

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

SUBCHAPTER 3. INCORPORATION BY REFERENCE

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

~~(a) **Incorporation date.** Except as provided in subsection (b), when~~ 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, 20142015, and

(2) the revisions to 40 CFR published at 80 FR 1694 – 1814 (January 13, 2015), "Definition of Solid Waste: Final Rule," except as identified in 252:205-3-2.

~~(b) **Excluded provisions.** None of the revisions to 40 CFR published at 73 FR 64668 – 64788 (October 30, 2008), "Revisions to the Definition of Solid Waste: Final Rule" are incorporated herein.~~

252:205-3-2. Incorporation by reference

(a) **Part 124.** Procedures For Decision Making, those sections required by 40 CFR 271.14, with the following additions:

(1) § 124.19(a) through (c) and (e);

(2) §§ 124.31, 124.32, & 124.33, substituting DEQ for EPA, and deleting the following sentence from paragraph (a) of each section: "For the purposes of this section only, 'hazardous waste management units over which EPA has permit issuance authority' refers to hazardous waste management units for which the State where the units are located has not been authorized to issue RCRA permits pursuant to 40 CFR Part 271"; and

(3) Subpart G.

(b) **Part 260.** Hazardous Waste Management System: General, except 260.21.

(1) In 260.20, "Federal Register" is synonymous with "The Oklahoma Register."

(2) In 260.20(e), strike the words "or a denial."

(3) In 260.22, references to the lists in Subpart D of Part 261 and the reference to § 261.3(a)(2)(ii) or (c) shall mean the lists in Subpart D of Part 261 and §261.3(a)(2)(ii) or (c) as adopted by reference and applicable in Oklahoma.

(4) In the 260.10 definitions of "new tank system" and "existing tank system", the reference to "July 14, 1986" for commencement of tank installation applies only to tank regulations promulgated pursuant to the federal Hazardous and Solid Waste Amendment ("HSWA") requirements. The following categories outline HSWA requirements:

(A) interim status and permitting requirements applicable to tank systems owned and operated by small quantity generators [3001(d)];

(B) leak detection requirements for all new underground tank systems [3004(o)(4)]; and

(C) permitting standards for underground tanks that cannot be entered for inspection [3004(w)]. For tank regulations promulgated pursuant to statutory authority other than HSWA, the date relative to the commencement of installation is November 2, 1987.

(c) **Part 261.** Identification and Listing of Hazardous Waste except 261.4(b)(18) ~~which pertains to Utah only, thus should be excluded~~ and 261.150.

(1) In 261.4(e)(3)(iii) delete "in the Region where the sample is collected".

(2) In 261.5(f)(3)(iv), and (v), and in 261.5(g)(3)(iv), and (v) add "other than Oklahoma" after the word "State".

(3) In 261.31(a), the listing for F019, add at the end: "Zinc phosphate sludges meeting exemption conditions remain subject to regulation as hazardous waste if the waste exhibits a hazardous waste characteristic."

(d) **Part 262.** Standards Applicable to Generators of Hazardous Waste except Subpart E and Subpart H. In 262.42(a)(2) and 262.42(b) delete "for the Region in which the generator is

located".

(e) **Part 263.** Standards Applicable to Transporters of Hazardous Waste.

(f) **Part 264.** Standards for Owners and Operators of Hazardous Waste Treatment, Storage, and Disposal Facilities. The following sections and subsections are not adopted by reference: 264.1(f), 264.1(g)(12), 264.149, 264.150, 264.301(l), 264.1030(d), 264.1050(g), 264.1080(e), 264.1080(f), and 264.1080(g).

(1) In 264.191(a), the compliance date of January 12, 1988 applies only for HSWA tanks. For non-HSWA tanks the compliance date is November 2, 1988.

(2) In 264.191(c), the reference to July 14, 1986 applies only to HSWA tanks. For non-HSWA tanks the applicable date is November 2, 1987.

(3) In 264.193, the Federal effective dates apply to HSWA tanks only. For non-HSWA tanks January 12, 1987 is replaced with November 2, 1987.

(4) In 264.570(a) the dates December 6, 1990 and December 24, 1992 apply only to drip pads where F032 waste is handled. The dates June 22, 1992 and August 15, 1994 respectively, replace the dates December 6, 1990 and December 24, 1992 for drip pads where F034 or F035 wastes are handled.

