

US EPA ARCHIVE DOCUMENT

**OKLAHOMA DEPARTMENT OF ENVIRONMENTAL QUALITY
ATTORNEY'S STATEMENT FOR FINAL
AUTHORIZATION FOR HSWA PROVISIONS
INCLUDING CORRECTIVE ACTION¹**

I hereby certify, pursuant to my authority as independent legal counsel for the Oklahoma Department of Environmental Quality, as defined in 40 CFR 271.1, and in accordance with Section 3006(b) of the Resource Conservation and Recovery Act, as amended by the Hazardous and Solid Waste Amendments of 1984 (42 U.S.C. § 6901 et seq.), and 40 CFR 271 that in my opinion the laws of the State of Oklahoma provide adequate authority to carry out the revised program set forth in the revised "Program Description" submitted by the Oklahoma Department of Environmental Quality. The specific authorities provided are contained in statutes or rules lawfully adopted at the time this Statement is signed and which are in effect now as specified below. These authorities and this certification supplement the previously certified authorities described in previous Attorneys General's certifications of January 20, 1984, January 14, 1988 as amended July 20, 1989, December 22, 1988 as amended June 7, 1989, November 20, 1989, November 16, 1990, and October 15, 1992, as amended September 24, 1993. Similarly, this Attorney's Statement supplements the Attorney General's Statements executed on those dates.

Statutory authority is provided by the Oklahoma Hazardous Waste Management Act, as amended, 27A O.S. Supp. 1993 §§ 2-7-101 et seq. The Act was amended May 28, 1993, and is expected to be amended this legislative session by Senate Bills 832 and 997. Pursuant to this Act, the Oklahoma Department of Environmental Quality adopted by reference the Rules and Regulations for Hazardous Waste Management, ODH Bulletin 0525, as amended on October 5, 1992. The Environmental Quality Board adopted these rules by reference and without amendment, under the emergency rulemaking procedures of the Administrative Procedures Act, 75 O.S. Supp. 1992 §§ 250 et seq. The Governor signed the emergency rulemaking action with an effective date of July 1, 1993.

On November 24, 1993, the Environmental Quality Board adopted permanent rules, Oklahoma Administrative Code ("OAC") Title 252, Chapter 200 ("Rules") with an effective date of May 26, 1994. The Rules are a slightly modified version of the former rules which were adopted by reference from ODH Bulletin 0525. Modifications include changing references of Oklahoma State

¹For convenience, the organization of this Statement corresponds to EPA's State Authorization Manual (SAM). Because only certain sections and paragraphs of the SAM model are applicable to this Revision Authorization Application, the alpha-numeric section and paragraph designation system in this Statement is not sequential.

Department of Health to the Department of Environmental Quality, Commissioner of Health to Executive Director, 310:270 to 252:200, references of former statutory authority to present statutory authority; and, substantive changes are found in former OAC 310:270-11-2 "County Commissioner Involvement In Permit Issuance", Tables 1, 2, and 3.B dealing with fees, and Subchapter 17 which addresses tax credits. A copy of the Rules is attached to the Program Description which is being submitted by the State to EPA concurrently with this Attorney General's Statement.

The rules in OAC 252:200-3-1 through 252:200-3-6 incorporate by reference the U.S. Environmental Protection Agency's Hazardous Waste Management Regulations, 40 CFR Parts 260 - 266, 268, and 270, as amended through July 1, 1993, except for 40 CFR 260.20 through 260.22.

Further, OAC 252:200-3-2 incorporates those provisions of Part 124 which are required by 40 CFR 271.14. This incorporation by reference was duly adopted under the laws of Oklahoma in 27A O.S.Supp. 1993, §§ 2-7-101 et seq. which authorizes the Oklahoma Department of Environmental Quality to adopt the Rules and Rules for Hazardous Waste Management. This incorporation does not operate to incorporate prospectively future changes to the incorporated sections of the Code of Federal Regulations, and no other Oklahoma law or regulation reduces the scope of coverage or otherwise affects the authority provided by these incorporated-by-reference provisions. Further, Oklahoma interprets these incorporated provisions to provide identical authority to the federal provisions. Thus, OAC 252:200-3-2 provides equivalent and no less stringent authority than the federal Subtitle C program in effect as of July 1, 1993.

I. IDENTIFICATION AND LISTING

A. State statutes and rules contain lists of hazardous waste which encompass all wastes controlled under the following Federal regulations as indicated in the designated Revision Checklists:

- (3) TDI, DNT and TDA wastes, 40 CFR 261.32, 261.33(f), and Part 261 Appendices III, VII and VIII as amended October 23, 1985 [50 FR 42936], Revision Checklist 18.
- (4) Spent solvents, 40 CFR 261.31, as amended December 31, 1985 [50 FR 53319] and January 21, 1986 [51 FR 2702], Revision Checklist 20.
- (5) EDB wastes, 40 CFR 261.32 and Part 261 Appendices II, III and VIII, as amended February 13, 1986 [51 FR 5330], Revision Checklist 21.

- (6) Four spent solvents, 40 CFR 261.31, 261.33(f), and Part 261 Appendices III, VII and VIII as amended February 25, 1986 [51 FR 6541], Revision Checklist 22.
- (9) EBDC wastes, 40 CFR 261.32 and Part 261 Appendices III and VII, as amended on October 24, 1986 [51 FR 37725], Revision Checklist 33.
- (13) Listing of two wastes (K131 and K132) generated during the production of methyl bromide, 40 CFR 261.32 and 261 Appendices III and VII, as amended October 6, 1989 [54 FR 41402], Revision Checklist 68.
- (14) Listing of one generic category (F025) of waste generated during the manufacture of chlorinated aliphatic hydrocarbons by free radical catalyzed processes and amending F024, 40 CFR 261.31 and 261 Appendix VII; adding one toxicant to 261 Appendix VIII; as amended December 11, 1989 [54 FR 50968], Revision Checklist 69.
- (16) Listing of four wastes (K107-K110) generated during the production of 1,1-dimethylhydrazine (UDMH) from carboxylic acid hydrazides, 40 CFR 261.31 and Part 261 Appendices III and VII, as amended May 2, 1990 [55 FR 18496], Revision Checklist 75.
- (17) Listing of one waste (F039), 40 CFR 261.31 and Part 261 Appendix VII, as amended June 1, 1990 [55 FR 22520] and January 31, 1991 [56 FR 3864], Revision Checklists 78 and 83.
- (18) Listing of two wastes (F037 and F038) generated in the separation of oil/water/solids from petroleum refinery process wastewaters and oily cooling wastewaters, 40 CFR 261.31 and Part 261 Appendix VII, as amended November 2, 1990 [55 FR 46354] and December 17, 1990 [55 FR 51707], Revision Checklist 81.
- (19) Listing of three wastes (F032, F034 and F035) from wood preserving operations that use chlorophenolic, creosote and/or inorganic (arsenical and chromium) preservatives, 40 CFR 261.31, and 261 Appendices III, VII and VIII, as amended December 6, 1990 [55 FR 50450], Revision Checklist 82.
- (21) Redefinition of F037 and F038 listings to exclude 1) sludges from non-contact once-through cooling waters from both listings and 2) floats generated in aggressive biological treatment units from the F038 listing, 40 CFR 261.31 as amended May 13, 1991 [56 FR 21955], Revision Checklist 89.

- (22) Administrative stay of F032, F034 and F035 listings regarding 1) wastewaters that have not come into contact with process contaminants and 2) plants that have previously used chlorophenolic formulations, 40 CFR 261.31 as amended June 13, 1991 [56 FR 27332], Revision Checklist 91.

Federal Authority: RCRA §3001(b).

Citation of Laws and Rules

27A O.S.Supp. 1993 § 2-7-106
Rules 252:200-3-1 through 252:200-3-6

Remarks of Legal Counsel

Rules 252:200-3-1 through 252:200-3-6 adopt the Federal requirements by reference.

B. State statutes and rules define hazardous waste so as to control the generation, transportation, treatment, storage and disposal of hazardous waste produced by small quantity generators of between 100 and 1000 kilograms/month as indicated in Revision Checklist 23 (which supersedes prior amendments by Revision Checklist 17 A) and Revision Checklist 47 (providing technical corrections to Checklist 23). State statutes and rules also require small quantity generators to certify good faith efforts to minimize waste generation and to select the best available and affordable treatment, storage or disposal alternatives, 40 CFR Part 262 as amended October 1, 1986 [51 FR 35190], Revision Checklist 32 (see Item IX below).

