**TITLE 252. DEPARTMENT OF ENVIRONMENTAL QUALITY**

**CHAPTER 515. MANAGEMENT OF SOLID WASTE**

**RULEMAKING ACTION:**

Notice of proposed PERMANENT rulemaking

**PROPOSED RULES:**

Subchapter 11. Liner Design

 Part 1. General Provisions

 252:515-11-3 [AMENDED]

 Subchapter 43. Composting Facilities

 Part 3. Plans and Permits

 252:515-43-31 [AMENDED]

**SUMMARY:**

The Department of Environmental Quality (DEQ) is proposing to amend OAC 252:515 to clarify and improve existing regulations. The first proposed change is to clarify the groundwater separation requirement for construction and demolition (C&D) landfills. C&D landfills are currently subject to the five-foot groundwater separation requirement in existing regulations. DEQ is proposing to add a paragraph that explicitly states how the separation distance should be measured in order to avoid potential confusion. The second proposed change is to add a new permitting exemption for small-scale composting facilities receiving waste from off site. The existing regulations require these facilities to obtain a permit; the proposed regulatory change would allow these facilities to submit an exemption request rather than undergo the full permitting process. The gist of this rulemaking is to clarify groundwater separation requirements for C&D landfills and to simplify permitting requirements for certain small-scale composting facilities.

**AUTHORITY:**

 Environmental Quality Board, 27A O.S. §§ 2-2-101, and 2-10-201; Solid Waste Management Advisory Council, 27A O.S. § 2-2-201.

**COMMENT PERIOD:**

 Deliver or mail written comments on the proposed rules to the contact person from December 1, 2023, through January 10, 2024. Oral comments may be made at the Solid Waste Management Advisory Council meeting at 10:00 a.m. on January 11, 2024, and at the Environmental Quality Board meeting to be held on February 13, 2024, at the DEQ, first floor, 707 N. Robinson, Oklahoma City, OK 73102.

**PUBLIC HEARINGS:**

 Oral comments will be heard before the Solid Waste Management Advisory Council at 10:00 a.m. on January 11, 2024, in the Multi-Purpose Room, first floor of the DEQ, 707 N. Robinson, Oklahoma City, OK 73102. If the Council recommends adoption, additional oral comments will be heard by the Environmental Quality Board on February 13, 2024, at the DEQ, first floor, 707 N. Robinson, Oklahoma City, OK 73102.

**REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:**

 DEQ requests that business entities affected by these proposed rules provide DEQ, within the comment period and in dollar amounts if possible, the increase or decrease in the level of direct costs such as fees and the indirect costs such as reporting, record keeping, equipment, construction, labor, professional services, revenue loss, or other costs expected to be incurred by a particular entity due to compliance with the proposed rules.

**PROPOSED RULES:**

 Copies of the proposed rules may be obtained from the contact person and may be viewed on the DEQ website at https://www.deq.ok.gov/land-protection-division/land-protection-division-proposed-rules/.

**RULE IMPACT STATEMENT:**

 The Rule Impact Statement for the proposed rules will be on file at DEQ and may be requested from the contact person or viewed on the DEQ website at https://www.deq.ok.gov/land-protection-division/land-protection-division-proposed-rules/.

**CONTACT PERSON:**

 Anne Marie Smith, Land Protection Division, Solid Waste Permitting Section, P.O. Box 1677, Oklahoma City, OK 73101-1677, e-mail at public.comments@deq.ok.gov, phone 405-702-5100, or fax 405-702-5101.

**ADDITIONAL INFORMATION:**

 Persons with disabilities who desire to attend the public hearing and need assistance should notify the contact person three days in advance of the meeting during business hours at 405-702-5100 or by using TDD relay number 1-800-522-8506.