# DRAFT Revisions to OAC 252:515 to include PFAS waste disposal

# Last revised: 8-31-21

# 252:515-1-2. Definitions

The following words or terms, when used in this Chapter, shall have the following meaning, unless the context clearly indicates otherwise. Any term not defined in this Chapter shall be defined as set forth in OAC 252:515-1-3.

**"Active"** means, when used to describe a solid waste disposal facility or a portion thereof (e.g., active MSWLF or active cell), any solid waste disposal facility, or portion thereof, accepting solid waste as of the effective date of this Chapter, regardless of whether such facility has obtained a solid waste permit from DEQ.

**"Active life"** means the period of operation beginning with the initial receipt of solid waste and ending at completion of closure activities.

**"Active portion"** means:

* + 1. that part of a land disposal facility that has or is receiving waste and that has not received either intermediate or final cover; or
    2. solid waste process and storage areas at non-land disposal facilities.

**"Airport"** means a public-use airport open to the public without prior permission, and without restrictions within the physical capacities of available facilities.

**"Applicant"** means any person who applies for a new permit or a modification to an existing permit for a solid waste disposal facility identified in OAC 252:515-3-1(a) and (b).

**"Aquifer"** means a geological formation, group of formations, or portion of a formation capable of yielding significant quantities of groundwater to wells or springs.

**"Areas susceptible to mass movement"** means those areas of influence(i.e., areas characterized as having an active or substantial possibility of mass movement) where the movement of earth material at, beneath, or adjacent to the land disposal facility, because of natural or man-induced events, results in the downslope transport of soil and rock material by means of gravitational influence. Such areas include, but are not limited to, landslides, avalanches, debris slides and flows, soil fluxion, block sliding, and rock fall.

**"ASTM"** means the American Society for Testing and Materials.

**"Bird hazard"** means an increase in the likelihood of bird/aircraft collisions that may cause damage to the aircraft or injury to its occupants.

**"Buffer zone"** means a designated waste-free area within the permit boundary of a disposal facility, to separate waste handling, processing, and/or disposal activities from adjacent areas.

**"Citizen collection station"** means a designated location that is established or sponsored by a governmental entity and equipped with waste receptacles for exclusive, non-commercial use by individual residents to deposit their own household waste for collection and transportation to a permitted disposal site.

**"CLIMOCS"** means the following publication of the Oklahoma Climatological Survey: Shafer, Mark A., CLIMOCS: A Climatological Summary of 168 Oklahoma Cooperative Stations, Oklahoma Climatological Survey, February 1993, 184 pp.

**"Composite liner"** means a system installed at a land disposal facility composed of a recompacted clay liner overlain with a flexible membrane liner.

**"C&D landfill"** means a construction/demolition landfill.

**"Composting facility"** means a facility in which material is converted, under thermophilic conditions, to a product with a high humus content for use as a soil amendment or to prevent or remediate pollutants in soil, air, and stormwater run-off.

**"Construction/demolition waste"** means waste composed of the following:

1. asbestos-free waste from construction and/or demolition projects that may include such materials as metal, concrete, brick, asphalt, glass, roofing materials, limited amounts of packing materials, sheetrock, or lumber;
2. wood waste that may include such materials as yard waste, lumber, woodchips, wood shavings, sawdust, plywood, tree limbs, or tree stumps;
3. yard waste that may include such materials as grass clippings, tree limbs, tree stumps, shrubbery, flowers, or other vegetative matter resulting from land clearing or landscaping operations; or
4. residential lead-based paint waste.

# "Contaminated stormwater" means:

1. water such as leachate and gas collection condensate, or stormwater that has come into direct contact with solid waste or waste handling and/or treatment areas;
2. stormwater discharged from areas of a land disposal facility with less than six inches of waste-free, compacted earthen material; or
3. wastewater resulting from washing vehicles or areas that are or have been in direct contact with solid waste.

**"DEQ"** means the Oklahoma Department of Environmental Quality.

**"Disease vector"** means rodents, flies, mosquitoes, or other animals, including insects, capable

of transmitting disease to humans.

**"Displacement"** means the relative movement of any two sides of a fault measured in any direction.

**"Disposal"** means the final disposition of waste and shall be taken to include any discharge, deposit, injection, dumping, spilling, leaking, or placing of waste into or on the land or water so that the waste or any constituent thereof may enter the environment, including the air and any surface waters or ground waters.

**"Disposal area"** means that part of a land disposal facility where waste is disposed. **"Disposal facility"** means disposal site as defined at 27A O.S. § 2-10-103. **"Engineer"** means a licensed, professional engineer.

**"EPA"** means the United States Environmental Protection Agency.

**"Existing"** means, when used to describe a solid waste disposal facility or portion thereof (e.g. existing MSWLF or existing cell), any solid waste disposal facility, or portion thereof, that had a solid waste permit as of the effective date of this Chapter.