(g) **Part 265.** Interim Status Standards for Owners and Operators of Hazardous Waste Treatment, Storage, and Disposal Facilities except 265.1(c)(4), 265.1(g)(12), 265.149, 265.150, 265.1030(c), 265.1050(f), 265.1080(e), 265.1080(f), and 265.1080(g).

(1) In 265.191(a), the compliance date of January 12, 1988 applies only for HSWA tanks. For non-HSWA tanks the compliance date is November 2, 1988.

(2) In 265.191(c), the reference to July 14, 1986 applies only to HSWA tanks. For non-HSWA tanks the applicable date is November 2, 1987.

(3) In 265.193, the Federal effective dates apply to HSWA tanks only. For non-HSWA tanks January 12, 1987 is replaced with November 2, 1987.

(4) In 265.440(a) the dates December 6, 1990 and December 24, 1992 apply only to drip pads where F032 waste is handled. The dates June 22, 1992 and August 15, 1994 respectively, replace the dates December 6, 1990 and December 24, 1992 for drip pads where F034 or F035 wastes are handled.

(h) **Part 266.** Standards for the Management of Specific Hazardous Wastes and Specific Types of Hazardous Waste Management Facilities. Due to an early incorporation by reference, for purposes of Part 266 only, HSWA and non-HSWA dates are the same. In 266.325, the reference to 10 CFR 1.5 is changed to 10 CFR 71.5.

(i) **Part 267.** Standards for Owners and Operators of Hazardous Waste Facilities Operating Under a Standardized Permit. This permit option shall only be available to:

(1) those persons who generate hazardous waste on-site through, or as a result of, industrial production processes;

(2) wholly owned subsidiaries, owners, or sister companies of those persons specified in paragraph (1); and

(3) agencies, departments, or units of the federal government or the State of Oklahoma.

(j) **Part 268.** Land Disposal Restrictions, except 268.5, 268.6, 268.13, 268.42(b) and 268.44(a) through (g). In 268.7 (a)(9)(iii) exclude D009 from the list of alternative treatment standards for lab packs.

(k) **Part 270.** The Hazardous Waste Permit Program, except 270.1(c)(2)(ix), and 270.14(b)(18).

(l) **Part 273.** Standards for Universal Waste Management.

(m) **Part 279.** Standards for the Management of Used Oil, except that 279.82 is revised to read in its entirety, "The use of used oil as a dust suppressant is prohibited."

(n) **Excepted CFR Regulations.** Authority for carrying out excepted CFR regulations remains with EPA.

SUBCHAPTER 15. TRANSFER STATIONS

252:205-15-1. Applicability and consideration of other laws

(a) **Definitions.** For the purposes of Subchapter 15, "Plan" means the Development and Operations Plan described in 252:205-15-2, unless the context clearly indicates otherwise.

~~(a)~~(b) **Types of waste handled.** The owner/operator of a ~~transfer station~~ Transfer Station, as defined by 252:205-1-2, which handles hazardous waste or both hazardous and solid wastes must comply with this Subchapter.

~~(b)~~(c) **Solid waste permits.** The owner/operator of a hazardous waste ~~transfer station~~ Transfer Station operating or proposing to operate under an approved Plan which includes compliance with 252:205-15-2(c) is not subject to solid waste permitting rules.

~~(c)~~(d) **RCRA permits.** The rules in this Subchapter do not supersede any obligations to obtain a hazardous waste permit.

~~(d)~~(e) **Exempt activities.** The following are exempt from this Subchapter:

- (1) Activities of hazardous waste generators to consolidate self-generated waste on-site prior to shipment;
- (2) Activities regulated by hazardous waste permits which specifically address compliance with the plan requirements identified in 252:205-15-2(b); and
- (3) Activities immediately responding to a discharge of hazardous waste or material which becomes a hazardous waste when discharged or an imminent and substantial threat of a discharge of hazardous waste.

252:205-15-2. Development and Operations Plan

(a) **Plan required.** No person may construct or operate a hazardous waste ~~transfer station~~ Transfer Station without a Plan approved by DEQ ~~approval of a Transfer Station Development and Operations Plan (Plan).~~

(1) **Duration of approvals.** Plan approvals shall expire ten (10) years from the date of approval, except that approved Plans existing on the effective date of these rules shall expire 18 months after the effective date of these rules. Approved Plans existing on the effective date of these rules may be renewed in accordance with 252:205-15-2(a)(2).

(2) **Plan renewals.** A renewal application must be submitted to DEQ no less than 180 days prior to the expiration date of an existing Plan.

(A) The renewal application must contain all information identified in 252:205-15-2(b) through 15-2(d).

