

US EPA ARCHIVE DOCUMENT

Non HSWA V

**RULES AND REGULATIONS
FOR
INDUSTRIAL WASTE MANAGEMENT**

ODH BULLETIN 0525

Last amended June 29, 1989

Effective August 17, 1989

Oklahoma State Department of Health

Environmental Health Services

Waste Management Service

RULES AND REGULATIONS 3
FOR
INDUSTRIAL WASTE MANAGEMENT

ODH BULLETIN 0525

*Last amended on June 29, 1989
Effective August 17, 1989*

Contents

CHAPTER		PAGE
ONE	DEFINITIONS	1
TWO	INCORPORATION BY REFERENCE	3
THREE	ADDITIONAL GENERATOR REQUIREMENTS	7
FOUR	ADDITIONAL TRANSPORTER REQUIREMENTS	9
FIVE	ADDITIONAL T S D REQUIREMENTS	11
SIX	PERMIT PROCEDURES	13
SEVEN	MISCELLANEOUS	17
EIGHT	ADDITIONAL CLASS I INJECTION WELL REQUIREMENTS	27
NINE	TAX CREDIT	33
INDEX		39

Tables

TABLE		PAGE
1	CONSTRUCTION PERMIT APPLICATION FEES	21
2	OPERATIONS PERMIT APPLICATION FEES	23
3	ANNUAL FACILITY MONITORING FEES	25

CHAPTER ONE DEFINITIONS

- 100 In addition to the definitions contained in the Oklahoma Controlled Industrial Waste Disposal Act, 63 O.S. 1981, Sections 1-2001 *et seq.*, as amended, the following definitions shall apply for these Regulations.
- 110 "Act" means the Oklahoma Controlled Industrial Waste Disposal Act, 63 O.S. 1981, Sections 1-2001 *et seq.*, as amended.
- 120 "Annulus" (plural "annuli") means the space in an injection well between a casing string and a tubing string, or between two casing strings, or between a casing string and the rock penetrated by the drill hole. References throughout these Rules will usually be to an annulus between the innermost or long string casing and the injection tubing.
- 130 "Commissioner" means the State Commissioner of Health.
- 140 "Cone of influence" means that area around an injection well within which the pressure in the injection interval (whether natural formation pressure, or formation pressure increased by injection activities) is sufficient to drive formation fluids, injection fluids, or a mixture thereof into an underground source of fresh water.
- 150 "Fresh water" means all waters that contain no more than 10,000 milligrams per liter (mg/l) total dissolved solids; this includes all waters that are present or potential sources of drinking, livestock, or irrigation water.
- 160 "One-hundred year flood plain" means the area adjoining a stream, river, water-course, lake or other body of surface water that has been or may be inundated by a one-hundred year flood.
- 170 "Maximum total pressure gradient" means the sum of the injection pressure applied to the well (as measured by pressure monitoring devices connected at the well head) plus the pressure exerted by the fluid column in the injection tubing, divided by the depth from ground surface at the well head to the top of the injection interval. Pressure gradients are expressed in pounds per square inch per foot (psi/ft) of depth below surface.

CHAPTER TWO INCORPORATION BY REFERENCE

200 When reference is made to Title 40 of the Code of Federal Regulations (40 CFR), it shall mean (unless otherwise specifically provided) the Hazardous Waste Regulations, Monday, May 19, 1980, and the Underground Injection Control Program, as amended through July 1, 1988.

210 The following Parts of 40 CFR are, unless otherwise specified, incorporated by reference in their entirety:

Part 124 (Procedures For Decisionmaking), except those sections not required by 40 CFR 271.14.

Part 144 (Underground Injection Control Program), except:

- 144.1(c) (which refers to the Federal OMB).
- 144.2 (which refers to Class II programs on Indian lands).
- 144.5 (which refers to confidentiality of information).
- 144.7 (which refers to underground sources of drinking water).
- 144.8 (which refers to State reports to EPA).
- Subpart C (which refers to authorization by rule).
- 144.33 (which refers to area permits).
- 144.34 (which refers to emergency permits).
- Subpart F (which refers to financial responsibility).

Part 146 (Underground Injection Control Program: Criteria and Standards), except:

- 146.6 (which refers to area of review).
- 146.9 (which refers to criteria for establishing permit priorities).
- 146.10 (which refers to plugging and abandoning Class I-III wells).
- Subpart B (which refers to Class I criteria and standards).
- Subpart C (which refers to Class II criteria and standards).
- Subpart D (which refers to Class III criteria and standards).