**"Facility"** means all contiguous land and structures, other appurtenances, and improvements on the land used for the handling, processing, storage, and/or disposal of solid waste.

**"Fault"** means a fracture or a zone of fractures in any material along which strata on one side have been displaced with respect to that on the other side.

**"Final closure"** means a disposal facility has permanently ceased to accept solid waste for disposal and all required closure activities have been completed for the entire facility in accordance with the approved closure plan. Final closure is not synonymous with phased closure.

**"Flood"** means the general and temporary condition of partial or complete inundation of normally dry land areas from the overflow of a lake, stream, river or other body of surface water, or the unusual and rapid accumulation or runoff of surface waters from any source.

**"Flood, One hundred year (100 year)"** means a flood that has a one percent or greater chance of occurrence in any given one year period, or of a magnitude equaled or exceeded once in 100 years on the average over a significantly long period.

**"Flood plain"** means the lowland and relatively flat areas adjoining inland waters that are inundated by the 100-year flood.

**"Gas condensate"** means the liquid generated as a result of gas recovery processes.

**"Generator"** means, in the context of NHIW, any person, by site, whose act or process produces NHIW, or whose act first causes an NHIW to become subject to regulation.

**"Groundwater"** means water below the land surface in a zone of saturation. **"Hazardous waste"** means those wastes subject to regulation under OAC 252:205. **"HBV"** means hepatitis B virus.

**"HIV"** means human immunodeficiency virus.

**"Holocene"** means the most recent epoch of the Quaternary period, extending from the end of the Pleistocene Epoch to the present.

**"Household hazardous waste"** means household waste that is corrosive, toxic, ignitable, or reactive, including, but not limited to: freon-containing appliances or tanks; non-empty propane tanks; oil, antifreeze, and other motor vehicle fluids; gasoline, kerosene, or diesel fuel; liquid paints; solvents; pesticides, herbicides, fungicides, or rodenticides; caustic cleaners; lead-acid batteries; swimming pool chemicals; unused firearm rounds; and acids and bases.

**"Household waste"** means any solid waste (including garbage, trash, and sanitary waste in septic tanks) derived from households (including single and multiple residences, hotels and motels, bunkhouses, ranger stations, crew quarters, campgrounds, picnic grounds, and day-use recreation

areas).

**"Injection well"** means a facility subject to regulation by OAC 252:652, Underground Injection Control.

**"Karst terrains"** means areas where karst topography, with its characteristic surface and subterranean features, is developed as the result of dissolution of limestone, dolomite, or other soluble rock. Characteristic features of karst terrains include, but are not limited to, sinkholes, sinking streams, caves, large springs, and blind valleys.

**"Land disposal facility"** means a landfill, or any other discrete area of land or land excavation, where solid waste is placed for treatment, processing, and/or disposal. Land disposal facility does not include:

1. land application where solid waste is placed onto, or incorporated into, the soil as a soil amendment, fertilizer, or other legitimate agricultural purpose;
2. a surface impoundment that is either permitted by DEQ's Water Quality

Division or is a part of an approved liquid waste management system at a permitted solid waste disposal facility;

1. composting facilities;
2. an injection well;
3. a solid waste transfer station;
4. a Used Tire Recycling Facility; or
5. a Roofing Material Recycling Facility

**"Landfill"** means a discrete area of land or a land excavation in which solid waste is placed for permanent disposal.

**"Large NHIW generator"** means any business, by site, that generates over 10,000 tons of NHIW in Oklahoma during a calendar year. This definition does not include facilities that are permitted to receive and process solid waste generated by others.

**"Leachate"** means liquid that has passed through or emerged from solid waste and contains soluble, suspended, or miscible materials removed from such waste. This includes:

1. fluid collected in a leachate collection system, including its sumps, surface impoundments, tanks, or other similar locations;
2. fluid collected on top of the bottom liner of a disposal cell that has received solid waste; and
3. leachate seeps from disposal cells that have received solid waste.

**"Liquid waste"** means any waste that is determined to contain "free liquids" as defined by the PFLT.

**"Lithified earth material"** means all rock, including all naturally occurring and naturally formed aggregates or masses of minerals or small particles of older rock that formed by crystallization of magma or by induration of loose sediments. This term does not include man-made materials, such as fill, concrete, and asphalt, or unconsolidated earth materials, soil, or regolith lying at or near the earth surface.

**"Litter fence"** means an easily portable fence to be located adjacent to the working face to assist with control of blowing material.

**"Lower explosive limit"** means the lowest percent by volume of a mixture of explosive gases

that will propagate flame in air at 205°C and atmospheric pressure.

**"Maximum horizontal acceleration"** means the maximum expected horizontal acceleration of lithified earth material, depicted on a seismic hazard map, with a 90 percent or greater probability that the acceleration will not be exceeded in 250 years, or the maximum expected horizontal acceleration based on a site-specific seismic risk assessment.

