

**OKLAHOMA ADMINISTRATIVE CODE TITLE 252. DEPARTMENT OF ENVIRONMENTAL QUALITY CHAPTER  
626. PUBLIC WATER SUPPLY CONSTRUCTION STANDARDS**

**252:626-3-8. Variances from construction standards**

(a) The policy of DEQ is to encourage better water treatment methods and equipment, including the use of new technology. DEQ may approve processes or equipment not specifically covered by the standards in this Chapter provided the permittee requests a variance. A variance from the standards in this Chapter may be allowed, upon the request of the applicant, if the DEQ finds the variance will not increase the likelihood of a system failure. No variance will be allowed unless it is noted on the construction permit.

(b) The consulting engineer shall justify the requested variance by submitting data showing the proposed processes or equipment will equal or exceed the performance of processes or equipment known to perform the same function according to the standards contained in this Chapter. Variance requests shall include the following:

(1) monitoring observations including:

(A) test results and engineering evaluations, and

(B) data from existing installations that demonstrate the efficiency of the proposed processes or equipment;

(2) a detailed description of the test methods;

(3) other information as requested by DEQ. The DEQ may require that pilot studies and appropriate testing be conducted and evaluations be made under the supervision of a competent process engineer other than one employed by the manufacturer or developer;

(4) if required under (c) of this Section, a copy of the supplier's bond or warranty/guarantee; and

(5) if required under (d) of this Section, a copy of the bond or contract provided by the engineer.

(c) Suppliers' bonds and warranties/guarantees. Suppliers of processes or equipment not covered by the standards in this Chapter shall be required to post a performance bond or provide a warranty or guarantee in the event that the processes or equipment fail.

(1) Performance bonds. Performance bonds shall:

(A) be made payable to the permittee in an amount equal to the contract price for the installed processes or equipment plus ten percent (10%); and

(B) remain in effect for at least one (1) year after the processes or equipment are placed into operation.

(2) Warranties/guarantees. Warranties and guarantees shall:

(A) be made payable to the permittee in an amount equal to the contract price for the installed processes or equipment plus ten percent (10%); and

(B) remain in effect for at least one (1) year after the processes or equipment are placed into operation.

(d) Engineers' bond or contractual agreement. Engineers proposing processes or equipment not covered by the standards in this Chapter will be required to either:

(1) post a performance bond made payable to the permittee in an amount sufficient to cover the cost of any engineering services necessary to replace the installed processes or equipment with processes or equipment that conform with the requirements of this Chapter; or

(2) enter into a contractual agreement with the permittee wherein the engineer agrees to provide engineering services necessary to replace any failed processes or equipment with processes or equipment that conform with the requirements of this Chapter