

PERMIT REQUIREMENTS FOR DEVELOPMENT OF ENERGY AND
OTHER SELECTED NATURAL RESOURCES FOR THE
STATE OF OKLAHOMA

PREPARED FOR
OZARKS REGIONAL COMMISSION
AND THE
U.S. GEOLOGICAL SURVEY

BY RADIAN CORPORATION

This technical assistance study was accomplished by professional consultants under contract with the Ozarks Regional Commission. The statements, findings, conclusions, recommendations, and other data in this report are solely those of the contractor, and do not necessarily reflect the views of the Ozarks Regional Commission or the U.S. Geological Survey.

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SECTION I. INTRODUCTION

This handbook has been compiled to assist applicants in complying with Oklahoma environmental and land use regulatory programs. The handbook presents the requirements for permitting industrial projects and particularly those activities associated with energy development. Only state programs are described, although the relationship between a state program and a parallel federal program is addressed, where appropriate. Also, only environmental protection regulatory programs are described in the handbook. Other programs, such as health and safety requirements, taxes, or zoning, which may affect a proposed activity were excluded.

The information presented is not intended to cover all aspects of the state regulatory process but is designed to provide basic procedural and information requirements and to identify programs and responsible authorities. Applicability of a program(s) to a particular activity will require confirmation by the appropriate agency(s). Also, because regulatory programs are frequently being revised, applicants should contact each agency for the latest compliance requirements.

The information presented in this handbook was obtained through review of state laws and regulations and supplemented by personal interviews with agency officials. The information is divided into the following sections:

- State Environmental Policy and Administrative Procedures
- Resource Extraction
- Land Use Regulation
- Environmental Quality Management
- Social/Ecological Preservation

SECTION II. STATE ENVIRONMENTAL POLICY AND ADMINISTRATIVE PROCEDURES

CHAPTER I. STATE POLICY AND PROCEDURES

PART A. State Environmental Policy and Permits

There is no legislation at the state level in Oklahoma that closely resembles the broad statutory authority established at the federal level by the National Environment Policy Act (NEPA), P.L. 91-190. Similarly, there is no legislation that establishes a single state clearinghouse or one-stop permitting process for environmental and land use regulatory functions. The Oklahoma Department of Pollution Control, however, receives NEPA-mandated assessment documents and distributes these documents for review and comment to other state agencies as appropriate.

PART B. The Oklahoma Department of Pollution Control

The Oklahoma Department of Pollution Control is the executive arm of the Oklahoma Pollution Coordinating Board. The Board is composed of the heads of the State Water Resources Board, the State Corporation Commission, the State Department of Health, the State Department of Agriculture, the State Department of Wildlife Conservation, the Oklahoma Conservation Commission, and the Oklahoma Department of Mines. The Department has the responsibility to coordinate all pollution control activities of other state agencies and has been designated as the planning agency responsible for the development of comprehensive water quality management plans for Oklahoma and management of the Clean Lakes Program in Oklahoma.

The Pollution Control Coordinating Board/Department of Pollution Control has duties:

- To coordinate pollution control activities and to eliminate duplication of efforts by those state agencies having statutory authority in the control, prevention, and abatement of environmental policy.
- To compel member agencies to investigate and file reports on suspected or potential pollution control violations with the Pollution Control Coordinating Board.
- To conduct studies, investigations, research, and demonstrations for the prevention, abatement, and control of environmental pollution.
- To assume jurisdiction in resolving a pollution problem if the agency having statutory jurisdiction fails to meet its responsibility with regard to that problem.
- To hold hearings, issue notices, issue subpoenas for the attendance of witnesses and the production of documents, administer oaths, and take testimony as necessary to achieve enforcement objectives.
- To provide an opportunity for a complainant to appear before the Board if dissatisfied with the findings or actions of the investigating agency.
- To act on its own initiative to assume authority for abatement and/or prevention of pollution when no agency has jurisdiction, when there is overlapping authority or conflicting authority among state agencies, or when a state agency has jurisdiction but no enforcement authority.

Other authorized activities of the Department are:

- To establish and maintain a central repository for rules and regulations pertaining to environmental pollution prevention, control, and abatement, and to maintain an up-to-date record of the availability, acquisition, and disposition of federal funds, state appropriations, and other grants intended for pollution control, prevention, or abatement.
- To establish and maintain a system whereby persons may report violations of the pollution laws of the state for reference to the proper agency for investigation and remedy.
- To maintain a file which records the actions taken on reported violations.
- To establish public information programs pertaining to environmental management.

The Department of Pollution Control has a small staff and limited budget with which to carry out its assigned responsibilities. The agency should be consulted for information regarding how priorities among programs are established under such constraints.

Agency Contact

Mr. Lawrence R. Edmison, Director
Oklahoma Department of Pollution Control
P. O. Box 53504
Oklahoma City, Oklahoma 73152
Telephone: (405) 271-4677

PART C. Administrative Procedures Act

The Oklahoma Administrative Procedures Act (75 O.S. 1971, Section 301 et seq., as amended) establishes procedural requirements by which state agencies in Oklahoma must abide when issuing environmental regulations or permits. The Act establishes procedures for adoption and amendment of regulations, investigations and enforcement, public meetings and hearings, rules of evidence, and official notice. Section 318 of the Administrative Procedures Act provides for a common appeals process. Proceedings for judicial review are instituted by filing a petition for review in the district court of the county in which the party seeking review resides or, at the option of such party, where the property interest affected is situated. An appeal of an agency order or decision must be filed within 30 days of notice of the agency's decision. The reviewing court may set aside or modify an order, reverse it, or remand it to the agency for further proceedings. Appeals of a district court judgment may be taken to the Oklahoma Supreme Court. The Administrative Procedures Act may be viewed as the legislative foundation that guarantees that agency actions taken on permit requests will not be capricious or arbitrary.

SECTION III. RESOURCE EXTRACTION

CHAPTER 2. ENERGY RESOURCES EXPLORATION AND EXTRACTION

PART A. Oil and Gas

I. Authorizing Statutes

17 O.S. 1971, Sections 51, et seq.

17 O.S. 1971, Sections 167, et seq.

17 O.S. 1971, Sections 307, et seq.

2. Title of Regulation

"General Rules and Regulations of Oil and Gas Conservation Division"

3. Summary of Regulations

a. Applicability

It shall be the duty of the Conservaton Division to administer and enforce the statutes of this state, the rules, regulations and orders of the Commission relating to the conservation of oil and gas, and the prevention of pollution in connection with exploration, drilling, producing, transporting, purchasing, processing and storage of oil and gas, and to administer and enforce the applicable provisions of the federal Natural Gas Policy Act of 1978.

b. General Requirements

An approved Notice of Intention to Drill is required from the Oil and Gas Conservation Division before any oil or gas well is drilled, deepened, plugged, or re-entered. Any work performed

on an oil or gas well must also adhere to recordkeeping and reporting requirements, pollution abatement requirements, spacing requirements, pooling orders, safety standards, performance standards, engineering specifications, and other requirements as spelled out in the regulations.

c. Submittal Requirements

- Before any oil, gas, injection, disposal or service well is drilled, deepened, plugged back or reentered, the operator shall file a Notice of Intention to Drill, in quadruplicate with the Conservation Division. If approved, one copy will be returned to the operator with approved noted thereon, and one copy mailed to surface owner. No drilling operations shall commence until the operator has received a copy of the Notice of Intention to Drill approved by the Conservation Division. A copy of the Notice of Intention to Drill shall be posted at the well site.
- A separate "Notification of Intention to Plug" for each well shall be filed, in duplicate with the Conservation Division at least five (5) days prior to the commencement of plugging operations. Other than a dry hole of a drilling well where a representative of the Conservation Division is available to supervise the plugging operation.
- Within fifteen (15) days after a well has been plugged the owner or operator shall file a plugging record.
- A surety bond or alternative security must be furnished prior to any drilling activity in the amount of \$10,000 dollars to insure the plugging of a well.

