entertain a motion.

MS. MACH: Motion to agree.

MR. SCHWAB: Second.

CHAIRPERSON MR. DUZAN: We have a motion and a second. We'll vote.

MS. FIELDS: Mr. Archer.

MR. ARCHER: Yes.

MS. FIELDS: Dr. Jarman.

DR. JARMAN: Yes.

MS. FIELDS: Mr. Lee.

MR. LEE: Yes.

MS. FIELDS: Ms. Mach.

MS. MACH: Yes.

MS. FIELDS: Mr. Pawlisz.

MR. PAWLISZ: Yes.

Page 21

MS. FIELDS: Mr. Ray.
MR. RAY: Yes.
MS. FIELDS: Mr. Schwab.
MR. SCHWAB: Yes.
MS. FIELDS: Mr. Sowers.
MR. SOWERS: Yes.
MS. FIELDS: Mr. Duzan.
CHAIRPERSON MR. DUZAN: Yes.
MS. FIELDS: Motion passed.
CHAIRPERSON MR. DUZAN. Okay. Now moving on to 252:307, TNI Laboratory Accreditation.
Taryn.
MS. HURLEY: Thank you.
All the public participation that was described in relation to the previous rulemaking applies to this chapter. For OAC 252:307 DEQ staff is again proposing to modify the chapter name. The change from TNI Laboratory Accreditation to National TNI Laboratory Accreditation will make this accreditation program distinguishable from the two state accreditation program chapters 301 and 302.
As with the prior rules discussed today under 307, Subchapter 1, General Provisions, the

Page 22

proposed amendments are to clarify and standardize program definition and terminology between the three LAP chapters and Oklahoma Statute Title 27A and to change the accreditation period to a calendar year January 1st to December 31st, with certificates issued accordingly with these effective date ranges.
Amendments to 307-1-4 will add clear flexibility for the LAP to incorporate other EPA-approved analytical methods for accreditation, thereby increasing program utility. In Section 307-1-7 Annual Fees fee calculations are simplified, and the existing fee for a late application is removed.
If this chapter modification is approved and becomes effective, laboratories that missed their deadline would be required to reapply through the initial accreditation process. No new or increased fees are included.
DEQ proposes amendments to sections of Subchapter 3, the laboratory accreditation process to update accreditation application steps, including removing language requiring submittal of application fees with their application materials, and changing the process so the laboratory will be

Page 23

invoiced after LAP review of their application materials.
In Section 307-3-6 amendments include updating the date for submitting renewal application materials to September 15th from June 15th, and adding a December 15th deadline for invoice payment prior to certificate issuance.
The proposed changes will allow annual fees to be more accurately invoiced based on the laboratory's requested scope of accreditation, and not based on their existing scope of accreditation. This will result in the reduction of payment and invoice errors while providing more timely processing and issuance of certificates.
In Subchapter 9, Part 1, Proficiency Testing, the proposed amendments will not change the existing program requirements for proficiency testing, but will add clarity for users. The new Section 307-9-12 will be added to provide guidance to labs when a NELAP/TNI recognized proficiency test sample is not available for a particular analyte or matrix for which the laboratory seeks accreditation.
Additional proposed changes will also update text and correct typographical

Page 24

and grammatical errors including removing the word "the" from the front of DEQ for consistency with other DEQ rules.
One written comment was received today, December 2nd, requesting specific incorporation of the analytical methodologies listed in 40 CFR Section 141.21(f)(3). DEQ appreciates this comment, but the methodologies listed in 40 CFR Section 141.21(f)(3) are already included in the proposed draft text which incorporates by reference 40 CFR, Part 141.
In conclusion, DEQ is asking the council to recommend the environmental quality board this permanent rulemaking for Chapter 307.
CHAIRPERSON MR. DUZAN: Okay. Thank you. Questions or comments from the council?
Questions or comments from the public?
Entertaining a motion.
MR. LEE: Motion to approve.
MR. SOWERS: Second.
CHAIRPERSON MR. DUZAN: We have a motion and a second. We'll have a vote.
MS. FIELDS: Mr. Archer.
MR. ARCHER: Yes.

Page 25

MS. FIELDS: Dr. Jarman.
DR. JARMAN: Yes.
MS. FIELDS: Mr. Lee.
MR. LEE: Yes.
MS. FIELDS: Ms. Mach.
MS. MACH: Yes.
MS. FIELDS: Mr. Pawlisz.
MR. PAWLISZ: Yes.
MS. FIELDS: Mr. Ray.
MR. RAY: Yes.
MS. FIELDS: Mr. Schwab.
MR. SCHWAB: Yes.
MS. FIELDS: Mr. Sowers.
MR. SOWERS: Yes.
MS. FIELDS: Mr. Duzan.
CHAIRPERSON MR. DUZAN: Yes.
MS. FIELDS: Motion passed.
Mr. DUZAN: Okay. Thanks very much, Taryn.
MS. HURLEY: Thank you.
CHAIRPERSON MR. DUZAN: We're going to move on to Item 8 now, which is 252:606. The Oklahoma Pollutant Discharge Elimination Systems Standards, and Brian Clagg is going to move the discussion.

Page 26

MR. CLAGG: All right. Good afternoon, Council.
All of the remaining rules being presented today were discussed at the September 23rd, 2025 council meeting. I would also like to note that we conducted two informal public meetings regarding these proposed rules. One was conducted on October the 2nd here at DEQ at our office where we had approximately 19 attendees and the second was conducted on October the 8th in Tulsa at the Centennial Center in Veterans Park where approximately 10 attended.
So the first rule is OAC 252:606. This is our Oklahoma Pollutant Discharge Elimination System standards, and your binders include a tab for the Rule Impact Statement, Notice of Rulemaking Intent, and the draft text.
So I'll begin with Subchapter 1 introduction. Proposed changes include adding and modifying certain definitions. These include modifying the definition of beneficial use so it matches the current definition of beneficial use in Chapter 730, and so it is clear that this pertains to classifications of the waters of the state and does not deal with biosolids. We are

Page 27

proposing adding a definition for regulatory low flow, which is an important condition of a stream for setting permit discharge limits, defining 30Q2, the 30 day low flow of a stream likely to occur with a 50 percent probability each year, and modifying QE30 defining how it is calculated for intermittent dischargers, and denoting that the QU 30Q2 means the same as the 30Q2.
DEQ is also proposing an update of the federal rules incorporated by reference from July 8th, 2024 to January 17th, 2025. The regulatory changes are minor in nature and primarily consist of grammar and style changes.
Next is Subchapter 3, which is titled Discharge Permitting Process for Individual and General Discharge Permits. DEQ is proposing updating the section on fees. Currently consumer price index adjustments are made on July 1st every year for individual discharge permits and individual permit fees for industrial users. This proposed update is to apply the CPI to stormwater and other general discharge permit fees.
Next is Subchapter 6 titled Point Source Discharges. Proposed changes include

Page 28

replacing 7Q2 with regulatory low flow in several sections, and modifying 252:606-6-52 to state the design flow used for permitting purposes "shall," instead of "will," not exceed approved design flow in the water quality management plan.
Additional proposed changes to 252:606-6-53 titled "Q* ratio for the implementation of numerical criteria for toxic substances to protect the Fish and Wildlife Propagation beneficial use. To this we add language that the Q* ratio is for, quote, "All toxic substances unless otherwise specified in this section," end quote.
Section 252:606-6-55 which is titled "Wasteload allocations for the implementation of numeric criteria for toxic substances to protect the Fish and Wildlife Propagation beneficial use" simply has a correction for a typographical error.
Section 252:606-6-91 includes new language stating that, quote, "Performance based monitoring frequency reductions for water bodies with an impairment shall not be permitted for the impaired parameter."
Lastly, the DEQ did receive written comments on Chapter 606 from the Environmental

Page 29

Federation of Oklahoma. The DEQ is working on responses to the comments received. Copies of the comments are found under a tab in the back of your binders.

In conclusion, DEQ is asking the council to recommend to the Environmental Quality Board this permanent rulemaking for Chapter 606.

CHAIRPERSON MR. DUZAN: Thank you. Questions, comments from the council?

MR. LEE: Yeah, Brian. Is it DEQ's intention to remove the term beneficial use in front of biosolids?

MR. CLAGG: I think --

MR. LEE: Will that phrase, "beneficial use of biosolids" still be an acceptable phrase?

MR. CLAGG: I told Karen that I would talk to you, but she might want to come up and address this one.

MR. LEE: Okay. And let me put some context into this. Just why I'm asking is in 606-1-1(c)(4) it says, "Beneficial use of biosolids" so I didn't know if we were continuing to use that phrase with biosolids or the DEQ's intent was to at some point move to like

Page 30

beneficial reuse or some other term to add clarity to that.

