

US EPA ARCHIVE DOCUMENT

Non-HSWA IV  
Dated 8/31/89

I. ADDENDUM TO PROGRAM DESCRIPTION

## Addendum to Program Description

August 31, 1989

### Scope, Structure, Coverage and Processes

With this revision authorization application, the State of Oklahoma through the Oklahoma State Department of Health (Department) is seeking authorization for non-HSWA Cluster IV and HSWA Cluster I in their entireties. The Department received final authorization for the base RCRA program on January 10, 1985, and authorization for non-HSWA Clusters I, II and III is pending.

Amended State Controlled Industrial Waste (Hazardous Waste) Regulations were adopted by the State Board of Health on January 26, 1989, and became effective May 11, 1989. Appendix A contains a copy of the current Rules and Regulations for Industrial Waste Management. Other than technical corrections, the changes made by the January 26 amendments were to "update" the incorporation-by-reference date of State Rule 210 (incorporating by reference 40 CFR Parts 260 through 266, 268, 270, and portions of 124) from July 1, 1987 to July 1, 1988, and to specially adopt by reference the September, 1988 Federal regulations amendments relating to financial assurance and to permit modification procedures (see 53 FR 33950 and 53 FR 37912), which were determined to be too useful to the State program to await the normal annual "blanket" adoption-by-reference. Thus, the State program now has in place regulations for all required program components through non-HSWA Cluster IV and HSWA Cluster I. Because the Department interprets these provisions to provide corresponding authority to the Federal program, the State program is equivalent to and no less stringent than the Federal program. In certain areas the State program is somewhat more stringent or broader in scope than the Federal program; see Chapters 3 through 8 of

Appendix A. However, since the major revision of the State Rules in 1987 to move to a system of wholesale incorporation by reference of the Federal Rules, the number and extent of these differing provisions are limited, being restricted primarily to additional requirements mandated by State statute (e.g. fees, disposal plans, transporter registration, two-phase permitting, etc.).

The newly incorporated-by-reference provisions will significantly increase the workload of the Department. This is discussed more fully in the sections related to Resources and to Estimated Regulated Activities, below. The structure and processes of the program will not be substantially changed, however.

No amendments have been made to the Oklahoma Controlled Industrial Waste Disposal Act since the last revision application was submitted. The Oklahoma Administrative Procedures Act was amended effective June 3, 1989, but the amendments did not alter the basic processes involved in rulemaking or adjudicatory proceedings. A copy of the amendments to the Administrative Procedures Act is attached as Appendix B.

#### State Agency Responsibilities

The Waste Management Service of the State Department of Health remains the sole state agency responsible for implementation of RCRA in Oklahoma. Upon approval of this revision authorization application and those for non-HSWA Clusters I, II and III (which are currently pending), the Department will be authorized to implement and enforce all non-HSWA RCRA requirements through non-HSWA Cluster IV as well as those HSWA requirements included in HSWA

Cluster I (except for certain optional provisions which the State program did not adopt); see the Checklists and the Attorney General's Statement. Responsibility for enforcement of post-July 1, 1988 non-HSWA requirements and HSWA requirements other than those included in HSWA Cluster I will remain with EPA at this time. Of course, the lack of authorization of the State program for certain components does not preclude the Department from enforcing provisions of its own program even if they parallel non-authorized RCRA or HSWA requirements.

#### Resources and Funding

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. Most of the personnel in the Division have several years of experience in the hazardous waste program. Both experienced and newer personnel are given the opportunity and encouraged to participate in a variety of training programs to further develop their expertise and skills.

Appendix C shows the current organization of the Waste Management Service. The Industrial Waste Division of the Waste Management Service currently has three (3) vacancies in technical or management positions (i.e., Environmental Program Administrator and two Senior Environmental Engineers). The Department is actively recruiting for these positions; the Environmental Program Administrator position is currently staffed on an interim basis.

There will be an increased workload as a result of the components for which authorization is being sought, and particularly the HSWA components. The Department is currently performing "land ban" inspections, but new responsibilities will include virtually all other aspects of HSWA Cluster I, including, e.g., RFAs, RFIs, and corrective action. It is estimated that these new areas of responsibility will require at least an additional three (3) FTEs for the Industrial Waste Division. These additional FTEs are expected to be funded from the increased grant negotiated for the State program supplemented by State funds as necessary. If additional FTEs are later determined to be necessary, additional funding will be sought.

The state program continues to use a Program Management (Administration), Facility Management and Information Management organizational approach.

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.

The State continues to utilize 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.

The resources committed to Information Management are responsible for compiling, managing and communicating hazardous waste management data. This includes the EPA HWDMS and RCRIS systems as well as State requirements (e.g. disposal plans).

Table I shows staffing requirements for the foregoing as well as related support personnel.

Table II shows the Industrial Waste Division's budget for State Fiscal Year 1990 (July 1, 1989-June 30, 1990). Tables III and IV are estimated budgets for FY 1991 and FY 1992, respectively.

### State Procedures

While the workload will significantly increase in areas such as permitting and compliance monitoring, the procedures employed in the State program are not expected to significantly change, except as otherwise noted herein.

### Compliance Tracking and Enforcement

The State program's compliance tracking and enforcement procedures have been described in previous submittals, but a summary reiteration and updating is appropriate.