Federal Authority: RCRA §3001(d); 40 CFR Parts 260-263 and 270 as amended March 24, 1986 (51 FR 10146), October 1, 1986 (51 FR 35190), and July 19, 1988 (53 FR 27162).

Citation of Laws and Rules

27A O.S.Supp. 1993 §§ 2-7-103, 2-7-105, 2-7-106, 2-7-107, 2-7-119
Rules 252:200-3-1 through 252:200-3-6

Remarks of Legal Counsel

Rules 252:200-3-1 through 252:200-3-6 adopt the Federal requirements by reference.

E. State statutes and rules define hazardous waste so as to not exclude household waste other than those household wastes excluded in 40 CFR 261.4(b)(1), as indicated in Revision Checklists 9 and 17 C.

Federal Authority: RCRA §3001; 40 CFR 261.4(b)(1) as amended November 13, 1984 (49 FR 44980) and July 15, 1985 (50 FR 28702).

Citation of Laws and Rules

27A O.S.Supp. 1993 §§ 2-7-103, 2-7-105, 2-7-106, 2-7-107
Rules 252:200-3-1 through 252:200-3-6

Remarks of Legal Counsel

Rules 252:200-3-1 through 252:200-3-6 adopt the Federal requirements by reference.

G. State statutes and rules define solid wastes to include the hazardous components of radioactive mixed wastes, July 3, 1986 [51 FR 24504]. See State Program Advisory (SPA) #2.

Federal Authority: RCRA §§1004(27) and 3001(b).

Citation of Laws and Rules

27A O.S.Supp. 1993 §§ 2-7-106, 2-7-107(B)
Rules 252:200-3-1 through 252:200-3-6

Remarks of Legal Counsel

Rules 252:200-3-1 through 252:200-3-6 adopt the Federal requirements by reference.

J. State statutes and regulations:

- (2) remove five conditionally retained mineral processing wastes from the exemption from hazardous waste regulation under the Beville exclusion, and amend the definitions of "beneficiation" and "designated facility" as indicated in Revision Checklists 71 and 90.

Federal Authority: RCRA §3001(b)(3)(A)(ii); 40 CFR 260.10 and 261.4(b)(7) as amended January 23, 1990 (55 FR 2322) and June 13, 1991 (56 FR 27300).

Citation of Laws and Regulations

27A O.S. Supp. 1993 § 2-7-106
Rules 252:200-3-2 through 252:200-3-6

Remarks of Legal Counsel

Rules 252:200-3-1 through 252:200-3-6 adopt the Federal requirements by reference.

L. State statutes and rules revise the existing toxicity characteristic by replacing the Extraction Procedure (EP) leach test with the Toxicity Characteristic Leaching Procedure (TCLP) for identifying wastes that are defined as hazardous and subject to regulation under Subtitle C of RCRA as indicated in Revision Checklist 74. State statutes and rules also provide for the addition of 25 organic chemicals and their regulatory levels to the list of toxic constituents of concern as indicated in Revision Checklist 74.

Federal Authority: RCRA §§1006, 2002(a), 3001, 3002, 3004, 3005 and 3006; 40 CFR Parts 261, 264, 265 and 268 as amended March 29, 1990 (55 FR 11798), and June 29, 1990 (55 FR 26986).

Citation of Laws and Rules

27A O.S.Supp. 1993 § 2-7-106
Rules 252:200-3-1 through 252:200-3-6

Remarks of Legal Counsel

Rules 252:200-3-1 through 252:200-3-6 adopt the Federal requirements by reference.

N. State statutes and rules add eight new testing methods to the section of regulations that incorporates these methods by reference as indicated in Revision Checklist 79.

Federal Authority: RCRA §§3001, 3004, 3005 and 3006; 40 CFR 260.11(a) as amended June 21, 1990 (55 FR 25454).

Citation of Laws and Rules

27A O.S.Supp. 1993 § 2-7-106
Rules 252:200-3-1 through 252:200-3-6

Remarks of Legal Counsel

Rules 252:200-3-1 through 252:200-3-6 adopt the Federal requirements by reference.

O. State statutes and rules extend until January 25, 1993, the compliance date for the Toxicity Characteristic requirements for produced ground water from free phase hydrocarbon recovery operations at certain petroleum industry sites (refineries, marketing terminals, and bulk plants) as indicated in Revision Checklist 80. The extension for infiltration galleries at such operations ends on October 2, 1991.

Federal Authority: 5 U.S.C. §§553 and 705; RCRA §3001; 40 CFR 261.4(b) (II) as amended October 5, 1990 (55 FR 40834), February 1, 1991 (56 FR 3978) and April 2, 1991 (56 FR 13406).

Remarks of Legal Counsel

NO LONGER APPLICABLE, EXTENSION DATE OF JANUARY 25, 1993 HAS PASSED.

P. State statutes and rules include definitions of oil/water/solids and aggressive biological treatment units and a statement concerning the point of generation for F037 and F038 sludges as indicated on Revision Checklist 81.

Federal Authority: RCRA §3001; 40 CFR 261.31(b), as amended November 2, 1990 (55 FR 46354) and December 17, 1990 (55 FR 51707).

Citation of Laws and Rules

27A O.S. Supp. 1993 § 2-7-106
Rules 252:200-3-1 through 252:200-3-6

Remarks of Legal Counsel

Rules 252:200-3-1 through 252:200-3-6 adopt the Federal requirements by reference.

Q. State statutes and rules exclude from being a solid waste spent wood preserving solutions that have been used and are reclaimed and reused for their original intended purpose as indicated in Revision Checklists 82 and 92.

Federal Authority: RCRA §3001; 40 CFR 261.4(a)(9) as amended December 6, 1990 (55 FR 50450) and July 1, 1991 (56 FR 30192).

Citation of Laws and Rules

27A O.S. Supp. 1993 § 2-7-106
Rules 252:200-3-1 through 252:200-3-6

Remarks of Legal Counsel

Rules 252:200-3-1 through 252:200-3-6 adopt the Federal requirements by reference.

R. State statutes and rules allow deletion of certain hazardous waste codes following equipment cleaning and replacement, provided that the requirements of 261.35 are met, as indicated in Revision Checklists 82 and 92.

Federal Authority: RCRA §3001; 40 CFR 261.35 as amended December 6, 1990 (55 FR 50450) and July 1, 1991 (56 FR 30192).

Citation of Laws and Rules

27A O.S. Supp. 1993 § 2-7-106
Rules 252:200-3-1 through 252:200-3-6

Remarks of Legal Counsel

Rules 252:200-3-1 through 252:200-3-6 adopt the Federal requirements by reference.

S. State statutes and rules exclude from being hazardous used chlorofluorocarbon (CFC) refrigerants from totally enclosed transfer equipment (including mobile air conditioning systems, mobile refrigeration, and commercial and industrial air conditioning and refrigeration systems) that use chlorofluorocarbons as the heat transfer fluid in the refrigeration cycle, provided the refrigerant is reclaimed for further use as indicated in Revision Checklist 84.

Federal Authority: RCRA §3001; 40 CFR 261.4(b)(12) as amended February 13, 1991 (56 FR 5910).

Citation of Laws and Rules

27A O.S. Supp. 1993 § 2-7-106
Rules 252:200-3-1 through 252:200-3-6

Remarks of Legal Counsel

Rules 252:200-3-1 through 252:200-3-6 adopt the Federal requirements by reference.

T. State statutes and rules exclude from being a solid waste coke and coal tar from the iron and steel industry that contains or is produced from decanter tank tar sludge, EPA hazardous waste K087, when used as a fuel as indicated in Revision Checklist 85. The process producing the coke and coal tar from such decanter tank tar sludge in a coke oven is also excluded from regulation.

Federal Authority: RCRA §3001; 40 CFR 261.4(a)(10) as amended February 21, 1991 (56 FR 7134).