MR. ROSCH: Thanks for the question, Mr. Lee. It was not our intent to introduce any more confusion into the discussion. Knowing that it's beneficial use for stream protection and beneficial use of biosolids, those terms are pretty widely used. So we might need to add another definition to make that distinction a little more clear. The main intent for the change that we're proposing now was just to make the beneficial use for stream protection consistent with other chapters.

MR. LEE: Okay.

CHAIRPERSON MR. DUZAN: Okay. If you could go ahead and state your name for the --

MR. ROSCH: Oh, Patrick ROSCH with the DEQ Water Quality Division.

CHAIRPERSON MR. DUZAN: Any other -- more questions?

MR. LEE: Yeah. I'm sorry. Did you want to go?

DR. JARMAN: No. Go ahead.

MR. LEE: In the technical definitions under QU LTA the term that was

Page 31

stricken was long-term, and then it was substituted with long time. But then below that in QU STA short-term was stricken I guess, and short-term was added again. So is it a long time or long-term?

MR. ROSCH: Could you repeat that?

MR. LEE: Yeah. Under the technical definitions under QU there's QU LTA and STA. And so the way it was shown before was maybe long term without a hyphen in between.

MR. ROSCH: Yeah. I think it should be long-term there. They were just adding the hyphen so it's like the second one.

MR. LEE: Okay.

MR. CLAGG: Yeah.

DR. JARMAN: Well, Brian, did regulatory low flow definition indicates two different methods. The 7 Q2, which has historically been used across the board, and adding 30Q2. When is the decision on which measurement would be used, and who's making the decision in a permitting program?

MS. STEELE: Hi. I'm Karen STEELE. I am the clean water administrator in the Water Quality Division. So this regulatory low

Page 32

flow definition was introduced in anticipation of changes being proposed in Chapter 730 and Chapter 740. We'll talk more about what's happening with those later in the meeting. But in short, those are being pulled back for consideration today. However, we chose to keep this language for regulatory low flow in the 30Q2 language so that there was no -- there's no real impact for these rules right now. But in the future should those changes be made in 730 and 740, there would be limited changes to Chapter 606 needed in the future.

DR. JARMAN: The second part of my question was, who makes the decision in a permit -- this is -- this section addresses the discharge permitting, right?

MS. STEELE: Correct.

DR. JARMAN: So do we need some clarity in this section on who would make that decision?

MS. STEELE: So that clarity currently exists in Chapter 730 and 740 as it is currently -- as it currently is.

DR. JARMAN: Okay. Thank you.

MS. STEELE: Thank you.

Page 33

CHAIRPERSON MR. DUZAN: Okay. Any other questions or comments from the council?

MR. PAWLISZ: Yes. Along the same theme, if I may, and that's regarding the purpose of passing 7Q2 and 30Q2, and recognizing the clear discussion about Chapter 730 and 740 today. But nonetheless, if you read Section 252:606-6-53 under Subcategory 1, and then C, in this, I must say the QU substitutes 30Q2 with the word "shall," underscoring "shall" be used in place of QU 7Q2. So the question is, if the language stands as it is right now with the word "shall," it does not appear that there is an option of either/or, unless the agency intends to make that change corresponding to whatever outcome occurs in the Chapter 730 and 740.

MS. STEELE: 252:606-6-53, Paragraph 3 has been removed for consideration for the rulemaking today.

MR. PAWLISZ: Thank you.

CHAIRPERSON MR. DUZAN: Any other questions or comments from the council?

Any questions or comments from the public?

MS. ROYCE: I have a comment.

Page 34

MR DUZAN: Okay. Go ahead and come up to the -- go ahead and state your name.

Ms. ROYCE: Can you hear me okay? My Name is Kelsey Royce, and I'm just a member of the public. So it's really nice to be here and see how you guys operate. As beneficial use goes, I think that -- I have to ask what sort of tests do you make? Like is there a beneficial use test that a project or a permit must pass which determines whether it would be in the best interest of the public?

Like, I think Tulsa is a great example of projects. You know, Zink Lake and the Arkansas River, it seems to be of great beneficial use, right? And available for the public to use. I think secondary body contact recreation was finally a permitted use, although that's questionable considering the tests that we're now seeing and the level of bacteria.

So before the taxpayers are asked to put in so many tens of millions and in some cases hundreds of millions of dollars, is there a test that will show what will be in the best interest of the public?

Again, we have a situation in Tulsa

Page 35

where a child was recently pulled -- hit his head. He slipped on a rock and pulled under the water. He passed away. It was extremely unfortunate. And it was preventable because the Arkansas River and Zink Lake itself is not a safe space for members of the public to recreate, primary or secondary body contact recreation.

It's also a place where industrial discharges directly flow into the same pool of water that we're supposed to kayak on and boat on. So I don't know if you guys have a place for a beneficial use test, or a best interest of the public test, but I would seriously ask you guys to take what you do seriously enough to exercise the requisite duty of care when it come to taxpayer funds, and to our kids and our loved ones, because we've seen directly in Tulsa what this sort of gray area and falling through the cracks happens. It's not a positive thing.

CHAIRPERSON MR. DUZAN: Okay. Thank you. Does somebody here at DEQ have a better definition of the term for beneficial use? Because I think what we're using here is more of a technical term.

MS. ROYCE: Sure.

Page 36

CHAIRPERSON MR. DUZAN: Than a common use term, I guess.

MS. ROYCE: May I real quickly -- I think perhaps best interest of the public test is what I'm looking for. Like how would you measure that? How would beneficial use be measured against what is in the best interest of the public? Because, yes, you can build a lake and a river in front of power plants and refineries. You can put it to use. But is it in the best interest of the public? I would argue it hasn't been in the best interest of the public. As a taxpayer and as a parent. Like it's just heartbreaking.

CHAIRPERSON MR. DUZAN: Okay. I live in Tulsa, so we're down there a fair amount of time. I don't know, George, do you have a --

MR. RUSSELL: As far as the beneficial use goes it is listed in 730, like what beneficial uses are available. The best interest of the public, we don't currently have anything that would require that but we do definitely take input from the public and put it in front of our council or give it to the board, and other citizens who can make decisions on those matters.

Page 37

MS. ROYCE: Yeah. I think there was an economic feasibility study or something that was proposed, but it did not account for the technical sorts of things that DEQ or even OERB would look into. So, again, we need some concrete like best interest of the public, and some standards and measurements, like how about we don't create a recreational space in front of a refinery known to be leaking hydrocarbons? Let me rephrase that. Not leaking. They are directly discharging and are permitted to discharge their pollution into a recreational space.

This sort of cognitive dismiss I can't shake. And I would ask everyone here to try to figure this out. Like that's what you guys are here for, right?

MR. RUSSELL: I'll add that we do have public comments where we issue discharge permits for situations like that, and I would encourage you to sign up to be notified when those public comments are available so you can voice your concerns on issues like that.

MS. ROYCE: Right. There are currently some happening right now. Wastewater allocations, loads, or whatever. Wastewater --

Page 38

MR. RUSSELL: Wasteload allocations.

MS. ROYCE: Yeah. Yeah. You got it. And that's confusing to, particularly in Tulsa where we have a space that has been sort of exploited as both recreational and it's including the industrial discharge use.

So, again, I would -- I would ask that you guys, maybe before approving this definitely like come with a test, like in the best interest of the public. Or at least something that is more cogent and makes sense.

Also, I find it rather confusing too that you would approve kind of a placeholder for 730 I think it was, given the fact that there's still some confusion. I'm not even sure I can wrap my mind around the whole like different measurements, and that it's a placeholder in the future. Or did you pull the third sentence? Or the third paragraph?

MR. RUSSELL: There was a part that was pulled out of there, if that's what you're referring to.

MS. ROYCE: Yeah. So does that resolve that sort of like gray area or that

Page 39

contradiction? If it doesn't, like I would, as a member of the public, ask you guys just to get it clear the first time.

MR. RUSSELL: Depending on what you're asking for, we did pull any information that was related to proposed changes in 730, and that's what we're here today to discuss.

MS. ROYCE: So anything that you -- so anything that isn't in 730 but will affect 730, I would recommend that you guys not vote on today because it doesn't really make sense to do that. Because what are you voting -- are you voting on the -- yeah. I think they understand.

CHAIRPERSON MR. DUZAN: Okay. Thank you so much for your comments. It's always good to have the public's input because ultimately the public is the one most affected by everything that goes on here at the DEQ.

MS. ROYCE: I know you guys have our best interest in mind, so thank you guys.

CHAIRPERSON MR. DUZAN: Any other questions from the public?

Any more questions or comments from the council?

DR. JARMAN: Having listened to

Page 40

that, I tend to agree that if it's going to impact 730 and 740, and specifically the low flow -- the regulatory low flows, if there's a gray area there I tend to agree with her.

We have in the Clean Water Act itself over 50 years of use of 7Q2. The 30Q2 -- sorry, the 30 day test came from an EPA study in 1986. And there are small differences, but it can be critical differences on a calculation of a permit for discharge. So I guess I'm still up in the air. I just wanted to state that before we vote.

