

US EPA ARCHIVE DOCUMENT

Received  
4/13/92

OKLAHOMA STATE DEPARTMENT OF HEALTH

REVISION  
AUTHORIZATION  
APPLICATION  
FOR  
PRE-HSWA RCRA REVISIONS PRIOR TO NON-HSWA CLUSTER I,  
NON-HSWA CLUSTER I, AND  
NON-HSWA CLUSTER II UNDER  
SUBTITLE C  
OF THE  
RESOURCE CONSERVATION AND RECOVERY ACT OF 1976

DECEMBER 30, 1987

Oklahoma

Non HWA

F & U

No date

I. ADDENDUM TO PROGRAM DESCRIPTION

## A. PURPOSE AND SCOPE OF PROGRAM

The State of Oklahoma, through the Oklahoma State Department of Health (OSDH), has conducted an effective program for the regulation and control of hazardous wastes since 1976. The authority to implement the State's hazardous waste program is derived from the Oklahoma Controlled Industrial Waste Disposal Act of 1976 (OCIWDA), as amended, and rules and regulations promulgated pursuant to the Act. Final authorization for the base program under Subtitle C of the Resource Conservation and Recovery Act of 1976, amended, was granted on January 10, 1985.

The State of Oklahoma firmly believes that it was Congress' intent that Subtitle C of RCRA be a delegable program, and, in concert with Congressional intent, hereby requests additional authorization from EPA to operate the State program in lieu of the Federal program through non-HSWA Cluster II.

Appendix A contains a copy of the OCIWDA as amended through 1981, the "1986 Supplement" to the OCIWDA (amendments from 1982 through 1986), and the 1987 Session Laws (1987 amendments). A copy of the OCIWDA, as amended through 1981, is contained in previous applications; however, it is being resubmitted to allow the reader an easy means to compare "old" with "new" language (i.e., sections that have been superseded have been crossed out but are still legible).

The OCIWDA, as amended by the 1987 State Legislature, provides the State with statutory authority necessary to implement the majority of provisions of the most recent amendments to RCRA (Hazardous and Solid Waste Amendments of 1984, known as HSWA). Authorization for the provisions of HSWA will be requested in future submittals. Should the Federal program be further amended due to modification of the Resource Conservation and Recovery Act of 1976 (RCRA) or modification of any regulatory provision pursuant to RCRA that would necessitate State statutory modification, the Department will accordingly request that the Legislature amend its affected statutes, specifically the OCIWDA, to ensure that the State program maintains equivalency with the Federal program as necessary.

The State Legislature charged the Industrial Waste Division of OSDH with specific powers and duties under OCIWDA as amended through 1981. Additional powers and duties affecting RCRA program authorization through non-HSWA Cluster II, as specified in the 1986 Supplement of the OCIWDA at Section 1-2004, are as follows:

- Make information regarding controlled industrial waste facilities and sites available to the public to the same extent as the Environmental Protection Agency (EPA).
- Determine and enforce penalties for violation of the OCIWDA.
- Monitor research in the managerial aspects of controlled industrial waste and the recycling of such wastes.
- Determine existing rates of production, promote recycling and recovery of resources, and encourage the reduction of controlled industrial waste.

The Rules and Regulations for Industrial Waste Management provide the regulatory authority to implement the State hazardous waste management program that is equivalent to the Federal program. This authority is found at Section 1-2004 of the OCIWDA. However, should the Federal program be amended due to modification to 40 CFR Parts 270, 271, 124 or 40 CFR Parts 260 through 268, the Department will correspondingly amend its regulatory requirements to ensure that the State program maintains equivalency with the Federal program as necessary. In the event regulatory amendments are necessary, the Department has the ability to develop or amend and adopt regulations, as needed. This authority is found at Section 1-2005 of the OCIWDA.

Appendix B contains a copy of the revised Rules and Regulations for Controlled Industrial Waste Management. These regulations were last amended on October 29, 1987 (effective date of November 2, 1987). Sections 210 and 211 adopt, by reference, all of the Federal regulations (except delisting provisions) under pre-HSWA RCRA revisions prior to non-HSWA Cluster I, non-HSWA Cluster I, and non-HSWA Cluster II. Some additional requirements beyond non-HSWA Cluster II have been adopted by reference (e.g., container and tank system requirements contained in the July 14, 1986 Federal Register). Authorization for requirements beyond non-HSWA Cluster II, including HSWA Cluster I, will be requested in future submittals.