(B) The conditions of an expired Plan shall continue in force until the effective date of a new Plan if the owner/operator has submitted a timely and complete renewal application and DEQ, through no fault of the owner/operator, has not approved a new Plan with an effective date on or before the expiration of the previous Plan.

(b) **Content.** The owner/operator of a ~~transfer station~~ Transfer Station shall identify and discuss all of the hazardous wastes which may be managed at the Transfer Station and the handling of any solid wastes ~~to be managed as non-hazardous~~ or other wastes claimed by the owner/operator to be unregulated or exempt. The following shall be submitted:

(1) Engineering plans for the construction design and a detailed description of all buildings, ramps, on-site roads, waste transfer and holding areas, and equipment used on-site;

(2) A description of all proposed Transfer Station ~~solid and hazardous waste handling activities for any hazardous waste, solid waste, or other wastes claimed to be unregulated or exempt,~~ including:

- (A) estimations of waste holding capacities;
- (B) description of wastes, tanks and containers;
- (C) hours of operation;
- (D) waste transfer and bulking procedures including associated compatibility analyses;
- (E) provisions to assure that solid wastes destined for disposal in non-hazardous waste facilities are not co-mingled with hazardous waste; ~~and~~
- (F) provisions to assure that hazardous wastes subject to the ten (10) day storage restriction of 40 CFR 263.12 will not be stored or otherwise managed with hazardous

wastes that are not subject to the 10-day restriction, solid wastes, or other wastes claimed to be unregulated or exempt;

~~(F)~~(G) truck and equipment cleaning and decontamination procedures; and

(H) procedures to ensure that no waste remains on site for longer than one year from the date it is received.

~~(3) A description of all safety, training and security provisions including site access and security provisions, site inspections, and personnel training in accordance with identified in 40 CFR 264.14 through 264.17;— The Plan shall also include a—~~

~~(4) A preparedness and prevention plan and a contingency and site safety plan that meets the requirements of 40 CFR 264, Subparts C and D;~~

~~(4)~~(5) A description of spill control, containment, and remediation measures;

~~(5)~~(6) A design and operations plan for description of waste transfer and unloading activities demonstrating which demonstrates that those activities are limited to areas with adequate secondary containment structures to that prevent releases to soil, surface water or groundwater; and

~~(6)~~(7) Information on closure and mechanisms to meet the financial assurance and liability requirements of 40 CFR 264, Subparts G and H.

(c) **Applicable solid waste regulations.** The owner/operator of a hazardous waste transfer station Transfer Station which handles solid waste destined for management at a solid waste facility must also demonstrate compliance with applicable rules in OAC 252:515, including location standards, if the hazardous waste Transfer Station Development and Operations Plan is to be used in lieu of a solid waste permit.

(d) **Waste consolidation.** If the owner/operator consolidates hazardous wastes such that the quantity of consolidated waste exceeds the quantity provisions of 40 CFR 262.34(a) or (b), the owner/operator of the Transfer Station shall be considered the generator of the newly-regulated waste and must comply with the applicable provisions of 40 CFR 262.34.

252:205-15-3. ~~Design and operation~~Other environmental requirements

All transfer stations shall be designed and operated to minimize releases to the air from waste-transfer and unloading activities. Activities shall be conducted only in areas protected by secondary containment structures approved in the Plan.

(a) The owner/operator of a Transfer Station remains subject to all relevant statutes and rules regarding releases to air, water, and land.

(b) Any radioactive materials received at the Transfer Station shall be managed according to all appropriate requirements of the federal Nuclear Regulatory Agency and DEQ's Radiation Management rules.

252:205-15-4. Modifications

(a) A proposed modification to an approved Plan which would alter the design, infrastructure, or operation of a ~~transfer station~~ Transfer Station shall be requested in writing and shall not be implemented without the DEQ's prior approval.

(b) The DEQ may modify an approved Plan to require compliance with current rules.

(c) Modification to approved Plans shall be according to 40 CFR 270.42.

252:205-15-5. Exclusionary siting criteria

(a) The siting criteria for locating hazardous waste Transfer Stations are the same as those for any hazardous waste treatment, disposal, recycling, or storage facility in OAC 252:205-11-2 and 27A O.S. § 2-7-111.

(b) The siting criteria for locating hazardous waste Transfer Stations which also handle solid wastes destined for management at a solid waste facility include those listed in Subchapter 11 of this Chapter and, in addition, those in OAC 252:515.