

US EPA ARCHIVE DOCUMENT

Non-  
HSWA VI

ADDENDUM TO PROGRAM DESCRIPTION

September 14, 1992

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 VI. The Department has received final authorization for the base RCRA program and for non-HSWA Clusters I, II, III, IV and V.

Amended State hazardous waste regulations were adopted by the State Board of Health on May 23, 1991, effective July 18, 1991, and on April 30, 1992, effective June 22, 1992. Appendix A contains a copy of the current Rules and Regulations for Hazardous Waste Management. Other than minor clarifying and technical corrections, the changes made by the May 23, 1991 amendments were primarily 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, 1989 to July 1, 1990, and to specially adopt by reference the later Federal regulations amendments relating to boilers/industrial furnaces (see 56 FR 7134), which were determined to be too useful to the State program to await the normal annual "blanket" adoption-by-reference. Additionally, the May 23rd rules added provisions to implement 1990 legislation requiring permitting and tighter regulation of

recyclers (see Subchapter 19 of the Rules), as discussed in the August 30, 1990 Program Description, to require the payments of fees previously avoided by non-notifiers, and to clarify certain siting criteria.

Other than minor technical corrections, the April 30, 1992 amendments again updated the incorporation-by-reference date (to July 1, 1991) (see Subchapter 3); clarified state disposal plan requirements (see Subchapter 5); revised siting criteria provisions relating to principal aquifers and to proximity to municipalities to match recent statutory changes (see Subchapter 11); and streamlined procedures for upgrading of equipment at recycling facilities (see Subchapter 19).

The State program now has in place regulations for all required program components through non-HSWA Cluster VI. 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 especially Subchapters 5 through 9 and Subchapter 19 of Appendix A. However, as noted in earlier Program Description Addendums, 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, and recycling standards).

None of the elements included in non-HSWA Cluster VI should substantially alter the current state program; in fact, all are currently being implemented as state requirements. The "de-Bevillization" of certain mining wastes added one major facility to the TSD universe in Oklahoma; both permitting and enforcement activities have already been undertaken. "Delay of closure" for hazardous waste management facilities, as addressed in Checklist 64, has previously been implemented in Oklahoma as a state program provision. Additionally, the state program employs the mining waste exclusions I and II as described in Checklists 65 and 71.

The State routinely updates testing and monitoring protocol requirements to correspond to the federal program, and it has done so with respect to those requirements described in Checklists 67 and 73. The state program has also adopted and implemented the necessary changes to fully match the required 40 CFR Part 124 elements (see Checklist 70).

The State program matches the federal program regarding the listing and characterization of hazardous wastes, including the modification of the F019 listing (see Checklist 72), and the

refinement of the criteria, as described in Checklist 76, for listing toxic wastes.

Two bills amending the Oklahoma Controlled Industrial Waste Disposal Act (codified version included in Appendix B) were passed in the 1991 legislative session. Senate Bill 28 was primarily designed to clarify statutory authority for HSWA rules and to adjust hazardous waste fees, but it also enhanced enforcement capabilities and amended the siting criteria for hazardous waste landfills and incinerators. Senate Bill 32 was primarily a solid (nonhazardous) waste bill but it contained a section which revised the siting criteria for hazardous waste facilities to further restrict the siting of new facilities over principal aquifers. Senate Bills 28 and 32 are included in Appendix C.

Three bills amending the Oklahoma Controlled Industrial Waste Disposal Act were passed in the 1992 legislative session. House Bill 2445 makes additional adjustments to hazardous waste fees, adds a "bad actor" section requiring permit applicant disclosure statements and authorizing denial of permits to bad actors, and creates a waste reduction reporting and incentive program. Senate Bill 892 is primarily a solid (nonhazardous) waste bill, but it includes a section clarifying that only fees from commercial hazardous waste facilities may be applied to economic development trust funds within the areas of the facilities. Effective September 1, 1992, Senate Bill 891 changes the term "controlled

industrial waste" to "hazardous waste" throughout the Oklahoma statutes, to match the federal program and minimize confusion. All three 1992 bills are included in Appendix C.

The Legislature in 1992 also amended the Oklahoma Administrative Procedures Act (House Bill 2369). The bill does not substantively change the provisions of the APA to any significant degree; it primarily clarifies areas of ambiguity which had provided interpretational problems over the years. It is included in this package as Appendix D.