The Oklahoma "Administrative Procedures Act" outlines standards, procedures, and rules of practice to be used by State agencies in conducting various administrative activities including public notice, public hearing and judicial review. A copy of the 1987 amendments to the Oklahoma "Administrative Procedures Act" is included in Appendix C. Article I relates to agency filing and publication requirements for rules and consists of Sections 3 through 23 of the Act. Article II of the new Administrative Procedures Act relates to agency notice and hearing requirements for individual proceedings and consists of Section 309 through 323 of Title 75 of the Oklahoma Statutes. A copy of the 1981 version of the Oklahoma Administrative Procedures Act (1981) was included in the State's previous application.

## **B. JURISDICTION OF THE STATE AGENCY**

The administration and implementation of the State's hazardous waste management program under Subtitle C of RCRA remains the responsibility of the OSDH. At present, no other State agency shares jurisdictional authority with the Department in administering the hazardous waste management program for the State.

The Waste Management Service, which is one of six environmental services of the Department, is divided into two Divisions, each of which has separate responsibilities for waste management. These two Divisions are the Solid Waste Division and the Industrial Waste Division. (Note: The Waste Management Service previously had a third Division, the Resource Recovery Division. The Solid Waste Division has been expanded to include the Resource Recovery Division.) An organizational chart of the Waste Management Service and its Divisions, along with their respective staffing patterns can be found in Appendix D. The Industrial Waste Division is the organization responsible for administering the hazardous waste management program under Subtitle C of RCRA.

**C. SCOPE AND COVERAGE OF THE STATE'S HAZARDOUS WASTE MANAGEMENT PROGRAM.**

The term "controlled industrial waste", as defined by OCIWDA, is for all intents and purposes synonymous with the RCRA term "hazardous waste". In order that consistency be maintained with OCIWDA, the term controlled industrial waste will be used henceforth.

To request final authorization through non-HSWA Cluster II, this application will demonstrate that the State program satisfies the following statutory standards established under RCRA. Specifically, the State will demonstrate that its hazardous waste management program:

1. Is equivalent to the Federal program in accordance with RCRA Section 3006(b).
2. Is no less stringent than the Federal program in accordance with RCRA Section 3009.
3. Provides adequate enforcement of compliance with State requirements in accordance with RCRA Section 3006(b).
4. Provides for the public availability of information "in substantially the same manner, and to the same degree" as the Federal program in accordance with RCRA Section 3006(f), which was added by HSWA.

**Standards 1. and 2. Equivalent and No Less Stringent, Section 3006(b) and Section 3009.**

The State hazardous waste management program provides the same authority and regulatory control as the Federal program for the pre-HSWA RCRA revisions prior to non-HSWA Cluster I, non-HSWA Cluster I, and non-HSWA Cluster II. The State has adopted all provisions by reference. The following correlates applicable Federal and State Authorities:

<u>Subject</u>	<u>40 CFR Part</u>	<u>State Section</u>
- Universe of Hazardous Waste	Part 261	Chapter 2, Section 210
- Generator Standards	Part 262	Chapter 2, Section 210
- Transporter Standards	Part 263	Chapter 2, Section 210
- Facility Standards	Parts 264 and 265	Chapter 2, Section 210
- Permitting Standards	Part 270	Chapter 2, Section 210

As noted above, the Oklahoma Rules and Regulations for Industrial Waste Management were amended on October 29, 1987; the amendments became effective on November 2, 1987. Chapter Two (Incorporation by Reference), Section 200, states the following:

"When reference is made to the Code of Federal Regulations, 40 CFR 260 et seq., it shall mean (unless otherwise specifically provided) the Hazardous Waste Regulations, Monday, May 19, 1980 as amended through July, 1986."

The only exception to this incorporation by reference is 40 CFR 260.20 through 260.22, which relate to delisting petitions. The authority to delist is not being assumed by the State and, therefore, will remain under the jurisdiction of the EPA. Delistings granted by EPA, that apply to Oklahoma's program, will be subsequently incorporated by reference into Oklahoma's Rules and Regulations for Controlled Industrial Waste Management.

Because the Clusters for which Oklahoma is requesting final authorization cover the period from January 26, 1983 through June 30, 1986 and because current regulations have incorporated the Federal program by reference through July 1, 1986, Oklahoma's hazardous waste program is:

1. Equivalent to the Federal program in accordance with RCRA Section 3006(b).
2. No less stringent than the Federal program in accordance with RCRA Section 3009.

Chapters Three (Additional Generator Requirements), Four (Additional Transporter Requirements), Five (Additional TSD Requirements), and Six (Permit Procedures) of the regulations provide more stringent and broader in scope requirements. Chapter Seven addresses Confidential Business Information; Incidents; Zoning; Diminishing Toxicity; Fees for Services; Generator Fees; Transporter Fees; and Treatment, Storage and Disposal Facility Fees. Chapter Eight addresses requirements for Class I Injection Wells.