MS. MACH: One clarification. Excuse me. And correct me if I'm wrong, what I've understood on this chapter is essentially we're looking at some definitions. There's a placeholder for those definitions that have yet to be incorporated in future chapters. Is that part of the -- and so, instead of going back there's some administrative procedural requirements of the current definitions and aspects of this chapter, so we need to go ahead and move forward, and then that will prevent, once we do 730 and 740 from having to go back to these chapters and update them.

MS. STEELE: That is the

Page 41

intention, yes. Karen STEELE.
MS. MACH: And then I also noticed with respect to frequency in how some tests might be run that we're not making any major changes, and specifically with respect to impairments, anything regarding the impairments, those frequencies of performance-based monitoring will not be within the parameter. So it's really just further clarifying that those parameters that would be considered impairments to what might be considered a beneficial use of a water body would not be necessarily reduced. And it's just further clarifying that to add greater protection to the water bodies.
MS. STEELE: That is correct.
MS. MACH: Thank you.
MS. ROYCE: May I ask a question? I hate to -- so one question I have, and I think it relates directly to is this selenium question, or at least what's not being tested for.
Let me backup. This is really a whole new experience for me, and understanding your vocabulary, like the learning curve is pretty steep. So you guys are gracious, and I appreciate everyone's patience with me today.

Page 42

I have to use Tulsa as an example. It's where I'm from. There are situations where certain chemicals are not being tested for right now that are likely to be found in the water in Zink Lake. Directly in front of the refineries there's a known plume, and the question of groundwater becoming surface water or point source discharges. Again, if you're not testing for this chemical, or it's not on the list of impairments because no one has ever tested for or like this hydrocarbon or benzine or anything. I think LNAPLs is like one of the words. Like is it nonaqueous phased liquids? Right? So if you're not testing for it, but the river is impaired, at what point does it just become this cycle of kicking the can down the road?
So is there a way to clarify what chemicals will be tested for, and not maybe you'll let certain entities like skate by not including those chemicals in their permits? Or wasteload allocations to a water body? Because that's what we're dealing with. We know that there are refineries polluting the Arkansas River in Tulsa. We see it, we smell it. It's there. But there's no wasteload allocations that has been conducted

Page 43

or probably will be conducted with the chemicals that are being discharged into the river by the refineries.
And so I would just ask for a rule to be set on that, or clarification so that this gray area gets cleared up because gray area -- gray areas and regulations aren't very helpful for the public. They don't really, at least in my experience, control for the harm that can occur to citizens, recreators, our children.
CHAIRPERSON MR. DUZAN: Okay. I think we're off -- kind of on a tangent, because technically we're here to talk about 606.
If you want to -- any time that the refineries have their permits up for renewal, because they do have discharge permits with the city, the City of Tulsa, and with the Oklahoma DEQ, and I know those are renewed -- probably everybody could tell them. I'm the lab guy, so I can tell you how you can test for benzine.
But, I mean, those come up for renewal fairly often. And they have comments and periods of what is on them, what is in their permit. What they're required to test for. So it's hard when you get into industrial things. There's 80

Page 44

million compounds out there. The EPA has their list of what is the most common to test for. That's one of the reasons why they also do the aquatic testing, to see if it will kill the fish in it. There's a testing lab that just does that.
So there is a lot of policies in place. But I think we need to get back to 606 right now, and focus what we're doing on that, because that's what's on the agenda. Okay?
MS. ROYCE: Sure. Sure. I appreciate your patience. I would just add that wasteload allocations into impaired water bodies would be really crucial and important to address here. And I do think that it is related to what you're saying.
Again, I'm not a scientist. I'm just a regular person who has observed some sort of contradictions and conflicts with the rules themselves that have prevented us in any sort of capacity, whether it is participating in public meetings for permits specifically, because the groundwater becoming surface water is an issue, right? Because beneficial use has to do with surface water.
And so the contaminated groundwater

Page 45

which pollutes the river, which at some magical point becomes surface water, I don't know how this is distinguished. But, again, we need to determine the wasteload allocations.

It is relevant because this is an impaired water body. The Arkansas River, the 7.32 miles that flows through the heart of Tulsa is impaired. It has an impairment for cadmium, although it's probably even more impaired for other things. I'm sure it's not the only impaired water body that has conflicting beneficial uses associated with it.

CHAIRPERSON MR. DUZAN: And probably -- I don't know of anybody here that would doubt that.

MS. ROYCE: So my question is, will this rule like help us in Tulsa? Will this protect the public in Tulsa? Will it protect the best interest of the tax payer, the citizens, the parents and our kids?

CHAIRPERSON MR. DUZAN: Well, I think what we're doing here with the 606 is, you know, moving that direction. I don't know that anything we ever do is always going to be 100 percent, you know, safe for everybody and for

Page 46

everything.

But what we try to do, and what the DEQ tries to do is to have the best interest of the public at hand.

MR. RUSSELL: I'll say as far as speaking for DEQ, like our mission statement is to protect our health and environment and everything we do is in that, in that direction.

I really appreciate your comments and your concerns and look forward to future discussions. I know maybe this rule might not be the right rule for that, but we can definitely continue discussing that further.

MS. ROYCE: Okay. All right.

CHAIRPERSON MR. DUZAN: Thank you.

Anything else from the council on -- do we need to do something with the QU30 or 7Q2 since we're not going to be doing 740 or 730?

DR. JARMAN: I'm kind of torn, but I'm going to really throw you. I want to move approval of whatever we're on.

CHAIRPERSON MR. DUZAN: 606.

DR. JARMAN: 606.

MS. MACH: I second that. And I also just want to say that I appreciate Ms.

Page 47

Kelsey's -- Ms. Royce's concerns. And furthermore, I appreciate Ms. STEELE's clarifications. And I believe that these modifications here actually do strengthen our rules and help get us closer to addressing Ms. Royce's concerns.

I second the motion.

MR. RUSSELL: Sorry to interrupt. Can we also add the correction to the long time and long-term?

CHAIRPERSON MR. DUZAN: Okay. We have a motion and a second with the addition of the long-term. Do you want to vote?

Ms. FIELDS: Mr. Archer.

MR. ARCHER: Yes.

MS. FIELDS: Dr. Jarman.

DR. JARMAN: Yes.

MS. FIELDS: Mr. Lee.

MR. LEE: Yes.

MS. FIELDS: Ms. Mach.

MS. MACH: Yes.

MS. FIELDS: Mr. Pawlisz.

MR. PAWLISZ: Yes.

MS. FIELDS: Mr. Ray.

MR. RAY: Yes.

Page 48

MS. FIELDS: Mr. Schwab.

MR. SCHWAB: Yes.

MS. FIELDS: Mr. Sowers.

MR. SOWERS: Yes.

MS. FIELDS: Mr. Duzan.

CHAIRPERSON MR. DUZAN: Yes.

MS. FIELDS: Motion passed.

CHAIRPERSON MR. DUZAN: Okay. We're going to move on to 626, Public Water Supply Construction Standards.

Mr. Clagg.

MR. CLAGG: Okay. Public Water Supply Construction Standards. Your binders do include a tab with a rule impact statement, notice of rulemaking intent and draft text, as well as Appendix E.

So proposed updates to Subchapter 3, which is titled "Permit Procedures" allow electronic submittal of plans and specifications and engineering reports, it updates references to the International Fire Code and American Water Works Association, and it corrects the typographical error where it listed stormroom instead of storeroom.

Proposed updates to Subchapter 19,

Page 49

which is titled "Treatment," provide a more specific reference to the pre-sedimentation portion of the clarification section. This also removes the maximum detention time of the rapid mix basin at design flow is 30 seconds. Let me reread that. It reads, quote, "the maximum detention time of the rapid mix basin at design flow is 30 seconds," and replaces that language with, quote, "provide good mixing of the raw water with the chemicals applied and prevent deposition of solids in the mixing zone," end quote.

It also adds language under the softening subsection noting a rapid mix detention time of not more than 30 seconds. It also corrects grammatical error in Subsection 626-9-11(a) and corrects several erroneous references in the Ultraviolet disinfection subsection.

A proposed update to Subchapter 17, Finished Water Storage removes quote, "Cathodic protection shall be provided for all steel tanks to prevent under bottom erosion," end quote, because this is redundant, and it's already required in the subchapter.

Lastly, DEQ is proposing to update the

Page 50

title of Appendix E by removing the word "slow" in the title so that it reads, "Gravel support for rapid rate sand filters." It currently reads, "Gravel support for rapid rate slow sand filters." Maybe you can see on your supplemental appendix in your binder.

So there is a supplemental appendix in there behind the rule text that shows that in the title.

In conclusion, DEQ is asking the council to recommend to the Environmental Quality Board this permanent rulemaking for Chapter 626.

