**515 Proposed Changes**

**General Provisions:**

**252: 515-1-2: Definition for used tire**

~~"~~**~~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.~~

**252:515-1-8: Special Considerations**

(a)    **Existing permits.**Permits for active solid waste disposal facilities issued under previous rules, and those in the post-closure monitoring period on the effective date of this Chapter, remain in effect.

~~(b)~~**~~Permit upgrades.~~**~~Within 180 days of the effective date of this Chapter, the owner/operator of the following solid waste disposal facilities shall submit a permit modification application to the DEQ to ensure compliance with certain requirements of this Chapter~~. **[RESERVED]**

~~(1)~~**~~MSWLFs and C&D landfills.~~**~~Permit modifications for MSWLFs and C&D landfills shall include:~~

~~(A)    a legal description, by metes and bounds; section, township, and range, or parts thereof; or book and page number of plat records for platted property, of both on- and off-site soil borrow areas, if applicable;~~

~~(B)    a temporary easement in accordance with OAC 252:515-3-34(c);~~

~~(C)    a stormwater management plan to demonstrate how compliance with the requirements of Subchapter 17 of this Chapter will be achieved and maintained;~~

~~(D)    a disposal plan in accordance with OAC 252:515-19-34(c) through (f) for out-of-state waste, if applicable;~~

~~(E)    a vegetative cover plan to ensure compliance with the requirements of OAC 252:515- 19-54, if applicable;~~

~~(F)    revised closure plans to ensure closure of on- and off-site soil borrow areas in accordance with OAC 252:515-25-32(b)(3)(A), if applicable;~~

~~(G)    life of site calculations in accordance with OAC 252:515-27-8(c), except for those facilities owned by units of the federal government;~~

~~(H)    revised closure, post-closure, and/or corrective action cost estimates calculated in accordance with Part 5 of Subchapter 27 of this Chapter, except for those facilities owned by units of the federal government;~~

~~(I)    a new or revised waste exclusion plan meeting the requirements of Subchapter 29 of this Chapter; and~~

~~(J)    sampling ports for gas monitoring probes to meet the requirement of OAC 252:515-15-4(a)(2).~~

~~(2)~~**~~NHIW landfills.~~**~~Permit modification applications for generator-owned and operated NHIW landfills shall include those items identified in (1)(A), (1)(B), (1)(C), (1)(F), (1)(G) and (1)(H) of this Subsection, as well as a revision to the groundwater monitoring program to ensure compliance with OAC 252:515-9-31(d)(3).~~

~~(3)~~**~~Regulated medical waste processing facilities.~~**~~Permit modification applications for regulated medical waste processing facilities shall include the information identified in (1)(B) and (1)(H) of this Subsection.~~

~~(4)~~**~~Transfer stations.~~**~~Permit modification applications for transfer stations shall include the information in (1)(I) of this Subsection.~~

~~(5)~~**~~Yard waste composting facilities.~~**~~Permit applications for yard waste composting facilities operating under an approved plan shall be submitted for purposes of upgrading the plan to a permit and to ensure compliance with Subchapter 43 of this Chapter.~~

~~(c)~~**~~Compliance required.~~ [RESERVED]**

~~(1)    Except as provided in (2) of this Subsection, permit upgrades identified by (b) of this Section shall be implemented within one year of the effective date of this Chapter. Extensions may be granted by the DEQ for good cause shown.~~

~~(2)    All solid waste disposal facilities required to establish and maintain financial assurance shall ensure financial assurance mechanisms are funded in the appropriate amount based on approved cost estimates.~~

(d)    **MSWLFs prior to October 9, 1991.**MSWLFs that stopped receiving waste prior to October 9, 1991 are subject to the final cover and post-closure monitoring requirements of the permit and the rules in effect at the time of closure.

(e)    **MSWLFs on or after October 9, 1991.**MSWLFs receiving waste on or after October 9, 1991 are subject to this Subsection.

(1)    **Less than 100 tons per day of waste.**No later than October 9, 1994, MSWLFs that received less than an average of 100 tons per day of solid waste after October 9, 1991 and stopped receiving waste before April 9, 1994 shall install final cover meeting the requirements of OAC 252:515-19-53.

(A)    **Post-closure monitoring requirements.**MSWLFs shall be subject to the post- closure monitoring requirements of the permit and rules in effect at the time of closure.

(B)    **Failure to stop accepting waste or to apply final cover.**MSWLFs that accepted waste on or after April 9, 1994, or failed to install the final cover by October 9, 1994 shall be subject to all applicable requirements of this Chapter.

(2)    **100 tons or more per day of waste.**No later than October 9, 1994, MSWLFs that received an average of 100 tons or more per day of solid waste after October 9, 1991 and stopped receiving waste before October 9, 1993 shall install final cover meeting the requirements of OAC 252:515-19-53.