**"MSWLF"** means Municipal Solid Waste Landfill; a publicly or privately owned landfill that is or has received household waste. A MSWLF may also receive other types of non-hazardous solid wastes, such as nonhazardous sludge, NHIW, special waste, and construction/demolition waste.

**"Natural disaster"** means a natural occurrence or event (such as a tornado, flood, or forest or prairie fire) ofsuchmagnitudethattheresultantdamageanddestructionproducequantities of wastes that overtax available solid waste management systems.

**"NHIW"** means non-hazardous industrial solid waste, as defined at 27A O.S. § 2-10-103.

Examples of NHIW are listed in Appendix F of this Chapter.

# "Non-contaminated stormwater" means:

* 1. stormwater that has not come into direct contact with solid waste, waste handling and/or treatment areas;
  2. stormwater discharging from areas of a land disposal facility that has at least six inches of waste-free, compacted earthen material; and
  3. wastewater resulting from washing vehicles or areas that have not been in direct contact with solid waste.

**"Oklahoma Uniform Environmental Permitting Act"** means 27AO.S.§ 2-14-101 *et seq.* and the rules adopted thereunder at OAC 252:4 ("Rules of Practice and Procedure").

**"Open burning"** means the combustion of solid waste without:

1. control of combustion air to maintain adequate temperature for efficient combustion;
2. containment of the combustion reaction in an enclosed device to provide sufficient residence time and mixing for complete combustion; and
3. control of the emission of the combustion products.

**"Operating record"** means all of the collective records of the facility relating to the site. Such records include, but are not limited to: the permit, modifications, and approvals; records concerning waste received; any sampling or analyses performed by the facility; closure, post-closure and corrective action plans; financial assurance records; inspection and compliance evaluation correspondence; reports; and scale tickets and related fee payment documentation.

**"Owner/operator"** means the person who owns a solid waste disposal facility and/or is responsible for the overall operation of a facility or part of a facility.

**"OWRB"** means the Oklahoma Water Resources Board.

**"Permit boundary"** means the outermost edge of the area described by legal description in the owner/operator's permit. The permitted boundary includes the area in the buffer zone.

**“PFAS”** means perfluoroalkyl and polyfluoroalkyl substances.

**“PFAS waste”** means:

(A) aqueous film-forming foam (“AFFF”) containing PFAS;

(B) waste containing PFAS that is generated at PFAS manufacturing and processing facilities;

~~(C) waste containing PFAS that is generated at facilities using PFAS in the production of products other than PFAS~~;

(C) waste containing PFAS that is generated in large quantities at facilities using PFAS in the production of products other than PFAS;

(D) waste containing PFAS from remediation projects;

(E) any other treatment waste associated with the removal of PFAS including but not limited to waste or waste streams from spent water treatment materials used for the removal of PFAS in air, soil or water, and;

~~(F) any other waste that typically contains or is expected to contain high concentrations of PFAS.~~

(F) any other NHIW waste that typically contains or is expected to contain PFAS.

**"PFLT"** means Paint Filter Liquids Test, EPA Method 9095.

**"Phased closure"** means the closing of individual disposal cells at a land disposal facility as they become full. Phased closure is not synonymous with final closure.

**"Piezometer"** means a small-diameter well used to make groundwater elevation measurements.

**"Point source discharge"** means any discharge of water that, when leaving the permit boundary of a facility, has been channeled or altered by man's activity in working that site.

**"Poor foundation conditions"** means those areas where features exist which indicate that a natural or man-induced event may result in inadequate foundation support for the structural components of a land disposal facility.

**"POTW"** means Publicly Owned Treatment Works; a wastewater treatment system, as defined at 27A O.S. § 2-6-101(9), that is owned by a State or municipality for the treatment of municipal or industrial wastewaters.

**"Qualified groundwater scientist"** means a scientist or engineer who has received a baccalaureate or post-graduate degree in the natural sciences or engineering and has sufficient training and experience in groundwater hydrology and related fields as maybe demonstrated by State registration, professional Certifications, or completion of accredited university programs that enable that individual to make sound professional judgments regarding groundwater monitoring, contaminant fate and transport, and corrective action.