Citation of Laws and Rules

27A O.S. Supp. 1993 § 2-7-106
Rules 252:200-3-1 through 252:200-3-6

Remarks of Legal Counsel

Rules 252:200-3-1 through 252:200-3-6 adopt the Federal requirements by reference.

U. State statutes and regulation do not exclude residues, derived from the burning or processing of hazardous waste in a boiler or industrial furnace, from the definition of a hazardous waste under 40 CFR 261.4(b) (4), (7) or (8) unless the device and the owner or operator meet the requirements of 40 CFR 266.112 as indicated in Revision Checklist 85.

Federal Authority: RCRA §3001; 40 CFR 261.4(b) (4), 261.4(b) (7), 261.4(b) (8) and 266.112 as amended February 21, 1991 (56 FR 7134).

Citation of Laws and Rules

27A O.S. Supp. 1993 § 2-7-106
Rules 252:200-3-1 through 252:200-3-6

Remarks of Legal Counsel

Rules 252:200-3-1 through 252:200-3-6 adopt the Federal requirements by reference.

V. State statutes and rules exclude from being a hazardous waste certain nonwastewater residues resulting from high temperature metals recovery of K061 provided the conditions in 261.3(c) (2) (ii) (C) are met as indicated in Revision Checklist 95.

Federal Authority: RCRA §§3001, 3004(d)-(k) and (m); 40 CFR 261.3(c) (2) (ii) (C) as amended August 19, 1991 (56 FR 41164).

Citation of Laws and Rules

27A O.S. Supp. 1993 § 2-7-106
Rules 252:200-3-1 through 252:200-3-6

Remarks of Legal Counsel

Rules 252:200-3-1 through 252:200-3-6 adopt the Federal requirements by reference.

W. State statutes and rules exclude from being a solid waste, nonwastewater splash condenser dross residue from the treatment of K061 in high temperature metals recovery units provided the requirements of 261.4(a) (11) are met as indicated in Revision Checklist 95.

Federal Authority: RCRA §§3001, 3004(d)-(k) and (m); 40 CFR 261.4(a) (11) as amended August 19, 1991 (56 FR 41164).

Citation of Laws and Rules

27A O.S. Supp. 1993 § 2-7-106
Rules 252:200-3-1 through 252:200-3-6

Remarks of Legal Counsel

Rules 252:200-3-1 through 252:200-3-6 adopt the Federal requirements by reference.

X. State statutes and rules exempt, from the definition of hazardous, used oil filters meeting the 40 CFR 261.4(b)(15) criteria as indicated in Revision Checklist 104.

Federal Authority: RCRA §§ 1004, 1006, 2002, 3001 and 3014; 40 CFR 261.4(b)(15) as amended May 20, 1992 (57 FR 21524).

Citation of Laws and Rules

27A O.S. Supp. 1993 § 2-7-106
Rules 252:200-3-1 through 252:200-3-6

Remarks of Legal Counsel

Rules 252:200-3-1 through 252:200-3-6 adopt the Federal requirements by reference.

Y. State statutes and rules exclude from being a solid waste K087 and those coke by-product residues that are hazardous only because they exhibit the Toxicity Characteristic when, subsequent to generation, these materials are recycled by being returned to coke ovens, to the tar recovery process as a feed stock to produce coal tar, or mixed with coal tar as indicated in Revision Checklist 105.

Federal Authority: RCRA §3001(e)(2) and (h); 40 CFR 261.4(a)(10) as amended June 22, 1992 (57 FR 27880).

Citation of Laws and Rules

27A O.S. Supp. 1993 § 2-7-106
Rules 252:200-3-1 through 252:200-3-6

Remarks of Legal Counsel

Rules 252:200-3-1 through 252:200-3-6 adopt the Federal requirements by reference.

II. DEFINITION OF SOLID WASTE

B. State statutes and rules include as solid waste secondary material fed to a halogen acid furnace that exhibit a characteristic of a hazardous waste or are listed as a hazardous waste in 40 CFR 261, Subparts C and D as indicated in Revision Checklists 85 and 96.

Federal Authority: RCRA §3001; 40 CFR Parts 261.2(d)(2) as amended February 21, 1991 (56 FR 7134) and August 27, 1991 (56 FR 42504).

Citation of Laws and Rules

27A O.S. Supp. 1993 § 2-7-106
Rules 252:200-3-1 through 252:200-3-6

Remarks of Legal Counsel

Rules 252:200-3-1 through 252:200-3-6 adopt the Federal requirements by reference.

III. MANAGEMENT OF DIOXIN WASTES

A. State statutes and rules contain the following requirements regarding dioxin wastes as indicated in Revision Checklist 14:

- (1) Dioxin wastes are listed and otherwise identified as hazardous wastes so as to encompass all such wastes controlled under 40 CFR 261.5(e), 261.7(b), 261.30(d), 261.31, 261.33(f), and Part 261 Appendix X.
- (2) Special management and permitting standards for facilities managing dioxin wastes and prohibitions applicable to permitted and interim status facilities, as provided in 40 CFR Parts 264, 265, and 270.

Federal Authority: RCRA §§3001 and 3004; 40 CFR Parts 261, 264, 265 and 270 as amended January 14, 1985 (50 FR 1978).

Citation of Laws and Rules

27A O.S. Supp. 1993 §§ 2-7-103, 2-7-105, 2-7-106, 2-7-107, 2-7-108, 2-7-116
Rules 252:200-3-1 through 252:200-3-6

Remarks of Legal Counsel

Rules 252:200-3-1 through 252:200-3-6 adopt the Federal requirements by reference.

VI. PAINT FILTER TEST

A. State statutes and rules require the use of a paint filter test to determine the absence or presence of free liquids in either a containerized or bulk waste as indicated in Revision Checklists 16, 17 F and 25.

Federal Authority: RCRA §§3004 and 3005; 40 CFR Parts 260, 264, 265, and 270 as amended April 30, 1985 (50 FR 18370), July 15, 1985 (50 FR 28702) and May 28, 1986 (51 FR 19176).

Citation of Laws and Rules

27A O.S.Supp. 1993 §§ 2-7-106, 2-7-107, 2-7-110
Rules 252:200-3-1 through 252:200-3-6

Remarks of Legal Counsel

Rules 252:200-3-1 through 252:200-3-6 adopt the Federal requirements by reference.

VII. NATIONAL UNIFORM MANIFEST SYSTEM AND RECORDKEEPING

A. State statutes and rules require generators to use the national uniform manifest as indicated in Revision Checklists 5 and 32.

Federal Authority: RCRA §§2002, 3002 and 3003; 40 CFR Parts 260 and 262 as amended March 20, 1984 (49 FR 10490) and October 1, 1986 (51 FR 35190).

Citation of Laws and Rules

27A O.S.Supp. 1993 §§ 2-7-105(5), 2-7-107(A)(9), 2-7-125
Rules 252:200-3-1 through 252:200-3-6, 252:200-7-3

Remarks of Legal Counsel

Rules 252:200-3-1 through 252:200-3-6 adopt the Federal requirements by reference. Rule 252:200-7-3 requires disposal plan numbers on manifests.

B. State statutes and rules require that generators, of between 100 and 1000 kg/mo of hazardous waste, file an exception report in those instances where the generator does not receive

confirmation of delivery of his hazardous waste to the designated facility as indicated in Revision Checklist 42.

Federal Authority: RCRA §§3001(d) and 3002(a) (5); 40 CFR Parts 262.42 and 262.44 as amended September 23, 1987 (52 FR 35894).

Citation of Laws and Rules

27A O.S.Supp. 1993 §§ 2-7-106, 2-7-125
Rules 252:200-3-1 through 252:200-3-6

Remarks of Legal Counsel

Rules 252:200-3-1 through 252:200-3-6 adopt the Federal requirements by reference.

VIII. BIENNIAL REPORT

A. State statutes and rules contain the following reporting requirements as indicated in Revision Checklists 1 and 30.

- (1) The biennial report contains the information indicated in 40 CFR 262.41(a), 264.75 and 265.75.
- (2) Facilities must submit groundwater monitoring data annually to the State Director as indicated in 40 CFR 265.94.

Federal Authority: RCRA §§3002 and 3004; 40 CFR Parts 262, 264 and 265 as amended January 28, 1983 (48 FR 3977) and August 8, 1986 (51 FR 28566).