(A)    **Post-closure monitoring requirements.**MSWLFs shall be subject to the post- closure monitoring requirements of the permit and the rules in effect at the time of closure.

(B)    **Failure to stop accepting waste or to apply final cover.**MSWLFs that accepted waste on or after October 9, 1993 or failed to install the final cover by October 9, 1994 shall be subject to all applicable requirements of this Chapter.

(f)    **Other disposal facilities.**Other solid waste disposal facilities that stopped receiving waste prior to the effective date of this Chapter shall close, and perform any applicable post-closure monitoring, in accordance with the permit and the rules in effect at the time of closure.

(g)    **Corrective action.**The DEQ may require corrective action any time an inspection of a solid waste disposal facility or review of testing data indicates the actual release of contaminants into the environment. Such corrective action shall be performed in accordance with the requirements of this Chapter.

**Stormwater Management:**

252:515-17-3 **Discharges**

(a)    **All disposal facilities.**All solid waste disposal facilities shall be operated to:

(1)    prevent the discharge of contaminated stormwater unless the proper permit is obtained from the DEQ's Water Quality Division;

(2)    prevent the discharge of pollutants into waters of the United States, including wetlands, that violates any requirements of the federal Clean Water Act, including, but not limited to, the Oklahoma Pollutant Discharge Elimination System (OPDES) requirements;

(3)    prevent the discharge of a non-point source of pollution to waters of the United States, including wetlands, that violates any requirement of an area-wide or State-wide water quality management plan that has been approved in accordance with the federal Clean Water Act; and

(4)    comply with all requirements of their OPDES permit, if applicable. A copy of the OPDES permit shall be maintained in the operating record.

(b) **Land disposal facilities.** If required by OAC 252:606 (Oklahoma Pollutant Discharge Elimination System Standards - OPDES), active land disposal facilities shall have:

(1) a Stormwater Pollution Prevention Plan (SWPPP) and a Sector L General Permit for Stormwater Discharges. A copy of the SWPPP and Sector L permit shall be maintained in the operating record; and

~~(2) an OPDES stormwater permit for construction sites for any on- or off-site soil borrow areas of one acre or more~~. [RESERVED]

**Operational Requirements:**

**Cover and Soil Borrow Requirements for All Disposal Facilities**

**252:515-19-50. Slope limits**

(a) **Interior slopes.** The slope of a waste disposal area shall be no steeper overall than 3 horizontal to 1 vertical (3:1) at any time when it adjoins an area within the permitted boundary proposed to accept waste.

(b) **Exterior slopes.** The slope of a waste disposal area shall be no steeper overall than 4 horizontal to 1 vertical (4:1) at any time when located at the limits of the permitted boundary or adjoining an area not proposed to accept waste.

(c) **Working face.** The slope of the working face may vary during daily placement of waste but shall be graded to meet applicable slope requirements in (a) or (b) of this paragraph at the end of each operating day.

(d) **Slope correction.** A plan shall be submitted to DEQ within sixty (60) days of a determination that one or more slopes exceed the limits specified in this Section. The plan will specify tasks and the timeline needed to achieve compliance with this Section. ~~Failure to submit a plan within the time specified by DEQ may result in the initiation of the Administrative Enforcement Process. Failure to follow or maintain the plan submitted to DEQ may also result in the initiation of the Administrative Enforcement Process.~~

**Wheel Washes:**

**~~252:515-19-131. Applicability~~**

~~This part applies to owners and operators of active land disposal facilities who purchase and install a wheel wash system for use at the land disposal facility.~~

**~~252:515-19-133. Definitions~~**

~~The following words and terms, when used in this Part, shall have the following meaning unless the context clearly indicates otherwise:~~

~~"~~**~~Wheel wash system~~**~~" means a permanent installation that uses an immersion bath or spray of water to clean mud, soil, rock, debris and other extraneous material from the tires and undercarriage of vehicles.~~

# ~~252:515-19-138. Water management and control~~

~~(a)~~ **~~Run-off of wash water prohibited~~**~~. There shall be no run-off of wash water from this system.~~

~~(b)~~ **~~Recirculation.~~** ~~Water used in the wheel wash system may be recaptured for recirculation within the system.~~

~~(c)~~ **~~Modify plans~~**~~. If necessary, the owner/operator shall modify and update the stormwater pollution prevention plan to include the wheel wash system and to demonstrate compliance with Subchapter 17.~~

~~(d)~~ **~~Recycled liquid~~**~~. Recycled liquid and settled solids shall be managed as solid waste.~~

~~(e)~~ **~~Settled solids.~~** ~~The settled solids may be put back in the landfill if they meet the requirements of OAC 252:515-19-71.~~

**Regulated Medical Waste Management:**

**Operational Requirements for All Commercial Regulated Medical Waste Processing Facilities**

**252:515-23-31. General**

(a)    **Other requirements.**Commercial regulated medical waste processing facilities are subject to the requirements of Part 3 of OAC 252:515-19.

