

**TITLE 252. DEPARTMENT OF ENVIRONMENTAL QUALITY
CHAPTER 205. HAZARDOUS WASTE MANAGEMENT**

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 3. Incorporation by Reference

252:205-3-1. Reference to 40 CFR [AMENDED]

Subchapter 5. Additional Generator Requirements

252:205-5-1. Disposal Plans [REVOKED]

252:205-5-2. SWG exemption from disposal plan requirements [REVOKED]

252:205-5-3. Quarterly Reporting Requirements [REVOKED]

Subchapter 21. Fees

252:205-21-1. General Fee Provisions [AMENDED]

252:205-21-2. Generator Fees [AMENDED]

252:205-21-4. Treatment, storage, off-site recycling, and disposal facility fees [AMENDED]

Appendix C. Annual Facility Monitoring Fees [Revoked]

Appendix C. Annual Facility Monitoring Fees [NEW]

SUMMARY:

The gist of this rulemaking is to make DEQ's hazardous waste rules consistent with the federal regulations by incorporating by reference (IBR) the regulations found in 40 CFR Parts 124 and 260-279, revised as of July 1, 2021. The significant rule change for this IBR modernizes the rules governing determinations for ignitable liquid hazardous wastes. The modification will allow labs testing for the characteristic to use non-mercury thermometers. It finalizes the codification of existing guidance defining "aqueous" as "50% water by weight", it corrects cross references to DOT regulations, and removes obsolete information. This rulemaking ensures that Oklahoma's hazardous waste rules are at least equivalent to the federal rules, as required to maintain program Authorization. Additionally, statute changes that became effective July 1, 2021 have rendered certain state rules obsolete. Therefore, the DEQ is modifying those state rules that have been affected by the statute changes.

AUTHORITY:

Environmental Quality Board; 27A O.S. §§2-2-101 and 2-2-104.

Hazardous Waste Management Advisory Council; §2-2-201.

Oklahoma Hazardous Waste Management Act; §§ 2-7-105, and 2-7-106.

COMMENT PERIOD:

Written comments on the proposed rules may be submitted to the contact person from September 15, 2021 through October 21, 2021.

PUBLIC HEARINGS:

Before the Hazardous Waste Management Advisory Council on Thursday, October 21, 2021 at 10:00 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 the regularly scheduled meeting to be held in February 2022 at the Department of Environmental Quality offices, first floor, 707 N. Robinson, Oklahoma City, OK 73101.

REQUEST FOR COMMENTS FROM BUSINESS ENTITIES:

The Department of Environmental Quality requests that business entities or any other members affected by these modifications provide the DEQ, within the comment period and in dollar amounts if possible, the increase 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.

COPIES OF PROPOSED RULES:

A copy of the proposed rules may be obtained from the contact person, reviewed at the Department of Environmental Quality, 707 N. Robinson, Oklahoma City, OK 73102, or reviewed online 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 on file at the DEQ and may be requested from the contact person listed below.

CONTACT PERSON:

Mike Edwards, Hazardous Waste Compliance and Inspection Section, Department of Environmental Quality, P.O. Box 1677, Oklahoma City, OK 73101 - 1677, e-mail at mike.edwards@deq.ok.gov, phone 405-702-5226, or fax 405-702-5101.

ADDITIONAL INFORMATION:

Persons with disabilities who desire to attend a public hearing and need assistance should notify the contact person three days in advance of the meeting during business hours at 405-702-5226 or by using TDD relay number 1-800-522-8506.