Part 260 (Hazardous Waste Management System: General), with the exception of 260.20 through 260.22 (which relate to de-listing).

Part 261 (Identification and Listing of Hazardous Waste), including Appendices I through X.

Part 262 (Standards Applicable to Generators of Hazardous Waste).

Part 263 (Standards Applicable to Transporters of Hazardous Waste).

Part 264 (Standards for Owners and Operators of Hazardous Waste Treatment, Storage, and Disposal Facilities).

240 In the event that there are inconsistencies or duplications in the requirements of those provisions incorporated by reference in Rules 210 through 211, and the regulations herein set out, the provisions incorporated by reference shall prevail, except where the regulations herein set out are more stringent.

CHAPTER THREE ADDITIONAL GENERATOR REQUIREMENTS

- 300 **Disposal Plans.** All persons generating controlled industrial waste within Oklahoma or generating wastes to be treated or disposed of in Oklahoma shall file a disposal plan with the Department for approval, on forms provided by the Department.
- 301 The Department will assign each generator a disposal plan number upon approval of the plan. The approved disposal plan number must be entered on each hazardous waste manifest in the State Generator's I.D. space.
- 302 The generator must update the disposal plan as needed and must notify the Department of any proposed changes in the plan within five working days of the changes. Changes shall not be implemented until approved by the Department.
- 303 Generators of recyclable materials shall keep the Department informed, in writing, of the types and quantities of materials being recycled and the recycling methods used. However, generators are not required to include recycled wastes on their disposal plans. For the purpose of complying with Sections 1-2004 and 1-2009.1 of the Act, the Department shall assign facsimile disposal plan numbers to those generators reporting recyclable materials. Generators may use their actual disposal plan when reporting recyclable materials, at their discretion.
- 304 One-time disposal plans may be issued for emergency clean-up or waste removal.
- 310 Small quantity generators and conditionally exempt small quantity generators are not subject to the disposal plan requirement.
- 320 On forms provided by the Department, all generators of controlled industrial waste or recyclable materials shall submit information, as required by 40 CFR 262.41, to the Department. This information shall be submitted quarterly and shall include the total amount of waste generated and copies of manifests signed by receiving facilities for wastes transported outside the State of Oklahoma.

CHAPTER FOUR

ADDITIONAL TRANSPORTER REQUIREMENTS

- 400 Each person who owns or leases one or more vehicles which engage in the transportation of controlled industrial waste shall be required to register for transportation on forms available from the Department. Persons who transport controlled industrial waste only within the confines of a generator's plant site, or within the boundaries of a disposal site or processing facility, shall not be required to register so long as no movement occurs along a public right-of-way.
- 410 The transporter shall insure that the waste will be adequately contained so as to prevent any leakage, spillage, blowing, or dumping of the waste while in transport.
- 420 No person shall transport, receive or dispose of controlled industrial waste without a completed manifest containing the disposal plan number of the generator(s) thereon.
- 430 Transporters shall not mix or combine shipments of waste from separate containers.

CHAPTER FIVE ADDITIONAL TSD REQUIREMENTS

- 500 **No endangerment or degradation.** All controlled industrial waste disposal sites and facilities shall be located, constructed, maintained, operated, and closed in a manner so as to prevent any endangerment of the public health and safety, or degradation of the environment. Degradation of the environment shall be deemed to have occurred if the site or facility in question causes or may cause a discharge to either the air, land, or water external to the facility which statistically increases (or decreases, in the case of pH) the level of a controlled industrial waste chemical or compound, or a parameter indicative of controlled industrial waste contamination, over what may normally be expected to be found in the environment at that time. Discharges in compliance with all requirements of any state or federal pollution control agency shall not be deemed as degradation. A statistical increase (or decrease) shall be determined by use of the tests specified in 40 CFR Parts 264 and 265.
- 510 **Reporting.** The information required by 40 CFR 264.75 or 265.75, including the identification of the transporter of the waste and copies of the manifests, shall be submitted monthly as required by the Act.
- 520 **Financial Security Mechanisms.**
- 521 The owner shall word the instruments as provided in 40 CFR 264.151, except that the phrase "Oklahoma State Department of Health, ("OSDH" or "the Department"), an agency of the State of Oklahoma" shall be used in lieu of phrases containing the words "Environmental Protection Agency"; "Commissioner of Health" shall be used in lieu of phrases containing the words "Regional Administrator"; "OSDH" shall replace "EPA"; "Act" shall replace "Section 3008 of the Resource Conservation and Recovery Act"; and "Department operations permit" shall replace "RCRA permit"; and
- 522 The certification in each instrument that the language is identical to respective provisions of 40 CFR 264.151 shall include the phrase "United States Environmental Protection Agency approved amendment, for the State of Oklahoma,".
- 530 **Buffer Zones.** No treatment, storage or disposal shall occur within the buffer zones as follows:
- 531 **Surface impoundments and landfills** - two hundred feet of the site perimeter.
- 532 **Land treatment facilities** - fifty feet of the site perimeter.