CHAIRPERSON MR. DUZAN: Thank you, sir. Any questions or comments from the council?

MR. PAWLISZ: I have one just for clarification. I'm not an engineer, so maybe these plans for the cities are intentional. And this concerns the 30 seconds.

So looking at 626-9-10 where, in fact, it does have 1B it indicates that the design flow is 30 seconds, in comments like the rapid mix basin and detention time of 30 seconds cited, and then going back to the prior section, that's under 626-9-8 the clarification. And then scrolling down to Subchapter B-4. And the language is not

Page 51

as specific. It says good mixing and prevent deposition. So I wonder if they're intended separate where good mixing and deposition prevention is good enough without naming how many seconds it takes; whereas the other section requires the addition of specificity of 30 seconds. If my request makes sense.

MR. CARR: Hello. My name is Greg Carr, I'm the chief engineer for water at the DEQ. So the 30 seconds was intended to be for lime softening processes. So I'm going to be perfectly honest with you, this was pretty much taken from 10 state standards, so a lot of this stuff that we have is taken from the 10 state standards. This was more or less a historic transcription error. I hope -- if I'm not answering your question, please let me know. But for just normal conventional plan rapid mix, it's a little bit more nuanced. I can't remember the exact phrase, but it's a g-factor that you're calculating for good mixing, depending on what you want. Good mixing is more or less just a quality statement. I'm sure we'll, at some point, develop a policy statement for what exactly that means. It's a confusion point for us. It's sort of related to

Page 52

the vortex-type grit chambers that we'll approach here in a few minutes.

The 30 seconds is usually -- so we've done a lot of variances for the 30 seconds, because it was in -- the 30 seconds was just intended for lime softening, where you want that to happen really, really quickly.

For the conventional plan, the conventional processes, it's a much more nuanced process, and it's a much more calculated process. Does that answer your question? So we're trying to fix that. It's basically transcription error.

MR. PAWLISZ: Yes, it does. And maybe a follow-up question or in addition. Would it make sense to add good mixing to a definition section so there's more guidance? That's all.

MR. CARR: Mr. Archer is giving me a shy smile because he believes they did very similar.

So on the vortex -- I'll just get to it. We've got engineering justification on that. And we have a policy statement, which we're describing how best to do that internally. What exactly that means, because when we put it into a definition there's a lot of discussion. For us a

Page 53

policy statement will be a clarification of what we mean by this. So I suspect we'll do the same for good mixing.

If anybody -- right now I'm working with Ms. Mach and Mr. Archer. If anybody else wants to be involved in that, I'm calling it a work group. But these are kind of technical points that if anybody wants to participate in, we can come to an agreement.

Again, we haven't decided exactly how we'll do this. I'm leaning towards a policy statement. We are bureaucrats at heart. I apologize for that. Some of us want guidance. We'll do it however. But at the end of the day when we agree on these, then we will put these -- our intent is to put these on the website so that everybody has access to them, we can all agree what they mean. And we want to work very closely with -- we very, very much appreciate input from the council. We need support. We don't -- we want this to be as transparent as possible. Everything that we do.

Thank you.

CHAIRPERSON MR. DUZAN: Any other questions from the council?

Page 54

MR. LEE: Yes. Under 17-1(f)(3) we struck, "cathodic protection shall be provided for all steel tanks to prevent under bottom corrosion." Do you want to provide a little more elaboration on that?

MR. CARR: That is -- so coating protection is an option that we allow. The way this is written right now they're required to have cathodic protection. So depending on the soil conditions they may or may not need that. And the undercoating protection can also provide that.

The other statement -- we're killing this one. The cathodic protection, the other statement includes cathodic protection as an option, or some type of other protection.

MR. LEE: It's redundant in that rule. There's two places --

MR. CARR: And instead of requiring it that way, it provides that as an option. So we're trying to provide flexibility there.

And, again, we've varianced that quite a bit so that they have protection. Otherwise, they need cathodic protection. Does that make sense?

Page 55

CHAIRPERSON MR. DUZAN: Any other questions from council?

MS. MACH: Because I am a huge proponent of electronic submission of plans and specifications, I'm going to make a motion to approve.

MR. SOWERS: Second.

CHAIRPERSON MR. DUZAN: Well, first we need to see if there's any questions or comments from the public?

MS. MACH: I'm sorry.

CHAIRPERSON MR. DUZAN: Go ahead and state your name.

MS. BEARD: Ann Marie Beard. Thank you, sir. I'm from Tulsa. Thank you so much for opening this up for public comments. I think we're a little bit late to this game.

But with regards to OAC 252:626, Public Water Supply Construction Standards, I was not able to locate anywhere in these documents where there's reference to requirement for elevation site plans with regards to grading and drainage. And so I think that's extremely important when it comes to construction that those plans to be presented early on.

Page 56

I also did not -- was not able to locate or get any dates on these projects as a requirement. I know that sometimes these projects go overdue due to weather and various other situations, but usually accommodations can be made with extensions. And so as I was wondering if that's -- is that something that could be implemented at a later date?

And then, finally, with regards to Subchapter 17, Finished Water Storage, there's no reference being made to the age of these storage units, so I think that's extremely important to determine if they're worthy of continued usage.

CHAIRPERSON MR. DUZAN: Okay. Do we have anybody on the DEQ that wants to address this?

MR. CARR: Council, can you help me walk through these? So the first one is about the elevations?

MS. BEARD: The elevations with the grading and the drainage. Making them mandatory within the application so that they're presented at the same time with all of the plans and the specifications and legal description. I think that's extremely critical.

Page 57

MR. CARR: So are we talking about 100-year flood plains, or are you just talking about -- so we typically limit ourselves to the water quality aspects. We don't necessarily cover like the civil engineering parts.

MS. BEARD: I would think it would be very important to submit where the water is flowing, and the land --

MR. CARR: I think we do have --

MS. BEARD: Because I couldn't find it.

MR. CARR: Okay. And we'll probably have -- I can give you my card and we can deal with this.

MS. BEARD: I would like that.

MR. CARR: We've got 100-year flood plain elevations, things of that nature. We do have some discussions on here about grading. I don't know that we've got it down to things like the international plumbing code, you know, to that degree. A lot of that is covered in other places. So we've got a limited jurisdiction.

We, for example, require things like electrical generators, but we don't really have the capacity to say what that sizing is. And

Page 58

that's something they have to work out with other codes and standards.

MS. BEARD: Sure, sure. I just wanted to talk to you about that.

MR. CARR: Absolutely.

MS. BEARD: Also, a big concern is the beginning and the end date of these projects, Because there's reference that there is a lot of time for extensions, but there's no actual begin date and end date so that the communities can start planning appropriately. And so that would be something that might be important.

MR. CARR: So the construction permit itself, it's got a one year expiration. So they have to start construction within one year. They can get an extension for it.

Typically if it's a large project inside of the engineering part, which would be publicly available, there's a schedule inside of there. Now, that schedule flexes quite a bit. It typically does.

MS. BEARD: Okay.

And then my final question was with regard to the age of the storage containers. There's not really --

Page 59

MR. CARR: You mean the storage -- like finished water storage or things of that nature?

MS. BEARD: Yes.

MR. CARR: Okay. So what we have in here as far as finished water storage goes, it's usually AWWA standards. But as far as -- as long as it's in good condition, we don't -- I would like to see more of a requirement for mandatory inspections.

MS. BEARD: Why can't we do that?

MR. CARR: Put it on the list? There's a lot of things on the list.

MR. RUSSELL: We do sanitary surveys on a regular basis. They inspect the storage towers. And if they're in poorer shape than we have requirements for, they will repair them.

MS. BEARD: Is that a matter of public record, and where can we find that?

MR. CARR: Absolutely. Yes.

MR. RUSSELL: Yes, sanitary surveys and others require it.

MR. CARR: Yes. And it's every three years. And that is of the whole system.

Page 60

There's like eight different elements that we look at. It could be intake, it could be treatment systems, it could be finished water storage, things of that nature. So it includes inspection of the finished water storage. So you can get a lot of residue build-up in there. We have a lot of stuff like rust. You know, they'll have a hit for that, for example, and it will be required. And they can be anything for a notice of violation. I'll give you my contact information on how to request that.

MS. BEARD: You will give that to me?

MR. CARR: Yes.

MS. BEARD: Awesome. Do you have a card? Awesome. Thank you.

MR. LEE: Just to add with what Greg just stated, I prefer a condition assessment over just the age of the structure as a guiding principle to make decisions on replacing.

CHAIRPERSON MR. DUZAN: Okay. Is there any other questions or comments from the public?

Any additional from the council? Okay. We will entertain a motion.