**"Recharge area"** means an area where water is absorbed and added to the zone of saturation. **"Regulated medical waste"** means a waste or reusable material that contains an etiologic agent and is generated in the diagnosis, treatment or immunization of human beings or animals; research pertaining to the diagnosis, treatment or immunization of human beings or animals; or the production

or testing of biological products. Such waste includes, but is not limited to:

1. cultures and stocks of etiologic agents or live vaccines, and culture dishes, devices, paper, and cloth that has come into contact with such cultures, stocks or live vaccines;
2. human blood, blood products, and human body fluids, except urine or feces;
3. pathological wastes consisting of human tissues, organs, and body parts removed during surgery, autopsy, biopsy and other medical procedures;
4. untreated sharps;
5. used blood collection bags, tubes, and vials;
6. contaminated carcasses, body parts and bedding of animals intentionally exposed to pathogens in research, in the production of biologicals or the "in vivo" testing of pharmaceuticals;
7. items contaminated with blood or other human body fluids which drip freely or would release such materials in a liquid or semi-liquid state if compressed or are caked with dried blood or body fluids and are capable of releasing these materials;
8. isolation wastes unless determined to be non-infectious by the infection control committee at the health care facility;
9. HIV-containing cell or tissue cultures, organ cultures, and HIV- or HBV-containing culture medium or other solutions; and blood, organs, or other tissues from experimental animals infected with HIV or HBV;
10. all disposable materials that have come in contact with cytotoxic or antineoplastic agents during the preparation, handling, and administration of such agents. Such wastes include, but are not limited to, masks, gloves, gowns, empty IV tubing and bags, vials, and other contaminated materials; and
11. any other material or equipment which, in the determination of the health care facility staff, infection control committee or other responsible party, presents a significant danger of infection because it is contaminated with, or may reasonably be expected to be contaminated with, etiologic agents.

**"Residential lead-based paint waste"** means lead-based paint debris, chips, dust, sludges, and other similar wastes generated as a result of abatement, rehabilitation, renovation, or remodeling activities in individual residences.

**"Run-off"** means any rainwater, leachate, or other liquid that drains over land from any part of a facility.

**"Run-on"** means any rainwater, leachate, or other liquid that drains over land onto any part of a facility.

**"Saturated zone"** means that part of the earth's crust in which all voids are filled with water.

**"Scavenging"** means the uncontrolled, unorganized sorting, collecting, or removing of solid waste at the disposal site.

**"Seismic impact zone"** means an area with a ten percent or greater probability that the maximum horizontal acceleration in lithified earth material, expressed as a percentage of the earth's gravitational pull (g), will exceed 0.10g in two hundred fifty (250) years;

**"Sludge"** means the definition found at 27A O.S. § 2-10-401.

**"Solid waste"** means the definition found at 27A O.S. § 2-10-103.

**"Special waste"** means those wastes that are not hazardous wastes but because of their nature or volume, require special or additional handling aside from that given to routine household refuse. This includes but is not limited to: sludge, septic tank pumpings, grease trap wastes, dead animals, packing house offal and tankage, waste fats and oils, hatchery wastes, cannery wastes, NHIW, tires, and asbestos wastes.

**"Structural components"** mean liners, leachate collection systems, final covers, run-on/run-off systems, and any other component used in the construction and operation of a land disposal facility that is necessary for protection of human health and the environment.

**"Surface impoundment"** means a natural topographic depression, human-made excavation, or diked area formed primarily of earthen materials (although it may be lined with man-made materials), that is designed to hold an accumulation of liquid wastes or wastes containing free liquids and that is not an injection well. Examples of surface impoundments are holding, storage, settling, and aeration pits, ponds, and lagoons.

**"Surface water"** means water that stands on the surface of the land in reservoirs, lakes, ponds, sloughs, or swamps, or that flows across the land in rivers, creeks, or streams.

**"SW-846"** means EPA Publication SW-846, Test Methods for the Evaluation of Solid Waste Physical/Chemical Characteristics.

**"Tremie pipe"** means a device, usually a small-diameter flexible or rigid pipe, that carries filter pack or bentonite cement from the bottom to the top of a borehole or annular space without forming void spaces. In some cases, a well casing or hollow stem auger can be considered a tremie pipe.

**"Unstable area"** means a location that is susceptible to natural or human-induced events or forces capable of impairing the integrity of some or all of the structural components responsible for preventing releases from a land disposal facility. Unstable areas can include poor foundation conditions, areas susceptible to mass movements, and Karst terrains.

**"Uppermost aquifer"** means the geologic formation nearest the natural ground surface that is an aquifer, as well as lower aquifers that are hydraulically interconnected with this aquifer within the facility's property boundary.

"**Used Tire"** means an unprocessed whole tire or tire part that can no longer be used for its original intended purpose, but can be beneficially reused as approved by the Department.

**"Used Tire Recycling Facility"** means the definition found at 27A O.S. § 2-11-401.1(15). **"Waste pile"** means any non-containerized accumulation of solid, non-flowing waste. **"Waters of the state"** means the definition found at 27A O.S. §1-1-201(20).

**"Wetlands"** mean those areas that are inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands include, but are not limited to, swamps, marshes, bogs, and similar areas.

**"Working face"** means the place within a land disposal facility where waste has been deposited and has not been covered with at least intermediate cover.