CHAPTER SIX PERMIT PROCEDURES

600 Application Procedure.

601 **Major Modifications.** A proposal for a major modification to a permitted facility shall require an operation permit.

A. A proposal which amounts to reconstruction of the facility shall also require a construction permit and an operation permit. Reconstruction occurs when the capital investment in the cumulative changes to the facility exceeds fifty percent of the capital cost of the original facility, adjusted for inflation.

B. A proposal to construct an injection well (or any well that penetrates into an existing or proposed injection zone) at a facility shall require a construction permit and an operation permit.

C. A proposal to alter or redefine the well life, confining zone, injection zone, or injection interval in an injection well shall be considered a major modification.

602 For the purposes of these Regulations, the area considered to be within one mile of the facility, for determination of affected property owners, shall be determined from the perimeter of the property of the site or facility as applied for in the construction permit application, including any buffer zones.

603 An application for a construction permit shall include the application fee and three copies of each of the following items:

A. An application on a form prepared by the Department.

B. Materials addressing each item described on the form.

C. A certification by the applicant of the affected property owners (and their mailing addresses) upon whom notice of submission of the construction permit application, and emergency plans if applicable, has been served.

D. An application for an operation permit.

604 When the Department determines to issue a draft permit (and not a draft denial) upon an application, the applicant shall tender the operation permit fee and publish notice, as required by Section 1-2006(C) of the Act, offering forty-five days:

A. For the request of a public meeting (or "hearing" as the term is used in 40 CFR 124.10) upon both the construction permit and upon the operation permit as described in the draft permit; and

- 622 **Parcel.** For purposes of these Regulations, a parcel of land owned by one or more affected property owners is a present possessory fee simple estate in land, excluding future interests.
- A. All discrete parcels, regardless of size, as specified in the county land records on the day the permit application is submitted, shall be counted equally, regardless of the number of affected property owners who may own concurrent interests in such parcel.
 - B. The owner who is occupying a parcel, if there is only one owner in occupancy, or a majority of the owners, or the executor, administrator or trustee on behalf of a parcel undergoing probate or otherwise, shall represent the approval or disapproval of the Emergency Plan on behalf of the parcel for purposes of the Act.
 - C. A calculation of approval or disapproval by a majority of the affected property owners shall be made by summing the numbers of parcels whose owners approve or disapprove the Emergency Plan. A majority is a simple majority of the parcels.
 - D. Approval or disapproval of the Emergency Plan by an affected property owner does not signify approval or disapproval of the technical aspects of the facility, nor limit the right under the Act of any affected property owner to oppose the construction permit or to oppose the Emergency Plan. Issues under this paragraph may be joined at any hearing conducted under Paragraph D of Section 1-2006 of the Act.
- 623 If an applicant has obtained the written approval of the Emergency Plan from the affected property owners of all or a majority of the parcels, the applicant shall certify this to the Department. When the Department determines that all necessary approvals have been obtained, it shall then proceed with the process of issuance or denial of the permit.
- 624 Affected property owners of a parcel of land must specify, to the satisfaction of the Department within forty-five days of service of notice of the application, reasons for non-approval of the Emergency Plan for that parcel which are based solely upon minimization of hazards to the health and property (environment) of the affected property owner(s) of that parcel. Failure to comply with this rule shall cause the Department to exclude that parcel from a calculation of a majority of affected property owners who approve or disapprove of the Emergency Plan under the Act.
- 630 **Exclusionary Siting Criteria.**
- 631 **Ground water resources and recharge areas.** No construction permit shall hereafter be granted for a controlled industrial waste treatment, storage or disposal facility proposed to be located over or through unconsolidated alluvium or terrace deposits, or over or through bedrock aquifers or their recharge areas as shown on the maps described as "Sheet 1 — Unconsolidated Alluvium and Terrace Deposits" and "Sheet 2 — Bedrock Aquifers and Recharge Areas" of the "Maps Showing Principal Ground Water Resources and Recharge Areas in Oklahoma," compiled by Kenneth S.

