**TITLE 252. DEPARTMENT OF ENVIRONMENTAL QUALITY**

**CHAPTER 515. MANAGEMENT OF SOLID WASTE**

Before the Solid Waste Management Advisory Council at 10:00 a.m. on January 11, 2024.

Before the Environmental Quality Board on February 13, 2024.

**RULE IMPACT STATEMENT**

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]

**DESCRIPTION:** 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.

**CLASSES OF PERSONS AFFECTED:** Owners and/or operators of new and existing construction/demolition landfills and composting facilities will be required to comply with the proposed rulemaking.

**CLASSES OF PERSONS WHO WILL BEAR COSTS:** Owners and/or operators of new and existing construction/demolition landfills and composting facilities will bear the costs of complying with the proposed rulemaking.

**INFORMATION ON COST IMPACTS FROM PRIVATE/PUBLIC ENTITIES:** No information was provided to the Department by any private or public entities regarding cost impacts for the proposed rulemaking.

**CLASSES OF PERSONS BENEFITTED:** The general public and owners and/or operators of construction/demolition landfills and composting facilities will benefit from the proposed rulemaking, as it will provide clarity to OAC 252:515 and simplify permitting requirements for small-scale composting facilities.

**PROBABLE ECONOMIC IMPACT ON AFFECTED CLASSES OF PERSONS:** Owners and/or operators of construction/demolition landfills are currently subject to the groundwater separation requirements. No economic impact is anticipated as a result of the proposed rulemaking, as the change is a clarification of existing requirements. Owners and/or operators of composting facilities exempted from permitting will avoid costs associated with obtaining solid waste permits.

**PROBABLE ECONOMIC IMPACT ON POLITICAL SUBDIVISIONS:** Construction/demolition landfills, including those owned and/or operated by a political subdivision, are currently subject to the groundwater separation requirement therefore no economic impact is anticipated as a result of the proposed rulemaking. Political subdivisions owning and/or operating composting facilities meeting the permitting exemption will avoid costs associated with obtaining a solid waste permit.

**POTENTIAL ADVERSE EFFECT ON SMALL BUSINESS:** No adverse impact on small business is anticipated.

**LISTING OF ALL FEE CHANGES, INCLUDING A SEPARATE JUSTIFICATION FOR EACH FEE CHANGE:** None.

**PROBABLE COSTS AND BENEFITS TO DEQ TO IMPLEMENT AND ENFORCE:** DEQ will incur and absorb any additional costs associated with the proposed rulemaking, though none are anticipated. The benefit to DEQ is improving the clarity of OAC 252:515 and simplifying permitting requirements for small-scale composting facilities.

**PROBABLE COSTS AND BENEFITS TO OTHER AGENCIES TO IMPLEMENT AND ENFORCE:** None.

**SOURCE OF REVENUE TO BE USED TO IMPLEMENT AND ENFORCE RULE:** The source of revenue to be used to implement and enforce the proposed rulemaking are fees previously established and collected pursuant to 27A O.S. § 2-10-802.

**PROJECTED NET LOSS OR GAIN IN REVENUES FOR DEQ AND/OR OTHER AGENCIES, IF IT CAN BE PROJECTED:** None.

**COOPERATION OF POLITICAL SUBDIVISIONS REQUIRED TO IMPLEMENT OR ENFORCE RULE:** No cooperation of political subdivisions is required for the proposed rulemaking.

**EXPLANATION OF THE MEASURES DEQ TOOK TO MINIMIZE COMPLIANCE COSTS:** DEQ will be absorbing any additional costs associated with the proposed rulemaking, though none are anticipated, and will not be proposing any additional permitting or disposal fees at this time.

**DETERMINATION OF WHETHER THERE ARE LESS COSTLY OR NONREGULATORY OR LESS INTRUSIVE METHODS OF ACHIEVING THE PURPOSE OF THE PROPOSED RULE:** There are no other such methods of achieving the purpose of the proposed rule.

**DETERMINATION OF THE EFFECT ON PUBLIC HEALTH, SAFETY, AND ENVIRONMENT:** The proposed rulemaking will have a positive effect on public health, safety, and the environment by maintaining clarity in Chapter 515 and improving composting permitting requirements.

**IF THE PROPOSED RULE IS DESIGNED TO REDUCE SIGNIFICANT RISKS TO THE PUBLIC HEALTH, SAFETY, AND ENVIRONMENT, EXPLANATION OF THE NATURE OF THE RISK AND TO WHAT EXTENT THE PROPOSED RULE WILL REDUCE THE RISK:** The proposed rulemaking is designed to reduce risks to public health, safety, and the environment by maintaining clarity in OAC 252:515 and improving composting permitting requirements.

**DETERMINATION OF ANY DETRIMENTAL EFFECT ON THE PUBLIC HEALTH, SAFETY, AND ENVIRONMENT IF THE PROPOSED RULE IS NOT IMPLEMENTED:** If the proposed rulemaking is not implemented, DEQ’s ability to consistently regulate solid waste disposal facilities could be affected, and composting facilities may be discouraged from seeking appropriate permit coverage.

**PROBABLE QUANTITATIVE AND QUALITATIVE IMPACT ON BUSINESS ENTITIES, INCLUDING QUANTIFIABLE DATA WHERE POSSIBLE:** The proposed rulemaking will impact all business entities that own and/or operate construction/demolition landfills or small-scale composting facilities. However, the qualitative and quantitative impact on these business entities will be minimal, as the proposed rulemaking is an attempt to achieve clarity in OAC 252:515 and improve composting permitting requirements.

**THIS RULE IMPACT STATEMENT WAS PREPARED ON:** December 18, 2023.