**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]

252:205-3-2. Incorporation by reference [AMENDED]

252:205-3-4. Terminology related to 40 CFR [AMENDED]

Subchapter 5. Additional Generator Requirements

252:205-5-2. SQG exemption from disposal plan requirements [AMENDED]

**SUMMARY:**

The gist of this rulemaking is to make DEQ's hazardous waste rules consistent with the federal regulations by incorporating by reference the regulations found in 40 CFR Parts 124 and 260-279, revised as of July 1, 2019. Changes to federal rules during this time period address the safe management of recalled (vehicle) airbags and revised management standards for hazardous waste pharmaceuticals which include an amendment to the hazardous waste listing for nicotine. Additionally, minor changes to specific subchapters are required in response to comments received from EPA. These changes regard errors identified during a review of RCRA (Authorization) Cluster XXV. This rulemaking will ensure that Oklahoma's hazardous waste rules are at least equivalent to the federal rules.

**AUTHORITY:**

Environmental Quality Board and Hazardous Waste Management Advisory Council powers and duties, 27A O.S., §§ 2-2-101, 2-2-104, 2-2-201, 2-7-105, and 2-7-106.

**COMMENT PERIOD:**

Deliver or mail written comments on the proposed rules to the contact person from September 3, 2019 through October 10, 2019.

**PUBLIC HEARINGS:**

Before the Hazardous Waste Management Advisory Council on October 10, 2019 at 10:00 a.m. at the Department of Environmental Quality offices, first floor, 707 N. Robinson, Oklahoma City, OK 73101. Before the Environmental Quality Board at the regularly scheduled meeting to be held in February 2020 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 affected by these modifications 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, 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 or may be viewed on the DEQ web site at www.deq.ok.gov/land-protection-division/land-protection-division-proposed-rules/ or may be reviewed at the Department of Environmental Quality, 707 N. Robinson, Oklahoma City, Oklahoma.

**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 the public hearing to be held before the Hazardous Waste Management Advisory Council 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.