d. Public Hearing

No provisions for a public hearing or a permit application are provided in the regulations except in the case of a protest to an application which has been set for a public hearing with notification in the county and Oklahoma City newspaper 10 days prior to the hearing.

e. Time Requirements

The approval of a Notice of Intention to Drill shall terminate six (6) months from the date of approval unless drilling operations have commenced with due diligence. Drilling completion reports must be filed within 30 days and well electric logs must be filed within 60 days or declared "tite" to be sealed up to three (3) years.

f. Fees

No fees are currently in effect on applications except a \$25.00 filing fee on Natural Gas Policy Act Determinations and a \$3.00 fee on Certificate of Non-Development research.

g. Appeals Process

Appeals may be taken to reverse a decision of the Oil and Gas Conservation Division. Appeals are initially taken to an Administrative Review Panel composed of three Deputy Commissioners of the Corporation Commission, and finally to the Oklahoma Supreme Court. This appeals process is an exception to the process described under the Administrative Procedures Act.

4. Administering Agency

Oklahoma Corporation Commission
Oil and Gas Division
Jim Thorpe Building
Oklahoma City, Oklahoma 73105
Telephone: (405) 521-2301

5. Relation to Other State and Federal Programs

None Identified.

PART B. Surface Mining of Coal and Lignite

I. Authorizing Statute

45 O.S. Supp. 1978, Sections 723, 724, 726-738, 742-764

2. Title of Regulation

"Interim Rules and Regulations for the Surface Mining of Coal in Oklahoma"

3. Summary of Permit Process

a. Applicability

This regulation governs all activities relating to the mining and exploration for coal in the State of Oklahoma.

b. General Requirements

An approved permit is required from the Department of Mines for all types of coal exploration, development operations, surface mining, and reclamations.

c. Submittal Requirements

Application for a permit to conduct a coal surface mining operation must identify the land to be mined, the landowner, and others with an interest in the land. Other submittal requirements include information on legal, financial, and compliance history, environmental resources, geophysical/geologic information, and an operation and reclamation plan prepared in accordance with minimum state requirements. Once the Department of Mines approves a permit, the permittee must file a performance bond with the Department prior to beginning operations.

d. Public Hearings

An applicant is required to publish public notice of the application filing once a week for four consecutive weeks in a local newspaper in the vicinity of the proposed operations. A public hearing may be held following a 30-day public comment period (1) if the Chief of the Department of Mines decides that there is significant public interest, or (2) if there is a formal request for a hearing.

e. Time Requirements

Time requirements for acting upon a permit request will vary according to (1) the time needed for proper investigation of the proposed permit, (2) the complexity of the application, and (3) whether written objections or comments on the application have been filed with the Department of Mines. Generally, permit

decisions are made from three to eight months after the filing of an application.

f. Fees

Application Fee - \$500.00

Minimum Bond Requirements - \$10,000.00

g. Appeals Process

Appeals may be made to reverse a permit decision, as provided in the Administrative Procedures Act, by filing a petition for review in the district court of the county in which the party seeking review resides or where the property interest affected is situated.

4. Summary of Standards

Any person or company engaged in surface coal mining or reclamation operations must adhere to standards or requirements that have been adopted by the Department of Mines. These program performance standards are discussed in detail in the regulations. Generally, the standards include requirements for: casing and sealing, topsoil activities, hydrologic balance, use of explosives, disposal of excess spoil, coal processing waste, backfilling and grading, revegetation, cessation of operations, roads and operations on prime farmlands. Operators must also satisfy bonding and insurance requirements.

5. Administering Agency

Oklahoma Department of Mines
4040 North Lincoln, Suite 107
Oklahoma City, Oklahoma 73105
Telephone: (405) 521-3859

6. Relation to Other State and Federal Programs

The Oklahoma Department of Mines has interim approval of the state program for implementation of the Surface Mining Control and Reclamation Act of 1977, P.L. 95-87.

CHAPTER 3. METALLIFEROUS MINING AND CONSTRUCTION MATERIALS EXTRACTION

1. Authorizing Statute

45 O.S. 1971, Sections 721 through 738, The Mining Lands Reclamation Act

2. Title of Regulation

Formal regulations have not been issued. The permit process described below is based on the authorizing legislation.

3. Summary of Permit Process

a. Applicability

Applies to all non-coal mining operations in the State of Oklahoma.

b. General Requirements

An approved permit is required from the Department of Mines for all types of non-coal mining in the State of Oklahoma. The permit requirement applies to operators of both surface mines and underground mines. Permits must be renewed annually.

c. Submittal Requirements

An application to engage in non-coal surface mining must contain a legal description of the tract or tracts of land to be mined and the estimated number of acres to be affected during the permit year. An application to engage in non-coal mining must describe the tracts of land to be used as refuse disposal areas. All applications must include a statement that the

applicant has the right and power by legal estate owned to surface mine or use as a refuse disposal area the land so described in the application. All permit applications must also include a detailed reclamation plan.

d. Public Hearing

Public hearings are not required for permit issuance. A public hearing will be held on charges of violation of the mining regulations if an operator denies the alleged violation(s).

e. Time Requirements

No time requirements are specified in the regulations for acting upon a permit application.

f. Fees

Application Fee - \$150

Minimum Bond Required - \$5,000 for copper mining; \$1,000 for all other mining.

g. Appeals

Appeals may be made to reverse a permit decision, as provided in the Administrative Procedures Act, by filing a petition for review in the district court of the county in which the party seeking review resides or where the property interest affected is situated.

4. Administering Agency

Oklahoma Department of Mines
4040 North Lincoln Blvd., Suite 107
Oklahoma City, Oklahoma 73105
Telephone: (405) 521-3859

5. Relation to Other State and Federal Programs

None identified.

SECTION IV. LAND USE REGULATION

CHAPTER 4. MAJOR FACILITY SITING

There are no laws or regulations at the state level in Oklahoma that directly govern the siting of major industrial facilities. Facility siting is indirectly regulated, however, through requirements to meet established environmental quality criteria. Facility siting may also be regulated by local government zoning laws.

CHAPTER 5. FLOODPLAIN MANAGEMENT

The Oklahoma Floodplain Management Act (82 O.S. Supp. 19980, Sections 1601 through 1619) prescribes the responsibilities of the Oklahoma Water Resources Board and municipal and county floodplain boards concerning implementation of sound floodplain management practices in their respective areas of jurisdiction. The Board cooperates with the Federal Insurance Administration of the Federal Emergency Management Agency (FEMA) in the planning and administration of state participation in the National Flood Insurance Program (NFIP) and advises and assists the efforts of communities seeking to qualify for participation in the program. NFIP's principal aim is to assure that a city or county adopt floodplain rules or ordinances restricting certain types of development in floodplains in order for flood insurance to be available. The responsibility to qualify for this insurance program rests with local governments.

Under the Floodplain Management Act, the Water Resources Board has also issued its own "Rules and Regulations for Building and Construction on State Owned or State Operated Property Within Floodplains." These rules are described below.

I. Summary of State Permit Process

a. Applicability

Applies to building of new structures, construction or other floodplain use on state-owned or state-operated property that is unreasonably hazardous to the public or that unduly affects the capacity of the floodplain to carry and discharge floodwaters.

b. General Requirements

A construction or building permit is required for projects subject to the floodplain regulations.

c. Submittal Requirements

The permit application must provide sufficient information to determine the effect of the alteration, construction, or building on the conveyance of floodwaters. The Water Resources Board may require one or more sets of plans and specifications.

d. Public Notice

The Water Resources Board will provide written notice of each application for construction or building in the defined floodplain to appropriate substate planning districts, county and municipal governments granting 30 days from date of the notice within which interested parties may file objections to the permitting action.

e. Time Requirements

None specified.

f. Fees

None specified.

g. Appeals Process

Appeals regarding rulings, orders, decisions, or acts of the Oklahoma Water Resources Board may be made as provided in the Administrative Procedures Act, by filing a petition for review in the district court of the county where the proposed action is to take place.

