

US EPA ARCHIVE DOCUMENT



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June 17, 2003

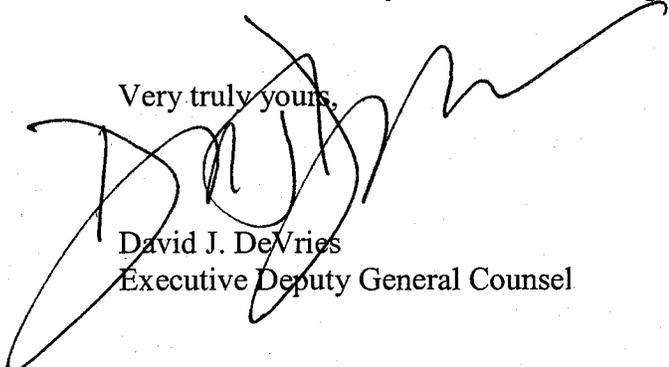
Donald S. Welsh
Regional Administrator
U.S. Environmental Protection Agency
Region III
1650 Arch Street
Philadelphia, Pennsylvania 19103-2029

Dear Mr. Welsh:

Pennsylvania is applying for final authorization under the Resource Conservation and Recovery Act ("RCRA"), 42 U.S.C. § 6901, *et seq.* The attached PENNSYLVANIA SECOND SUPPLEMENTAL LEGAL STATEMENT FOR FINAL AUTHORIZATION FOR CHANGES TO THE FEDERAL RCRA PROGRAM FROM JULY 7, 1999 THROUGH JUNE 28, 2001 ("Legal Statement") is submitted in support of the Commonwealth's application for updated program authorization under RCRA. This Legal Statement is provided in accordance with 40 CFR 271.7, which requires the Attorney General or independent legal counsel to certify that the state had adequate legal authority to carry out the program described in the application.

EPA's regulations require the "independent legal counsel" signing a legal statement certifying that the state has adequate legal authority to carry out the program described in an application for program authorization to "have full authority to independently represent the State agency in court on all matters pertaining to the State program. 40 CFR 271.7(a) (emphasis added). Since the passage of the Commonwealth Attorneys Act, Act of October 15, 1980 (P.L. 950, No. 164), 71 P.S. § 732.101, *et seq.*, authority to represent Pennsylvania on matters pertaining to the hazardous waste management program is divided between the Office of General Counsel and the Office of Attorney General. In order to assure full compliance with EPA's regulations, I am authorized to sign the Legal Statement for the Office of General Counsel. I am enclosing a separate letter signed by a member of the Office of Attorney General concurring in the Legal Statement.

Very truly yours,


David J. DeVries
Executive Deputy General Counsel

DJD:ddw
Attachments