

**TITLE 252. DEPARTMENT OF ENVIRONMENTAL QUALITY
CHAPTER 517. DISPOSAL OF COAL COMBUSTION RESIDUALS FROM
ELECTRIC UTILITIES**

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 1. General Provisions

252:517-1-3 [AMENDED]

252:517-1-7 [AMENDED]

Subchapter 9. Groundwater Monitoring/Corrective Action

252:517-9-1 [AMENDED]

252:517-9-2 [AMENDED]

252:517-9-6 [AMENDED]

Subchapter 11. Design Criteria

252:517-11-2 [AMENDED]

Subchapter 15. Closure and Post-Closure Care

252:517-15-6 [AMENDED]

252:517-15-7 [AMENDED]

252:517-15-8 [AMENDED]

Subchapter 19. Record Keeping, Notification, and Posting of Information to the Internet

252:517-19-1 [AMENDED]

252:517-19-2 [AMENDED]

252:517-19-3 [AMENDED]

SUMMARY:

The Department of Environmental Quality (DEQ), in response to changes to 40 CFR 257 Subpart D, is proposing to amend OAC 252:517 to change the classification of “clay-lined” CCR surface impoundments to “unlined,” revise certain closure deadlines for surface impoundments, provide alternative closure provisions, establish groundwater protection standards for four Appendix B constituents, add a summary requirement to the annual groundwater report, and make other non-substantive changes. The gist of this rulemaking is to incorporate federal changes and ensure state CCR rules are at least as protective as federal rules. This rulemaking is necessary to maintain Environmental Protection Agency (EPA) authorization of Oklahoma’s CCR regulatory program.

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, 2020 through January 13, 2021.

PUBLIC HEARINGS:

Before the Solid Waste Management Advisory Council on January 14, 2021 at 9:00 a.m. at the Department of Environmental Quality offices, First Floor, 707 N. Robinson, Oklahoma City, OK 73101. If the Council recommends adoption, the proposed rules will be considered by the Environmental Quality Board at its meeting scheduled for 9:30 a.m. on Friday, February 19,

2021, at the DEQ Headquarters, First Floor, 707 N. Robinson Avenue, Oklahoma City, OK 73102.

In the event the current state of emergency declaration is extended by the Governor and the statutory authorization within the Open Meetings Act, as amended by SB 661 (2020), is extended beyond the current expiration date of November 15, 2020, the Solid Waste Management Advisory Council and Environmental Quality Board meetings may both take place on the dates and times as described above via videoconference and/or teleconference in compliance with the Open Meetings Act, as amended. Members of the Council or the Board (as appropriate) and public may then participate via videoconference and/or teleconference. If a videoconference and/or teleconference is necessary, videoconference and/or teleconference details will be available from the contact person or obtained online at <https://www.deq.ok.gov/council-meetings/solid-waste-management-advisory-council/> or <https://www.deq.ok.gov/council-meetings/environmental-quality-board/> and on the hearing agenda when it is published at least 24 hours prior to the meeting.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

The DEQ requests that business entities affected by these proposed rules provide the 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, recordkeeping, 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.

COPIES OF PROPOSED RULES:

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

RULE IMPACT STATEMENT:

Pursuant to 75 O.S., §303(D), a rule impact statement for the proposed rules will be prepared and on file at the DEQ, 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:

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

PERSONS WITH DISABILITIES:

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.