2. Administering Agency

Oklahoma Water Resources Board
P. O. Box 53585
Oklahoma City, Oklahoma 73152
Telephone: (405) 271-2555

CHAPTER 6. STATE WILDERNESS AND WILDLIFE MANAGEMENT AREAS

The Oklahoma Department of Wildlife Conservation owns and manages a number of parcels of land for the purpose of wildlife propagation and management. Hunting and fishing is allowed in some of these areas or parts thereof. These areas are classified in two categories: "Public Hunting Areas" (PHA), and "Game Management Areas" (GMA). Details on the types of activities that are permitted in these designated areas are provided in the "Wildlife Laws of Oklahoma", Oklahoma Statutes Title 29, Game & Fish and Title 22, Sections 1111 and 1112. Additionally, there are various Department publications such as the "Public Hunting Lands of Oklahoma" atlas, as well as periodic Commission Resolutions, hunting regulations and brochures available at the Department Headquarters, from Game Rangers and wherever hunting licenses are sold.

The Department of Wildlife also manages a tract of land known as the McCurtain County Wilderness Area (29 O.S., Part 7, 7-701 through 706). This tract of land is "to be retained in a natural state with only nature operating to alter existing conditions." The McCurtain Wilderness is subject to regulations that:

- Restrict ingress and egress;
- Prohibit motor driven devices;
- Prohibit mining and timber operations;
- Prohibit permanent structures

Further information on the Wilderness Area can be obtained from the Oklahoma Department of Wildlife Conservation.

Administering Agency

Oklahoma Department of Wildlife Conservation

P. O. Box 53465

Oklahoma City, Oklahoma 73152

Telephone: (405) 521-3851

CHAPTER 7. FOREST LAND CONTROL

The Forestry Division of the Oklahoma Department of Agriculture is authorized to prescribe rules and regulations as may be necessary to ensure the conservation and protection of pine timber and other suitable trees on lands owned by the State of Oklahoma.

Authorizing Statute

2 O.S. 1971, Sections 1301-101 through 1301-404.

Title of Regulation

Oklahoma Forestry Code

Pursuant to its authority, the Forestry Division requires written approval before any pine timber or other timber products are removed from any lands owned by the state. In addition, advance notification must be given to the Forestry Division of intention to burn in "protection areas," as defined in the legislation. Other than these requirements, the Forestry Division does not directly administer environmental programs. Further information on the duties and functions of the Forestry Division can be obtained from:

Division of Forestry
Department of Agriculture
122 State Capitol
Lincoln Blvd.
Oklahoma City, Oklahoma 73105
Telephone: (405) 521-3886

CHAPTER 8. LOCAL GOVERNMENT USE

The authority given to municipalities and certain counties in Oklahoma to exercise land use controls stems from 19 O.S. 1971, Section 863.1 et seq., and 11 O.S. 1971, Section 401 et seq. Zoning authority is provided:

For the purpose of promoting health, safety, morals, or the general welfare of the community, the legislative body of cities and incorporated villages is hereby empowered to regulate and restrict the height, number of stories, and size of buildings and other structures, the percentage of lot that may be occupied, the size of yards, courts and other open spaces, the density of population, and the location and use of buildings, structures and land for trade, industry, residence or other purposes. (121 O.S. 1971, Section 401)

In addition to municipalities, certain counties may exercise zoning powers. Any county of the state having within its boundaries more than 50 percent of the incorporated area of a city having a population (according to the latest Federal Decennial Census, or to any future Federal Decennial Census) of not less than 180,000 is authorized to avail itself of the provisions of 19 O.S. 1971, Section 863.1 and to exercise those zoning powers described above. Requirements for a cooperative city-county planning commission, as described in the legislation, must be met. There are certain other legislative requirements that local governments must adhere to when adopting land use and zoning ordinances and rules. These requirements are essentially procedural and ensure that local land use controls are not arbitrary or capricious.

SECTION V. ENVIRONMENTAL QUALITY MANAGEMENT

CHAPTER 9. AIR QUALITY STANDARDS AND REGULATIONS

Oklahoma's Air Quality Standards and Regulations contain two basic elements: (1) an air emission permit process, and (2) air emission standards. The air emission permit process is discussed in Part A; emission standards are discussed in Part B.

PART A. Air Emission Permit Process

1. Authorizing Statute

Oklahoma Clean Air Act

63 O.S. Supp. 1980, Sections 1-1801 through 1-1808

2. Title of Regulations

"Oklahoma Air Pollution Control Regulations and Guidelines," Section 14--Air Resources Management (Permits)

3. Summary of Permit Process

a. Applicability

The permit requirement applies to persons planning to construct, modify, or operate facilities which may emit air contaminants into Oklahoma.

b. General Requirements

The Air Quality Service operates a dual permitting system for the State of Oklahoma for all new facilities to be established in the State. The first of these two permits authorizes facility

construction and is issued once the applicant has complied with all administrative and preliminary requirements; the permit is designed to assure that the emission limitations of the several control regulations will be met. The second permit is a permit to operate and is issued by the commissioner upon demonstration that the potential emission source was constructed as designed and that the facility meets the requirements of the several control regulations. Issuance of a permit is evidence that the applicant has met state and local requirements. A permit can, however, upon proper showing, be refuted by the state or a third party. In such a case, the permit does not relieve the applicant of the responsibility to comply with local or state regulations.

c. Submittal Requirements

An applicant for a permit must provide site data, process descriptions, identify emission sources, summarize emissions and their effects on ambient air, and list air pollution abatement measures proposed to control the emissions from the identified sources.

d. Public Review and Hearings

For major emission sources, the applicant must publish a public notice in a newspaper of general circulation in the county in which the new emission source will be constructed. Following a public notice period, and upon request of any interested party based on adequate reason, a public hearing may be scheduled to consider the issuance of the proposed permit.

e. Time Requirements

After receipt of all required information, and following the 30-day public review period and public hearing (if applicable), the

Commissioner of Health will make a determination on an application.

f. Fees

Initial processing fees are as follows:

Construction Permit Application -	\$35
Operating Permit Application -	\$35
Relocation Permit Application -	\$35

For a major source permit, an additional \$300 fee will be collected after evaluation and prior to issuance of the construction permit.

g. Appeals Process

Appeals regarding rulings, orders, decisions, or acts, of the Oklahoma State Department of Health may be made, as provided in the Administrative Procedures Act, by filing a petition for review in the district court of the county in which the party seeking review resides or, at the option of such party, where the property interest affected is situated.

PART B. Air Emission Standards

1. Authorizing Statute

Oklahoma Clean Air Act
63 O.S. Supp. 1980, Sections 1-1801 through 1-1808

2. Title of Regulations

"Oklahoma Air Pollution Control Regulations and Guidelines"

3. Summary of Standards

a. Applicability

The standards apply to any source of emissions existing wholly or partially within the State of Oklahoma.

b. General Standards

Ambient air quality standards have been adopted for seven air contaminants (e.g., particulates, sulfur oxides, carbon monoxide, etc.). These standards are designed to protect air quality throughout the state and are not linked to specific sources of emissions. At the discretion of the Commissioner of Health, operators of sources of such contaminants may be required to test and monitor emissions. Operators of sources of sulfur dioxide emissions must monitor such emissions.

c. Submittal Requirements

Associated with any required testing or monitoring, operators may be required to submit results of such testing or monitoring to the Administrator of the Air Quality Service. Notification of shutdown or malfunction of air pollution control equipment, physical and operational modifications, or excess emissions must be made to the Administrator.