Citation of Laws and Rules

27A O.S.Supp. 1993 §§ 2-7-105(7) through (9), (16), (25), 2-7-106, 2-7-116(G)
Rules 252:200-3-1 through 252:200-3-6, 252:200-5-4, 252:200-9-2

Remarks of Legal Counsel

Rules 252:200-3-1 through 252:200-3-6 adopt the Federal requirements by reference. Rule 252:200-5-4 requires quarterly reporting by generators of hazardous waste and Rule 252:200-9-2 requires that the information required by 264.75 and 265.75 be submitted monthly.

IX. WASTE MINIMIZATION

A. State statutes and rules contain the following requirements regarding waste minimization as indicated in Revision Checklists 17 D, 30 and 32 (see Item I B above).

- (1) Generators must submit report and manifest certifications regarding efforts taken to minimize the amounts and toxicity of wastes.

Federal Authority: RCRA §3002(a)(6), (b); 40 CFR 262.41, 264.75 and 265.75 as amended July 15, 1985 (50 FR 28702), August 8, 1986 (51 FR 28556) and October 1, 1986 (51 FR 35190).

Citation of Laws and Rules

27A O.S. Supp. 1993 §§ 2-7-105(8), 2-7-107(A)(9), (10)
Rules 252:200-3-1 through 252:200-3-6

Remarks of Legal Counsel

Rules 252:200-3-1 through 252:200-3-6 adopt the Federal requirements by reference.

- (2) RCRA permits for the treatment, storage, or disposal of hazardous waste on the premises where the waste was generated must contain a certification by the permittee regarding efforts taken to minimize the amount and toxicity of the generated wastes.

Federal Authority: RCRA §3005(h); 40 CFR 264.70, 264.73 and 270.30(j)(2) as amended July 15, 1985 (50 FR 28702).

Citation of Laws and Rules

27A O.S. Supp. 1993, §§ 2-7-105(8), (23), (32), (33), 2-7-106, 2-7-107(A)(10)
Rules 252:200-3-1 through 252:200-3-6

Remarks of Legal Counsel

Rules 252:200-3-1 through 252:200-3-6 adopt the Federal requirements by reference.

X. LIQUIDS IN LANDFILLS

A. State statutes and rules contain the following requirements regarding liquids in landfills as indicated in Revision Checklists 17 F and 25.

- (1) Effective May 8, 1985, there is a ban on the placement of bulk or non-containerized liquid hazardous waste or

hazardous waste containing free liquids in any landfill pursuant to 40 CFR 264.314 and 265.314 as amended July 15, 1985 and May 28, 1986.

- (2) Effective November 8, 1985, there is a ban on the placement of non-hazardous liquids in landfills unless the owner or operator satisfies the criteria set forth in 40 CFR 264.314(e) and 265.314(f), as amended July 15, 1985 and May 28, 1986.
- (3) For bulk or non-containerized liquid wastes or wastes containing free liquids they may be placed in a landfill prior to May 8, 1985, only if the requirements of 40 CFR 264.314(a) and 265.314(a) are met.

Federal Authority: RCRA §3004(c); 40 CFR 264.314, 265.314 and 270.21(h) as amended July 15, 1985 (50 FR 28702) and May 28, 1986 (51 FR 19176).

Citation of Laws and Rules

27A O.S.Supp. 1993 §§ 2-7-105(10), (17), 2-7-106, 2-7-107(A) (1), 2-7-110
Rules 252:200-3-1 through 252:200-3-6

Remarks of Legal Counsel

Rules 252:200-3-1 through 252:200-3-6 adopt the Federal requirements by reference.

XI. GROUND-WATER MONITORING

A. State statutes and rules provide that the §3004 groundwater monitoring requirements applicable to surface impoundments, waste piles, land treatment units and landfills shall apply whether or not such units are located above the seasonal high water table, have two liners and a leachate collection system or have liners that are periodically inspected, as indicated in Revision Checklist 17 I.

Federal Authority: RCRA §3004(p); 40 CFR 264.222, 264.252, 264.253, and 264.302 as amended July 15, 1985 (50 FR 28702).²

²Note that Revision Checklist 17 I reserved the cited sections of 40 CFR Part 264. Prior to Revision Checklist 17 I, these sections of code addressed exemptions from the Subpart F groundwater monitoring requirements.

Citation of Laws and Rules

27A O.S.Supp. 1993 §§ 2-7-105(25), 2-7-106, 2-7-116(G)
Rules 252:200-3-1 through 252:200-3-6

Remarks of Legal Counsel

Rules 252:200-3-1 through 252:200-3-6 adopt the Federal requirements by reference.

B. State statutes and rules may allow variances from the ground-water monitoring requirements as provided in §3004(p). However, those variances must be restricted as provided in RCRA §3004(p) as indicated in Revision Checklist 17 I.

Federal Authority: RCRA §3004(p); 40 CFR 264.90(b) as amended July 15, 1985 (50 FR 28702).

Citation of Laws and Rules

27A O.S.Supp. 1993 §§ 2-7-105(25), 2-7-106, 2-7-116(G)
Rules 252:200-3-1 through 252:200-3-6

Remarks of Legal Counsel

Rules 252:200-3-1 through 252:200-3-6 adopt the Federal requirements by reference.

XII. BURNING AND BLENDING OF HAZARDOUS WASTES

A. State statutes and rules provide the following requirements:

- (1) The burning of fuel containing hazardous waste in a cement kiln is prohibited as specified in 40 CFR 266.31 and Revision Checklist 17 J.

Federal Authority: RCRA §3004(q); 40 CFR 266.31 as amended July 15, 1985 (50 FR 28702).

NO LONGER APPLICABLE

- (2) Fuels containing hazardous waste and all persons who produce, distribute and market fuel containing hazardous wastes must be regulated as indicated in Revision Checklists 17 J, 17 K, and 19.

Federal Authority: RCRA §§3004(q)-(s); 40 CFR 261.31 and 266.34 as amended July 15, 1985 (50 FR 28702), November 29, 1985 (50 FR 49164), and November 19, 1986 (51 FR 41900).

Citation of Laws and Rules

27A O.S. Supp. 1993 §§ 2-7-105(17), 2-7-106, 2-7-107(A) (5)
Rules 252:200-3-1 through 252:200-3-6

Remarks of Legal Counsel

Rules 252:200-3-1 through 252:200-3-6 adopt the Federal requirements by reference.

XIII. CORRECTIVE ACTION

A. State statutes and rules contain the following corrective action requirements as indicated in Revision Checklist 17 L:

- (1) Corrective action is required for releases of hazardous waste or constituents from any solid waste management unit at a facility seeking a permit, regardless of when the waste was placed in the unit, in all permits issued after November 8, 1984.

Federal Authority: RCRA §3004(u); 40 CFR 264.90, 264.101 and 270.60 as amended July 15, 1985 (50 FR 28702).

Citation of Laws and Rules

27A O.S. Supp. 1993 §§ 2-7-106, 2-7-127
Rules 252:200-3-1 through 252:200-3-6

Remarks of Legal Counsel

Rules 252:200-3-1 through 252:200-3-6 adopt the Federal requirements by reference.

- (2) Corrective action is required beyond a facility's boundary, in accordance with RCRA §3004(v). (States now may impose these requirements through a permit or a corrective action order. Once EPA promulgates the regulations required by RCRA §3004(v), States will need authority to impose corrective action in a permit following the RCRA §3004(v) regulations.)

Federal Authority: RCRA §3004(v) (1).

Citation of Laws and Rules

27A O.S. Supp. 1993 §§ 2-7-106, 2-7-126, 2-7-127
Rules 252:200-3-1 through 252:200-3-6

Remarks of Legal Counsel

Rules 252:200-3-1 through 252:200-3-6 adopt the Federal requirements by reference.

- (3) Corrective action is required beyond a facility's boundary in accordance with RCRA §3004(v) for all landfills, surface impoundments and waste pile units (including any new units, replacements of existing units or lateral expansions of existing units) which receive hazardous waste after July 26, 1982.

Federal Authority: RCRA §3004(v) (2).

Citation of Laws and Rules

27A O.S. Supp. 1993 §§ 2-7-106, 2-7-126, 2-7-127
Rules 252:200-3-1 through 252:200-3-6

Remarks of Legal Counsel

Rules 252:200-3-1 through 252:200-3-6 adopt the Federal requirements by reference.

