**Proposed Rule Changes**

**OAC 252:515**

**Subchapter 9. Groundwater Monitoring/ Corrective Action**

**252:515-9-31. Background water quality**

(a)[Revoked]**~~Existing facilities.~~** ~~Unless background water quality has previously been approved by the DEQ, each monitoring well at an active land disposal facility permitted prior to April 9, 1994 shall be sampled quarterly for two full years to determine background water quality.~~

(b) **New facilities, with exception.**

(1) Except as provided for in (2) of this Subsection, monitoring wells installed at new land disposal facilities ~~permitted on or after April 9, 1994~~ shall acquire eight independent samples over one full year ~~be sampled quarterly for one full year~~ before waste may be deposited at the facility to determine background water quality.

(2) The quarterly background water quality determination at new C&D landfills shall begin no later than thirty (30) days after the initial receipt of waste

(c) **New groundwater monitoring wells at existing facilities.** Unless otherwise approved by the DEQ, new groundwater monitoring wells installed after the effective date of this Chapter shall ~~be sampled quarterly for~~ acquire eight independent samples over one full year to establish background water quality.

(d) **Required parameters.**

(1) **MSWLFs**. MSWLFs shall, as a minimum, be monitored for:

(A)the following groundwater quality constituents: pH, chemical oxygen demand, specific conductivity, chloride, sulfate, calcium, magnesium, nitrates, sodium, carbonates, potassium; and

(B) those constituents in Appendix A of this Chapter.

(2) **C&D landfills**. C&D landfills shall, as a minimum, be monitored for the following groundwater quality constituents: pH, chemical oxygen demand, and specific conductivity.

(3) **NHIW landfills.** NHIW landfills shall, as a minimum, be monitored for:

(A)the following groundwater quality constituents: pH, chemical oxygen demand, specific conductivity, chloride, sulfate, calcium, magnesium, nitrates, sodium, carbonates, potassium; and

(B) other parameters specified in the permit, based on the types of wastes to be disposed.

(4) **Other land disposal facilities**. Other land disposal facilities shall comply with the groundwater monitoring requirements for MSWLFs.

252:515-9-94. **Minimum number of samples**

(a) **Minimum requirements**. Groundwater samples shall be collected and analyzed during each sampling event as follows:

(1) a minimum of one sample from each downgradient well; and

(2) a minimum of ~~four~~ eight independent samples from each well to establish background for any Appendix C constituents detected.

(b) **Subset of wells.** The DEQ may specify a subset of wells to be sampled and analyzed during assessment monitoring.

252:515-9-96. **Groundwater protection standard**

(a) **MCL established.** The maximum contaminant level (MCL) promulgated under the Safe Drinking Water Act shall be the groundwater protection standard for each Appendix A and C constituent detected in the groundwater.

(b) **MCL not established.** If MCL has not been established under the Safe Drinking Water Act for a particular constituent, the background level of the constituent shall be the groundwater protection standard.

(c) **Background above MCL**. If background level of a particular constituent is above the established MCL, or appropriate health-based levels if no MCL has been established, the background level shall be the groundwater protection standard.

(1) **Published health-based level.** For the purposes of this Subsection, the health-based level is a concentration that would result in an increased risk no of greater than 1x 10-5 for carcinogens or a Hazard Index of < 1 for non-carcinogens as calculated by procedures specified in the most recent health-based levels published by the EPA. ~~EPA 540/R-95/128, Methods for Estimation of Contaminants in Groundwater That Can Migrate to a Receptor Point.~~

(2) **Health-based level not listed.** The DEQ shall be consulted if a health-based level is not listed for a particular constituent.

**Subchapter 13. Leachate Collection and Management**

252:515-13-52. **Storage**

(a) **Above-ground tanks.** Above-ground storage tanks used to store leachate shall be equipped with:

(1) adequate berming to contain the entire contents of the largest tank in the system; and either

(2) a composite liner made of two feet (2') of recompacted clay with the hydraulic conductivity of 1.0 x 10-7 cm/sec overlain by a 60 mil HDPE liner; or

(3) a DEQ approved alternative liner that will prevent infiltration of fluid; or

(4) a double walled tank with leak detection.

(b) **Underground tanks.** Underground tanks used to store leachate shall be constructed in accordance with the most recent requirements for underground storage tank systems published by the Oklahoma Corporation Commission. ~~Oklahoma Corporation Commission's General Requirements for Underground Storage Tank Systems., OAC 165-25, Subchapter 1, Part 8.~~

(c) Surface impoundments. A surface impoundment used to store leachate shall have a composite liner constructed in accordance with (a)(2) or (a)(3) of this Section.

(1) Run-on control. Surface water run-on control measures shall be provided.

(2) Freeboard. A minimum three feet of freeboard shall be maintained.

**Subchapter 21. Used Tire Processing, Certification, Permits and Compensation**

**252:515-21-72.** **Ineligible for compensation**

(a) **Previous compensation.** Any person that has received compensation from the fund for projects identified in Part 11 of this Subchapter shall not be eligible to receive other compensation from the fund for collection, transportation or delivery of used tires in conjunction with the same project.

(b) **Certain used tires.** The following used tires are not eligible for compensation from the fund:

(1) used tires processed for TDF facilities identified in OAC 252:515-21-71(a) but are not in ready-to-use condition when received by such facilities;

(2) used tires not used in the approved project by units of local or county governments identified in OAC 252:515-21-71~~(b)~~(c)(3);

(3) processed or recycled used tires listed by the OTC in OAC 710:95-5 as being ineligible for compensation; and

(4) processed or recycled used tires that originated outside the borders of the State of Oklahoma.

**252:515-21-74. Revoked****~~Partial compensation for projects identified in Part 9~~**

~~(a)~~ **~~Partial completion.~~** ~~Before completion of the project, an applicant may apply to the DEQ in writing for approval of partial compensation from the fund. The application shall include an estimate of the number of used tires properly installed at the time the application is submitted.~~

~~(b)~~ **~~Compliance.~~** ~~DEQ may authorize partial compensation if the applicant is in compliance with the United States Army Corps of Engineers or local Conservation District permit or authorization and the project is properly installed.~~

~~(c)~~ **~~Pro-rated~~**~~. Payment may be authorized in the same ratio that the installed portion has to the entire project~~