

**TITLE 252. DEPARTMENT OF ENVIRONMENTAL QUALITY
CHAPTER 740. IMPLEMENTATION OF OKLAHOMA'S WATER QUALITY
STANDARDS**

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 1. General Provisions

252:740-1-2. Definitions [AMENDED]

252:740-1-6. Determination of regulatory low flow [AMENDED]

Subchapter 3. Implementation of Narrative Toxics Criteria to Protect Aquatic Life Using Whole Effluent Toxicity (WET) Testing

252:740-3-2. Dilutions for whole effluent toxicity testing [AMENDED]

Subchapter 5. Implementation of Numerical Criteria to Protect Fish and Wildlife From Toxicity Due to Conservative Substances

252:740-5-2. Regulatory flow determination [AMENDED]

252:740-5-3. Reasonable potential [AMENDED]

Subchapter 9. Implementation of Criteria to Protect the Agriculture Beneficial Use

252:740-9-3. Regulatory flows [AMENDED]

Subchapter 11. Implementation of Temperature Criteria to Protect Fish and Wildlife Propagation Beneficial Use

252:740-11-3. Regulatory flows [AMENDED]

Subchapter 13. Implementation of Antidegradation Policy

252:740-13-4. Tier 2 protection; maintenance and protection of sensitive water supply-reuse and other tier 2 waterbodies [AMENDED]

252:740-13-5. Tier 2.5 protection; maintenance and protection of High Quality Waters, Sensitive Water Supplies, and other Tier 2.5 waterbodies [AMENDED]

252:740-13-6. Tier 3 protection; prohibition against degradation of water quality in Outstanding Resource Waters [AMENDED]

252:740-13-8. Antidegradation review in surface waters [AMENDED]

Subchapter 15. Use Support Assessment Protocols

252:740-15-5. Assessment of Fish and Wildlife Propagation support [AMENDED]

252:740-15-6. Assessment of Primary Body Contact Recreation support [AMENDED]

252:740-15-7. Assessment of Public and Private Water Supply support [AMENDED]

252:740-15-13. Assessment of Secondary Body Contact Recreation support [NEW]

Subchapter 17. Implementation of Dissolved Oxygen Criteria to Protect Fish and Wildlife Propagation

252:740-17-2. Regulatory flows [AMENDED]

SUMMARY:

The gist of this rule and the underlying reason for the rulemaking is to comply with the Water Quality Standards Triennial Review and includes the following updates: add, remove and/or modify certain definitions; update reasonable potential to allow the use of a fish tissues study to confirm the need for a water quality-based effluent limit; update Assessment of Fish and Wildlife Propagation support to add fish tissue criteria as the preferred method for assessing waterbodies for selenium, with water column criteria being used if fish tissue is unavailable; and, adding Assessment of Secondary Body Contact Recreation support to add criteria values for assessment.

AUTHORITY:

Environmental Quality Board; 27A O.S. § 2-2-101.

Oklahoma Water Quality Standards; 27A O.S. §§ 2-6-103.2 and 2-6-103.3.

Water Quality Standards Implementation Plan; 27A O.S. § 1-1-202.

COMMENT PERIOD:

Written comments may be submitted to the contact person from September 1, 2026, through October 19, 2026. Oral comments may be made at the Formal Rulemaking Meeting on October 16, 2026, at 1:00 PM at the DEQ Headquarters, First Floor, 707 N. Robinson Avenue, Oklahoma City, OK 73102, or at the Environmental Quality Board Meeting on November 10, 2026, at 9:30 AM at the Robert S. Kerr Environmental Research Center, 919 Kerr Research Dr, Ada, OK. 74820.

PUBLIC HEARINGS:

The proposed rules will be discussed at a Formal Rulemaking Meeting scheduled on October 16, 2026, at 1:00 PM at the DEQ Headquarters, First Floor, 707 N. Robinson Avenue, Oklahoma City, OK 73102. The proposed rules will also be considered by the Environmental Quality Board at its scheduled meeting on November 10, 2026, at 9:30 AM at the Robert S. Kerr Environmental Research Center, 919 Kerr Research Dr, Ada, OK 74820.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

DEQ requests that business entities or any other members of the public affected by these rules provide to DEQ (during the comment period) the increase (in dollar amounts if possible) in the level of direct costs (e.g., fees) and indirect costs (e.g., reporting, record keeping, equipment, construction, labor, professional services, revenue loss), or other costs expected to be incurred due to compliance with the proposed rules.

COPIES OF PROPOSED RULES:

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://oklahoma.gov/deq/rules-and-regulations/proposed-rules-regulations.html>.

RULE IMPACT STATEMENT:

Copies of the rule impact statement may be obtained from the contact person or may be reviewed online at <https://oklahoma.gov/deq/rules-and-regulations/proposed-rules-regulations.html>

CONTACT PERSON:

Nicole Newcomer, Water Quality Division, 707 N. Robinson, P.O. Box 1677, Oklahoma City, OK 73101-1677, email nicole.newcomer@deq.ok.gov, phone (405) 702-8290, or fax (405) 702-8101.

PERSONS WITH DISABILITIES:

Persons with disabilities who desire to attend the rulemaking hearing and need an accommodation should notify the contact person three (3) days in advance of the hearing. For hearing impaired, the TDD relay number is 1-800-522-8506 or 1-800-722-0353, for TDD machine use only.