Section 1-2014 of the 1987 Supplement to the OCIWDA amends existing and establishes additional siting criteria which are more stringent than those of the Federal program. New controlled industrial waste facilities for either on-site or off-site treatment, storage, or disposal (TSD) must not be sited in or over a principal groundwater resource or recharge area unless a plan is approved by OSDH. Off-site TSD facilities must not be sited elsewhere, in the State, without written approval of a plan.

### **Standard 3. Adequate Enforcement, Section 3006(b).**

The State hazardous waste program provides for adequate compliance monitoring and enforcement in ensuring compliance by controlled industrial waste transporters; generators; and treatment, storage, and disposal facilities with applicable State requirements. Resource needs for compliance monitoring and enforcement have not changed as a consequence of the Clusters for which authorization is being requested.

Adequate compliance monitoring and enforcement is accomplished in accordance with the following:

- Memorandum of Understanding for Enforcement between the Oklahoma State Department of Health and the United States Environmental Protection Agency Region VI.
- Number and type of inspections negotiated in the annual Oklahoma/RCRA State Grant Workplan (inspections conducted using EPA's Compliance Evaluation and Inspection Checklists).
- Maintenance of up-to-date knowledge and use of national guidance on enforcement (i.e., Enforcement Response Policy, Technical Enforcement Guidance Document, and RCRA Implementation Plan).
- Issuance of administrative penalties. Through a 1985 statutory change, the State has acquired administrative penalty authority. This authority is found at Section 1-2012.1 of the OCIWDA. A penalty may be sought for not more than ten thousand dollars (\$10,000) per day of each day such violation occurs.

**Standard 4. Availability of Information, Section 3006(f).**

RCRA Section 3006(f), as amended by HSWA, provides that no State program may be authorized unless the following two criteria are met:

1. Such program provides for the public availability of information obtained by the State regarding facilities and sites for treatment, storage and disposal of hazardous waste.
2. Such information is available to the public in substantially the same manner, and to the same degree, as would be the case for the Federal program.

Section 1-2004(15) of the OCIWDA (see Appendix A, 1986 Supplement) provides availability of information to the degree necessary for authorization. Section 1-2004(15) states that the Department shall:

"Make information obtained by the Department regarding controlled industrial waste facilities and sites available to the public in substantially the same manner, and to the same degree, as would be the case if the controlled industrial waste program in this State were being carried out by the U.S. Environmental Protection Agency."

## D. FUNDING AND RESOURCE REQUIREMENTS

### 1. Resource Requirements

The Waste Management Service's Industrial Waste Division is staffed with personnel that have the administrative expertise, technical background and experience necessary to effectively administer and implement the State's hazardous waste management program pursuant to the OCIWDA.

Appendix D shows the organization of the Waste Management Service. The Industrial Waste Division, of the Waste Management Service, currently has three vacancies (i.e., two Senior Environmental Engineers and one Senior Hydrologist). OSDH is actively recruiting for these vacancies. There is no increase in resource needs as a consequence of the program revisions for which authorization is being requested.

In the State's previous applications, resources were separated into Administration, Permitting, Compliance Monitoring, Enforcement, and Clerical. Resources are now separated into Program Management, Facility Management, and Information Management. The category of Administration is now Program Management; Permitting, Compliance Monitoring, and Enforcement have been combined into Facility Management; Information Management deals with EPA's Hazardous Waste Data Management System (HWDMS); and Clerical has been absorbed into each respective area. The requirements for skills, expertise, and academic training have not changed as a consequence of the program revisions for which authorization is being requested.

Table II lists the program elements and associated man-years for fiscal year 1988; Table II-A lists technical support positions and associated man-years for fiscal 1988. These tables reflect man-year requirements for the entire hazardous waste management program for final authorization through non-HSWA Cluster II. The following is a description of the Industrial Waste Division staff, within each program element, including a summary of their duties and responsibilities that are currently approved and funded:

#### a. Program Management.

As discussed in previous applications, the administration of the State's hazardous waste management program falls under the direction of the Waste Management Service Chief and the Industrial Waste Division Director. The Service Chief is responsible for the overall administration and coordination of all environmental programs administered by the Service. Among other responsibilities, the Service Chief establishes policies, practices and procedures of the Service, and develops proposed legislation and regulations. The Industrial Waste Division Director's responsibilities include, among other things, providing supervision and guidance to Division personnel, making recommendations regarding Division policy and procedures, providing assistance in preparation of budgets, and developing proposed legislation and regulations. The Division Director is frequently involved in the permitting process and enforcement actions and is responsible for ensuring that annual RCRA grant commitments are met.

b. Facility Management

The State has adopted the concept of Facility Management. The functional components of managing a regulated facility are permitting, compliance monitoring, and enforcement. Under this approach, the regulation of the facility is managed by one State representative who may be an environmental engineer, hydrologist, or environmental specialist. Input from the other technical disciplines is provided as necessary. This approach allows a more efficient and effective integration of permitting, compliance monitoring, and enforcement.

