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I. ADDENDUM TO PROGRAM DESCRIPTION

SCOPE, STRUCTURE, COVERAGE AND PROCESSES

The scope, structure, coverage and processes of the State program for the regulation and control of hazardous waste remain largely unchanged since the December 30, 1987 Program Description Addendum. Amended State controlled industrial waste (hazardous waste) regulations were adopted by the State Board of Health April 28, 1988, and became effective June 1, 1988. Appendix A contains a copy of the current Rules and Regulations for Industrial Waste Management. Other than technical corrections, the only changes made by the April 28th 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, 1986 to July 1, 1987, and to delete as superfluous State Rule 211, which had specially incorporated by reference the federal rules of July 11, 1986 relating to liability coverage and of July 14, 1986 relating to tank systems and containers. Thus, the State program now has in place regulations for all required program components through non-HSWA Cluster III (hereinafter referred to simply as Cluster III).

Two statutory amendments to the Oklahoma Controlled Industrial Waste Disposal Act have been made since the December 30, 1986 revision application submittal. The first, a copy of which is attached as Appendix B1, authorizes the Department of Health to review the reasons of adjoining landowners for non-approval of an emergency response and release control plan required of new and certain expanded treatment, storage and disposal facilities. This amendment was made to avoid the potential problem of a landowner "veto" of a new or expanded hazardous waste facility for reasons unrelated to human health and environmental protection. The second amendment, a copy of which

is attached as Appendix B2, authorizes compacts between two or more controlled industrial waste generators within the same county for the construction and operation of an "on-site" (for the use of the participating generators only) treatment facility. While each of these has the potential to affect the workload of the Industrial Waste Division to some extent, neither is expected to have a major impact on the structure and procedures of the program.

The liability and the tank and container regulations, which form a major part of the Cluster III requirements, have been in place and a part of the State program for well over a year. Although not a part of the authorized program until approval of this submittal, the State has already demonstrated its ability to implement these provisions. The remaining Cluster III components other than the radioactive mixed waste component generally modify or expand requirements which are already within the general scope of the State program. Their incorporation into the State program should not require major adjustments.

The Oklahoma Administrative Procedures Act was amended effective July 1, 1988. The changes primarily relate to refinement of procedures for certification of emergency administrative rules and for review of rules by the Governor and Legislature. The general course of rulemaking is still similar to that described in the December 1987 Revision Application. A copy of the amendments to the Act is attached as Appendix C.

Finally, the Attorney General's Statement demonstrates that the State has the authority to regulate the hazardous components of radioactive mixed waste as

hazardous waste. Implementation of this authority in Oklahoma will not require major changes or adjustments in the authorized State program due to two factors:

1. The very limited extent of radioactive mixed waste activity in Oklahoma; and
2. The fact that state regulation of both hazardous waste and radioactive waste is under the authority of the same agency, i.e., the Oklahoma State Department of Health, and under the same branch of that agency--the Environmental Health Services branch.

Regulation of hazardous waste in Oklahoma is the responsibility of the Industrial Waste Division of the Waste Management Service. State regulation of radioactive waste is the responsibility of the Radiation and Special Hazards Service. Each of those Services is directly answerable to the Deputy Commissioner for Environmental Health Services.

Administration and enforcement of the program to regulate the hazardous components of radioactive mixed waste will be handled by the Industrial Waste Division in accordance with its administrative and enforcement procedures for its authorized program. The Radiation and Special Hazards Service will consult and coordinate with the Industrial Waste Division as necessary to provide expertise in addressing radiological concerns in inspections of mixed waste handlers or response to mixed waste incidents, for example. Additionally, the Radiation and Special Hazards Service has a current inventory of radioactive waste handlers so that the need for "notification"

activities with respect to this newly RCRA-regulated class has been alleviated. The staffing pattern for the Radiation and Special Hazards Service is attached as Appendix F.

Current information indicates that there are eleven handlers of radioactive mixed waste in Oklahoma, all of which are medically and research-related and all of which would be classified as conditionally exempt small quantity generators under RCRA, based upon their estimated current volume of hazardous components. Due to the very limited number of these types of activities in Oklahoma, and the fact that all of the subject community appear to be conditionally exempt small quantity generators only, additional funding or staffing (beyond the filling of currently vacant authorized positions) to administer this aspect of the program is deemed unnecessary at this time.

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 submittal and the submittal of December 30, 1987, the State will be authorized to implement all non-HSWA RCRA requirements through Cluster III. Responsibility for enforcement of HSWA requirements (except Availability of Information) within the State will remain with EPA at this time.

RESOURCES

No major adjustment of resources specifically as a result of the Cluster III requirements is anticipated. Staffing and funding for the program in general are examined in attached Tables I through IV, below.