Page 61

MS. MACH: I make the motion to approve.
MR. SOWERS: Second.
CHAIRPERSON MR. DUZAN: We have a motion and a second. We'll have a vote.
MS. FIELDS: Mr. Archer.
MR. ARCHER: Yes.
MS. FIELDS: Dr. Jarman.
DR. JARMAN: Yes.
MS. FIELDS: Mr. Lee.
MR. LEE: Yes.
MS. FIELDS: Ms. Mach.
MS. MACH: Yes.
MS. FIELDS: Mr. Pawlisz.
MR. PAWLISZ: Yes.
MS. FIELDS: Mr. Ray.
MR. RAY: Yes.
MS. FIELDS: Mr. Schwab.
MR. SCHWAB: Yes.
MS. FIELDS: Mr. Sowers.
MR. SOWERS: Yes.
MS. FIELDS: Mr. Duzan.
CHAIRPERSON MR. DUZAN: Yes.
MS. FIELDS: Motion passed.
CHAIRPERSON MR. DUZAN: And I would

Page 62

like to say that, for those people in the public, that most of the DEQ's contact information is on the website and they are always more than happy, in my experience, to discuss anything with what's going on. So feel free to reach out to them at any time.
we'll move on now to 627, which is Operation and Maintenance of Water Reuse Systems.
Brian.
MR. CLAGG: All right. Your binders include a note for the rule impact statement, notice of rulemaking intent the draft text. The only proposed update to this rule is in Subchapter 1, titled General Provisions where DEQ is proposing to include consumer price index language allowing for the annual adjustment of fees based on the CPI. This will ensure consistency amongst the rules that require annual fees.
In conclusion, DEQ is asking the council to recommend to the Environmental Quality Board this permanent rulemaking for Chapter 627.
CHAIRPERSON MR. DUZAN: Thank you, sir.
Questions or comments from the council?

Page 63

Questions or comments from the public on 627?
I'll move that we entertain a motion.
MR. LEE: So moved.
MR. SCHWAB: Second.
CHAIRPERSON MR. DUZAN: We have a motion and a second. We'll move to vote.
MS. FIELDS: Mr. Archer.
MR. ARCHER: Yes.
MS. FIELDS: Dr. Jarman.
DR. JARMAN: Yes.
MS. FIELDS: Mr. Lee.
MR. LEE: Yes.
MS. FIELDS: Ms. Mach.
MS. MACH: Yes.
MS. FIELDS: Mr. Pawlisz.
MR. PAWLISZ: Yes.
MS. FIELDS: Mr. Ray.
MR. RAY: Yes.
MS. FIELDS: Mr. Schwab.
MR. SCHWAB: Yes.
MS. FIELDS: Mr. Sowers.
MR. SOWERS: Yes.
MS. FIELDS: Mr. Duzan.
CHAIRPERSON MR. DUZAN: Yes.

Page 64

MS. FIELDS: Motion passed.
CHAIRPERSON MR. DUZAN: Okay. We'll move on to 656, which is Water Pollution Control Facility Construction Standards.
Brian.
MR. CLAGG: Okay. Several of the proposed updates of this rule are similar in nature to those discussed for Chapter 626. Proposed updates to Subchapter 3, titled Permit Procedures make it clear that DEQ allows electronic submittal of plans and specifications and engineering reports. Proposed updates to the Subchapter 11 titled Lagoon Standards updonates references to the 5th Edition Metcalf & Eddy textbook titled "Wastewater Engineering Treatment and Resource Recovery."
The proposed updates to Subchapter 13, titled Preliminary Treatment Standards regarding vortex-type grit chambers included language stating, quote, "Other designs may be authorized with engineering justification," end quote.
Further proposed updates to Subchapter 13 regarding wet weather flow equalization basins updates it to cite OAC 252:656-11-1, which is titled "Lagoon Siting" which requires wet weather

Page 65

flow equalization basins be located with the same requirements as lagoons, such as requiring groundwater protection.

A proposed update to Subchapter 16, Biological Treatment Standards regarding return sludge piping specifies that four inch piping is the minimum requirement, rather than that being a fixed standard, as it was. And this is to allow for more flexibility to prevent clogging. In addition, Metcalf & Eddy references are also updated in Subchapter 16.

Subchapter 17 Clarifier Standards also updates Metcalf & Eddy references.

And lastly, proposed updates to Subchapter 27, Water Reuse, clarify that Category 6 reclaimed water must be drawn from the effluent of the final treatment process unit, with the intake located within or immediate downstream of the disinfection unit where disinfection is provided.

In conclusion, DEQ is asking the council to recommend to the Environmental Quality Board this permanent rulemaking for Chapter 656.

CHAIRPERSON MR. DUZAN: Okay. Thank you, sir.

Page 66

Questions or comments from the council on 656?

MR. LEE: Yeah. On the reference to Metcalf & Eddy on Subchapter 17, I think someone mistyped 2014 for 2024.

CHAIRPERSON MR. DUZAN: Where was that location?

MR. LEE: Subchapter 17, Clarifier Standards. It would be under B, Primary Clarifier Design Criteria. It says, 5th Edition 2024, and the other ones say 2014. So I think somebody just mistyped this.

Greg, I have to prove that I'm actually reading these.

MR. CARR: Oh, there's no doubt.

MR. LEE: Thank you, sir. I appreciate it.

MS. MACH: Mr. Carr, I did have still a concern with respect to the term engineering justification.

MR. CARR: Okay.

MS. MACH: We've been going on without us actually working on defining it further.

MR. CARR: Have you seen the

Page 67

policy statement that we've been talking about?

MS. MACH: No, I haven't.

MR. CARR: I apologize. Well, that was -- it was sent late last night. I meant to send it earlier. I had a little bit of an adventure yesterday.

I believe Mr. Archer has seen it. It's sort of a policy statement justification for how we -- it's basically -- I've actually got a copy with me. It's just after draft, but I think it's going to be a work in progress, and I apologize for not having this worked out beforehand.

But the intention here is -- so we talked about -- a little bit about adopting a definition, but I think that brings us right back to the whole same issue of, it's very hard to get everyone to agree on a definition. So -- and this is the same with the good mixing.

There's also the Category 6, Reclaimed Water, so there's a policy statement for clarification on that. And we're not trying to do rulemaking with these policy statements. The intent is to clarify how we interpret it. And then the intent is when you and Mr. Archer, at a minimum, to verify it with us. And I understand

Page 68

your hesitation, and if you want to roll this back, I fully understand that.

But the intent is for us to settle on this policy, and what that means is. The engineer justification, we have it defined as not an exhaustive calculation. This is intended to be a -- either a reference from Metcalf & Eddy's calculations, or use an authorized or an experienced manufacturer.

I don't expect anyone to design, for example, a vortex grit chamber from scratch. We're basically going to be adopting this, looking at the sewershed, what kind of, you know, grit characterization that you have.

So the intent, again, was not to go -- keep going to the variance committee every time for this because that delays everything by, you know, up to two weeks, and sometimes we have questions, and then it's another two weeks.

The intent here is for these policies, is for it to be internal to the construction permitting section engineers so they can look at it and have some flexibility. We can also take it to the variance committee. There's always that flexibility. But I don't -- I would prefer to try

Page 69

to get this moving as quickly as possible.
MS. MACH: Sure. And I appreciate that. And I'm sorry I didn't see it last night.
MR. CARR: No. I should have given you a heads up. It was just yesterday kind of got away from me for various reasons.
MS. MACH: And to that end, is there further clarification with respect to 27-1-6, Category 6, Reclaimed Water. And we talked about at the last meeting with the application of bisulfite type can sometimes happen from that same treatment plant. And just to define, chlorination has to be present in that reclaimed water use of compliance on the plant site.
MR. CARR: Yes. Historically we've always made it be at the end of treatment. We don't really have anything to say what Category 6 should be. We've had a few people ask us where they can -- like if it's, you know, near the -- where basically it is coming from? So we've always required that to be at the end of full treatment. Not everybody disinfects, but we want it be at the end of full treatment. I don't want somebody to interpret, you know, necessarily like

Page 70

the cascade aerator as the end of full treatment. I mean, this -- we've basically described it as at the end of full treatment where practically possible. And then it also says if you disinfect, we want to have a disinfectant residual. You know, after disinfection but before basically dechlorination.
MS. MACH: I'm still a little uncomfortable with how the definition is written. And, you know, one day Greg might not be here, and how it could be potentially interpreted in the future that might cause a little bit of --
MR. CARR: I agree. And so the intent here with these policies, and they will be authorized by myself or Travis Herrian at this point. They will be posted publicly for everybody to see. I do want at least several members of the committee to agree on this. But that's -- the engineering justification goes to that whole Metcalf & Eddy process. That's not a rule, and we could change that.
So we have to decide how comfortable we are with that. And if we need to change the engineering justification, if you want to have further discussion, I do not have a problem with