D. RANGE OF FEES.

- Disposal plans - \$100 to \$10,000 per generator per year.
- Transporter registration - \$20 per vehicle per year.
- Permit application - \$5,000 to \$50,000.
- Application re-submittal - \$100 to \$10,000.
- Facility monitoring - \$100 to \$10,000 per year.

Fees will not be re-assessed at time of transfer of ownership if units and EPA I.D. number remain unchanged.

741 Generator Fees.

- A. DISPOSAL PLAN. \$100 per generator per year, which may include up to two waste streams.
 - 1. The annual fee for each additional waste stream is \$50.
 - 2. EMERGENCY SITUATIONS. There is no disposal plan fee to handle incidents under Rule 710.
- B. FEES FOR MONITORING AND INSPECTION. Small quantity generators shall pay \$25, and all other generators within Oklahoma shall pay \$100, as an annual fee for monitoring and periodic inspection.

742 Transporter Fees.

- A. For each trailer or other discrete transportation vehicle used in highway transportation to carry controlled industrial waste, there shall be a yearly registration fee of \$20.
- B. The registration period shall be from March 1 of a given year to the last day of February of the following year.
- C. In lieu of a per-vehicle fee, common carriers participating in the "International Registration Plan" may pay a fee of \$20 per vehicle equivalent calculated by the ratio of the previous year's Oklahoma manifested waste mileage divided by the total fleet national mileage, multiplied by the total number of fleet trailers and vehicles (excluding power units).
- D. PER TRIP VEHICLE RENTAL. Transporters leasing or renting only one vehicle at a time for the transportation of controlled industrial waste may obtain a registration designated as per trip rental by paying a yearly registration fee of \$20. Each rental vehicle's identification information shall be reported to the Industrial Waste Division prior to the movement of waste in that vehicle.

743 Treatment, Storage and Disposal Facility Fees.

- A. Fees for the initial submission of an application for a construction permit, and any subsequent re-submissions, shall be calculated based upon Table 1.

Rule 743 - Table 1
Construction Permit Application Fee

Facility Type or Description		Fee for Submission	Fee for Re-submission
All	Basic application processing fee:	\$ 2,500	\$ 100
Type 1 (Tanks)	Add for treatment or storage in tanks:	First tank battery \$ 2,500	First tank battery \$ 100
		plus 20% of above for each additional battery. A tank battery is an accumulation of not more than 10 tanks in one geographically contiguous area, not separated by diking or other means.	
Type 2 (Drums)	Add for storage in containers:	First area \$ 2,500	First area \$ 100
		plus 20% of above for each additional area. Area means a discrete, geographically contiguous container storage area.	
Type 3 (Piles)	Add for treatment or storage in waste piles:	First pile \$ 4,500	First pile \$ 200
		plus 50% of above for each additional pile.	
Type 4.a Misc. (Thermal Tr.)	Add for thermal treatment unit:	First unit \$ 2,500	Each unit \$ 200
		plus 20% of above for each additional unit.	
Type 4.b (Incin)	Add for incinerator or other thermal treatment:	Each unit \$ 7,500	Each unit \$ 300
		Incinerator unit includes all ancillary equipment such as after-burners & scrubbers	
Type 5 (Deep Well)	Add for disposal by injection well:	First well \$ 20,000	First well \$ 500
		plus 50% of above for each additional well.	

Continues

Rule 743 - Table 2
Operations Permit Application Fee

Facility Type or Description		Fee for Submission	Fee for Re-submission
All	Basic application processing fee:	\$ 2,000	\$ 100
Type 1 (Tanks)	Add for facility with: Construction permit. Interim status.	First area \$ 2,000 \$ 2,500	First area \$ 100 \$ 125
		plus 20% of above for each additional battery.	
Type 2 (Drums)	Add for facility with: Construction permit. Interim status.	First area \$ 2,000 \$ 2,500	First area \$ 100 \$ 125
		plus 20% of above for each additional area.	
Type 3 (Piles)	Add for facility with: Construction permit. Interim status.	First pile, \$ 2,500 \$ 3,000	First pile, \$ 125 \$ 150
		plus 50% of above for each additional pile.	
Type 4.a Misc. (Thermal Tr)	Add for facility with: Construction permit. Interim status.	Each unit, \$ 2,000 \$ 2,500	Each unit, \$ 100 \$ 125
		plus 20% of above for each additional unit.	
Type 4.b (Incin)	Add for facility with: Construction permit. Interim status.	Each unit \$ 12,000 \$ 12,000	Each unit \$ 600 \$ 600
		plus 50% of above for each additional unit. Includes both trial burn and final operations permits.	
Type 5 (Deep Well)	Add for facility with: Construction permit. Interim status.	First well \$ 15,000 \$ 20,000	First well \$ 250 \$ 500
		plus 50% of above for each additional well.	