#### State Agency Responsibilities

The Hazardous 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, the Department will be authorized to implement and enforce all non-HSWA RCRA requirements through non-HSWA Cluster VI; see the Checklists (Appendix F) and the Attorney General's Statement. Responsibility under RCRA for enforcement of post-July 1, 1990 non-HSWA requirements and all HSWA requirements 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 Organization

Implementation of the fee provisions of House Bill 1933 (discussed in the Program Description Addendum of August 30, 1990) and subsequent amendments has returned dividends both in terms of the funding and staffing of the program. Full-time equivalent (FTE) staffing for the Hazardous Waste Management Service has increased to approximately sixty (60) FTEs. Of course, actual staffing varies but will run somewhat below that.

The Hazardous Waste Management Service continues to be 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. Many of the personnel currently employed in the Service have several years of experience in the hazardous waste program. Both experienced and newer personnel are encouraged to participate in a variety of training programs to further develop their expertise and skills. The organization of the Hazardous Waste Management Service is depicted in Appendix E.

Table I shows staffing requirements for the Hazardous Waste Management Service as well as related support personnel. Table II shows the Hazardous Waste Management Service budget for State Fiscal Year 1993 (July 1, 1992-June 30, 1993). Tables III and IV are estimated budgets for FY 1994 and FY 1995, respectively.

## State Procedures

The procedures employed in the State program are not expected to significantly change as a result of the elements for which authorization is being sought.

## Compliance Tracking and Enforcement

The State program's compliance tracking and enforcement procedures have been described in previous submittals, but the 1991 Legislature (in Senate Bill 28) made four major changes to hazardous waste enforcement authority in Oklahoma which are worthy of special note. First Senate Bill 28 increased the maximum criminal, civil or administrative fine from \$10,000.00 per day to \$25,000.00 per day. Second, the previous statutory requirement for a Notice of Violation preceding an Administrative Compliance Order was deleted. Third, the statute now allows the Department to issue administrative fines for past regulatory noncompliance, instead of merely for continuing noncompliance after the issuance of the Order. Finally, a felony provision for intentional violations was added. These changes should greatly enhance the enforcement effectiveness of the Hazardous Waste Management Service.

### Estimated Regulated Activities

The elements for which authorization is currently being sought are not expected to significantly increase the regulated universe. (See the discussion under Scope, Structure, Coverage and Processes, above.)

### 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, 1990 and provides for adequate implementation and enforcement of same, it is appropriate that the Department administer the RCRA program through non-HSWA Cluster VI.

**TABLE I**  
**OKLAHOMA STATE DEPARTMENT OF HEALTH**  
**HAZARDOUS WASTE MANAGEMENT SERVICE**  
**STAFFING REQUIREMENTS FOR FINAL AUTHORIZATION**  
**THROUGH NON-HSWA CLUSTER VI**  
**FY 1993**

ELEMENT	MAN-YEARS (FY 93)
Permitting	6.00
Corrective Action	1.50
Compliance Monitoring	3.00
Enforcement	4.00
Program Management	5.00
<b>TOTAL</b>	<b>19.50</b>

**TABLE I-A**  
**OKLAHOMA STATE DEPARTMENT OF HEALTH**  
**SUPPORT PERSONNEL**

SUPPORT POSITIONS	AVERAGE MAN-YEARS	SALARY
Deputy Commissioner	0.20	13,595
Env. Health Div. Director II	1.95	73,651
Budget Analyst III	0.25	8,110
Accountant II	1.00	24,667
Accountant I	1.00	22,040
Administrative Assistant II	1.05	22,872
Chief Env. Attorney	0.50	26,899
Attorney IV	0.30	12,951
Staff Attorney I	1.20	34,568
Env. Health Consultant	4.00	106,909
Health Facilities Consultant	0.60	13,306
<b>TOTAL ADMINISTRATIVE SUPPORT</b>	<b>12.05</b>	<b>359,568</b>
Env. Engineer Supervisor	2.00	78,512
Sr. Environmental Engineer	2.00	74,402
Environmental Engineer II	2.10	73,217
Env. Specialist Supervisor	1.10	35,605
Sr. Hydrologist	4.00	114,801
Sr. Environmental Specialist	4.00	111,624