4. Administering Agency

Air Quality Service
Oklahoma State Department of Health
1000 N. E. 10th St.
Oklahoma City, Oklahoma 73152
Telephone: (405) 271-5220

5. Relation to Other State and Federal Programs

The Air Quality Service of the Department of Health will assume authority, when such authority is delegated by the EPA, for the program administration and issuance of permits for Prevention of Significant Deterioration (PSD) as mandated by the federal Clean Air Act. The Air Quality Service will also assume authority, when delegated, for implementation and enforcement of the National Emission Standards for Hazardous Air Pollutants (NESHAPS) for stationary sources located in the state, as well as such programs existing under the provisions of the federal Clean Air Act of 1972, as amended.

CHAPTER 10. WATER QUALITY STANDARDS AND REGULATIONS

PART A. Wastewater Disposal Permit Process

1. Authorizing Statute

82 O.S. Supp. 1972, Section 926.1 et seq., as amended

2. Title of Regulation

"Oklahoma Water Resources Board Rules, Regulations and Modes of Procedure," Chapter X--Pollution Remedies

3. Summary of Permit Process

a. Applicability

- (1) Any person and/or company discharging waste resulting from any process of industry, manufacturing, trade, or business, or from the development, processing, or recovery of any natural resource into the waters of the State shall secure a permit from the Oklahoma Water Resources Board before commencing such activity. Industries which discharge waste directly to municipal treatment facilities and normal agricultural operations are exempt.
- (2) Any person and/or company in generating non-hazardous industrial waste and constructing lagoons, septic tanks, and/or disposal of industrial wastes shall secure a permit before commencing such activity.
- (3) Any well-servicing company terminal yard which generates waste from the washing of vehicles and/or stores saltwater, mud, and other substances used in the exploration,

development, and production of oil and gas having a discharge or a potential for contamination of surface or ground waters of the state shall secure a permit from the Board before commencing such activity.

b. Submittal Requirements

A permit application must include: the plant location, the facility's source of water supply and an estimate of the amount to be used, products of the facility, raw materials to be used, process which produce industrial wastes, a schedule of plant operations, a map of the area, an estimate of the volume of domestic wastewater data on disposal of solid waste resulting from the facility, a description of proposed wastewater disposal methods and treatment facilities, and the exact locations of the discharge points.

c. Public Hearing

After a permit application has been accepted, the Water Resources Board will set a date, time, and place of a public hearing on the application. Notice of the public hearing must be published in a newspaper of the county in which the proposed discharge source is located.

d. Time Requirements

No specific time requirements are provided in the regulations. A decision on a permit application will be issued within a reasonable time period following the public hearing.

e. Fees

Fees for filing or recording an application for a waste disposal permit depend on the estimated total effluent discharge (total of all discharge points) for the site in question, according to the following schedule:

0 - 9,999 gallons per day	\$ 25
10,000 - 249,999 gallons per day	\$ 50
250,000 - 1 million gallons per day	\$ 75
Over 1 million gallons per day	\$100
Additional fee per each discharge point	\$ 25
Minimum filing fee	\$ 25
For filing and recording an application	
for Total Retention Facilities	\$ 25
For filing a petition to amend a	
Waste Disposal Permit	\$ 25

f. Appeals Process

Appeals regarding any ruling order, decision, or act of the Oklahoma Water Resources Board shall be made, as provided in the Administrative Procedures Act, by filing a petition for review in the district court of the county in which the party seeking review resides or, at the option of such party, where the property interest affected is situated.

4. Administering Agency

Oklahoma Water Resources Board
P. O. Box 5385
Oklahoma City, Oklahoma 73152
Telephone: (405) 271-2541

5. Relation to Other State and Federal Programs

The Oklahoma Water Resources Board will assume authority, when such authority is delegated, for the administration of the National Pollutant Discharge Elimination System (NPDES) Permit Program as well as any other comparable program existing under the provisions of the Federal Water Pollution Control Act, as amended.

PART B. Water Quality Standards

1. Authorizing Statute

82 O.S. Supp. 1972, Section 926.3

2. Title of Regulation

"Oklahoma Water Quality Standards"

3. Summary of Standards

a. Applicability

The Water Quality Standards establish the minimum quality of water that will protect designated beneficial uses on a stream-by-stream basis. Any project or development that would constitute a new source of surface water pollution or an increased source pollution to any of the waters in Oklahoma must conduct its operations so as to avoid violation of water quality standards.

b. Narrative and Numerical Standards

Narrative water quality standards have been adopted for the following characteristics: oils and greases; floating, suspended and settleable solids; color; nutrients; toxic substances; taste and

odor; and pesticides. These standards are designed to protect water quality throughout the state and are not linked to specific sources of discharge. Numerical standards have been adopted and applied to the specific streams and waters in Oklahoma. Numerical standards exist for: mineral content; bacteria; turbidity; color; temperature; dissolved oxygen; nutrients; toxic substances; radioactive materials; polychlorinated biphenals (PCB's); pesticides; pH; and diversity of benthic macroinvertebrates.

The standards for these various parameters vary according to the present and anticipated uses of the specific bodies of water to be affected. Beneficial uses are designated for all Oklahoma waters. Some uses require higher quality of water than others. The most stringent criteria specified for each parameter are applicable where waters have been classified for multiple uses. Specific, applied standards for a given stream segment or body of water by which a potential discharge must abide, are listed in tabular form in the regulations.

4. Administering Agency

Oklahoma Water Resources Board
P. O. Box 53585
Oklahoma City, Oklahoma 73152
Telephone: (405) 271-2541

PART C. Sewerage Systems and Waste Treatment Plants

I. Authorizing Statutes

63 O.S. 1971, Sections 1-104, 1-901, 1-903, 1-904, and 1-908 through 1-911.

2. Title of Regulation

"Standards for Water Pollution Control Facilities"

3. Summary of Regulation

a. Applicability

The regulations apply to any public or private sewerage disposal system or waste treatment plant in the state.

b. General Requirements

The installation, modification, or operation of any sewerage system requires a permit from the State Commissioner of Health. A permit to discharge is also required.

c. Submittal Requirements

Detailed plans and specifications must be submitted with an application to construct a sanitary sewer or sewage treatment plant. Applications for sewerage systems will be reviewed in accordance with standards based on the "Great Lakes and Upper Mississippi River Board of Sanitary Engineers Standards for Sewage Works," although in several instances such standards have been modified for Oklahoma conditions. Permit applicants must also provide a legal description of the type of entity for which the application is being made. If the applicant is not a city, town, or other public entity, the applicant must demonstrate to the Health Commissioner's satisfaction that provisions have been made for continued existence and financial accountability of the operating entity for a period of time equal to the expected useful life of the facility. The Commissioner of Health may also require of any applicant other information deemed

necessary to carry out the regulatory functions assigned to him by state law.

d. Public Hearing

Provisions for public hearing of a permit application are not provided in the regulations.

e. Time Requirements

None specified.

f. Fees

None specified.

g. Appeals Process

Appeals regarding any ruling, order, decision, or act of the State Board of Health may be made, as provided in the Administrative Procedures Act, by filing a petition for review in the district court of the county in which the party seeking review resides.

4. Administering Agency

Oklahoma State Department of Health
N.E. 10th and Stonewall
P. O. Box 53551
Oklahoma City, Oklahoma 73152
Telephone: (405) 271-5205

5. Relation to Other State and Federal Programs

None specified.