**"Yard waste composting facility"** means a composting facility that only accepts yard waste.

**"Zone of aeration"** means a subsurface zone containing water under a pressure lower than that of the atmosphere, including water held by capillarity; and containing air or gases generally under atmospheric pressure. This zone is bounded above by the land surface and below by the water table; and is synonymous with vadose zone and unsaturated zone.

**"Zone of saturation"** means a subsurface zone in which essentially all the interstices are filled with water under pressure greater than that of the atmosphere. Although the zone may contain

**PART 3. BACKGROUND WATER QUALITY**

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

1. **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.
2. **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 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.
3. **New groundwater monitoring wells.** Unless otherwise approved by the DEQ, new groundwater monitoring wells installed after the effective date of this Chapter shall be sampled quarterly for one full year to establish background water quality.
4. **Required parameters.**
   1. **MSWLFs.** MSWLFs shall, as a minimum, be monitored for:
      1. the following groundwater quality constituents: pH, chemical oxygen demand, specific conductivity, chloride, sulfate, calcium, magnesium, nitrates, sodium, carbonates, potassium; and
      2. 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:
      1. the following groundwater quality constituents: pH, chemical oxygen demand, specific conductivity, chloride, sulfate, calcium, magnesium, nitrates, sodium, carbonates, potassium; and
      2. 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.

~~(5)~~ **~~Landfills accepting PFAS waste.~~** ~~Landfills accepting PFAS waste may be required to monitor for Per- and Polyfluoroalkyl Substances (PFAS) using~~ ~~US EPA SW-846 Validated Method 8327, or other appropriate method as approved by DEQ.~~

**PART 3. OPERATIONAL REQUIREMENTS FOR ALL DISPOSAL FACILITIES**

**252:515-19-31. Prohibited wastes**

1. **Hazardous, radioactive, regulated PCB waste.** The disposal of any quantity of hazardous, radioactive, or regulated polychlorinated biphenyl (PCB) waste at a solid waste disposal facility is prohibited.
2. **PFAS waste.** The disposal of any quantity of PFAS waste, without an approved PFAS waste management plan, is prohibited.
3. **Regulated medical waste.** The disposal of regulated medical waste at a solid waste disposal facility is prohibited, unless the facility is a permitted regulated medical waste processing facility.
4. **Asbestos.** The disposal of friable asbestos waste at a solid waste disposal facility is prohibited unless the facility is a MSWLF or NHIW landfill specifically authorized by the permit to accept such waste.
5. **NHIW.** The disposal of NHIW at a solid waste disposal facility is prohibited, unless specifically authorized by the permit.
6. **C&D landfills.** The disposal of any waste other than construction/demolition waste at a C&D landfill is prohibited.
7. **NHIW landfills.** In addition to the prohibitions of (a) through (c) of this Section, the disposal of any waste not authorized by the permit is prohibited at an NHIW landfill.
8. **Baled waste, with exception.** The disposal of unsorted baled municipal solid waste at a disposal facility is prohibited. Municipal solid waste sorted for recycling prior to baling or baled on- site may be disposed of at a disposal facility.

**252:515-19-32. Public access control**

Artificial and/or natural barriers shall be used to discourage unauthorized traffic and uncontrolled dumping.

**252:515-19-33. Measuring waste**

1. **Land disposal facilities.** Except as provided for in (b) of this Section, all waste delivered to and disposed of at a land disposal facility shall be weighed on certified scales.
   1. **Location.** Scales shall be installed on or within five miles of the land disposal facility.
   2. **Annual certification.** Scales shall be tested and certified annually in accordance with the requirements of the Oklahoma Department of Agriculture, Food, and Forestry.
   3. **Scales inoperative.** If the scales are inoperative, tonnage shall be estimated on a volume basis where one cubic yard of solid waste shall be calculated to weigh one-third ton.
   4. **Fees.** Solid waste disposal fees shall be collected and remitted to the DEQ in accordance with 27A O.S. § 2-10-802(B), except for:
      1. solid waste that is productively reused or recovered in accordance with the facility permit; or
      2. solid waste received from emergencies or other special events, with prior approval from the DEQ.
   5. **Monthly reports.** Monthly reports in a format prescribed by the DEQ shall be filed in the

operating record and submitted to the DEQ no later than the 15th of the month following the reporting month.

1. **Exception.** The requirements of (a) of this Section do not apply to:
   1. large NHIW generators who operate a landfill solely for waste from that generator, have paid the fees for the first 10,000 tons of solid waste disposed in the landfill, and have obtained an exemption certificate from the DEQ; and
   2. generator owned and operated NHIW monofills.
2. **Other disposal facilities.** All waste received at other solid waste disposal facilities, including those identified in (b)(2) of this Section, shall be measured, either by weight or by volume (cubic yards), recorded in the operating record, and made available to the DEQ upon request.