- (4) State statutes and rules provide for the submission of evidence of financial responsibility for corrective action on- and off-site.

Federal Authority: RCRA §§3004(a) (6); (u); 40 CFR 264.90 and 264.101 as amended July 15, 1985 (50 FR 28702).

Citation of Laws and Rules

27A O.S. Supp. 1993 §§ 2-7-106, 2-7-107(A) (8), 2-7-116, 2-7-127
Rules 252:200-3-1 through 252:200-3-6

Remarks of Legal Counsel

Rules 252:200-3-1 through 252:200-3-6 adopt the Federal requirements by reference.

C. State statutes and rules require owners and operators of facilities seeking permits to provide descriptive information on the solid waste management units themselves and all available

information pertaining to any releases from the units as indicated in Revision Checklist 44 A.

Federal Authority: RCRA §3004(u); 40 CFR 270.14 as amended December 1, 1987 (52 FR 45788).

Citation of Laws and Rules

27A O.S.Supp. 1993 §§ 2-7-105(23), 2-7-106, 2-7-127
Rules 252:200-3-1 through 252:200-3-6

Remarks of Legal Counsel

Rules 252:200-3-1 through 252:200-3-6 adopt the Federal requirements by reference.

D. State statutes and rules require that owners and operators of hazardous waste treatment, storage and disposal facilities (including permit-by-rule facilities subject to 264.101) institute corrective action beyond the facility boundary to protect human health and the environment, unless the owner/operator is denied access to adjacent lands despite the owner/operator's best efforts, as indicated in Revision Checklist 44 B.

Federal Authority: RCRA §3004(v); 40 CFR 264.100(e) and 264.101(c), as amended December 1, 1987 (52 FR 45788).

Citation of Laws and Rules

27A O.S.Supp. 1993 §§ 2-7-106, 2-7-126, 2-7-127(A)
Rules 252:200-3-1 through 252:200-3-6

Remarks of Legal Counsel

Rules 252:200-3-1 through 252:200-3-6 adopt the Federal requirements by reference.

E. State statutes and rules contain the following corrective action requirements for injection wells as indicated in Revision Checklist 44 C.

- (1) Hazardous waste injection wells now operating under RCRA interim status may retain interim status after issuance of a UIC permit. Until a RCRA permit or a RCRA "rider" to a UIC permit, which addresses Section 3004(u) corrective action, is issued, the well must comply with applicable interim status requirements imposed by §265.430, Parts 144.146 and 147, and any UIC permit requirements.

Federal Authority: RCRA §3004(u); 40 CFR 144.1(h) as amended December 1, 1987 (52 FR 45788).

Citation of Laws and Rules

27A O.S.Supp. 1993 §§ 2-7-103(7), 2-7-106, 2-7-108(B), 2-7-126, 2-7-127

Rules 252:200-3-1 through 252:200-3-6

Remarks of Legal Counsel

Rules 252:200-3-1 through 252:200-3-6 adopt the Federal requirements by reference.

- (2) As part of the UIC permit process, available information regarding operating history and condition of the injection well must be submitted as well as any available information on known releases from the well or injection zone.

Federal Authority: RCRA §3004(u); 40 CFR 144.31(g) as amended December 1, 1987 (52 FR 45788).

Citation of Laws and Rules

27A O.S.Supp. 1993 §§ 2-7-103, 2-7-106, 2-7-116, 2-7-127

Rules 252:200-3-1 through 252:200-3-6

Remarks of Legal Counsel

Rules 252:200-3-1 through 252:200-3-6 adopt the Federal requirements by reference.

- (3) UIC facility owners/operators must submit certain information related to corrective action with their UIC applications.

Federal Authority: RCRA §3004(u); 40 CFR 270.60(b)(3) as amended December 1, 1987 (52 FR 45788).

Citation of Laws and Rules

27A O.S.Supp. 1993 §§ 2-7-103, 2-7-105(23), 2-7-106, 2-7-127

Rules 252:200-3-1 through 252:200-3-6

Remarks of Legal Counsel

Rules 252:200-3-1 through 252:200-3-6 adopt the Federal requirements by reference.

XIV. HAZARDOUS WASTE EXPORTS

A. State statutes and rules require generators and transporters of hazardous waste destined for export outside the United States to comply with standards equivalent to those as indicated in Revision Checklists 17 R, 31, 48, and 97 (with the latter two providing technical corrections to Checklist 31).

Federal Authority: RCRA §3017; 40 CFR 262.50 as amended July 15, 1985 (50 FR 28702), August 8, 1986 (51 FR 28664), July 19, 1988 (53 FR 27164), and September 4, 1991 (56 FR 45704).

Citation of Laws and Rules

27A O.S.Supp. 1993 §§ 2-7-105(6), (7), 2-7-106, 2-7-125
Rules 252:200-3-1 through 252:200-3-6

Remarks of Legal Counsel

Rules 252:200-3-1 through 252:200-3-6 adopt the Federal requirements by reference.

XV. STANDARDS FOR FACILITIES³

A. State statutes and rules prohibit the land disposal of hazardous waste prohibited under 40 CFR Parts 264 and 265 as indicated in Revision Checklist 17 E. Land disposal includes, but is not limited to, placement in landfills, surface impoundments, waste piles, deep injection wells, land treatment facilities, salt dome and bed formations and underground mines or caves. Deep injection well means a well used for the underground injection of hazardous wastes other than a well to which §3020 of RCRA applies.

Federal Authority: RCRA §3004(b)-(g); 40 CFR 264.18 and 265.18 as amended July 15, 1985 (50 FR 28702).

Citation of Laws and Rules

27A O.S.Supp. 1993 §§ 2-7-105(10), (17), (18), 2-7-106
Rules 252:200-3-1 through 252:200-3-6

³This section contains all changes to the Federal RCRA program concerning facility standards except for those specifically related to groundwater monitoring. This latter group of facility standard changes are addressed by Section XI.

Remarks of Legal Counsel

Rules 252:200-3-1 through 252:200-3-6 adopt the Federal requirements by reference.

B. Effective on November 8, 1984, State statutes and rules prohibit the placement of any non-containerized or bulk liquid hazardous waste in any salt dome or salt bed formation any underground mine or cave except as provided in 40 CFR §§264.18(c) and 265.18(c) as indicated in Revision Checklist 17 E. Furthermore, State statutes and rules prohibit the placement of any other hazardous waste in such formations until a permit is issued.

Federal Authority: RCRA §3004(b); 40 CFR 264.18 and 265.18 as amended July 15, 1985 (50 FR 28702).

Citation of Laws and Rules

27A O.S.Supp. 1993 §§ 2-7-105(10), (17), (18), 2-7-106
Rules 252:200-3-1 through 252:200-3-6

Remarks of Legal Counsel

Rules 252:200-3-1 through 252:200-3-6 adopt the Federal requirements by reference.

C. State statutes and rules prohibit the use of waste oil or other materials contaminated with hazardous wastes (except ignitable wastes) as a dust suppressant as indicated in Revision Checklist 17 G.

Federal Authority: RCRA §3004(1); 40 CFR 266.23 as amended July 15, 1985 (50 FR 28702).

Citation of Laws and Rules

27A O.S.Supp. 1993 §§ 2-7-106, 2-7-107(A) (3)
Rules 252:200-3-1 through 252:200-3-6

Remarks of Legal Counsel

Rules 252:200-3-1 through 252:200-3-6 adopt the Federal requirements by reference.

H. State statutes and rules require companies that generate, treat or store hazardous waste in tanks to comply with tank standards equivalent to those indicated in Revision Checklists 28 and 52.

Federal Authority: RCRA §§1006, 2002, 3001 - 3007, 3010, 3014, 3017 - 3019 and 7004; 40 CFR Parts 260, 261, 262, 264, 265, and

270 as amended July 14, 1986 (51 FR 25422), August 15, 1986 (51 FR 29430) and September 2, 1988 (53 FR 34079).