Page 71

that.
Right now we're trying to approach it through a policy statement. And it's a signed policy statement that we have to live by. And then the intent is to publish that on our website. I'm not sure exactly where. I would like it to be somewhere near our standards or construction permits. But basically it publicizes how we interpret this specific interpretation. I don't want it to be an exhaustive analysis on our part. It's not intended to be. But I can see your concern.
MS. MACH: Yes.
MR. CARR: I can see your concern.
MS. MACH: Somebody that's done a lot of design, you know, there's room for interpretation.
MR. CARR: There is. And some of my design, my review engineers are more meticulous than others. We don't want this to be black and white. We're trying to leave it nuanced, but as Mr. Archer has pointed out several times, one man's clarification is another man's nuance. And it just gets really -- it can get complicated.
And I do see your concern. And I'm not

Page 72

arguing with you. I'm just having difficulty trying to decide what's the best way to address this.
Right now I like the policy plan. But again, we don't have it written in stone, and you're right, it's not -- it's not completely there. And I should have called your attention to this. I'll talk to you after the meeting about what I've been doing, my distractions. I apologize.
MR. SCHWAB: But with the written policies that help determine that, you can still go to the variance afterwards, right?
MR. CARR: Yes. There's always going to be the option to go to the variance committee.
MR. SCHWAB: Unfortunately for those of us who are in government, we can't always have it black and white, so we have to have some policies.
MR. CARR: Yes. And a lot of times the more we try to clamp it down and make it black and white, then the harder it gets to meet that standard, and the more likely it goes to the variance committee. We're trying to keep it --

Page 73

I'm just darned if I do and darned if I don't, I feel like sometimes. But I understand your concern. I fully do.

MR. SCHWAB: I actually think it's (indiscernible). But, I think we need assistance on that or something.

MR. CARR: It does take an element of trust, and I know that we haven't -- I mean, sometimes it's just -- we can be difficult. I agree. We're trying not to be.

MS. MACH: Your words.

MR. CARR: My words. Absolutely. Full confession.

MR. SCHWAB: I guess my question, then is, the DEQ council is okay with the idea of having policies --

MS. EBERLE: That's still in discussion, and I would say the devil's in the details.

MR. CARR: Yes. We're talking with executive staff and legal staff. I don't -- nobody's said that we can't do it. At the very least it can be guidance. The main thing I want is -- we do anywhere from 900 to 1,200 construction permits per year, and I've got I

Page 74

think six review engineers that look at all of this. A lot of it has to move very -- it needs to move very quickly. We don't want this to take forever.

So I'm trying to get my -- and we've had trainings. So we're generating these policies statements and everybody will be trained on them. Travis Herrian is here. He's our construction permitting manager.

But the point is we want to give our review engineers the flexibility to interpret this and look at intent without having to take everything to the variance committee as much as possible. That's our philosophy.

And you're right, management can change, but I don't know a better way to lock this down. I mean, I'd like to think that George can just keep making good hiring decisions and we keep this philosophy going and working. And it's all to our benefit to make the council happy. And I believe there needs to be a few consulting engineers on the council. And we do provide feedback, to everybody else. So we'll keep moving ahead. If you want to take a different direction on this, I fully understand that.

Page 75

MS. MACH: And just for clarification, I'm not necessarily against that approach --

MR. CARR: Understood.

MS. MACH: -- without having to review some of those, but maybe adding good mixing and something else.

MR. CARR: Good mixing, yes.

MS. MACH: It would be my agreement that here at the next council meeting we take that time to define that policy a little bit further. I'm open and welcome for help.

MR. CARR: Understood. And I think Travis Herrian has got some other things he wants to add on to however we put policy or guidance. There are some engineers that have, you know, maintenance versus permitting, that kind of thing, where we need to be much more consistent. But I want to make sure that everybody is looking, especially the review engineers, at the same documents and using the same source of information and try to keep it as consistent as possible because there's a lot of volume that goes through there. Okay. I understand.

Does that answer your questions, Ms.

Page 76

Mach?

MS. MACH: Yes, sir.

MR. CARR: Thank you, ma'am.

I appreciate your time.

CHAIRPERSON MR. DUZAN: Okay. So your suggestion would be, Ms. Mach, to move this down to revisit or to approve?

MS. MACH: Can I make a motion, or is it too early?

CHAIRPERSON MR. DUZAN: Well, no, I didn't know if you were -- consistent with this, if they be given some time to review the language and then come back and visit this in the April meeting, or does that satisfy your --

MS. MACH: I would propose making a motion removing those two items and move forward with the other that have been proposed at this meeting.

CHAIRPERSON MR. DUZAN: Okay.

MS. MACH: At that time.

CHAIRPERSON MR. DUZAN: Well, I think it's appropriate to ask.

MS. MACH: From the public?

CHAIRPERSON MR. DUZAN: Yeah.

Well, is there any questions or comments from the

Page 77

public? Let's start there.
MS. ROYCE: Just real quickly. My name is Kelsey Royce. How many permits a day does the staff actually have to look at, or how many reports?
MR. CARR: There's not really a daily requirement. We typically have anywhere from 30 to 45 days to review a document. And then they have up to six months to respond. So it just depends. A lot of it comes in cycles.
There are a lot of funding deadlines that we hit where we see a huge on-rush of construction permit applications with people trying to get it done by a certain day.
Right now there's an ARPA deadline coming up at the end of 2026, when everything has to start construction. So we're starting to see -- we have seen a big uptick in submissions. And a lot of those are, you know, really, really frantically hurried, and they need quick reviews.
MS. ROYCE: Are they always all approved, or are there any permits that are ever like turned down?
MR. CARR: No. So typically -- it's not super common for something to get

Page 78

approved on that first submittal. These are very technical documents, plans and specifications. It may start with a pilot study followed by an engineer report. And then plans and specifications. There could be a hydraulic analysis in there. It's all engineering, and I have professional engineers that have to approve a lot of this stuff.
MS. ROYCE: It just seems like a lot of work.
MR. CARR: It's -- there's a lot of -- I mean, I think -- yeah, it's a lot of work. There's a lot of back-and-forth. So if it's not approvable by our standards -- we can only review these by our standards or existing standards, what we have on the books.
So if it doesn't approve by those standards, then we send out what's called a Notice of Deficiency. And they get to respond, and they have to resubmit the whole package. It's a process.
For water lines it could just be as simple as the plans and specifications, possible hydraulic analysis. Treatment systems is more nuanced.

Page 79

MS. ROYCE: Can members of the public sign up to be notified of projects that may be going on in our neighborhoods in the case that a Notice of Deficiency letter is issued to one of these --
MR. CARR: We do the Permitting Dashboard with zoning currently.
MS. ROYCE: So there's no like way to sign up as a member of --
MR. CARR: Like a LISTSERV? That, I'm not real sure of. I know we have LISTSERV for several things.
We do have a Construction Permitting Dashboard that we just rolled out, and basically it's public access. It's new. We are still refining it. But the point is, anybody can get on there, and then they can see -- we were trying to get all of the documents available. The problem is -- so part of what we were talking about earlier was digital submission of plans and specifications, for example. We're providing that as an option. We can't mandate that.
MS. ROYCE: Right.
MR. CARR: Right now not everybody has full access to the Internet or -- I'm not sure

Page 80

really why. But a lot of people still give us paper plans and specifications. And then if it's -- some of this stuff may come in on a pallet. These are huge.
So for us to scan those and put them in our database, it can take some time. And I don't -- I mean, I've got a scanner that does like one page a minute. And if it's 300 pages, that's going to take a long time.
MS. ROYCE: Oh, for sure.
MR. CARR: That's not going to be immediately available. And we can't -- right now we can't mandate the digital submissions. We're working towards that. We're getting there. It's a stepped process.
MS. ROYCE: Yeah. I would just think people affected by certain projects, like through a data center or whatever, would want to know if there's a letter or --
MR. CARR: Similar to like public notice for permits, so we'll put those out in a local newspaper. You know, we're trying to get more to a digital submission on those, digital notification. But right now this is notification in like a trade magazine or a newspaper, or a

Page 81

local circulation, which I've heard newspapers aren't doing that these days. But a lot of this falls under the permitting act. There's a lot of different requirements here.

MS. ROYCE: Right. Well, thank you.

CHAIRPERSON MR. DUZAN: Thank you, sir.

Any questions or comments from the council?

MS. MACH: No.

CHAIRPERSON MR. DUZAN: Restate your motion.

MS. MACH: I make a motion to approve the rules with the exception of the 13-2(g)(2), engineering justification, and section -- I think it was 17 requiring a reuse location.

MR. RUSSELL: Ms. Mach, can we add to that motion also the change to the date?

MS. MACH: Oh, in 2014?

MR. LEE: Second.

CHAIRPERSON MR. DUZAN: Okay. So we have a motion and a second for that with the three exceptions. We'll have a vote.

MS. FIELDS: Mr. Archer.

Page 82

MR. ARCHER: Yes.

MS. FIELDS: Dr. Jarman.

DR. JARMAN: Yes.

MS. FIELDS: Mr. Lee.

MR. LEE: Yes.

MS. FIELDS: Ms. Mach.