(b) **Acceptable wastes.** Only regulated medical wastes shall be accepted at a regulated medical waste processing facility unless otherwise approved by DEQ.

(c)    **DEQ approved plan.**A DEQ approved plan shall be implemented for:

(1)    excluding wastes that are not to be processed;

(2)    safely storing wastes until proper processing and disposal occurs; and

(3)    responding to emergencies.

(d)    **Decontamination facilities.**Decontamination facilities must be provided.

# Cost Estimates and Financial Assurance:

# General Provisions

# 252:515-27-4. Updating

# (a) Unit costs. Provided they remain in effect, the unit costs and worksheets in Appendices H and

# I shall be updated no later than April 9, 2005, and at least every five years thereafter.

# ~~(b) Annual updates and adjustments. All references to and deadlines of "April 1 of each year" in this subchapter shall be postponed to April 9 of each year. Refer to 252:515-27-8(c) and 27- 34(a).~~[REVOKED]

# Roofing Material Recycling:

# ~~252:515-41-5. Duration of permit~~

~~(a)~~ **~~Life of site.~~** ~~Permits shall be issued for the life of the roofing material recycling facility.~~

~~(b)~~ **~~Cessation of operations.~~** ~~If a permitted roofing material recycling facility ceases to accept roofing material for 30 days or more without prior notice to DEQ, the roofing material recycling facility will be deemed to be in the process of final closure and shall begin closure activities.~~

# ~~252:515-41-6. Permit transfer~~

~~(a)~~ **~~Transfer required.~~** ~~If the ownership of a roofing material recycling facility is assumed by a new entity, the permit must be transferred from the previous owner/operator (“transferor”) to the new owner/operator (“transferee”).~~

~~(b)~~ **~~Exception.~~** ~~Changes in corporate ownership from majority stock transfers do not require a permit transfer. However, such changes require notice to DEQ and submittal of an approved disclosure statement meeting the requirements of OAC 252:515-3-31(g).~~

~~(c)~~ **~~Transfer requirements.~~** ~~Permits may be transferred from the transferor to the transferee upon the following conditions:~~

~~(1)~~ ~~the transferor has submitted a written request to DEQ for transfer of the permit to the transferee;~~

~~(2) the transferee has submitted an approved disclosure statement meeting the requirements of OAC 252:515-3-31(g);~~

~~(3)~~ ~~the transferee has, if required, established an approved financial assurance mechanism in an appropriate amount and appropriately funded;~~

~~(4)~~ ~~the transferee has agreed in writing to comply with:~~

~~(A)~~ ~~all permit conditions;~~

~~(B)~~ ~~approved plans and specifications;~~

~~(C)~~ ~~the Oklahoma Solid Waste Management Act;~~

~~(D)~~ ~~the rules in this Chapter; and~~

~~(E)~~ ~~any final orders issued pursuant thereto;~~

~~(5)~~ ~~the transferee has complied with OAC 252:515-3-33 (relating to oath required); and~~

~~(6)~~ ~~the facility meets the compliance requirements of OAC 252:4-7-15. In lieu of demonstrating substantial compliance, the parties to the transfer may enter into a Consent Order with DEQ to schedule compliance.~~

~~(d)~~ **~~Transferor responsible.~~** ~~Until such time as DEQ approves transfer of the permit to the transferee, the transferor shall remain responsible for the operation of the facility.~~

# ~~252:515-41-7. Permit applications and requirements~~

~~(a)~~ **~~All permit applications.~~** ~~All permit applications are subject to the Oklahoma Uniform Environmental Permitting Act as well as the requirements of this Subchapter.~~

~~(b)~~ **~~New permit applications.~~** ~~Applicants requesting a permit for a new roofing material recycling facility shall submit a permit application to DEQ meeting the requirements of this Subchapter.~~

# ~~(c)~~ ~~Modifications required.~~

~~(1)~~ ~~The permit must be modified before making any changes to the approved design, construction, or operation of the facility.~~

~~(2)~~ ~~The modification application shall contain any maps, drawings, plans or other documents identified in this Subchapter to ensure the modification will be in compliance with the applicable requirements of this Chapter.~~

~~(d)~~ **~~Administrative correction.~~** ~~DEQ may make administrative corrections to the permit.~~

~~(e)~~ **~~Tier I and II permit modifications.~~** ~~Applicants requesting a Tier I or Tier II modification of an existing permit shall submit a permit modification application to DEQ meeting the applicable requirements of this Subchapter, but are not required to comply with OAC 252:515-3-33 (relating to oath required), unless otherwise required by statute.~~

