

US EPA ARCHIVE DOCUMENT

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Non-HSWA I + II

AMENDMENT TO THE MEMORANDUM OF AGREEMENT
BETWEEN THE OKLAHOMA STATE DEPARTMENT OF HEALTH
AND THE U.S. ENVIRONMENTAL PROTECTION AGENCY REGION VI,
FOR FINAL AUTHORIZATION

I. GENERAL

This amendment to the Agreement, which was effective on December 5, 1984, establishes additional policies, responsibilities and procedures pursuant to 40 CFR Part 271 for the operation of the State of Oklahoma's hazardous waste management program authorized under Section 3006 of RCRA and subject to review by the EPA Regional Office for Region VI. This Amendment is being made in response to the requirements of 40 CFR 271.24(e) for revising authorized programs.

II. AVAILABILITY OF INFORMATION (3006(f))

A. Requests for Information

1. Pursuant to the Federal Freedom of Information Act (FOIA), 5 U.S.C. 552(a)(2), the Oklahoma State Department of Health (hereinafter, referred to as the Department) agrees to make certain that materials will be routinely available without a formal FOIA request. Examples of these materials are final opinions or orders in case adjudications, State regulations, statements of Agency policy, and administrative staff manuals affecting the public. In addition, records prepared for routine public distribution will also be made available. Examples of such records are press releases, copies of speeches, pamphlets, and educational materials.
2. The Department agrees to make reasonable efforts to assist a requestor in identifying records being sought, and helping the requestor formulate his or her request.
3. If a request for information is denied, the Department agrees to provide the requestor the basis for the denial and notification of State judicial and administrative procedures, including statutes of limitation.

4. A reduction or waiver of fees will be considered in connection with each request from a representative of the press or other communication medium, or from a public interest group. The Department agrees to reduce or waive the fee if it determines that a reduction or waiver of the fee is in the public interest because furnishing the information can be considered as primarily benefitting the general public.
5. The Department agrees to make the fullest possible disclosure of records to the public, subject to any of the exemptions under the Federal FOIA recognized by the State.

B. Confidentiality of Business Information

If a claim of confidentiality is asserted and cannot be resolved in the time period provided for an agency response to a request, the Department agrees to notify the requestor of the confidentiality claim within the maximum 20-day time limit provided for an agency response. In addition, the requestor will be told that the request was denied in order to resolve the business confidentiality claim.

C. Oversight

1. The Department agrees to keep a log of denials of requests for information (or a file containing copies of denial letters sent to requestors) which will be made available to EPA during the Department review.
2. The Department agrees to keep EPA fully informed of any proposed modifications to its basic statutory or regulatory authority, its forms, procedures, or priorities, as applied to Section 3006(f).

III. APPROVAL

Date: 12-30-87

By: Mark J. Colman
for Joan K. Leavitt, M.D.
Commissioner of Health
Oklahoma State Department of Health

Date: 6/21/80

By: Robert E. Layton, Jr.
Robert E. Layton, Jr.
Regional Administrator
U.S. Environmental Protection Agency
Region VI