Continues

Rule 743 - Table 3
Annual Facility Monitoring fee

Type of Facility (Charges are cumulative)		Annual Monitoring Fee	
		On-site TSD	Off-site TSD
A.	Storage and treatment by tanks and storage in containers (Types 1 and 2)	\$ 100 per tank battery or container area	\$ 500 per tank battery or container area
B.	Incinerator and thermal treatment (Type 4)	\$ 1,000 each	\$ 5,000 each
C.	Land treatment (Type 6)	\$ 2,000 per area	\$ 10,000 per area
D.	Injection wells (Type 5)	\$ 2,000 each	\$ 10,000 each
E.	Storage and treatment by impoundments or piles; disposal in impoundments or landfills (Types 3 and 7)	\$ 2,500 each type of unit	\$ 10,000 each type of unit
F.	Research facilities and sites not otherwise described (Type 8)	\$2,000 each	\$ 5,000 each

CHAPTER EIGHT
ADDITIONAL CLASS I INJECTION WELL REQUIREMENTS

- 800 The owner or operator of each existing well, or applicant for a permit for a new well, shall supply to the Department all reports, logs, analyses, engineering evaluations, modeling studies, and other data necessary to demonstrate compliance with this Bulletin.
- 810 **Construction Requirements.**
- 811 In addition to the requirements of 40 CFR 146.65(c)(2), the surface casing of each Class I injection well shall extend from the surface to at least fifty feet below the deepest underground source of fresh water.
- 812 All annular spaces between casings shall be filled with cement circulated from the bottom of the hole to ground surface, unless otherwise specified.
- 820 **Operating Requirements.**
- 821 The annular space between injection tubing and long string casing shall be filled with a corrosion inhibiting fluid. The annulus shall be closed off and pressurized. If an operator of an injection well contends that maintaining annulus pressure greater than injection pressure (as required by 40 CFR 146.67(c)) will damage the well, said operator must demonstrate conclusively, to the satisfaction of the Department, the reasons for and nature of the expected damage. The operator's demonstration must be professionally prepared, and must be supported by complete engineering, geological, and other data.
- 822 The operator of a Class I injection well shall regulate the injection pressure applied to the well so that the maximum total pressure gradient in the well shall not exceed sixty-five percent of the established overburden pressure gradient, expressed in pounds per square inch per foot (psi/ft). If the effective overburden pressure gradient is not established at an injection well, the operator of the well shall regulate the injection pressure applied to the well so that the maximum total pressure gradient shall not exceed 0.65 psi/ft, unless otherwise specified by the Department. Allowances in the maximum injection pressure may be made for pressure losses due to friction in the injection tubing.
- 823 The specific gravity of the injected fluid shall be monitored using continuous recording devices, if the specific gravity varies.
- 824 Monitoring gauges and recorders shall be calibrated routinely so that they will accurately reflect the actual operating conditions of the injection well to avoid any potential hazards which might occur by exceeding the pressures allowed by Rule 822.

ing will successfully withstand the internal operating pressures imposed by waste injection and the external operating pressures imposed by pressurizing the annulus.

834 Compliance with 40 CFR 146.68(e) shall require that at least one monitoring well be installed and maintained at the expense of the owner. The Department may require additional wells if they are deemed necessary to adequately monitor ground water quality and level around the site. Specifications for the location, construction and maintenance of monitoring and/or observation holes must be approved by the Department prior to installation.

A. Well(s) shall be deep enough and completed in such a manner as to provide monitoring of the deepest underground source of fresh water beneath the site.

B. Well(s) shall be arranged so that at least one well will be placed hydraulically down-gradient (in terms of the gradients determined in the deepest underground source of fresh water) from the site.

C. Unless otherwise specified by the Department, water samples shall be obtained and analyzed at least once each month.

D. Upon issuance of any operations permit, the Department will notify the operator of the parameters to be determined by analysis of the samples.

840 **Record-keeping and Reporting Requirements.**

841 The operator of an injection well shall maintain records accurately reflecting the volume of fluid injected on any given day.

842 The operator shall submit monthly reports to the Department, on Department forms, and shall include:

A. Copies of charts or records that reasonably reflect the well-head and annulus pressures, the flow rate, specific gravity (if required), and temperature of the injected fluid observed on any given day of the month.