**252:515-19-34. Limitations on waste received**

1. **Local area.** Except as provided in (b) of this Section, no solid waste disposal facility shall accept more than 200 tons of waste per day from locations more than 50 miles from the facility, unless the facility is either:
   1. a MSWLF constructed with an approved composite liner and leachate collection system meeting the requirements of this Chapter and operated in full compliance with the requirements of this Chapter; or
   2. is any other type of solid waste disposal facility that is designed and constructed in accordance with the requirements of this Chapter and operated in full compliance with the requirements of this Chapter.
2. **Temporary waiver.** The DEQ may approve a temporary waiver from (a) of this Section in the event of an emergency.
3. **Out-of-state.** No solid waste disposal facility shall accept more than 200 tons of waste per day or any amount of PFAS waste, or any amount of waste deemed hazardous in the state of origin, from outside the State of Oklahoma unless the facility is either:
   1. a landfill constructed with an approved composite liner and leachate collection system meeting the requirements of this Chapter; or
   2. is a non-landfill solid waste disposal facility that is designed and constructed in accordance with the requirements of this Chapter; and
   3. has an approved disposal plan meeting the requirements of (d) of this Section; and
   4. is operated in full compliance with the requirements of this Chapter.
4. **Disposal plan.** The disposal plan identified in (c)(3) of this Section shall identify the types and sources of waste to be received at the landfill, the amount to be received, transporters to be used, and any special handling or management practices to be employed for the collection, transportation, storage, treatment, and disposal of such waste.
   1. **NHIW.** If NHIW is to be received, the disposal plan shall also identify the NHIW generators and demonstrate each has complied with the applicable requirements of Subchapter 31 of this Chapter.
   2. **PFAS waste.** If PFAS waste is to be received the facility must have an approved PFAS waste management plan pursuant to Subchapter 31-4 (c).
   3. **Keep current.** The disposal plan must be kept current by the person submitting the original plan.
   4. **Notification of changes.** The DEQ shall be notified within five working days before any changes to the plan are implemented.
5. **Rejection of waste.** Shipments of waste received at the facility shall be rejected if the requirements of this Section are not met.
6. **Return of waste.** All waste entering the State of Oklahoma that is subsequently rejected in accordance with(e) of this Section shall be removed from the State by those persons who transported such waste into the State.

# PART 9. ADDITIONAL OPERATIONAL REQUIREMENTS FOR WASTE PROCESSING FACILITIES

**252:515-19-91. Processing time for putrescible waste**

1. **Processing time.** Except as provided for in (b) of this Section, all putrescible waste delivered to a transfer station or processing facility shall be processed within 24 hours of delivery.
   1. If appropriate odor and vector control measures, as defined in the permit, are implemented, processing time may be extended to 48 hours.
   2. If processing failures occur, all putrescible wastes shall be removed within 96 hours to an alternate permitted disposal site.

# Solid waste incinerators.

* 1. Putrescible waste shall be processed within 72 hours of delivery at processing facilities that operate on a seven day per week basis and utilize mass burn technology, pit storage, waste rotation, and negative pressure design in the refuse storage building.
  2. If processing failures occur, all putrescible wastes shall be removed within 168 hours to an alternate permitted disposal facility.

# 252:515-19-92. Large or bulky items

Large, heavy, or bulky items, shall be managed in accordance with a plan approved by the DEQ and identified in the permit.

# 252:515-19-93. Residue management

All processed waste and residues produced by the facility shall be appropriately characterized as hazardous or non-hazardous and disposed in a properly permitted disposal facility.

**252:515-19-94. Solid Waste Incinerators accepting PFAS waste.**

Incineration of PFAS waste as defined in 252:515-1-2 must occur in accordance with an approved plan pursuant to 252:515-31-4.

**SUBCHAPTER 29. EXCLUSION OF PROHIBITED WASTES**

**Section**

**252:515-29-1. Applicability**

**252:515-29-2. General provisions**

**252:515-29-3. WEP requirements**

**252:515-29-4. Maintain records**

**252:515-29-1. Applicability**

1. **Land disposal facilities, facilities accepting PFAS waste, and transfer stations, with exceptions.** This Subchapter applies to all land disposal facilities, facilities accepting PFAS waste, and transfer stations except generator owned and operated NHIW landfills.
2. **All other processing facilities.** Except as otherwise set out in this section, Any type of solid

waste processing facility is subject to the requirements of OAC 252:515-29-3(e).

**(c) Class III and Class IV composting facilities.** This Subchapter applies to Class III and Class IV composting facilities.

**252:515-29-2. General provisions**

(a) **Waste exclusion plan (WEP) required.** A WEP meeting the requirements of this Subchapter and approved by the DEQ, shall be implemented to detect and prevent the disposal of prohibited wastes identified in the permit or this Chapter. Other wastes that will not be accepted at the facility shall be specified in the WEP.