CHAPTER II. PUBLIC WATER SUPPLY

1. Authorizing Statute

63 O.S. 1971, Section 1-904

2. Title of Regulation

"Oklahoma State Department of Health Rules and Regulations Governing Operation of Public Water Supply Systems"

3. Summary of Regulation

a. Applicability

The water supply standards put forth in the regulations apply to any water supply system that supplies pressurized water to more than one property or residence for domestic purposes or serves at least 25 individuals daily at least 60 days out of the year.

b. Standards of Public Water

Maximum allowable levels (primary standards) have been issued for inorganic chemicals, organic chemicals, turbidity, and radiological contaminants, as detailed in Section 3 of the regulations. Recommended maximum levels (secondary standards) have been promulgated for 13 other water contaminants (Section 3G of the regulations).

c. Submittal Requirements

Detailed engineering plans and specifications must be submitted prior to building or operating a water supply system. In addition,

community public water supply facilities which

- (1) violate maximum allowable levels,
- (2) fail to use prescribed treatment techniques,
- (3) are granted a variance or exemption,
- (4) fail to comply with a variance or exemption schedule or
- (5) fail to perform monitoring

are required to issue a status report. This status report must be issued to all water supply users (1) with the water bill distributed immediately following violation or (2) by written notice if water bills are issued quarterly or not issued at all. Such issuance must be repeated at no less than quarterly intervals until the violation is corrected.

In the case of a failure to comply with maximum contaminant level standards, which failure is not corrected promptly after discovery, the water supplier must give other general public notice, in a manner required by the state. This notice may consist of newspaper advertisement, press release, or other appropriate means prescribed by or approved by the Oklahoma State Department of Health.

d. Public Hearing

Not provided for in the regulation.

e. Time Requirements

No specific time requirements are provided in the regulations. Variance or exemption schedules will vary according to individual situations.

f. Fees

None required for a permit.

Certification of operator:

\$15 initial

\$10 annual renewal

g. Appeals Process

Appeals regarding any ruling, order, decision, or act of the Oklahoma State Department of Health may be made, as provided in the Administrative Procedures Act, by filing a petition for review in the district court of the county in which the party seeking review resides, or, at the option of such party, where the property interest affected is situated.

4. Administering Agency

Oklahoma State Department of Health

P. O. Box 53551

Oklahoma City, Oklahoma 73152

(405) 271-5205

5. Relation to Other State and Federal Programs

None identified.

CHAPTER 12. WATER RESOURCES MANAGEMENT

The Oklahoma Water Resources Board (OWRB) is responsible for the management of the state's water resources. In addition to water quality concerns, OWRB regulates stream and ground-water appropriation and use, licenses water-well drillers and regulates the drilling of water wells, and promulgates and enforces rules pertaining to the construction and operation of dams and reservoirs. These programs are discussed below.

PART A. Appropriation of Stream Water

1. Authorizing Statute

82 O.S. 1971, Sections 105 et seq.

2. Title of Regulation

"Oklahoma Water Resources Board Rules, Regulations, and Modes of Procedure," Chapter VI--Appropriation of Stream Water

3. Summary of Permit Process

a. Applicability

The purposes for which the public waters of Oklahoma may be appropriated are agriculture, irrigation, mining, secondary oil recovery, milling, manufacturing, power production, industry, construction and operation of water works for cities and towns, stock raising, public parks, game management areas, propagation and utilization of fishery resources, recreation, housing developments, pleasure resorts, artificial recharge of a groundwater basin or subbasin, water quality control, or any other beneficial uses.

b. General Requirements

Any person, firm, or agency must obtain a permit from the Water Resources Board to appropriate public waters of the state for any beneficial use; except for domestic use as defined in the statutes.

c. Submittal Requirements

In an application to appropriate stream water, the applicant must specify the type of permit desired (regular, seasonal, temporary, term, or provisional temporary), the amount of water required, the maximum diversion rate, the purpose for which the water is to be appropriated, the source of supply, place of use, the method of diversion, the location of diversion point, and evidence of right-of-way to cross public property or another landowners' property.

d. Public Hearings

After acceptance of the permit application, the Water Resources Board will set the date, time, and place of a public hearing on the application. Notice of the public hearing shall be published in a newspaper having general circulation in the county of the point of diversion, and in a newspaper published in the adjacent downstream county.

e. Time Requirements

No specific requirements are provided for in the regulations. Generally, after the public hearing on an application, a permit decision is made within 30 days.

f. Fees

0 - 320 acre-feet	\$ 25
321 - 640 acre-feet	\$ 50
641 - 1,500 acre-feet	\$ 75
Over 1,500 acre-feet	\$100

g. Appeals Process

Appeals regarding any ruling, order, decision, or act of the Oklahoma Water Resources Board shall be made, as provided in the Administrative Procedures Act, by filing a petition in the district court of the county in which the party seeking review resides or, at the option of such party, where the property interest affected is situated. Such appeal must be filed no later than 30 days after the receipt of the Board's Order.

4. Loss of Water Right

a. Commencement of Construction

Water rights could be forfeited for not commencing construction of a project as specified in the permit. Usually the claimant is given two years from the date the permit is issued to commence construction; however, claimant can request an extension of time.

b. Time for Putting Water to Beneficial Use

When any party is entitled to the use of water but fails to beneficially use all or any part of the authorized water, that amount not so used shall be forfeited by the holder of the permit. Unless a schedule of use is attached to a permit, the

claimant has seven years from the date the permit is issued to put the authorized water to beneficial use.

c. Notice of Loss of Right Due to Non-Use of Permit

When the right to use water has been lost in whole or in part, the Board proceeds to administratively cancel the right by providing the claimant a notice which states the time, date, and place of the hearing, relevant statutory references, and a short statement explaining the nature of the matter. Such notice must be mailed at least 30 days prior to the date set for the hearing. If the claimant cannot be reached, the Board shall publish its notice of intent in a local newspaper once a week for three consecutive weeks.

d. Time Requirements

The Board notifies claimant of its determination within 30 days after the hearing. However, failure to do so shall not in any way revive or continue the said right.

5. Administering Agency

Oklahoma Water Resources Board
P. O. Box 53585
Oklahoma City, Oklahoma 73152
Telephone: (405) 272-2555

6. Relation to Other State and Federal Programs

None identified.

PART B. Taking and Use of Ground Water

1. Authorizing Statute

82 O.S. Supp. 1972, Sections 1020.1 through 1020.22.

2. Title of Regulation

"Oklahoma Water Resources Board Rules, Regulations, and Modes of Procedure," Chapter VIII--Taking and Use of Ground Water.

3. Summary of Permit Process

a. Applicability

This rule applies to all agricultural, municipal, industrial, and other beneficial uses of the ground-water resources of the State of Oklahoma.

b. General Requirements

Any person intending to initiate a use of ground water, other than domestic use, must apply to the Water Resources Board for an appropriate permit before completing any freshwater well for such purposes.

c. Submittal Requirements

An applicant for a ground-water permit must specify the amount of water applied for, the purpose for which the water is to be used, the full legal description of each tract of ground water and the location of each well to the nearest 10-acre subdivision, all existing wells within one-half mile from the applicant's proposed

well(s), a plat of each section of ground water covered by the application, and adjacent landowners' names and addresses.

d. Public Hearing

After an application has been accepted, the Water Resource Board will set the date, time, and place for a public hearing. Notice of the hearing shall be published in a newspaper having general circulation in the county in which the well is to be located, and in any adjacent counties specified by the Water Resources Board. All immediately adjacent landowners must be notified of such hearing by certified mail prior to the hearing date.

e. Time Requirements

No specific time requirements are provided for. After the hearing has been held and the board approves the permit for taking and use of ground water, there is no time limit for completion of wells and the taking of water.

f. Fees

Filing and permit fee which must be submitted with each application for a permit for ground-water usage, and depend on the amount of water to be withdrawn yearly, as follows:

0 - 320 acre-feet	\$ 25
321 - 640 acre-feet	\$ 50
641 - 1,500 acre-feet	\$ 75
Over 1,500 acre-feet	\$100

g. Appeals Process

Appeals regarding any ruling, order, decision, or act of the Oklahoma Water Resources Board may be made, as provided in the Administrative Procedures Act, by filing a petition for review in the district court of the county in which the party seeking review resides or, at the option of such party, where the property interest affected is situated.