As noted before, three vacancies currently exist in the Industrial Waste Management Division. These vacancies are within the Facility Management element of the State's program. OSDH is actively recruiting for these positions.

c. Information Management

The resources committed to Information Management are responsible for compiling and reducing hazardous waste management data. Through HWDMS, the State will provide EPA with all necessary data.

2. Funding

Table III shows the Industrial Waste Division's budget for Fiscal Year 1988. Because the State and Federal timetables differ in terms of their respective fiscal years, the Department can only estimate its budget for the final quarter of Federal Fiscal Year 1988, which is the first quarter of the State Fiscal Year 1989. Tables IV and V represent estimated budget summaries for the Industrial Waste Division for Federal Fiscal Years 1989 and 1990. Tables III through V reflect the budgetary needs for the hazardous waste management program through non-HSWA Cluster II. Funding increases are not necessary for program revisions resulting from the Clusters for which authorization is being requested. The differences noted in salary, fringe benefits, and travel categories are consequences of salary increases and inflationary factors (inflationary factor of ten percent).

TABLE II

OKLAHOMA STATE DEPARTMENT OF HEALTH  
INDUSTRIAL WASTE DIVISION  
STAFFING REQUIREMENTS FOR FINAL AUTHORIZATION  
THROUGH NON-HSWA CLUSTER II

<u>ELEMENT</u>	<u>MAN-YEARS (FY 88)</u>
Program Management	2.4
Facility Management	20.2
Information Management	<u>1.2</u>
<b>Total</b>	<b>23.8</b>

TABLE II-A

OKLAHOMA STATE DEPARTMENT OF HEALTH  
SUPPORT PERSONNEL

<u>TECHNICAL SUPPORT POSITIONS</u>	<u>AVERAGE MAN-YEARS</u>
Deputy Commissioner	0.20
Environmental Epidemiologist	0.20
Division Director*	0.20
(Toxics Analysis Division)	
Chemist II*	0.60
Chemist II*	0.50
Environmental Specialist II*	0.60
District Sanitarians (0.05 x 6)	0.30
County Sanitarians (0.05 x 125)	6.25
Data Management	<u>0.10</u>
<b>Total</b>	<b>8.95</b>

\*State Environmental Laboratory

TABLE III

OKLAHOMA STATE DEPARTMENT OF HEALTH  
INDUSTRIAL WASTE DIVISION  
FY 88 BUDGET SUMMARY\*

	<u>FY 88</u>
Salary	\$544,000.00
Fringe Benefits	120,248.00
Travel	14,000.00
Equipment	15,000.00
Supplies	35,000.00
Contractual	5,000.00
Data Processing	<u>10,000.00</u>
Subtotal	743,248.00
Indirect Cost (23.3% of salaries totalling \$544,000.00)	<u>126,752.00</u>
Total	\$870,000.00

\*Amounts shown reflect dollars for hazardous waste management program through non-HSWA Cluster II.

TABLE IV

OKLAHOMA STATE DEPARTMENT OF HEALTH  
INDUSTRIAL WASTE DIVISION  
ESTIMATED FY 89 BUDGET SUMMARY\*

	<u>FY 89</u>
Salary	\$598,400.00
Fringe Benefits	132,273.00
Travel	15,400.00
Equipment	15,000.00
Supplies	35,000.00
Contractual	5,000.00
Data Processing	<u>10,000.00</u>
Subtotal	\$811,073.00
Indirect Cost (20.1% of salaries totaling \$598,400.00)	<u>120,278.00</u>
Total	\$931,351.00

\*Amounts shown reflect dollars for hazardous waste management program through non-HWSW Cluster II.

TABLE V

OKLAHOMA STATE DEPARTMENT OF HEALTH  
INDUSTRIAL WASTE DIVISION  
ESTIMATED FY 90 BUDGET SUMMARY\*

	<u>FY 90</u>
Salary	\$658,240.00
Fringe Benefits	145,500.00
Travel	16,940.00
Equipment	15,000.00
Supplies	35,000.00
Contractual	5,000.00
Data Processing	<u>10,000.00</u>
Subtotal	\$885,680.00
Indirect Cost (20.1% of salaries totaling \$658,240.00)	<u>132,306.00</u>
Total	\$1,017,986.00

\*Amounts shown reflect dollars for hazardous waste management program through non-HWSW Cluster II.