B. The information specified under 40 CFR 146.69(a).

C. Copies of the ground water sample analyses required in Rule 834 C.

843 The operator shall maintain a permanent file of all charts and records obtained under this paragraph as a part of the permanent site records.

850 **Permit Information Requirements.** The following information is required in any permit application for a Class I injection well:

851 Scale and schematic drawings of all proposed pre-treating and/or auxiliary surface equipment, including any backup, fail-safe, or standby systems to be utilized in case of well failure.

- C If the operator(s) of existing well(s) receives a protective permit denial as described in 854B, the applicant for the permit for the new well(s) shall submit a report demonstrating that the waiver is justified. The demonstration shall be professionally prepared and contain the operational history, current operating parameters, and reservoir characteristics of the existing well(s), a complete analysis of the effect of the new well on the existing well(s), and a certification by the preparer.
- 855 Detailed lithological description of all formations penetrated and all core data obtained.
- 856 **Logging.** The following logs and reports are required for new Class I controlled industrial waste wells.
- A. A driller's log.
 - B. A mechanically recorded drilling time log (geolograph).
 - C. A gamma-ray/neutron log if the disposal zone is cased.
 - D. An electromagnetic casing thickness and casing caliper log.
- 857 After completion of the well, all data submitted for the construction permit shall be updated in the operations permit application to reflect the new data.
- 860 **Abandonment and Plugging.** Any well to be permanently abandoned shall be immediately plugged.
- 861 The owner or operator shall notify the Department of the exact time during which all plugging operations will take place. The Department may be present at plugging operations.
- 862 The well shall be plugged with cement from the total depth of the well to ground level.
- 863 The top of the plug of any plugged well shall clearly show the well permit number and date of plugging by permanent markings, whether inscribed in the cement or on a steel plate embedded in the cement.
- 864 **NOTICE OF INTENT TO CLOSE.** The owner shall submit, at least one hundred eighty days prior to cessation of operations, plans for the proper disassembly, decontamination, and restoration of the site. After plan approval, the site restoration program shall be implemented and completed within six months, unless otherwise specified by the Department.
- 870 **Bifurcation of Injection Well Construction Permit Hearing** – Upon the written motion of the applicant, the hearing examiner may order the issuance of a temporary, interim construction permit to allow the drilling of the proposed well so that actual test data and logs from the well may be obtained for consideration at the hearing. Such temporary, interim permits may not have a lifetime in excess of ninety days, and the hearing examiner shall stay all proceedings in the hearing during its duration. The temporary, interim permit shall allow only the drilling, casing, and completion of the well necessary for sampling, cores, logs, or obtaining

ACT OR ESTIMATED TAX CREDIT
UNDER THE
THE RECYCLING, REUSE, AND ULTIMATE DESTRUCTION INCENTIVE ACT

Company
Name: _____
Mailing _____
Address: _____ Phone (____) _____
City: _____ State: _____ Zip Code: _____
Facility _____
Location: _____
Contact _____
Name: _____ Title: _____

E.P.A. ID Number: _____

=====

The above-named hereby applies for certification for a credit on its Oklahoma Income Tax, as specified in the Recycling, Reuse, and Ultimate Destruction Incentive Act, 68 O.S.Supp. 1988, Sections 2357.14-2357.20. In support of this application, the information described on the back of this form is also provided.

The recycling, reuse, or ultimate destruction facility described in this application has an (estimated) (actual) net investment cost of \$ _____
(_____ dollars).

"I hereby certify under penalty of law that I am authorized to act on behalf of the applicant, that I have read the foregoing application and attachments and know the contents thereof, and that the facts set forth are true, correct, and complete."

Signature Title

Typed Name Date, 19 ____

Witnessed by: _____ Notary Public
or Corporate Seal

Typed Name and Title

Actual or Estimated Tax Credit Amount: \$ _____ Reviewed by: _____ Recommended for "Approval in Principle" ____ 19 ____ By: _____ Recommended for Certification to Tax Commission ____ 19 ____ By: _____	For OSDH Office Use Only OSDH Tracking No. _____ Brief description of facility/comments: _____
--	---

