

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

SUBCHAPTER 1. INTRODUCTION

252:606-1-1. Purpose

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

(b) **Other rules apply.** This Chapter applies in addition to other rules. This Chapter governs the effluent discharged from municipal wastewater treatment systems (constructed under OAC 252:656) and industrial wastewater treatment systems (constructed under OAC 252:616), and current DEQ Laboratory Accreditation rules. The discharges regulated by this Chapter must not cause a violation of the Oklahoma Water Quality Standards (OAC ~~785:45~~ 252:730).

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

- (1) discharges from marine toilets, as prohibited by Title 63 O.S. § 4213;
- (2) discharges of dredge and fill material under the jurisdiction of the United States Corps. of Engineers under Section 404 of the Federal Clean Water Act. Water in a treatment system is OPDES Permit Schedule Violation not waters of the State of Oklahoma;
- (3) Septage. See OAC 252:645;
- (4) Biosolids pilot studies that are conducted by a qualified research institute familiar with the crops and soils of this state for the beneficial use of biosolids through land application. Such studies are subject to conditions imposed by the DEQ, including:
 - (A) the limitation of the total amount of biosolids used must be no more than 25 dry tons for any one project or 50 dry tons for all pilot studies approved by the DEQ for the same institute in the same year;
 - (B) compliance with:
 - (i) The metal ceilings established in Table 1 of 40 CFR § 503.13(b);
 - (ii) One of the vector attraction reduction alternatives; and
 - (iii) The pathogen reduction requirements of 40 CFR § 503.32(a);
 - (C) written approval from the DEQ Executive Director or his designee prior to the commencement of operations;
 - (D) the period during which biosolids may be applied to the land is eighteen 18 months or less, unless extended by the DEQ;
 - (E) notification to the DEQ of the cessation of land application at the site; and
 - (F) periodic reporting.
- (5) Biosolids co-fired in an incinerator with other wastes or for the incinerator in which biosolids and other wastes are co-fired are regulated under the appropriate Air Quality Rules. Other wastes do not include auxiliary fuel, as defined in 40 CFR § 503.41(b), fired in a sewage sludge incinerator.

- (6) Sludge generated at an industrial facility during the treatment of industrial wastewater, including sludge generated during the treatment of industrial wastewater combined with domestic sewage.
- (7) Use of biosolids determined to be hazardous in accordance with 40 CFR Part 261 which must be disposed of in a manner in accordance with the Oklahoma Hazardous Waste Management Act and rules promulgated thereunder;
- (8) Ash generated during the firing of biosolids in a sewage sludge incinerator;
- (9) Grit (e.g., sand, gravel, cinders, or other materials with a high specific gravity) or screenings (e.g., relatively large materials such as rags) generated during preliminary treatment of domestic sewage in a treatment works.
- (10) Biosolids with a concentration of Polychlorinated Biphenyl (PCB) equal to or greater than 10 milligrams per kilogram (10.0 mg/kg) of total solids (dry weight basis) may not be land applied under this Chapter. Disposal must be in accordance with OAC 252:515 ("Management of Solid Waste" rules) and applicable federal requirements under the Toxic Substances Control Act, 15 U.S.C. § 2601 *et seq.*

252:606-1-2. Definitions

In addition to terms defined in Title 27A of the Oklahoma Statutes, the following words or terms, when used in this Chapter, have the following meaning unless the context clearly indicates otherwise:

"Accredited laboratory" means a laboratory accredited through the DEQ laboratory accreditation program.

"Beneficial use" means the use of biosolids or wastewater through land application for the purpose of soil conditioning, or crop or vegetative fertilization, or erosion control, or the use of wastewater for dust suppression where fugitive dust control would otherwise be an air quality problem, in a manner which does not pollute or tend to pollute the waters of the State of Oklahoma, the environment or pose a risk to human health.

"Best professional judgment" or **"BPJ"** means the technical opinion developed by a permit drafter after consideration of all reasonably available and pertinent data or information which forms the basis for the terms and conditions of a discharge permit, and the use of sound engineering analysis of the industry, the nature and quantity of potential pollutants which may be produced and of the proposed treatment plant.

"Biosolids" means primarily organically treated wastewater materials from municipal wastewater treatment plants that are suitable for recycling as amendments. This term is within the meaning of "sludge" referenced in 27A O.S. § 2-6-101(11). Biosolids are divided into the following classes:

- (A) Class A Biosolid meets the pathogen reduction requirements of 40 CFR § 503.32 (a);
- (B) Class B Biosolid meets the pathogen reduction requirements of 40 CFR § 503.32 (b).