**E. FORMS**

The Uniform National Manifest is addressed under the Cluster titled pre-HSWA RCRA revisions prior to non-HSWA Cluster I. The State requires generators to use the National Uniform Manifest and imposes one additional requirement. All persons having controlled industrial waste transported off-site (both generators and recyclers) must include the approved disposal plan number in the State Generator's I.D. space.

OK Pre, Non-student ID PD

**WASTE MANAGEMENT SERVICE**  
 Environmental Health Service Chief  
 Damon D. Wingfield (Env. Prog. Adm)  
 Chief Environmental Engineer  
 Don Hensch  
 Executive Secretary II  
 Maida Bunting (Exec. Sec. I)

Senior Environmental Specialist  
 Vacant

**SOLID WASTE DIVISION**  
 Env. Health Division Director  
 R. Fenton Rood  
 Executive Secretary I  
 Alice McCann (Sec. II)

**INDUSTRIAL WASTE DIVISION**  
 Env. Program Administrator  
 Robert A. Rabatine  
 Executive Secretary I  
 Leah Peterson (Secretary I)

**Technical Assistance**  
 Env. Specialist Supervisor  
 Vacant (Env. Spec. II)  
 Sr. Environmental Specialist  
 Harriet Muzjakovich  
 Sr. Environmental Specialist  
 Chris Varga (E.S. II)  
 Sr. Environmental Specialist  
 Vacant (Hydrologist II)

**Superfund Site Cleanup**  
 Env. Specialist Supervisor  
 Dennis Hrebec (Senior Hydro.)  
 Secretary II  
 Danette Baker (TC III)  
 Senior Env. Engineer  
 Lisa Lyhane (E.E. I)  
 Senior Env. Engineer  
 Vacant (Senior Hydrologist)  
 Senior Environmental Specialist  
 Hal Cantwell (E.S. II)  
 Senior Env. Specialist  
 Vacant (Acct Clerk III)

**Compliance Monitoring/Permits**  
 Sr. Environmental Engineer  
 Joseph Keflemariam  
 Sr. Environmental Specialist  
 Al Coulter  
 Sr. Environmental Engineer  
 Askari Zaidi (Sr. Hydrologist)  
 Sr. Environmental Engineer  
 Mary Greene (Sr. Env. Spec.)  
 Sr. Environmental Specialist  
 John Ice (E.H. Cons.)  
 Sr. Environmental Engineer  
 Kenneth Stover (E.E. I)  
 Sr. Environmental Specialist  
 Marsha Sweazy (E.S. II)  
 Sr. Environmental Engineer  
 Tiger Feng  
 Sr. Environmental Engineer  
 Vacant (E.S. II)  
 Sr. Environmental Engineer  
 John Everett (Sr. Hydrologist)  
 Sr. Environmental Engineer  
 Thomas Kennan (Sr. Hydro.)

**Disposal Plans**  
 Sr. Environmental Specialist  
 Catherine Sharp (E.S. II)  
 Secretary II  
 Daphnee Pitcox (TC II)

**Financial Assurance**  
 Secretary II  
 Betty Swanson  
 Secretary II  
 Vacant (Sec. I)  
 Accountant I  
 Mignon Callaway (TC III)

**Permitting**  
 Env. Specialist Supervisor  
 Joseph Dunagan  
 Sr. Environmental Engineer  
 Vacant (Env. Spec. I)  
 Sr. Environmental Engineer  
 Dennis Datin  
 Sr. Environmental Engineer  
 Trilok Dalaya  
 Sr. Environmental Engineer  
 Vacant (Sr. Env. Engineer)

**Multisite**  
 Senior Env. Specialist  
 Scott Thompson (E.S. II)  
 Senior Environmental Specialist  
 Roberta Tassej  
 Senior Environmental Specialist  
 Vacant (E.S. II)  
 Senior Environmental Specialist  
 Vacant (E.S. II)

**Enforcement**  
 Staff Attorney III  
 Jimmy Givens (Staff Atty. II)  
 Sr. Environmental Specialist  
 Richard Mullins (E.H. Cons.)  
 Env. Specialist Supervisor  
 Vacant (Sr. Env. Spec.)  
 Sr. Environmental Engineer  
 David Stutt (Sr. Env. Spec)  
 Secretary II  
 Cecelia Hennigh (TC III)