CHAPTER NINE TAX CREDIT

- 900 The following definitions apply only to actions taken pursuant to the Recycling, Reuse and Ultimate Destruction Incentive Act (RRUDIA) (see 68 O.S. Supp. 1988, Sections 2357.14-2357.20) and are not intended to alter the definitions in Rule 100 or in 40 CFR Parts 260-270.
- 901 "Recycling" means the processing, reclaiming, treating, neutralizing or re-refining of materials and by-products into products of beneficial use. Under these rules, recycling applies to materials that if discarded would be controlled industrial waste.
- 902 "Reuse" means the introduction (or reintroduction) of a material into a manufacturing process. Under these rules, reuse applies to materials that if discarded would be classified as controlled industrial waste. A material is "reused" if it is:
- A. Used as an ingredient (including use as an intermediate) in an industrial process to make a product. For example, distillation bottoms from one process being used as a feedstock in another process.
 - B. Used in a particular function or application as an effective substitute for a commercial product. For example, spent caustic soda used as a precipitant and/or sludge conditioner in wastewater treatment.
- 903 "Speculative Accumulation" means a material accumulated before being recycled. A material is not accumulated speculatively if the person accumulating it can show that during the calendar year, commencing January 1, the amount of material removed for recycling equals at least seventy-five percent by weight or volume of the amount of the material accumulated at the beginning of the period. In calculating the percentage of turnover, the seventy-five percent requirement is to be applied to each material of the same type (e.g., slags from a single smelting process) that is recycled in the same way (i.e., from which the same material is recovered or that is used in the same way). Materials accumulated in units that are exempt from regulation under 40 CFR 261.4(c) are not to be included in making the speculative accumulation calculation.
- 904 "Ultimate Destruction" means that a waste material has been treated so that the weight or volume of waste containing harmful properties remaining for disposal, and any emissions of hazardous constituents to the air, have been substantially reduced. Also, there must be no demonstrated process or technology commercially available to further reduce the material's weight or volume or remove or reduce its harmful properties.
- 910 **Scope and Applicability.**
- 911 Any person making a capital investment in buildings, fixtures and/or equipment (collectively known as the "facility") and their installation for the purpose of recycling, reuse, or ultimate destruction of controlled industrial

- 922 Recycling of materials in a manner constituting disposal as described in 40 C.F.R. Part 266 will not be eligible.
- 923 Recycling, reuse or ultimate destruction of materials that are not controlled industrial waste will not be eligible.
- 924 Expenses necessary to operate the facility, interest charges, design costs and permit application costs are not eligible.
- 925 Dilution of a controlled industrial waste is not considered as recycling, reuse or ultimate destruction and is therefore not eligible.
- 930 **Procedures for Application.** Any person engaged in or proposing to engage in the recycling, reuse, or ultimate destruction of controlled industrial waste who wishes to apply for a tax credit, must make application to the Department on specified forms and provide information needed to support the application. Application forms are available from the Department.
- 931 Application forms with all supporting documentation must be submitted in triplicate to the Chief of Waste Management Service for the Department.
- 932 The Department will respond to the application in one of the following ways:
- A. Approve the application and certify to the Tax Commission the actual capital investment expense or the estimated capital investment expense subject to verification upon installation.
 - B. Approve the application in part, while withholding approval or denying part.
 - C. State that the application is deficient and must be revised or that additional information is needed before it can be reviewed further. The response will specify which portions of the application are deficient or need additional information.
 - D. Deny the application, giving reasons for the denial.
- 933 Upon resubmission of an application after revision, the Department will again review it and respond as stated above.
- 934 An application for a tax credit must be submitted separately from applications for other permits.
- 935 An application for a tax credit and its supporting documentation will be considered as public record and be available to the public for inspection, unless the applicant declares the application to contain information that is a trade secret and must therefore be kept confidential. In such a case, the applicant should provide a general summary description that can be made available to the public. Although the detailed financial data contained in the application may be declared as confidential, the dollar amount of any tax credit allowed will be public information.

954 C facilities physically located in the State of Oklahoma are eligible for a tax credit.

960 **Special Conditions: New and Unproven Technologies.** The following criteria and standards will apply to those persons wishing to apply for a tax credit under the RRUDIA and who wish to use technologies that have not been proven to be effective or workable.

961 Application for a tax credit when using technologies that have not been demonstrated to be effective and workable shall be the same as application for proven technologies.

962 If the review and evaluation of an application for a tax credit using unproven technologies indicates that the proposed facility has a high likelihood of being successful, but supporting data is not available to allow final approval by the Department, the Department may issue an Approval in Principle in lieu of the formal approval and certification to the Tax Commission. The Approval in Principle shall list the assumptions made in deciding upon its issuance and the conditions the facility is expected to meet before a formal approval and certification to the Oklahoma Tax Commission can be made.

963 The Approval in Principle will automatically expire two years from the date of its issuance. It may be reissued if a new application is submitted to the Department and a determination made that the conditions under which the first approval was issued are still applicable and that a high likelihood of success is still feasible.