"Bypass" means the intentional or unintentional diversion of waste streams from any portion of a treatment, disposal or collection facility.

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

"Control tests" means any chemical, physical or bacteriological tests, including visual observations, performed to aid in operational decisions and to control wastewater treatment system performance.

"CFR" means the Code of Federal Regulations.

"CROMERR" means the Cross-Media Electronic Reporting Rule.

"DEQ" means the Oklahoma Department of Environmental Quality.

"Discharge point" means the point at which pollutants, wastewater or stormwater enters waters of the state or become waters of the state.

"DMR" means "Discharge Monitoring Report".

"EPA" means the United States Environmental Protection Agency.

"Generator" or **"operator"** means authorized person under whose ownership or management authority, biosolids are used or disposed.

"Impoundment" or **"Surface impoundment"** have the same meaning used in OAC 252:616-1-2.

"Industrial user" means "industrial users subject to categorical pretreatment standards" and "significant industrial users" as those terms are used in 40 CFR, Part 403.

"Land application" means the application of biosolids onto a land surface; injection below land surface; or spreading biosolids onto land surface followed by incorporation into the soil. Land application does not include the disposal of biosolids in a municipal solid waste landfill permitted by the DEQ, or the use of Class A biosolids whose production is permitted by the DEQ.

"Listed metal" means those metals listed in Tables I, II, and III of 40 CFR, Part 503.13.

"Loading rate" means the amount (concentration or mass) of constituents or parameters applied to a unit area per application.

"NRCS" means Natural Resources Conservation Service.

"OAC" means Oklahoma Administrative Code.

"OS" means Oklahoma Statutes.

"Oklahoma Water Quality Standards" means the ~~Oklahoma Water Resources Board~~ DEQ rules (OAC ~~785:45~~ 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.

"Operating records and reports" means the daily record of data connected with the operation of the system compiled in a monthly report on forms approved by the DEQ.

"Prior converted cropland" means those croplands as defined or used in the Federal Swampbuster Provisions located at Title 16, USC, §§ 3821 through 3823.

"USC" means United States Code.

"USGS" means United States Geological Survey.

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

252:606-3-6. Compliance required

Applicants must comply with the terms of the permits that are issued. Permits may contain provisions more stringent than these rules in order to meet Oklahoma Water Quality Standards (OAC ~~785:45~~ 252:730), the Implementation of Oklahoma's Water Quality Standards (OAC ~~785:46~~ 252:740), the DEQ Water Quality Standards Implementation Plan (OAC 252:690), and the Water Quality Management Plan.

SUBCHAPTER 5. DISCHARGE PERMIT REQUIREMENTS

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

(a) Terms and conditions of permits issued under this Chapter will include requirements necessary to assure compliance with the Oklahoma Water Quality Standards (OAC ~~785:45~~ 252:730), the Implementation of Oklahoma's Water Quality Standards (OAC ~~785:46~~ 252:740), the DEQ Water

Quality Standards Implementation Plan (OAC 252:690), and the Water Quality Management Plan.

(b) Where applicable, the DEQ may require municipalities to adopt and enforce appropriate requirements for dischargers to storm sewers to cause compliance with municipally-held stormwater discharge permits.

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

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

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

SUBCHAPTER 8. BIOSOLIDS REQUIREMENTS

252:606-8-2. Permit applications

A permit application to produce Class A or Class B biosolids must be typed or computer printed and include:

- (1) the name, address, and telephone number of the applicant or the applicant's authorized representative;
- (2) the name, mailing address, and telephone number of the generator or operator and the land applier, if different, and contact person from each source;
- (3) a brief description of the biosolids including a list of the major commercial or industrial facilities that discharge to the municipal treatment system;
- (4) a description of the use or disposal practices and locations of any sites for transfer of the biosolids for treatment, use, land application, and/or disposal;
- (5) laboratory test results of a representative soil sample from each proposed site in the permit application. The composite soil samples must be tested, and background levels set, for the metals listed in Tables 1 and 3 of 40 CFR § 503.13(b), pH, and the nutrients - nitrogen (N), ammonia (NH₄), nitrates (NO₃), potassium (K) and phosphorus (P);
- (6) a list of environmental state or federal permits held by the applicant; and
- (7) if a facility, generator, and/or land application site is located in the watershed of an Outstanding Resource Water as defined in ~~OAC 785:45~~ 252:730, the Outstanding Resource Water shall be identified.