(b) **WEP modification.** When conditions of the approved WEP change, an amended WEP must

be submitted within 30 days to the DEQ for approval.

**252:515-29-3. WEP requirements**

(a) **Random inspections.** The WEP shall include procedures for conducting random inspections of incoming loads unless other steps are taken to ensure that incoming loads do not contain prohibited wastes.

(b) **Inspection records**. The WEP shall include provisions for maintaining records of the random inspections performed and the results of those inspections. The records shall include, as a minimum:

(1) date and time of the inspection;

(2) person conducting the inspection; and

(3) results of the random inspection.

(c**) Personnel training**. All gate attendants and disposal facility operators shall receive an initial eight (8) hours of basic training in waste exclusion and radioactivity, as related to the WEP.

(1) Curriculum. The WEP shall detail the training curriculum, to at a minimum include review of regulatory definitions and requirements for handling of waste as well as the facility's WEP implementation procedures.

(2) Documentation. The WEP shall specify how employee training will be documented.

(3) Refresher. The WEP shall include a minimum of four hours per year annual refresher

training.

(d) **Trained personnel on-site.** Trained personnel shall be on-site during all hours the facility is

open to accept wastes.

(e) **Notification of rejected waste.**

(1) The DEQ shall be notified by the end of the next working day of:

(A) any waste identified and rejected prior to receipt as a prohibited waste; or

(B) any load identified and rejected at the gate, during random inspections, or upon

disposal at the working face, as a prohibited waste.

(2) Such notification shall describe the reason for rejection and include:

(A)the date of rejection;

(B) the name, address, phone number and contact person of the waste generator when

such data can be obtained; and/or

(C) the name of driver, tag number of the vehicle, carrier name, address, telephone

number and contact person when such data can be obtained.

(f) **Safe storage**. The WEP shall include procedures for the safe handling and storage of prohibited wastes until proper disposal can be arranged.

(g) **Proper disposal.** The WEP shall include procedures to ensure prohibited wastes are disposed at a facility permitted to accept the waste.

(h) **Verification of disposal.** The WEP shall include procedures for verification of proper disposal of prohibited wastes.

**252:515-29-4. Maintain records**

Appropriate records shall be maintained in the operating record to demonstrate compliance with the requirements of this Subchapter

**SUBCHAPTER 31. NHIW MANAGEMENT**

Section

252:515-31-1. Applicability and exclusion

252:515-31-2. Identification of NHIW and exclusion 252:515-31-3. Generator requirements

252:515-31-4. Disposal facility requirements

**252:515-31-1. Applicability and exclusion**

(a) **Applicability.** This Subchapter applies to:

(1) generators disposing of more than 10 cubic yards of NHIW per calendar month for off-site

disposal at a solid waste disposal facility in Oklahoma; and

(2) Oklahoma solid waste disposal facilities accepting NHIW for disposal.

(3) any facility receiving any amount of PFAS waste as defined in 252:515-1-2.

(b) **Exclusion.** Except as provided in (a)(1) of this Section, generators who own and operate an NHIW landfill exclusively for their noncommercial use are not subject to the requirements of this Subchapter. However, such generators shall maintain records of the type, quantity, and source of NHIW disposed at the generator's NHIW landfill.

**252:515-31-2. Identification of NHIW and exclusion**

(a) **Wastestreams identified.** Appendix F of this Chapter identifies certain wastestreams deemed by the DEQ to be NHIW. Wastes not identified but meeting the definition of NHIW shall be managed as such.

(b) **Requests for exclusion.** Any generator of NHIW may petition the DEQ to exclude a specific NHIW from the requirements of OAC 252:515-31-3 upon demonstration the NHIW is:

(1) insoluble in water, chemically inactive, and will not leach contaminants; or

(2) is commonly found as a significant percentage of residential solid waste.

**252:515-31-3. Generator requirements**

(a) **Certification required.** For each NHIW to be disposed in an Oklahoma solid waste disposal facility, generators, or persons identified in 27A O.S. § 2-10-501(H)(1), shall submit a certification to the DEQ that the NHIW is not a hazardous waste and submit any additional information necessary to characterize the NHIW pursuant to 252:515-1-2, Definitions, and 252:515-19-34, Limitations on waste received.

(b) **Certification requirements.** The certification shall be made in accordance with Appendix G of this Chapter, or contain equivalent information.

**(c****) PFAS Waste profile sheet.** In addition to the certification described in (a), generators of PFAS waste shall submit PFAS waste profile information as described in Appendix J.

(d) **Process or waste stream changes.** In the event the NHIW generating process or resultant waste stream changes, the generator shall immediately notify the DEQ of such change and update the appropriate certification.

(e) **Verification.** The DEQ may require the generator to provide documentation in support of the certification. Such documentation may include, but not be limited to, laboratory analysis, material safety data sheets, or additional information regarding the waste stream or generation process.