MS. MACH: Yes.

MS. FIELDS: Mr. Pawlisz.

MR. PAWLISZ: Yes.

MS. FIELDS: Mr. Ray.

MR. RAY: Yes.

MS. FIELDS: Mr. Schwab.

MR. SCHWAB: Yes.

MS. FIELDS: Mr. Sowers.

MR. SOWERS: Yes.

MS. FIELDS: Mr. Duzan.

CHAIRPERSON MR. DUZAN: Yes.

MS. FIELDS: Motion passed.

CHAIRPERSON MR. DUZAN: Thank you, Mr. Clagg.

Originally we had 730, which has been scrubbed. Is it -- are we going to discuss it at all, or has it just been scrubbed completely? Because it's still on my agenda.

MR. RUSSELL: Yeah, we had it on the agenda to discuss but some late comments caused us to pull it from discussion for today while we work through those.

Page 83

CHAIRPERSON MR. DUZAN: Okay. So 730 and 740 will be scrubbed.

So we'll move on to the director's report. Mr. Russell, your first one.

MR. RUSSELL: Yeah. Thank you, Mr. Duzan.

I kind of have two rules when I do a presentation. One is to keep it short. Nobody cares -- if you go too long, people do care. So I'll try to keep it as short as I can, and then end on something positive.

So first off, like I said, this is my first meeting. It's officially my second day on the job. So I've been -- we've been in an acting role for a little bit now, a couple of months, but it's good to be official.

To my left here also is my replacement in the lab, Mr. Dustin Davidson, if you want to say hello to everybody.

MR. DAVIDSON: Hello.

MR. RUSSELL: Also his second day on the job officially. And Dustin's going to be great in the lab as well.

Page 84

Along with those other changes we did a little bit of restructuring so Karen Steele, who spoke earlier, is our new clean water administrator, formerly assistant director but now is our clean water administrator.

Karen, you can say a few words.

MS. STEELE: Hi. I'm Karen Steele. I'm the new clean water administrator. I guess officially this is my second day on the job as well. So just a quick introduction. Some of you know me already. Some of you not so much, but I thought I would give a really quick background on myself. I've got a bachelor's in engineering physics and a masters in engineering physics from OU, and a masters of environmental engineering from OSU. I'm a licensed PE for the state of Oklahoma. I joined DEQ in 2013 as a municipal permit writer. I worked different roles in the water quality division. Most recently assistant division director where I focused on day-to-day, like budget and personnel and supporting modernization projects.

I'm very excited to be working with you in my new role as clean water administrator.

Page 85

Thank you.
MR. RUSSELL: Thanks, Karen.
And then also we have a drinking water administrator now, Mr. Mark Stasyszen. Do you want to say hello, Mark?
MR. STASYSZEN: Sure.
Hello, everyone. Mark Stasyszen, I'm, as George said, the new drinking water administrator. I've been at DEQ since about -- well, since 2016. I've been working in drinking water the whole time. I'm also a licensed PE. I'm a Longhorn grad, but I live in Norman now. So, thank you very much. I'm excited to work with you all.
MR. RUSSELL: Thanks, Mark. We don't hold it against him that he's from Texas.
No, we're glad to have Mark here. I think we have a really good team. Obviously the folks that did the work on these rules, they're engaged. They care a lot, and they do a lot of work to make sure that we do things the right way and take care of the public health and the environment, and work towards our mission. So I really appreciate the work that they do so much.
And speaking of that, so we have a lot

Page 86

of fun things coming up in the future too. So under the umbrella of modernization, like Karen mentioned, some of you that are operators have dealt with our antiquated operator system in the past where it didn't work so well, and needed to be revamped. Well, pretty soon here, probably in January, we're going to go live with our new operator certification database, which we're really excited about. And it's going to make life easier for all of us. So we're really happy about it. We've had some folks put in some good work on that.
I think Greg mentioned the permitting dashboard that's now live. We're still working out a few kinks on that. It's open on our website. You can go in there and see what permits are open for public view, and where they're at in the process.
And then also with all of the new world we live in with AI and how digital we are now in 2025, almost 2026, cyber security is always an issue. So we were able to -- part of a settlement agreement with Veolia that we had, as part of their supplemental environmental project they developed a cyber security training for us, and

Page 87

have been traveling throughout the state and offering that to operators. And we're hoping that we can kind of share some of that information with them so that we can prevent any potential issues out at the wastewater systems with cyber security attacks, which we know are only getting more and more prevalent.
Moving on to biosolids. I know Ms. Mach and Mr. Lee were at the capitol with us, and we talked about some of the biosolids. The PFAS issues that have been brought up at the legislature. There were many different opinions and viewpoints that were presented to the legislators there, and some interesting thoughts. So I think this next few months in the legislative session will be interesting as far as what proposals, if any, that they propose moving forward with the biosolid land application sites in particular. So we'll keep you all updated on that, as I know you're already connected to it.
A couple of federal things, federal updates. There was a proposed Waters of the United States rule that came out. Kind of updated a few definitions based on Supreme Court decisions that came for CWA, and it outlined some of that

Page 88

stuff. So we're going to make some comments on it generally, but it continues to change, the Waters of United States' definition.
Also we're going to file for extensions for drinking water, PFAS and lead and copper rule improvements rules. So we'll file those. And that will give us more time to develop primacy packages so we can implement those fully.
And then there's also word that the perchlorate rule in drinking water is in the works based on -- there's some litigation on that. It was supposed to be done this last month in November, but the EPA said that they'll have a proposal rollout in January. So those are the federal updates.
The last thing I've got, as I end on a positive note, I wanted to -- I talked about our staff just a minute ago. But they really do do the work and make sure that we're moving forward in the right direction. And we had the pleasure -- Mr. James Grim was our Employee of The Quarter for the DEQ. I don't think he was able to make it down. But I wanted to read what was written in his write-up. Not the whole thing because it was lengthy. But one of the lines really stood out to

Page 89

me in speaking with James is, "Sometimes when we have a gathering of folks around James' desk seeking advice on help on difficult decisions, he is not only a trusted resource for his coworkers, but also a teacher to the employees and advisor to management." And that's the truth. James is great. And I wanted to give him a shout out while we were here. We have a bunch of guys like James, too. A bunch of folks that do good work for us. So that's what I'd like to say about that.

Thank you.

MR. LEE: Mr. Russell, is it possible to get the updated organizational chart that you have?

MR. RUSSELL: Yeah, absolutely. For the entire agency or for the water quality division?

MR. LEE: Yeah, for water quality. Just, you know, with the change to drinking water administrator and clean water administrator and who reports to whom and all of that. It would be good just to kind of see that in the org chart.

MR. RUSSELL: I can do that.

MR. LEE: And then send it to

Page 90

everybody if you're interested.

And then the second -- and I've only been doing this for three years, so I don't know the protocols for everything, but there were a lot of public comments in here. And it feels like in order for us to do our job, it's okay for Ms. Royce, or someone, to come to the lectern and kind of decipher and kind of digest what they're saying. There's a lot of text here. Is there a better mechanism for us getting this sooner so that we can review it and then consider this?

MR. RUSSELL: We discussed that as well, because it's not enough time for us to digest it in here, you know, when we're trying to make decisions. So we're going to try and figure out a better method for all of us to handle that, whether it's the comments come in before the day of the meeting. Like today is the last day that comments can be accepted. And if we're getting them this morning, that's not enough time for us to digest and come up with a reasonable answer. Or even a professional answer, you know, that we want to come up with. And so we'll be discussing it internally to figure out if there is another way to do that so that we can present you with all

Page 91

of the materials and comments that are out there as well.

MR. LEE: Thank you.

MS. MACH: I have a comment. I want to welcome and congratulate everybody in their new roles. I look forward to working with you. But I also wanted to congratulate Ms. Afiya and her completion of the Water Leadership Institute. That happened after our last meeting. So I wanted to just let everyone know that she is seated with them.

CHAIRPERSON MR. DUZAN: Any other questions from some of the council?

I think I would just like to echo that, that everybody -- you know, there a lot of new roles, so LAP is the most important part. There's argument from that.

Moving on to new business. I do not believe we have any new business.

Announcements. Our next meeting is April 21st right here at 2:00. So that's what we'll do. Now I'll make a motion for adjournment.

MR. SOWERS: So moved.

DR. JARMAN: Second.

MR DUZAN: We have a motion and a

Page 92

second. We'll have a vote.

MR. ARCHER: Yes.

MS. FIELDS: Dr. Jarman.

DR. JARMAN: Yes.

MS. FIELDS: Mr. Lee.

MR. LEE: Yes.

MS. FIELDS: Ms. Mach.

MS. MACH: Yes.

MS. FIELDS: Mr. Pawlisz.

MR. PAWLISZ: Yes.

MS. FIELDS: Mr. Ray.

MR. RAY: Yes.

MS. FIELDS: Mr. Schwab has left the meeting.