4. Administering Agency

Oklahoma Water Resources Board
P. O. Box 53585
Oklahoma City, Oklahoma 73152
Telephone: (405) 271-2555

6. Relation to Other State and Federal Programs

None identified.

PART C. Dams and Reservoirs

1. Authorizing Statute

82 O.S. Sup. 1972, Sections 105.27 and 1085.2(7)

2. Title of Regulation

"Oklahoma Water Resources Board Rules, Regulations and Modes of Procedure," Chapter VII--Dams and Reservoirs

3. Summary of Requirements and Standards

a. Applicability

Applies to impoundments that are 25 feet or more in height or impound 50 acre-feet or more as measured from the top of the dam. Any person who desires to construct, enlarge, alter, or repair any dam or reservoir must obtain an approved application from the Water Resources Board for the proposed project.

b. General Requirements

The Water Resources Board has promulgated rules establishing standards and requirements for the construction, enlargement, alteration, or repair of any dam in the state. Plans and specifications must be prepared by a registered professional engineer, or as designed by an agency of the federal government, and must adhere to minimum performance standards and outlet conduit requirements detailed in Section 720 of the regulations. Inspection requirements during construction and operation must also be met.

c. Submittal requirements

Detailed plans and specifications must accompany an application to construct, enlarge, alter, or repair a dam. Information required to be included in the plans and specifications is itemized in Section 715.3 of the regulations. In addition, an engineer's report giving details necessary for analysis of the structure and appurtenants shall be submitted with the plans and specifications. Such details include:

- Formula and assumptions used in design;

- Hydrologic data (including copies of any records that the applicant has of flood flows and precipitation for the region) used in determining runoff from the drainage areas;
- Foundation and materials investigations; and
- Other information which would aid in evaluating the design.

Upon completion of an approved project, the owner must give notice of completion and file supplementary drawings or descriptive matter showing or describing the dam or reservoir as actually constructed. The supplementary material must include the following:

- A record of grout holes and grouting;
- A record of permanent location points and bench marks;
- A record of tests of concrete, soils, or other materials used in the construction of the dam or reservoir; and
- Any other items which may have a bearing on the safety and performance of the dam or reservoir.

The Water Resources Board may also require owners to keep records and to report on maintenance, operation and staffing, of any dam or reservoir, when such records and reports are deemed necessary in assisting the Board to safeguard life and property.

d. Public Hearing

After an application has been accepted, the Water Resources Board will schedule a date, time, and place of a public hearing.

Notice of the hearing must be published in a newspaper of the county of the proposed dam project.

e. Time Requirements

No specific time requirements are provided for in the rules. Applications will be approved or denied within a reasonable time period following the public hearing.

f. Fees

A filing fee must be submitted with each application to construct, enlarge, alter, or repair a dam. The amount of the fee maximum depends on the the amount of water to be stored, as follows:

Less than 100 acre-feet	\$ 25
100 to 1,000 acre-feet	\$ 50
Over 1,000 acre-feet	\$100

A fee must be submitted for inspections (conducted by Board personnel) during construction, enlargement, alteration, repair, or removal of a dam.

This fee depends on maximum water storage capacity, as follows:

Less than 100 acre-feet	\$ 25
100 to 1,000 acre-feet	\$ 50
Over 1,000 acre-feet	\$100

No fees shall be charged for issuance of a certificate of approval; however, no certificate of approval shall be issued until invoiced filing and inspection fees are received.

g. Appeals Process

Appeals regarding any ruling, order, decision, or act of the Oklahoma Water Resources Board may be made, as provided in the Administrative Procedures Act, by filing a petition for review in the district court of the county in which the party seeking review resides or, at the option of such party, where the property interest affected is situated.

4. Administering Agency

Oklahoma Water Resources Board
P. O. Box 53585
Oklahoma City, Oklahoma 73152
(405) 271-2530

5. Relation to Other State and Federal Programs

None identified.

PART D. Water Well Drillers Licensing and Regulations for the Drilling of Water Wells

1. Authorizing Statute

82 O.S. Supp. 1972, Sections 1020.16 and 1085.2

2. Title of Regulation

"Oklahoma Water Resources Board Rules, Regulations and Modes of Procedure," Chapter IX--Water Well Drillers Licensing and Rules and Regulations for the Drilling of Water Wells

3. Summary of Licensing Procedures

a. Applicability

The licensing requirement applies to persons drilling wells, reconditioning wells, and test drilling in fresh groundwater basins or subbasins in the State of Oklahoma. However, water well drillers drilling only for domestic water purposes are exempted from the licensing requirement.

b. Licensing Requirements

Persons obtaining a well drilling license must:

- Have been a resident of the State of Oklahoma for not less than 90 days prior to making application for licensing as a water well driller, unless reciprocity provisions for non-residents are complied with.
- Complete and file with the Board, on forms furnished by the Board, an application for license.
- Have at least two years' well-drilling experience under the supervision of a qualified water well driller.
- Provide a list, on forms furnished by the Board, of all well rigs used.
- File with the Board a surety or cash bond in the penal sum of \$5,000 payable to the Oklahoma Water Resources Board.
- Pay a license fee.

- Obtain a satisfactory score on the examination required by Rule 905.7 of the rules and regulations.

In addition to the above requirements, a partnership, firm, or corporation must:

- Designate one official of the partnership, firm, or corporation to represent it in dealings with the Board. The official of the partnership, firm, or corporation will be responsible for the drilling of all wells under the partnership's, firm's, or corporation's license, and must be qualified by the Board by obtaining a satisfactory score on the examination.
- Complete an application form for a license which must be signed by the designated official of the partnership, firm, or corporation.
- Provide the Board with a list of all persons employed as operators by the partnership, firm, or corporation, each of whom (1) must be qualified by the Board for a period of one year; or (2) have been previously licensed by the Board for a period of one year; or (3) submit evidence of at least two years' well-drilling experience under the supervision of a qualified water well driller. In addition, such operators must (1) complete and file with the Board, on forms furnished by the board, an application for operator's license, and (2) obtain a satisfactory score on the examination.

c. Public Hearing

Public hearings are not required to issue water well drillers licenses.

d. Time Requirements

No specific time requirements are provided in the rules. After satisfying all application requirements, including passing the examination, the Water Resources Board will issue the license to the applicant.

e. Fees

- Filing and license fees for issuance of individual, partnership, or corporation licenses including the operator license for the individual driller or, in the case of a partnership or corporation,

One operator's license	\$35
Additional fee for each operator	\$5

- Renewal fee for each individual, partnership, or corporation license, including the operator license for the individual driller or, in the case of a partnership or corporation,

One operator's license	\$25
Additional fee for each operator's license renewal	\$5

- For examination of any operator, or amendment of any license \$10
- For transfer of qualified operator from one firm or corporation to another \$5

g. Appeals Process

Appeals regarding any ruling, order, decision, or act of the Oklahoma Water Resources Board maybe made, as provided in the Administrative Procedures Act, by filing a petition for review in the district court of the county in which the party seeking review resides or, at the option of such party, where the property interest affected is situated.