Compliance tracking and enforcement is coordinated by an Enforcement Coordinator (Senior Environmental Specialist). Tracking is accomplished by both manual and computerized internal systems as well as by the HWDMS/RCRIS systems.

Inspections are scheduled and prioritized in accordance with the annual RCRA Grant Workplan. Additionally, inspections are conducted as necessary to evaluate complaints or in emergency or investigatory situations. It is expected that to the extent possible new inspection activities will be conducted in conjunction with existing inspection activities.

When a violation is identified as a result of an inspection or record review, the initial enforcement step is usually the issuance of a Notice of Violation to the facility, describing the violation(s) found and citing the pertinent regulation(s). Under Oklahoma law, such a Notice of Violation is a necessary precursor to an Administrative Compliance Order.

Failure to address the violations cited in the Notice of Violation results in the issuance of an Administrative Compliance Order, requiring compliance and assessing fines for failure to comply (subject to opportunity for a hearing). Fine amounts can range up to \$10,000.00 per day. Corrective action requirements can be incorporated into Administrative Compliance Orders as well as permits (see Attorney General's Statement).

In addition to the foregoing, the Department is authorized to revoke or suspend hazardous waste permits, and to refer violations to the District Attorney for a civil action for injunctive relief and/or civil penalties or for a criminal action.

It is not expected that the mechanisms for compliance tracking and for enforcement will substantially change as a result of the program revisions, although the workload will significantly increase. Thus, as noted above, additional staff will be required to implement the procedures already in place, and plans are already underway to hire additional staff with engineering, hydrogeologic, environmental or related background and education.

#### Estimated Regulated Activities

Attached Table V indicates a current estimate of the number of handlers subject to regulation after authorization of the State program for the revisions for which application is being made. While some of these handlers (e.g. burner/blenders) will be "newly regulated" by the State for HSWA purposes, the regulations have been in place as State requirements for some

time. Therefore identification of these handlers is deemed fairly complete at this point.

#### Copies of State Forms and Coordination With Other Agencies

There is no impact upon State forms or upon interagency coordination by the changes discussed herein.

#### Summary

Because the State program adopts by reference all of the Federal requirements (except rulemaking and delisting provisions) in 40 CFR, Parts 260 through 266, 268 and 270, as well as the mandated portions of Part 124, as of July 1, 1988 and provides for adequate implementation and enforcement of same, it is appropriate that the Department administer the RCRA program through non-HSWA Cluster IV and HSWA Cluster I.

TABLE I

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

<u>ELEMENT</u>	<u>MAN-YEARS (FY 90)</u>
Program Management	3.0
Facility Management	22.5
Information Management	3.0
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Total	28.5

TABLE I-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>
Total	8.95

\*State Environmental Laboratory

TABLE II

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

	<u>FY 90</u>
Salary	\$ 834,068.00
Fringe Benefits	236,419.00
Travel	32,000.00
Equipment	27,000.00
Supplies	26,093.00
Contractual	5,000.00
Data Processing	<u>2,667.00</u>
Subtotal	\$1,163,247.00
Indirect Cost (21.1% of salaries total \$834,068.00)	<u>172,273.00</u>
Total	\$1,335,520.00

\*Amounts shown reflect estimated expenditures for hazardous waste management program through non-HSWA Cluster IV and HSWA Cluster I.

TABLE III

OKLAHOMA STATE DEPARTMENT OF HEALTH  
INDUSTRIAL WASTE DIVISION  
ESTIMATED FY 91 BUDGET SUMMARY\*

	<u>FY 91</u>
Salary	\$ 892,453.00
Fringe Benefits	252,968.00
Travel	34,240.00
Equipment	28,890.00
Supplies	27,920.00
Contractual	5,350.00
Data Processing	<u>2,854.00</u>
Subtotal	\$1,244,675.00
Indirect Cost (21.1% of salaries totaling \$892,453.00)	<u>188,308.00</u>
Total	\$1,432,983.00

\*Amounts shown reflect estimated expenditures for hazardous waste management program through non-HSWA Cluster IV and HSWA Cluster I.

TABLE IV

OKLAHOMA STATE DEPARTMENT OF HEALTH  
INDUSTRIAL WASTE DIVISION  
ESTIMATED FY 92 BUDGET SUMMARY\*

	<u>FY 92</u>
Salary	\$ 954,925.00
Fringe Benefits	270,676.00
Travel	36,637.00
Equipment	30,912.00
Supplies	29,874.00
Contractual	5,725.00
Data Processing	<u>3,054.00</u>
Subtotal	\$1,331,803.00
Indirect Cost (21.1% of salaries totaling \$954,925.00)	<u>201,489.00</u>
Total	\$1,533,292.00

\*Amounts shown reflect estimated expenditures for hazardous waste management program through non-HSWA Cluster IV and HSWA Cluster I.

TABLE V

Estimated Activities Subject to Revised Program Requirements

(Estimates based on 1987 figures)

TYPE OF ACTIVITY	NUMBER OF HANDLERS	WASTE QUANTITIES*
Generators	256 (large quantity) 567 (total)	600,000
Transporters	167	625,000
Storage - on site	40	20,000
- off site	6	8,000
Treatment - on-site	12	57,000
- off-site	1	130,000
Disposal - on-site	24	450,000
- off-site	2	150,000
Transported into the State	//////////////////////////////////// ////////////////////////////////////	42,000
Transported out-of-State	//////////////////////////////////// ////////////////////////////////////	25,000

\*In tons.