

US EPA ARCHIVE DOCUMENT

Non HSWA III - signed Aug. 13, 1990
Amendment



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ENVIRONMENTAL
HEALTH SERVICE

ROBERT H. HENRY
ATTORNEY GENERAL
STATE OF OKLAHOMA

Signed
August 13, 1990

Robert H. Layton, Jr. (6A)
Regional Administrator
U.S. Environmental Protection Agency, Region VI
1445 Ross Avenue
Dallas, TX 75202-2733

Re: Amendment to Oklahoma Attorney General's Statement for Final
Authorization for Non-HSWA Cluster III Changes to the Federal
RCRA Program

Dear Mr. Layton:

On December 22, 1988, I executed the referenced Attorney General's Statement. Recent legislation has made it possible and advisable to modify the portion of the Statement which relates to radioactive mixed waste. The subject legislation is House Bill 1933, signed into law (with an emergency clause) by Governor Bellmon on May 10, 1990. Section 4 of that bill, amending Section 1-2005 (A) (1) of the Oklahoma Controlled Industrial Waste Disposal Act (63 O.S. 1981, §1-2001 et seq.), deals specifically with the regulation of radioactive mixed waste. The amended paragraph now reads as follows:

"The controlled industrial waste component of mixed controlled industrial waste and radioactive waste shall be regulated as controlled industrial waste. The radioactive waste component shall be regulated as radioactive waste. Both the controlled industrial waste requirements and the radioactive waste requirements shall apply if physical separation of the two components is not accomplished."

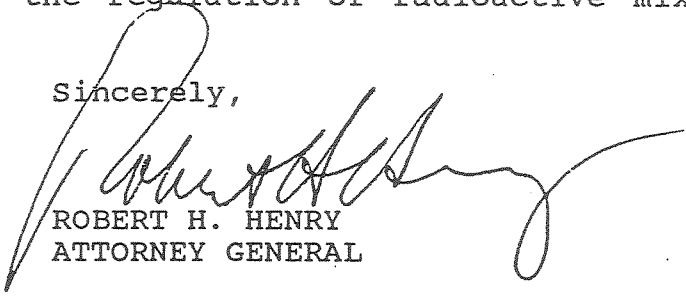
In light of this legislation, two amendments to Section I.G. (pages 3-4) of the subject Attorney General's Statement should be made. First, in the "Citation of Laws and Regulations", the year "1987" should be replaced with the year "1990". Second, the "Remarks of the Attorney General" paragraph as originally submitted should be deleted and replaced with the following:

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"Section 1-2005(A) (1) of the Oklahoma Controlled Industrial Waste Disposal Act (63 O.S. §1-2001 et seq.), as amended by House Bill 1933 of the Forty-Second Oklahoma Legislature (1990 Oklahoma Session Laws, Chapter 196), explicitly provides that the controlled industrial waste component of radioactive mixed waste shall be regulated as controlled industrial waste."

I trust that this will resolve any questions or ambiguities about the regulatory approach to the regulation of radioactive mixed waste in Oklahoma.

Sincerely,



ROBERT H. HENRY
ATTORNEY GENERAL

Brita Haugland Cantrell / mhl
BRITA HAUGLAND-CANTRELL
ASSISTANT ATTORNEY GENERAL

cc: Jimmy D. Givens, Staff Attorney
Oklahoma State Department of Health

dg:jk:layton.