STATE PROCEDURES

No significant change in procedures will result from the program revisions for which authorization is being sought.

COMPLIANCE TRACKING AND ENFORCEMENT

The State is not seeking authority for any HSWA provisions at this time. Therefore the compliance tracking and enforcement procedures will not be significantly affected.

ESTIMATED REGULATED ACTIVITIES

The changes which are the subject of this revision application should not have a major impact on the number of handlers or waste quantities within the system.

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 delisting provisions) in 40 CFR 260 through 266, 268 and 270, as well

as the mandated portions of Part 124, as of July 1, 1987, and provides adequate compliance enforcement for same, it is appropriate that the State administer the RCRA program through Cluster III.

matthew ATL

I. ADDENDUM TO PROGRAM DESCRIPTION

SCOPE, STRUCTURE, COVERAGE AND PROCESSES

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Two statutory amendments to the Oklahoma Controlled Industrial Waste Disposal Act have been made since the December 30, 1986 revision application submittal. The first, a copy of which is attached as Appendix B1, authorizes the Department of Health to review the reasons of adjoining landowners for non-approval of an emergency response and release control plan required of new and certain expanded treatment, storage and disposal facilities. This amendment was made to avoid the potential problem of a landowner "veto" of a new or expanded hazardous waste facility for reasons unrelated to human health and environmental protection. The second amendment, a copy of which is attached as Appendix B2, authorizes compacts between two or more controlled

industrial waste generators within the same county for the construction and operation of an "on-site" (for the use of the participating generators only) treatment facility. While each of these has the potential to affect the workload of the Industrial Waste Division to some extent, neither is expected to have a major impact on the structure and procedures of the program.

The liability and the tank and container regulations, which form a major part of the Cluster III requirements, have been in place and a part of the State program for well over a year. Although not a part of the authorized program until approval of this submittal, the State has already demonstrated its ability to implement these provisions. The remaining Cluster III components generally modify or expand requirements which are already within the general scope of the State program. Their incorporation into the State program should not require major adjustments.

The Oklahoma Administrative Procedures Act was amended effective July 1, 1988. The changes primarily relate to refinement of procedures for certification of emergency administrative rules and for review of rules by the Governor and Legislature. The general course of rulemaking is still similar to that described in the December 1987 Revision Application. A copy of the amendments to the Act is attached as Appendix C.

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 submittal and the submittal of December 30, 1987, the State will be authorized to implement all non-HSWA RCRA requirements through Cluster III. Responsibility for enforcement of HSWA requirements (except Availability of Information) within the State will remain with EPA at this time.

RESOURCES

No major adjustment of resources specifically as a result of the Cluster III requirements is anticipated. Staffing and funding for the program in general are examined in attached Tables I through IV, below.

STATE PROCEDURES

No significant change in procedures will result from the program revisions for which authorization is being sought.

COMPLIANCE TRACKING AND ENFORCEMENT

The State is not seeking authority for any HSWA provisions at this time. Therefore the compliance tracking and enforcement procedures will not be significantly affected.

ESTIMATED REGULATED ACTIVITIES

The changes which are the subject of this revision application should not have a major impact on the number of handlers or waste quantities within the system.

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 delisting provisions) in 40 CFR 260 through 266, 268 and 270, as well as the mandated portions of Part 124, as of July 1, 1987, and provides adequate compliance enforcement for same, it is appropriate that the State administer the RCRA program through Cluster III.

TABLE I

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

<u>ELEMENT</u>	<u>MAN-YEARS (FY 89)</u>
Program Management	3.0
Facility Management	19.5
Information Management	<u>3.0</u>
Total	25.5

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 89 BUDGET SUMMARY*

	<u>FY 89</u>
Salary	\$675,000.00
Fringe Benefits	188,055.00
Travel	24,000.00
Equipment	63,520.00
Supplies	42,000.00
Contractual	8,000.00
Data Processing	<u>4,500.00</u>
Subtotal	1,005,075.00
Indirect Cost (21.1% of salaries totaling \$675,000.00)	<u>142,425.00</u>
Total	\$1,147,500.00

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

TABLE III

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

	<u>FY 90</u>
Salary	\$722,250.00
Fringe Benefits	201,219.00
Travel	25,680.00
Equipment	67,966.00
Supplies	44,940.00
Contractual	8,560.00
Data Processing	<u>4,815.00</u>
Subtotal	\$1,075,430.00
Indirect Cost (21.1% of salaries totaling \$722,250.00)	<u>152,395.00</u>
Total	\$1,227,825.00

*Amounts shown reflect dollars for hazardous waste management program through non-HWSA Cluster III.