~~(f)~~ **~~Tier III permit modifications.~~** ~~Applicants requesting a Tier III modification of an existing permit shall submit a permit modification application to DEQ meeting the applicable requirements of this Subchapter, and comply with OAC 252:515-3-33.~~

~~(g)~~ **~~Disclosure statement.~~** ~~Persons submitting a permit application for a new roofing material recycling facility, or the transfer of an existing roofing material recycling permit, are subject to the disclosure statement requirements of 27A O.S. §§ 2-10-103 and 2-10-302.~~

# ~~252:515-41-8. Variance from the rules of this Chapter~~

~~(a)~~ **~~Application.~~** ~~Applicants may, in a permit application, request a variance from one or more provisions of this Chapter in accordance with 27A O.S. § 2-10-304.~~

~~(b)~~ **~~Technical considerations.~~** ~~Applicants requesting a variance must demonstrate that operations under the variance will equal or exceed the protection accorded by the particular rule for which the variance is being requested, and will not result in a hazard to the health, environment, or safety of the people of this State or their property.~~

# ~~252:515-41-9. Oath required~~

~~The applicant shall sign the permit application under oath on forms provided by DEQ.~~

# ~~252:515-41-10. Legal right to property~~

~~(a)~~ **~~Right of access.~~** ~~The permit application for a new roofing material recycling facility, or expansion of the permit boundaries of an existing roofing material recycling facility, must contain:~~

~~(1)~~ ~~a true and correct copy of a legal document filed in the county in which the facility is located, demonstrating that the applicant possesses a legal right to access and use the property in the manner for which the permit is sought, including any on- or off-site soil borrow areas, throughout the life of the site; and~~

~~(2)~~ ~~a certification, by affidavit, that the applicant owns the real property, has a current lease or easement which is given to accomplish the permitted purpose, or has provided legal notice to the landowner.~~

~~(b)~~ **~~Option for use.~~** ~~If an option for right of access is predicated upon the issuance of a permit prior to the exercise of that option, then the applicant must submit a copy of the option with the permit application. Once the permit has been issued, the applicant must comply with (a) of this Section prior to beginning construction.~~

~~(c)~~ **~~Easement to DEQ.~~** ~~Unless the property owner is a unit of government, a temporary easement shall be executed allowing DEQ and/or its contractors the right to access the property to perform closure, post-closure monitoring, or corrective action in the event of default by the owner/operator.~~

# ~~252:515-41-11. Permit applications~~

~~(a)~~ **~~New applications.~~** ~~A permit application for a new roofing material recycling facility shall include all information required by the Oklahoma Uniform Environmental Permitting Act, including:~~

~~(1)~~ ~~the owner/operator's name, mailing address, and phone number;~~

~~(2)~~ ~~the name by which the facility will be known, the mailing address of the facility, the street address of the facility (if different from the mailing address), and the facility phone number;~~

~~(3)~~ ~~a disclosure statement completed in accordance with OAC 252:515-3-31(g);~~

~~(4)~~ ~~a legal description, by metes and bounds; section, township, and range, or parts thereof; or book and page number of plat records for platted property, of:~~

~~(A)~~ ~~the proposed permit boundary;~~

~~(B)~~ ~~the proposed waste processing and/or disposal areas~~

~~(5)~~ ~~latitude and longitude of all corners of the permit boundary and the facility entrance;~~

~~(6)~~ ~~the location of the site from the nearest town or city;~~

~~(7)~~ ~~a description of all processing, storage, and disposal operations and units;~~

~~(8)~~ ~~a description of the anticipated waste streams and amount received per day;~~

~~(9)~~ ~~data, plans, and specifications for the following:~~

~~(A)~~ ~~a demonstration the proposed facility meets the location restrictions of Subchapter 5 of this Chapter;~~

~~(B)~~ ~~an operational plan describing how compliance with the operational requirements of Subchapter 19 of this Chapter, as applicable to the proposed facility, will be achieved;~~

~~(C)~~ ~~a plan describing how compliance with the stormwater management requirements of Subchapter 17 of this Chapter will be achieved;~~

~~(D)~~ ~~plans for closure of the facility in accordance with Subchapter 25 of this Chapter; and~~

~~(E)~~ ~~establishment of financial assurance in accordance with Subchapter 27 of this Chapter.~~

~~(b)~~ **~~Information not identified.~~** ~~DEQ may require the applicant to submit additional data, revise design specifications or propose environmental safeguards as necessary to meet DEQ rules for the protection of human health and the environment.~~

~~(c)~~ **~~Permit modification applications.~~** ~~An applicant requesting a modification to an existing permit shall submit information identified in this Part related to the proposed modification.~~