4. Summary of Standards for Construction, Plugging, and Capping of Water Wells

a. Applicability

Standards have been promulgated by the Water Resources Board that ensure proper water well construction, proper plugging of abandoned water wells and water well test holes, and proper capping of water wells not in use.

b. General Standards

Standards have been adopted with regard to well location, casing (materials, height, seals), cementing and grouting, disinfection requirements, and well development. Standards have also been adopted which apply to the plugging and sealing of abandoned water wells and test holes. Details of standards are provided in Sections 930.1 through 930.10 of the rules and regulations.

5. Administering Agency

Oklahoma Water Resources Board
P. O. Box 53585
Oklahoma City, Oklahoma 73152
(405) 271-2512

6. Relation to Other Programs

None identified.

CHAPTER 13. WASTE MANAGEMENT

PART A. Solid Waste Management

1. Authorizing Statute

The Oklahoma Solid Waste Management Act

63 O.S 1971, Sections 2251 through 2265

2. Title of Regulation

"Rules and Regulations for the Collection and Disposal of Solid Waste and Setting Standards for Sanitary Landfills

3. Summary of Permit Process

a. Applicability

Applies to any person operating a collection system or facility which processes or disposes of solid waste.

b. General Requirements

A permit must be secured by all collectors, processors, and disposers of solid waste in the state.

c. Submittal Requirements

Information required in a permit application includes: facility location, type and purpose of operation, status of site, other environmental permits applied for, zoning of site, and types and quantity of wastes.

Supporting information required to facilitate permit evaluation includes: an area master plan, a site master plan (hydrological, geological, environmental, and other characteristics), detailed engineering plans and specifications, operation plan, closure plans, evidence of financial responsibility, and any other information deemed appropriate. Interested parties should contact the Solid Waste Division for detailed requirements.

d. Public Hearing

No provisions for public hearings on permit applications are included in the regulations.

e. Time Requirements

No specific time requirements for acting upon a permit application are provided in the regulations.

f. Fees

None.

g. Appeals Process

Appeals regarding any ruling, order, decision, or act of the Oklahoma State Department of Health may be made, as provided in the Administrative Procedures Act, by filing a petition for review in the district court of the county where the proposed operation is to take place.

4. Summary Of Standards

Standards have been adopted governing the disposal of solid waste. All sanitary landfill disposal areas are subject to 27 specific standards

itemized in Section 4.1 of the regulations (e.g., requirements for refuse measuring, blowing litter, dead animals, daily cover, drainage of surface water, etc.). Incineration, composting, and other methods of disposal are considered individually for adequacy of design.

A copy of the plans and specifications are required to be filed with the Department of Health on all landfills established after adoption of the regulations.

Plans and specifications shall be prepared by (1) a registered professional consulting engineer licensed to practice in Oklahoma, (2) a registered professional consulting sanitarian licensed to practice in Oklahoma, or (3) a registered land surveyor licensed to practice in Oklahoma. A copy of the plans and specifications, a copy of the daily log, and a plan of the completed landfill shall be filed with the responsible local agency.

The Department shall be notified when any site is closed so that final inspection can be made for compliance. Sites are to be inspected at least annually for a period of at least three years, or such additional time as may be necessary to ensure compliance.

5. Administering Agency

Oklahoma State Department of Health
Solid Waste Division
P. O. Box 53551
1000 N. E. 10th St.
Oklahoma City, Oklahoma 73152
Telephone: (405) 271-5338

6. Relation to Other State and Federal Program

The Oklahoma Solid Waste Management Act incorporates the objectives and elements of the Resource Conservation and Recovery Act (RCRA), into State law.

PART B. Hazardous Waste Regulation

1. Authorizing Statute

The Oklahoma Controlled Industrial Waste Disposal Act of 1978
63 O.S. Supp. 1980, Sections 2751 through 2765

2. Title of Regulation

a. Applicability

Applies to any person proposing to operate a site or facility for the processing or disposal of Controlled Industrial Waste, as designated by the Department of Health.

b. General Requirements

A permit is required to operate a site or facility for the processing or disposal of Controlled Industrial Waste. Controlled Industrial Waste is defined as refuse products, either solid or liquid, which are to be discarded by the producer, and which are toxic to human, animal, aquatic or plant life, and which are produced in such quantity that they cannot be safely disposed of in properly operated, state-approved sanitary landfills, waste, or sewage treatment facilities. Controlled Industrial Waste may include but is not limited to explosives, flammable liquids, spent acids, caustic solutions, poisons, sludge, tank bottoms containing heavy metallic ions, toxic organic chemicals, infectious

materials, and materials such as paper, metal, cloth or wood which are contaminated with controlled industrial waste.

The applicant for a Controlled Industrial Waste Disposal Site or Facility bears the burden of proving that the disposal site is physically and technically suitable.

c. Submittal Requirements

An application for a hazardous waste permit must specify: company name, company address, name of individual to be contacted concerning hazardous waste management, telephone number, type of operation, purpose (treatment, storage, or disposal), ownership status of land for proposed site, operation status, site description, existing environmental permits for the site, other company hazardous waste operations, zoning of site, and other information deemed appropriate.

Supporting information that must be submitted to facilitate permit evaluation includes: detailed engineering plans and specifications, site geology data, site hydrology data, site socio-economic data, data on other environmental factors, an operations plan, closure plans, financial data, and other data detailed in the application instructions.

d. Public Hearing

A public hearing will be scheduled, if requested within 15 days after notification of affected property owners and local health departments.

e. Time Requirements

A decision to deny or issue a permit will be rendered by the Department of Health within 30 days after public hearing or within 90 days after the application is certified as complete by the Department.

f. Fees

No fees are provided for in the regulations.

g. Appeals Process

Appeals may be made to reverse a permit decision, as provided in the Administrative Procedures Act, by filing a petition for review in the district court of the county in which the party seeking review resides or where the property interest affected is situated.

4. Summary of Standards

Controlled Industrial Waste sites and facilities must meet extensive standards which are detailed in the regulations. Requirements are included for: site elevation, precipitation and runoff, material handling, emergency situations, storage tanks, fencing and security, warning signs, safety, etc. The actual rules and specifications should be consulted for detailed specifications.

5. Administering Agency

Industrial Waste Division
Oklahoma State Department of Health
P. O. Box 53551
Oklahoma City, Oklahoma 73152
Telephone: (405) 271-5338

6. Relation to Other State and Federal Programs

These rules and regulations pursuant to the Oklahoma Controlled Industrial Waste Disposal Act are comparable to the requirements of Subtitle C of P.L. 94-580, the Resource Conservation and Recovery Act of 1976.

Class I, Class III, and Class IV Underground Injection Wells, as defined under the Safe Drinking Water Act (SDWA), are subject to hazardous waste permit requirements in Oklahoma. The Oklahoma State Department of Health is currently seeking primacy for implementation of the SDWA Underground Injection Control program from the EPA. (Permit requirements for Class II wells are described in Chapter 14.)