Citation of Laws and Rules

27A O.S. Supp. 1993 §§ 2-7-103(20), 2-7-105(24), 2-7-106, 2-7-107(A) (4), 2-7-116(G)
Rules 252:200-3-1 through 252:200-3-6

Remarks of Legal Counsel

Rules 252:200-3-1 through 252:200-3-6 adopt the Federal requirements by reference.

K. State statutes and rules require new and existing hazardous waste treatment, storage or disposal facilities to control organic air emissions from process vents and equipment leaks as indicated in Revision Checklists 79 and 87.

Federal Authority: RCRA §§1006, 2002, 3001-3007, 3010, 3014 and 7004; 40 CFR Parts 261, 264, 265 and 270 as amended June 21, 1990 (55 FR 25454) and April 26, 1991 (56 FR 19290).

Citation of Laws and Rules

27A O.S. Supp. 1993 §§ 2-7-106, 2-7-107(A) (4)
Rules 252:200-3-1 through 252:200-3-6, 252:200-9-1

Remarks of Legal Counsel

Rules 252:200-3-1 through 252:200-3-6 adopt the Federal requirements by reference. Rule 252:200-9-1 requires prevention of endangerment of the environment and health.

L. State statutes and rules contain design, operating, inspection and closure requirements for drip pads and associated tanks, sumps and other devices used to assist in the collection of treated wood drippage as indicated in Revision Checklists 82 and 92.

Federal Authority: RCRA §§2002(a) and 3001(b)&(e) (1); 40 CFR 262.34(a) (2), 264.190, 264.570, 264.571, 264.572, 264.573, 264.574, 264.575, 265.190, 265.440, 265.441, 265.442, 265.443, 265.444, 265.445 as amended December 6, 1990 (55 FR 50450), and July 1, 1991 (56 FR 30192).

Citation of Laws and Rules

27A O.S. Supp. 1993 § 2-7-106
Rules 252:200-3-1 through 252:200-3-6

Remarks of Legal Counsel

Rules 252:200-3-1 through 252:200-3-6 adopt the Federal requirements by reference.

M. State statutes and rules contain an administrative stay for the requirement that new drip pads be impermeable as indicated in Revision Checklist 91.

Federal Authority: 5 U.S.C. 705; RCRA §§2002(a) and 3001(b)&(e) (1); 40 CFR 264.572(a) (4), and 265.443(a) (4) as amended June 13, 1991 (56 FR 27332).

NO LONGER APPLICABLE

N. State statutes and rules contain an administrative stay, until October 30, 1992, for the requirement that existing drip pads be impermeable as indicated in Revision Checklist 101.

Federal Authority: 5 U.S.C. 705; RCRA §§2002(a) and 3001(b)&(e) (1); 40 CFR 264.573(a) (4), and 265.443(a) (4) as amended February 18, 1992 (57 FR 5859).

Remarks of Legal Counsel

NO LONGER APPLICABLE, DATE OF OCTOBER 30, 1992 HAS PASSED.

XVI. REQUIREMENTS FOR PERMITS

A. State statutes and rules allow a facility (1) to construct an approved TSCA facility for burning PCBs without first obtaining a RCRA permit and (2) to subsequently apply for a RCRA permit in accordance with Revision Checklist 17 M.

Federal Authority: RCRA §3005(a); 40 CFR 270.10(f) (3) as amended July 15, 1985 (50 FR 28702).

Citation of Laws and Rules

27A O.S. Supp. 1993 § 2-7-106

Remarks of Legal Counsel

Rules 252:200-3-1 through 252:200-3-6 adopt the Federal requirements by reference.

B. State statutes and rules require review of land disposal permits every five years and modification of such permits as necessary to assure compliance with the requirements in Parts 124, 260 through 266, and 270, as indicated in Revision Checklist 17 N.

Federal Authority: RCRA §3005(c)(3); 40 CFR 270.41(a)(6) and 270.50(d) as amended July 15, 1985 (50 FR 28702).

Citation of Laws and Rules

27A O.S.Supp. 1993 §§ 2-7-106, 2-7-127(B)
Rules 252:200-3-1 through 252:200-3-6

Remarks of Legal Counsel

Rules 252:200-3-1 through 252:200-3-6 adopt the Federal requirements by reference.

C. State statutes and rules require permits to contain any conditions necessary to protect human health and the environment in addition to any conditions required by rules as indicated in Revision Checklist 17 O.

Federal Authority: RCRA §3005(c)(3); 40 CFR 270.32(b) as amended July 15, 1985 (50 FR 28702).

Citation of Laws and Rules

27A O.S.Supp. 1993 §§ 2-7-105(23), 2-7-106, 2-7-127(B)
Rules 252:200-3-1 through 252:200-3-6, 252:200-9-1

Remarks of Legal Counsel

Rules 252:200-3-1 through 252:200-3-6 adopt the Federal requirements by reference.

D. State statutes and rules require that:

- (1) For land disposal facilities granted interim status prior to 11/8/84, interim status terminates 11/8/85; unless a Part B application and certification of compliance with applicable groundwater monitoring and financial responsibility requirements are submitted by 11/8/85, as indicated in Revision Checklist 17 P.

Federal Authority: RCRA §3005(e); 40 CFR 270.73(c) as amended July 15, 1985 (50 FR 28702).

Citation of Laws and Rules

27A O.S.Supp. 1993 §§ 2-7-106, 2-7-107(A)(7), 2-7-108
Rules 252:200-3-1 through 252:200-3-6

Remarks of Legal Counsel

Rules 252:200-3-1 through 252:200-3-6 adopt the Federal requirements by reference.

- (2) For land disposal facilities in existence on the effective date of statutory or regulatory changes under this Act that render the facility subject to the requirement to have a permit and which is granted interim status, interim status terminates 12 months after the date the facility first becomes subject to such permit requirement unless a Part B application and certification of compliance with applicable groundwater monitoring and financial responsibility requirements are submitted by that date as indicated in Revision Checklist 17 P.

Federal Authority: RCRA §3005(e); 40 CFR 270.73(d) as amended July 15, 1985 (50 FR 28702).

Citation of Laws and Rules

27A O.S.Supp. 1993 §§ 2-7-106, 2-7-107(A) (7), 2-7-108
Rules 252:200-3-1 through 252:200-3-6

Remarks of Legal Counsel

Rules 252:200-3-1 through 252:200-3-6 adopt the Federal requirements by reference.

- (3) Interim status terminates for incinerator facilities on 11/8/89 unless the owner/operator submits a Part B application by 11/8/86 as indicated in Revision Checklist 17 P.

Federal Authority: RCRA §3005(c) (2) (C); 40 CFR 270.73(e) as amended July 15, 1985 (50 FR 28702).

Citation of Laws and Rules

27A O.S.Supp. 1993 §§ 2-7-106, 2-7-107(A) (7), 2-7-108
Rules 252:200-3-1 through 252:200-3-6

Remarks of Legal Counsel

Rules 252:200-3-1 through 252:200-3-6 adopt the Federal requirements by reference.

- (4) Interim status terminates for any facility other than a land disposal or an incineration facility on 11/8/92 unless the owner/operator submits a Part B application by 11/8/88 as indicated in Revision Checklist 17 P.

Federal Authority: RCRA §3005(c) (2) (C); 40 CFR 270.73(f) as amended July 15, 1985 (50 FR 28702).

Citation of Laws and Rules

27A O.S.Supp. 1993 §§ 2-7-106, 2-7-107(A) (7), 2-7-108
Rules 252:200-3-1 through 252:200-3-6

Remarks of Legal Counsel

Rules 252:200-3-1 through 252:200-3-6 adopt the Federal requirements by reference.

E. State statutes and rules allow facilities to qualify for interim status if they (1) are in existence on the effective date of statutory or regulatory changes that render the facility subject to the requirement to have a permit and (2) comply with §270.70(a) as indicated in Revision Checklist 17 P.

Federal Authority: RCRA §3005(e); 40 CFR 270.70(a) as amended July 15, 1985 (50 FR 28702).

Citation of Laws and Rules

27A O.S.Supp. 1993 §§ 2-7-106, 2-7-108
Rules 252:200-3-1 through 252:200-3-6

Remarks of Legal Counsel

Rules 252:200-3-1 through 252:200-3-6 adopt the Federal requirements by reference.