Mr. Sowers.

MR. SOWERS: Yes.

MS. FIELDS: Mr. Duzan.

CHAIRPERSON MR. DUZAN: Yes.

MS. FIELDS: Motion passed.

CHAIRPERSON MR. DUZAN: And we are adjourned.

(The meeting adjourned at 3:42 p.m.)

CERTIFICATE

STATE OF OKLAHOMA)
) SS:
COUNTY OF OKLAHOMA)

I, Marcy A. King, a Certified Shorthand Reporter for the State of Oklahoma, certify that the Department of Environmental Quality Water Management Advisory Council Meeting was taken by me in stenotype and thereafter transcribed by computer and is a true and correct transcript of same taken by me on December 2, 2025, in Oklahoma City, Oklahoma, and that I am not an attorney for or relative of either party or otherwise interested in this action.

Witness my hand and seal of office on this 5th day of December, 2025.

Marcy A. King, CSR, RPR
CSR # 0834

OKLAHOMA Environmental Quality

WATER QUALITY MANAGEMENT ADVISORY COUNCIL

Attendance Record

DECEMBER 2, 2025

Oklahoma City, Oklahoma

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Name	Affiliation	Address and/or Phone and/or E-Mail
Justin Cortez	Choctaw Nation of Oklahoma	jcortez@choctawnation.com
Jeff Everett	OG&E	everetjd@oge.com
Brian Clagg	DEQ	brian.clagg@deq.ok.gov
Quiana Fields	DEQ	
April Eberle	DEQ	april.eberle@deq.ok.gov
Dustin Davidson	DEQ	dustin.davidson@deq.ok.gov
Jesse Beck	City of Ponca	beckjc@poncacityok.gov
Michael Jordan	OG&E	jordanms@oge.com
Eric Lee	City of Tulsa	elee@cityoftulsa.org
MARK STASYSZEN	DEQ	mark.stasyszen@deq.ok.gov
Patrick Rosch	DEQ	patrick.rosch@deq.ok.gov

OKLAHOMA Environmental Quality

WATER QUALITY MANAGEMENT ADVISORY COUNCIL

Attendance Record

DECEMBER 2, 2025

Oklahoma City, Oklahoma

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Name	Affiliation	Address and/or Phone and/or E-Mail
Brian Duran	GCT	Tulsa
Taryn Hurley	DEQ	taryn.hurley@deq.ok.gov
Ann Marie Beer		Tulsa
Ron Jorman	SWE	2114 Bonny castle Ln. Yukon, OK 405/919-0346
Kelsey Royce		Tulsa
Shannon Phillips	OCC	shannon.phillips@conservation.ok.gov
Karen Steele	DEQ	karen.steele@deq.ok.gov
A. PANLOZ	EFO	AWPANLOZ@GMAIL.COM
Curry Blankenship	Muscogee (Creek) Nation	cblankenship@muscogeenation.com
Steve Roy	Blue River Foundation	
Tate Boehme	Chetaw Nation of OK	Btboehme@chetawnation.com

OKLAHOMA Environmental Quality

WATER QUALITY MANAGEMENT ADVISORY COUNCIL

Attendance Record

DECEMBER 2, 2025

Oklahoma City, Oklahoma

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Name	Affiliation	Address and/or Phone and/or E-Mail
Afiya Wilkins	DEQ	afiya.wilkins@deq.ok.gov
John Brown	DEQ	john.brown@deq.ok.gov
GREG CARR	DEQ	gregory.carr@deq.ok.gov
Matt Pace	ODOT	matthew.pace@odot.ok.gov
Kenny Schwab	DEQ	kschwab@brokenarrowok.gov
Isaac Cornelson	DEQ	isaac.cornelson@deq.ok.gov
Travis Lake	Parkhill	ta-che@parkhill.com
Jeremy Blodgett	OGE	blodgejj@oge.com
Patrick Wilson	City of Broken Arrow	pwilson@BrokenArrowok.gov
GARY HENRY	DEQ	
	DEQ	

OKLAHOMA Environmental Quality

WATER QUALITY MANAGEMENT ADVISORY COUNCIL

Attendance Record

DECEMBER 2, 2025

Oklahoma City, Oklahoma

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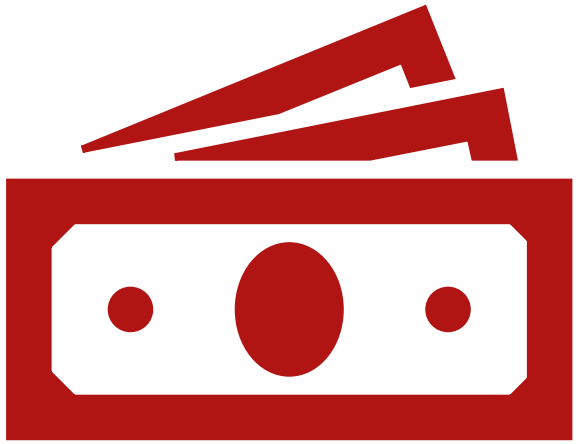
Name	Affiliation	Address and/or Phone and/or E-Mail
Michelle Wynn	OSEE	michelle.wynn@oee.ok.gov
Travis Herrin	ODEQ	travis.herrin@deq.ok.gov
Mark Hildebrand	ODEQ	mark.hildebrand@deq.ok.gov



DEQ Fiscal Year 2026 Budget

ENVIRONMENTAL QUALITY BOARD MEETING

JANUARY 21, 2026

FY26 Revenue Status Report
As of December 31, 2026

	Current Fiscal Year Activity (FY2026)				Comparison to Previous Year (FY2025)			
Division	FY2026 Projections	FY2026 Collections 7/1 to 12/31	% of Total Projections	Projected Revenue Remaining	FY2025 Projections	Collections Same Time Period	% of Total Projections	Variance
SELS	$2,135,000	$1,801,349	84.4%	($333,651)	$1,446,000	$1,090,585	75.4%	$710,764
ECLS	2,992,965	2,210,690	73.9%	(782,275)	2,948,823	1,899,929	64.4%	310,761
AQD	13,993,822	11,700,186	83.6%	(2,293,636)	14,203,647	12,388,912	87.2%	(688,726)
WQD	8,931,000	8,807,836	98.6%	(123,164)	8,931,000	9,092,269	101.8%	(284,433)
LPD	13,185,000	7,263,049	55.1%	(5,921,951)	14,460,000	9,441,289	65.3%	(2,178,240)
	$41,237,787	**$31,783,110**	**77.1%**	**($9,454,677)**	**$41,989,470**	**$33,912,984**	**80.8%**	**($2,129,874)**

FY26 BUDGET STATUS
AS OF DECEMBER 31, 2026
(BY ACCOUNT CODE)

Expenditure Category	Budget	Expenses	Encumbered	Remaining
Salaries and other Compensation Expenses	58,540,945	24,897,672	31,691,755	1,951,518
Professional Services	36,979,988	11,557,314	24,699,943	722,731
Travel Expenses	671,582	388,727	14,940	267,915
Administrative Expenses	6,770,307	3,462,642	3,563,482	(255,818)
Lab Equipment, Furniture & Building Construction	2,157,379	417,195	151,388	1,588,796
Local Governments & Non-Profit Projects and Programs	125,676,710	11,229,151	102,848,678	11,598,881
Total Expenses	**$230,796,911**	**$51,952,701**	**$162,970,186**	**$15,874,024**

FY26 BUDGET STATUS
AS OF DECEMBER 31, 2026
(BY FUNDING SOURCE)

Funding Sources		Budget	Expenses	Encumbered	Remaining
19312	General Appropriations (Parking Garage)	13,627,411	3,451,949	9,972,814	202,648
19421	General Appropriations (ORWA RIG Balance)	426,216	426,216	-	-
19511	General Appropriations (ORWA RIG Balance)	9,851,694	4,814,063	5,037,631	-
57601	General Appropriations (FY26 Allocation)	21,447,676	5,706,427	15,972,150	(230,901)
20000	Revolving Fund	58,159,127	23,572,287	34,586,840	-
21000	Environmental Education Fund	15,000	-	-	15,000
22000	Hazardous Waste Penalty Fund	-	-	-	-
22500	Certificate Fund	983,366	317,466	311,376	354,525
23500	Blu Rvr-Ltl Blu Crk Strm Hlth	997,521	-	923,992	73,529
38600	PREP Funds	69,472,273	446,970	69,025,303	-
40000	Federal Funds	37,874,146	11,071,182	20,793,215	6,009,749
40300	Brownfields Revolving Loan Fund	175,000	-	172,625	2,375
40500	Environmental Settlement Fund (Federal)	10,292,084	2,143,963	5,926,798	2,221,322
41000	Water Management Federal Fund	7,475,397	2,177	247,443	7,225,777
	Total Funding Sources	**$230,796,911**	**$51,952,701**	**$162,970,186**	**$15,874,024**