CHAPTER 14. UNDERGROUND INJECTION WELLS

1. Authorizing Statute

52 O.S. 1971, Section 309

2. Title of Regulation

"Order No. 185890 of the Corporation Commission of the State of Oklahoma"

3. Summary of Permit Process

a. Applicability

The regulations embodied in Order No. 185590 apply to three classifications of underground injection wells:

- a) Enhanced recovery injection well, which injects fluid to increase the recovery of hydrocarbons;
- b) Disposal well, which injects for purposes other than enhanced recovery those fluids brought to the surface in connection with oil or natural gas production;
- c) Storage well, which injects for storage purposes hydrocarbons that are liquid at standard temperature and pressure.

b. General Requirements

An approved application is required for the operation of a newly drilled or newly converted underground injection well.

c. Submittal Requirements

An application for approval of an underground injection well must include:

- A plat showing the location and depth of the well, and other information detailed in the regulations;
- If the well has been drilled, a copy of the Completion Report (Form I002A) and any available electric or radioactive logs of the well;
- A schematic diagram of the well;
- Information showing that injection into the proposed zone will not initiate fractures through the overlying strata that could enable the injection fluid or formation fluid to enter freshwater strata; and
- Proposed operating data, as detailed in the regulations.

d. Public Notification and Hearing

Notice that an application has been filed must be published by the applicant in a newspaper of general circulation in the county in which the injection or disposal well is located. If a written objection to the application is filed within 15 days after the application is published, or if hearing is required by the Commission, the application will be set for a public hearing.

e. Time Requirements

There are no provisions in the regulation requiring that the Corporation Commission act upon a permit application within a

specific time period. On the other hand, an Order authorizing a disposal well will expire and become null and void if no Well Completion Report (Form 1002A) is filed within six months from the date of the order.

f. Fees

\$25.00 filing fee.

g. Appeals Process

Appeals may be made to reverse a permit decision. Appeals are initially made to an Administrative Review Panel composed of three Deputy Commissioners of the Corporation Commission. Further appeals may be made to the Corporation Commissioners, and finally to the Oklahoma Supreme Court.

4. Administering Agency

Oklahoma Corporation Commission
Oil and Gas Division
Jim Thorpe Building
Oklahoma City, Oklahoma 73105
Phone (405) 521-2500

5. Relation to Other State and Federal Programs

The rules and regulations for underground injection wells are expected to qualify as a Class II injection control program with the EPA. Class II injection under Section 1425 of the Safe Drinking Water Act is defined as:

- The underground injection of brine or other fluids which are brought to the surface in connection with oil or natural gas production;
- Any underground injection for the secondary or tertiary recovery of oil or natural gas and
- Any injection for the storage of hydrocarbons which are liquid at standard temperature and pressure.

Class I, III, and IV injection wells are permitted under the state's hazardous waste regulations. (See Chapter 13, Part B.)

CHAPTER 15. ENVIRONMENTAL NOISE REGULATION

63 O.S. 1971, Sections 1-1511 through 1-1514, gives authority to the Oklahoma State Department of Health to study and regulate environmental noise that poses a safety or public health problem. No formal regulations have been issued pursuant to this authority, and none are currently under consideration.

SECTION VI. SOCIAL/ECOLOGICAL PRESERVATION

CHAPTER 16. RARE AND ENDANGERED SPECIES

There are no regulatory programs in place at the state level in Oklahoma that are dedicated solely to the preservation or conservation of rare and endangered species. However, Title 29, O.S. Sections 2-109, 133, and 135 define the terms "Endangered", "Protected Wildlife" and "Rare". In addition, Section 5-410 extends protection to hawks, falcons, owls and eagles, while Section 5-412 expressly protects whooping cranes. The Oklahoma Department of Wildlife Conservation administers to rare and endangered species generally under the agency's overall mandate to manage all fish and wildlife resources of the state. The Department of Wildlife does, however, utilize a list compiled by the Rare and Endangered Species Committee (by Oklahoma State University and the U.S. Department of Agriculture, Soil Conservation Service) entitled "Rare and Endangered Vertebrates and Plants of Oklahoma" in its review of environmental impact statements and other projects capable of modifying or eliminating wildlife habitat. The OSU list is more extensive than the federal list of rare and endangered species, but it is not officially sanctioned through legislation or regulation.

CHAPTER 17. ARCHAEOLOGICAL AND HISTORICAL

In Oklahoma, there is no state legislation equivalent to Section 106 of the National Historic Preservation Act (NHPA) that would require that impacts upon prehistoric and historic resources be taken into consideration in state-permitted undertakings. The Oklahoma Historical Society and the Oklahoma Archaeological Survey do, however, review projects in accordance with the NHPA and the Office of Management and Budget Circular A-95 review process required of federally-funded or -sponsored projects.

In a separate program, the Oklahoma Archaeological Survey requires a permit to make archaeological field investigations in Oklahoma, whether on federal, state, or private lands.

I. Summary of Permit Process

The permit application is designed to determine the "satisfactory scientific fitness of the applicant to make archaeological explorations or excavations" (70 O.S. 1971, Section 3309). An applicant must accurately describe the location and sites of the ruins or deposits where the exploration or excavation is to be conducted.

a. Public Hearing

Not applicable.

b. Time Requirements

No specified time requirements.

c. Fees

\$50 fee for the first year.

\$25 fee for each renewal.

d. Appeals

Appeals may be made to the Chairman of the Department of Anthropology at the University of Oklahoma.

2. Administering Agencies

Oklahoma Archaeological Survey
The University of Oklahoma at Norman
1335 South Asp Avenue
Norman, Oklahoma 73109
Telephone: (405) 325:1028

Oklahoma Historical Society
Wiley Post Historical Building
Oklahoma City, Oklahoma 73105

CHAPTER 18. WETLANDS

Oklahoma has no state programs to regulate wetlands managements. There are federal regulations addressing the Federal Water Pollution Control Act. The U.S. Fish and Wildlife Service developed a classification of wetlands and deep water habitats of the United States in 1977. The Department of Wildlife Conservation utilizes the expertise of the U.S. Fish and Wildlife Service in the identification and protection of wetlands subject to modification, reduction or destruction by major developments, public or private.

CHAPTER 19. SCENIC RIVERS

Title 82, Sections 1460 through 1469 of the Oklahoma Statutes is known as the Scenic Rivers Act. The Act created five "scenic river areas" in the State that possess such unique natural scenic beauty, water conservation, fish, wildlife and outdoor recreational values of present and future benefit to the people of the state that it is the policy of the Legislature to preserve these areas for the benefit of the people of Oklahoma.

Section 1460 of the Act states that "the protection and development of the State's Scenic River Areas and adjacent and contiguous lands should be provided for by properly planned and executed regulations respecting public services, land use, occupancy, structures, lot and plot sizes, density of population and other activities as required for the proper protection of the aesthetic, scenic, historic, archaeological and scientific features of the said affected areas, or deemed necessary for the protection of the ecosystem and the environment from pollution, despoliation and destruction or waste of natural resources and all other factors adversely affecting the public health, safety and the general welfare."

The Act provided for the creation of a Scenic River Commission for each designated Scenic River Area. The Oklahoma Department of Tourism and Recreation is responsible for establishing procedures for organizing and certifying Scenic River Commissions to administer a resource management program for the designated Scenic River Areas. Scenic Rivers Commissions are invested with the power to prepare and establish minimum standards for planning, zoning, and other ordinances and regulations necessary to achieve the purposes of the Act. To date, the Illinois Scenic River Commission has been the only such commission established, with responsibility for planning and management of the Flint Creek and Illinois River Scenic River Area.

Further information on implementation of the Scenic Rivers Act can be obtained from:

Oklahoma Tourism and Recreation Department
500 Will Rogers Building
Oklahoma City, Oklahoma 73105
(405) 521-2413

CHAPTER 20. OKLAHOMA NATURAL HERITAGE PROGRAM

The Oklahoma Natural Heritage Program is an information gathering and analysis project of the Division of Planning and Development of the Oklahoma Tourism and Recreation Department. Although not legislatively mandated, it is supported by the Governor, and statutory authority is planned.

Since its beginning, in January 1977, the program has identified 148 sites for a Natural Area System in Oklahoma. Continuing research and evaluation, including geologic features and landforms, as well as terrestrial, wetlands, and aquatic habitats, will assure that all significant natural features are identified.

The information collected under this program will be used to provide assistance in planning, environment assessment, research projects, and similar uses.

Contact Agency:

Oklahoma Tourism and Recreation Department
500 Will Rogers Building
Oklahoma City, Oklahoma 73105
(405) 521-2413