F. State statutes and rules provide that facilities may not qualify for interim status under the State's analogue to Section 3005(e) if they were previously denied a Section 3005(c) permit or if authority to operate the facility has been terminated as indicated in Revision Checklist 17 P.

Federal Authority: RCRA §3005(c) (3); 40 CFR 270.70(c) as amended July 15, 1985 (50 FR 28702).

Citation of Laws and Rules

27A O.S.Supp. 1993 §§ 2-7-106, 2-7-108
Rules 252:200-3-1 through 252:200-3-6

Remarks of Legal Counsel

Rules 252:200-3-1 through 252:200-3-6 adopt the Federal requirements by reference.

G. State statutes and rules allow the issuance of a one-year research, development, and demonstration permit (renewable each year, but not for a period longer than three years) for any hazardous waste treatment facility which proposes

an innovative and experimental hazardous waste treatment technology or process not yet regulated as indicated in Revision Checklist 17 Q. If adopted, however, the State must require the facility to meet RCRA's financial responsibility and public participation requirements and retain authority to terminate experimental activity if necessary to protect health or the environment.

Federal Authority: RCRA §3005(g); 40 CFR 270.65 as amended July 15, 1985 (50 FR 28702).

Citation of Laws and Rules

27A O.S.Supp. 1993 §§ 2-7-105(19) through (21), 2-7-106
Rules 252:200-3-1 through 252:200-3-6

Remarks of Legal Counsel

Rules 252:200-3-1 through 252:200-3-6 adopt the Federal requirements by reference.

H. State statutes and rules require landfills, surface impoundments, land treatment units, and waste piles that received waste after July 26, 1982 and which qualify for interim status to comply with the groundwater monitoring, unsaturated zone monitoring, and corrective action requirements applicable to new units at the time of permitting as indicated in Revision Checklist 17 L.

Federal Authority: RCRA §3005(i); 40 CFR 264.90(a) as amended July 15, 1985 (50 FR 28702).

Citation of Laws and Rules

27A O.S.Supp. 1993 §§ 2-7-105(16), (25), 2-7-106, 2-7-108, 2-7-116(G)
Rules 252:200-3-1 through 252:200-3-6

Remarks of Legal Counsel

Rules 252:200-3-1 through 252:200-3-6 adopt the Federal requirements by reference.

I. State statutes and rules require:

- (1) Surface impoundments in existence on November 8, 1984 [or subsequently becoming subject to RCRA pursuant to §3005(j)(6)(A) or (B)] to comply with the double liner, leachate collection, and groundwater monitoring requirements applicable to new units by November 8, 1988 [or the date specified in §3005(j)(6)(A) or (B)] or to stop treating, receiving, or storing hazardous

waste, unless the surface impoundment qualifies for a special exemption under §3005(j).

Federal Authority: RCRA §3005(j) (1)&(6) (A).

Citation of Laws and Rules

27A O.S.Supp. 1993 §§ 2-7-105(16), 2-7-106
Rules 252:200-3-1 through 252:200-3-6

Remarks of Legal Counsel

Rules 252:200-3-1 through 252:200-3-6 incorporate the Federal requirements by reference.

K. State statutes and rules allow the permit granting agency to initiate modifications to a permit without first receiving a request from the permittee, in cases where statutory changes, new or amended regulatory standards or judicial decisions affect the basis of the permit as indicated in Revision Checklist 44 D.

Federal Authority: RCRA §3005(c); 40 CFR 270.41(a) (3) as amended December 1, 1987 (52 FR 45788).

Citation of Laws and Rules

27A O.S.Supp. 1993 §§ 2-7-105, 2-7-106, 2-7-116, 2-7-127
Rules 252:200-3-1 through 252:200-3-6

Remarks of Legal Counsel

Rules 252:200-3-1 through 252:200-3-6 adopt the Federal requirements by reference.

L. State statutes and rules require that permittees must comply with new requirements imposed by the land disposal restrictions promulgated under Part 268 even when there are contrary permit conditions, as indicated in Revision Checklist 44 E.

Federal Authority: RCRA §3006(g); 40 CFR 270.4(a) as amended December 1, 1987 (52 FR 45788).

Citation of Laws and Rules

27A O.S.Supp. 1993 §§ 2-7-105(10), (16), (17), 2-7-106
Rules 252:200-3-1 through 252:200-3-6

Remarks of Legal Counsel

Rules 252:200-3-1 through 252:200-3-6 adopt the Federal requirements by reference.

M. State statutes and rules require information from permit applicants concerning permit conditions necessary to protect human health and the environment as indicated in Revision Checklist 44 F.

Federal Authority: RCRA §3005(c); 40 CFR 270.10 as amended December 1, 1987 (52 FR 45788).

Citation of Laws and Rules

27A O.S.Supp. 1993 §§ 2-7-105(23), 2-7-106, 2-7-116, 2-7-127
Rules 252:200-3-1 through 252:200-3-6

Remarks of Legal Counsel

Rules 252:200-3-1 through 252:200-3-6 adopt the Federal requirements by reference.

N. State statutes and rules require post-closure permits for all landfills, surface impoundments, waste piles and land treatment units receiving hazardous waste after July 26, 1982 as indicated in Revision Checklist 44 G.

Federal Authority: RCRA §3005(i); 40 CFR 270.1(c) as amended December 1, 1987 (52 FR 45788).

Citation of Laws and Rules

27A O.S.Supp. 1993 §§ 2-7-105(1), 2-7-106, 2-7-124
Rules 252:200-3-1 through 252:200-3-6

Remarks of Legal Counsel

Rules 252:200-3-1 through 252:200-3-6 adopt the Federal requirements by reference.

W. State statutes and rules contain Special Part B information requirements for drip pads as indicated in Revision Checklists 82 and 92.

Federal Authority: RCRA §§2002(a) and 3001(b)&(e) (I); 40 CFR 270.22 as amended December 6, 1990 (55 FR 50450) and July 1, 1991 (56 FR 30192).

Citation of Laws and Rules

27A O.S. Supp. 1993 §§ 2-7-106, 2-7-116
Rules 252:200-3-1 through 252:200-3-6

Remarks of Legal Counsel

Rules 252:200-3-1 through 252:200-3-6 adopt the Federal requirements by reference.

X. State statutes and rules include permitting requirements for boilers and industrial furnaces burning hazardous waste as indicated in Revision Checklists 85 and 94.

Federal Authority: RCRA §§1006, 2002, 3001 through 3007; 40 CFR 270.22, 270.42(g), 270.42 Appendix I, 270.66, 270.72(a)(6)&(b)(7) and 270.73(f)&(g) as amended February 21, 1991 (56 FR 7134) and July 17, 1991 (56 FR 32688).

Citation of Laws and Rules

27A O.S. Supp. 1993 §§ 2-7-106, 2-7-107(A)(5), 2-7-108(A)
Rules 252:200-3-1 through 252:200-3-6

Remarks of Legal Counsel

Rules 252:200-3-1 through 252:200-3-6 adopt the Federal requirements by reference.

Y. State statutes and rules include specific Part B information requirements for surface impoundments, waste piles and landfills regarding liners; leachate collection, detection, and removal systems; and the construction quality assurance program requirements as indicated in Revision Checklist 100.

Federal Authority: RCRA §§3004, 3005, 3006 and 3015; 40 CFR 270.4(a), 270.17(b)&(c), 270.18(c)&(d), and 270.21(b)&(c) as amended January 29, 1992 (57 FR 3462).

Citation of Laws and Rules

27A O.S. Supp. 1993 § 2-7-105(16), (23), 2-7-106, 2-7-116
Rules 252:200-3-1 through 252:200-3-6

Remarks of Legal Counsel

Rules 252:200-3-1 through 252:200-3-6 adopt the Federal requirements by reference.

XVII. MINIMUM TECHNOLOGICAL REQUIREMENTS

A. State statutes and rules require that new units, expansions, and replacements of interim status waste piles meet the requirements for a single liner and leachate collection system in regulations applicable to permitted waste piles as indicated in the Revision Checklist 17 H.

Federal Authority: RCRA §3015(a); 40 CFR 265.254 as amended July 15, 1985 (50 FR 28702).

Citation of Laws and Rules

27A O.S.Supp. 1993 §§ 2-7-106, 2-7-108
Rules 252:200-3-1 through 252:200-3-6

Remarks of Legal Counsel

Rules 252:200-3-1 through 252:200-3-6 adopt the Federal requirements by reference.