964 Once the owner/operator of the facility in question has satisfactorily demonstrated that the technology performs as specified, and has supplied documentation to the Department showing that the conditions of the Approval in Principle have been satisfied, the Department shall issue a formal approval and provide certification to the Oklahoma Tax Commission showing eligibility for a tax credit.

965 The applicant must notify the Department of any significant change in the design of the facility or in the equipment actually installed, or if there is an increase in costs of more than twenty percent from that specified in the application. Any significant change from the original application shall be cause for the Department to reevaluate the application and make a new determination whether or not the project should be approved.

970 **Required Information.** The following minimum information is to be included in all applications for a tax credit submitted to the Department under the Recycling, Reuse and Ultimate Destruction Incentive Act. Additional information may be required as deemed necessary by the Department. The Tax Commission will allow the tax credit to be taken only after the required information has been supplied, the application has been approved, and the facility is operational.

971 The application must provide a description of the current plant process, as it relates to the recycling, reuse or ultimate destruction operations, includ-

INDEX

- Act, 14
 - county commissioners
 - Rule 610
 - defined, 1
- Affected property owners, 13
 - certification of notice
 - Rule 603 C
 - determination of
 - Rule 602
 - emergency plans
 - Rule 620
- Annulus, 27
 - defined, 1
 - pressure exception
 - Rule 621
 - pressure testing
 - Rule 631
- Application procedure, 13
 - construction permit
 - Rule 603
 - hearing
 - Rule 604 B
 - major modification
 - Rule 601
 - notice
 - Rule 604
 - operation permit
 - Rule 605
 - public meeting
 - Rule 604 A
 - reconstruction
 - Rule 601 A
 - tax credit, 35
- Bifurcation of hearing, 31
- Buffer zones, 11
- Casing, 27
 - cementing
 - Rule 812
 - surface
 - Rule 811
- Cementing, 27
- Code of Federal Regulations, 3
 - 146 Subpart G
 - Rule 211 D
 - citations in, 4
 - incorporation by reference
 - Rule 210
- Cone of influence, 30
 - calculation
 - Rule 853 E
 - defined, 1
 - well life, 33
- Confidentiality, 17
 - disclosure
 - Rule 706
 - marking
 - Rule 709
 - responsibilities
 - Rule 708
- Confining zone, 30
 - description
 - Rule 853 A
 - map
 - Rule 853 B
 - modification, 13
- Construction requirements, 27
- County commissioners, 14
- Dedication, 32
- Disposal plan, 7
 - changes
 - Rule 302
 - emergency
 - Rule 304
 - number
 - Rule 301
 - recycling
 - Rule 303
 - small quantity wastes
 - Rule 310
- Emergency plans, 14
 - parcel
 - Rule 622
- Fees, 18
 - application withdrawal
 - Rule 743 F
 - construction permit
 - Rule 743 A
 - generator
 - Rule 741
 - monitoring & inspection
 - Rule 743 G
 - operations permit
 - Rule 743 B
 - permit modification
 - Rule 743 D
 - permit renewal
 - Rule 743 E
 - post-closure permit
 - Rule 743 C
 - Table 1, 21
 - Table 2, 23
 - Table 3, 25
 - transporter
 - Rule 742
 - TSD
 - Rule 743
 - when due
 - Rule 740 B & C
- Financial security, 11
 - certification
 - Rule 522
 - wording
 - Rule 521
- Flood plain, 16
 - defined, 1
 - siting exclusion
 - Rule 633
- Fracturing, 28
 - prohibited
 - Rule 828
- Fresh water, 29
 - defined, 1
 - monitoring
 - Rule 834
- Generators, 7
 - disposal plan
 - Rule 300
 - fees, 19

Terminology, 4	
precedence of	
Rule 221	
Testing and monitoring, 28	
annulus	
Rule 831	
formation pressure decay	
Rule 832	
ground water	
Rule 834	
injection tubing	
Rule 833	
Transporters, 9	
containment	
Rule 410	
fees, 19	
manifests	
Rule 420	
registration	
Rule 400	
waste mixing	
Rule 430	
TSD facilities, 11	
buffer zones	
Rule 530	
fees, 19	
financial security	
Rule 520	
reporting	
Rule 510	
Ultimate destruction, 33	
defined	
Rule 904	
tax credit	
Rule 911	
Well life, 32	
closure	
Rule 890 C	
design life	
Rule 890 B	
modification, 13	
pressure limitation	
Rule 890 A	
Zoning, 18	