(f) **Compliance with other laws.** The provisions of this Section do not relieve a generator from the requirements of 40 CFR 262.11 or any other State or Federal laws, rules, or regulations.

**252:515-31-4. Disposal facility requirements**

1. **Records.** Records shall be maintained in the operating record, itemizing the type, quantity, and source of NHIW received from persons disposing greater than 10 cubic yards of NHIW in a calendar month. Such records shall be submitted to the DEQ no later than the last day of the month following the reporting month.
2. **PFAS waste management plan.** No facility shall accept PFAS waste, as defined in 252:515-1-2, for treatment, storage, or disposal, without an approved PFAS waste management plan.
3. **PFAS waste management plan requirements.** The PFAS waste management plan identified in (b) of this Section shall include the following information:
   1. description of the types and sources of PFAS waste to be received, amount to be received, and transporters to be used;
   2. manner in which PFAS waste will be stored, treated and/or disposed, and demonstration that the manner is protective of human health and the environment.
   3. estimate of the additional cost of closure and post-closure for potential corrective, remedial or response actions associated with the management of PFAS waste;
   4. financial assurance mechanism in accordance with 252:515-27.

**APPENDIX G. NHIW CERTIFICATION FORM**

**Please read instructions prior to completing this form.**

**Generator Name:**

**Mailing Address: City State Zip Point of Generation**

**City State**

**Generator Contact: Title Telephone**

**DETAILED WASTE DESCRIPTION**

**Waste Name:**

**Zip**

**Is this waste “PFAS Waste” pursuant to OAC 252:515-1-2 [] Yes [] No**

**If Yes, complete PFAS Waste Profile Sheet in addition to this form.**

**If waste was generated out-of-state, is it classified as hazardous in the state of origin? [] Yes [] No [] NA- Okla. waste**

**Approximate amount of waste to be disposed: [] Tons[] Pounds [] Cubic yards [] Drum**

**Disposal frequency: [] One-time [] Weekly [] Monthly [] Annually**

**Physical characteristics: [] Solid[] Liquid** **[] Sludge[] Combination [] Other**

**Method used to determine waste is non-hazardous: [] Analysis [] Generator knowledge [] Both Process generating waste (be specific and use additional sheets if necessary):**

**DESIGNATED RECEIVING LANDFILL**

**Name:**

**Permit #:**

**GENERATORCERTIFICATION**

**I understand this form must be signed bythe original waste generator or other persons authorized by 27A O.S. §2-10-**

**501(H). To the best of my knowledge, I certify:**

* **The information contained herein is accurate, complete, and representative of the waste to be disposed;**
  + **The waste identified above is not a characteristically hazardous waste as identified by 40 CFR 261, Subpart C, is not a listed hazardous waste as identified by 40 CFR 261, Subpart D or contaminated with a listed hazardous waste, and is**

**not otherwise identified as a hazardous waste by the Department of Environmental Quality; and**

* + - **This waste will be managed in accordance with all applicable statutes and rules of the Department of Environmental Quality.**

**Generator Signature**

**INSTRUCTIONS FOR COMPLETING THE NHIW CERTIFICATION**

Enter the name of the generating facility, generator mailing address, address where the waste was generated, contact name and title of person at the generating facility who is knowledgeable about the waste, and phone number.

**DETAILED WASTE DESCRIPTION**

1. Identify the name of the waste.
2. Identify the approximate amount of waste to be disposed under the plan, its frequency of disposal, and its physical characteristics.
3. Identify if the waste was determined to be non-hazardous by either knowledge of process, testing, or both. If requested by DEQ, the generator must be able to provide information about the waste, such as a list of chemical constituents entering into the waste and a list of chemical constituents likely to be in the waste, laboratory analyses, MSDS sheets, and other information used by the generator to determine the waste is nonhazardous.
4. Identify the process generating the waste. Please note that the waste generating description must be specific and sufficient to demonstrate the waste is non-hazardous.

**DESIGNATED RECEIVING LANDFILL**

Identify the name of the landfill to receive the waste and its DEQ permit number.

**GENERATORCERTIFICATION**

Read the certification and sign and date the form. **Please note that the certification may only be dated and signed by one of the following:** 1) the original waste generator; 2) a person who identifies and is under contract with a generator and whose activities under the contract cause the waste to be generated;

3) a party to a remediation project under an order of the DEQ or under the auspices of the Oklahoma Energy Resources Board or other agencies of other states; or 4) a person responding to an environmental emergency.

The completed notification form should be submitted to the DEQ at the following address. Once submitted, the generator may dispose of the waste at the designated landfill.

Department of Environmental Quality Solid Waste Compliance Unit

P. O. Box 1677 Oklahoma City, OK 73102

Phone (405) 702-5100

Fax (405) 702-5101

**APPENDIX J**

**PFAS WASTE PROFILE SHEET**

**(to be developed)**