**TABLE I-A (CONTINUED)**  
**OKLAHOMA STATE DEPARTMENT OF HEALTH**  
**SUPPORT PERSONNEL**

Hydrologist II	3.00	74,583
Environmental Specialist II	4.70	115,191
Chemist I	0.05	1,136
Environmental Specialist I	1.00	22,040
Sr. Lab Technician	0.10	953
Environmental Epidemiologist	0.20	10,787
District Sanitarians (6 x .05)	0.30	11,415
County Sanitarians (125 x .05)	6.25	154,169
<b>TOTAL TECHNICAL SUPPORT</b>	<b>30.80</b>	<b>878,435</b>
Secretary II	3.20	61,476
Account Clerk III	1.00	19,291
Secretary I	1.00	17,293
Typist Clerk III	3.00	47,112
Word Processing Operator II	0.50	7,673
<b>TOTAL CLERICAL SUPPORT</b>	<b>8.70</b>	<b>152,845</b>
<b>GRAND TOTAL SUPPORT</b>	<b>51.55</b>	<b>1,390,848</b>

**TABLE II**  
**OKLAHOMA STATE DEPARTMENT OF HEALTH**  
**HAZARDOUS WASTE MANAGEMENT SERVICE**  
**FY 1993 BUDGET SUMMARY\***

	<b>FY 93</b>
Salary	594,789
Fringe Benefits	154,427
Travel	95,333
Equipment	0
Supplies	65,750
Contractual	0
Data Processing	0
<b>Subtotal</b>	<b>910,299</b>
Indirect Costs (17% of salaries totaling \$594,789)	101,114
<b>Total</b>	<b>1,011,413</b>
<b>Federal Share</b>	<b>758,560</b>
<b>State Share**</b>	<b>252,853</b>

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

\*\*The State share is composed of Controlled Industrial Waste funds which are assessed and collected by the Oklahoma State Department of Health. The Controlled Industrial Waste Fund may be expended for the following:

1. the administration of the provisions of the Oklahoma Controlled Industrial Waste Disposal Act.
2. the development of an inventory of controlled industrial wastes currently produced in Oklahoma and management needs for the identified wastes.
3. the implementation of information exchanges, technical assistance, public information, and educational programs.
4. the development and encouragement of waste reduction plans for Oklahoma waste generators.
5. increased inspection of controlled industrial waste facilities which may include full time inspectors at off-site controlled industrial waste facilities.

**TABLE III**  
**OKLAHOMA STATE DEPARTMENT OF HEALTH**  
**HAZARDOUS WASTE MANAGEMENT SERVICE**  
**FY 1994 BUDGET SUMMARY\***

	<b>FY 94</b>
Salary	636,424
Fringe Benefits	165,237
Travel	102,006
Equipment	0
Supplies	70,353
Contractual	0
Data Processing	0
<b>Subtotal</b>	<b>974,020</b>
Indirect Costs (17% of salaries totaling \$636,424)	108,192
<b>Total</b>	<b>1,082,212</b>
<b>Federal Share</b>	<b>811,659</b>
<b>State Share**</b>	<b>270,553</b>

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1. the administration of the provisions of the Oklahoma Controlled Industrial Waste Disposal Act.
2. the development of an inventory of controlled industrial wastes currently produced in Oklahoma and management needs for the identified wastes.
3. the implementation of information exchanges, technical assistance, public information, and educational programs.
4. the development and encouragement of waste reduction plans for Oklahoma waste generators.
5. increased inspection of controlled industrial waste facilities which may include full time inspectors at off-site controlled industrial waste facilities.

**TABLE IV**  
**OKLAHOMA STATE DEPARTMENT OF HEALTH**  
**HAZARDOUS WASTE MANAGEMENT SERVICE**  
**FY 1995 BUDGET SUMMARY\***

	FY 95
Salary	680,974
Fringe Benefits	176,804
Travel	109,146
Equipment	0
Supplies	75,278
Contractual	0
Data Processing	0
<b>Subtotal</b>	<b>1,042,202</b>
Indirect Costs (17% of salaries totaling \$680,974)	<u>115,766</u>
<b>Total</b>	<b>1,157,968</b>
<b>Federal Share</b>	<b>868,476</b>
<b>State Share**</b>	<b>289,492</b>

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1. the administration of the provisions of the Oklahoma Controlled Industrial Waste Disposal Act.
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