B. State statutes and regulation require:

- (1) New units, expansions, and replacement units at interim status landfills and surface impoundments and landfills and surface impoundments for which Part B of the permit application is received by the proper authority after November 8, 1984, meet the requirements for double liners and leachate collection systems applicable to new permitted landfills and surface impoundments in 40 CFR 264.221 and 264.301 and 265.221 and 265.301 as indicated in Revision Checklists 17 H and 77.

Federal Authority: RCRA §§1006, 2002(a), 3004, 3005 and 3015(b); 40 CFR 264.221, 265.221, 264.301 and 265.301 as amended July 15, 1985 (50 FR 28702) and May 9, 1990 (55 FR 19262).

- (2) Facilities which comply in good faith need not retrofit at permit issuance unless the liner is leaking as provided in §§265.221(e) and 265.301(e) as indicated in Revision Checklist 17 H.

Federal Authority: RCRA §3015(b); 40 CFR 264.221, 265.221 and 265.301 as amended July 15, 1985 (50 FR 28702).

- (3) Variances from the above requirements are optional. However, the availability of such variances is restricted as provided in §§264.221(d) and (e), 264.301(d) and (e), 265.221(c) and (d), and 265.301(c) and (d) as indicated in Revision Checklist 17 H.

Federal Authority: RCRA §3015(b); 40 CFR 264.221, 265.221 and 265.301 as amended July 15, 1985 (50 FR 28702).

Citation of Laws and Rules

27A O.S. Supp. 1993 §§ 2-7-105(16), 2-7-108
Rules 252:200-3-1 through 252:200-3-6

Remarks of Legal Counsel

Rules 252:200-3-1 through 252:200-3-6 adopt the Federal requirements by reference.

C. State statutes and rules require owners and operators of new units, expansions, and replacement units at surface impoundments, waste piles, and landfills to meet the monitoring and inspection Construction Quality Assurance (CQA) program, double liner, leachate collection and removal systems, leak detection systems, action leakage, response action plan and closure/post-closure care requirements as indicated in Revision Checklist 100.

Federal Authority: RCRA §§3004, 3005, 3006 and 3015; 40 CFR 264.19, 264.221-264.223, 264.226, 264.228, 264.251-264.254, 264.301-264.304, 264.310, 265.19, 265.221-265.223, 265.226-265.228, 265.254, 265.255, 265.259, 265.260, 265.301-265.304 and 265.310 as amended January 29, 1992 (57 FR 3462).

Citation of Laws and Rules

27A O.S. Supp. 1993 §§ 2-7-105, 2-7-106, 2-7-108, 2-7-124
Rules 252:200-3-1 through 252:200-3-6

Remarks of Legal Counsel

Rules 252:200-3-1 through 252:200-3-6 adopt the Federal requirements by reference.

XVIII. EXPOSURE ASSESSMENTS

A. State laws and rules require permit applicants for landfills or surface impoundments to submit exposure information as indicated in Revision Checklist 17 S.

Federal Authority: RCRA §3019(a); 40 CFR 270.10(j) as amended July 15, 1985 (50 FR 28702).

Citation of Laws and Rules

27A O.S.Supp. 1993 §§ 2-7-106, 2-7-127(C)
Rules 252:200-3-1 through 252:200-3-6

Remarks of Legal Counsel

Rules 252:200-3-1 through 252:200-3-6 adopt the Federal requirements by reference.

B. State laws and rules allow the State to make assessment information available to the Agency for Toxic Substances and Disease Registry. [See CERCLA §104(i).]

Federal Authority: RCRA §3019(b).

Citation of Laws and Rules

27A O.S. Supp. 1993 § 2-7-127(C)
Rules 252:200-3-1 through 252:200-3-6

Remarks of Legal Counsel

Rules 252:200-3-1 through 252:200-3-6 adopt the Federal requirements by reference.

XIX. AVAILABILITY OF INFORMATION

A. State statutes and rules provide that:

- (1) All records shall be available to the public unless they are exempt from the disclosure requirements of the Federal Freedom of Information Act (FOIA), 5 U.S.C. 552;
- (2) All nonexempt records will be available to the public upon request regardless of whether any justification or need for such records has been shown by the requestor;
- (3) The same types of records would be available to the public from the State as would be available from EPA; In making this certification, the Attorney General should be aware of the types of documents EPA generally releases under the FOIA, subject to claims of business confidentiality: permit applications; biennial reports from facilities; closure plans; notification of a facility closure; contingency plan incident reports; delisting petitions; financial responsibility

instruments; ground-water monitoring data (note that exemption 5 U.S.C.552(b)(9) of the FOIA applies to such wells as oil and gas, rather than to ground-water wells); transporter spill reports; international shipment reports; manifest exception, discrepancy and unmanifested waste reports; facility EPA identification numbers; withdrawal requests; enforcement orders; and, inspection reports;

- (4) Information is provided to the public in substantially the same manner as EPA as indicated in 40 CFR Part 2 and the Revision Checklist in Appendix N of the State Authorization Manual;
- (5) The State statutes and rules protect Confidential Business Information (CBI) to the same degree as indicated in 40 CFR 2 and the Revision Checklist in Appendix N of the State Authorization Manual. Note, that States do not have to protect CBI, to satisfy 3006(f). However, if a State does extend protection to CBI then it cannot restrict the release of information that EPA would require to be disclosed.

Federal Authority: RCRA §3006(f); 40 CFR §271.17(c).

Citation of Laws and Rules

27A O.S. Supp. 1993 §§ 2-7-105(15), 2-7-106
Rules 252:200-3-1 through 252:200-3-6, and 252:200-13-1

Remarks of Legal Counsel

Rules 252:200-3-1 through 252:200-3-6 and 252:200-13-1 adopt the Federal requirements by reference.

XX. BURNING OF WASTE FUEL AND USED OIL FUEL IN BOILERS AND INDUSTRIAL FURNACES

A. State statutes and rules contain the following requirements regarding the burning of waste fuel and used oil fuel for energy recovery in boilers and industrial furnaces as indicated in Revision Checklist 19:

- (1) Waste fuels and used oil fuels are identified as solid wastes so as to encompass all such wastes controlled under 40 CFR 261.3, 261.5 and 261.6.
- (2) Special management standards for generators, transporters, marketers and burners of hazardous waste and used oil burned for energy, as set forth in 40 CFR 264.340, 265.340, 266.30-35 and 266.40-44.

Federal Authority: RCRA §§3001, 3004 and 3014(a); 40 CFR Parts 261, 264, 265 and 266 as amended November 29, 1985 (50 FR 49164), November 19, 1986 (51 FR 41900) and April 13, 1987 (52 FR 11819).

Citation of Laws and Rules

27A O.S. Supp. 1993 §§ 2-7-106, 2-7-107(A) (5)
Rules 252:200-3-1 through 252:200-3-6

Remarks of Legal Counsel

Rules 252:200-3-1 through 252:200-3-6 adopt the Federal requirements by reference.

C. State statutes and rules include control standards for emissions of toxic organic compounds, toxic metals, hydrogen chloride, chlorine gas and particulate matter from boilers and industrial furnaces burning hazardous waste, and require owners and operators of such facilities to comply with the general facility standards applicable to hazardous waste treatment, storage and disposal facilities, as indicated in Revision Checklists 85, 94 and 96. Hazardous waste storage units at regulated burners are subject to 40 CFR 264 requirements.

Federal Authority: RCRA §§1006, 2002, 3001 through 3007, 3010 and 7004; 40 CFR 260.10, 260.11, 261.3, 261.6, 264.112, 264.340, 265.112, 265.113, 265.340, 265.370, Part 266 Subpart H, and 266 Appendices I-X as amended February 21, 1991 (56 FR 7134), July 17, 1991 (56 FR 32688) and August 27, 1991 (56 FR 42504).

Citation of Laws and Rules

27A O.S. Supp. 1993 §§ 2-7-106, 2-7-107(A) (4), (5)
Rules 252:200-3-1 through 252:200-3-6

Remarks of Legal Counsel

Rules 252:200-3-1 through 252:200-3-6 adopt the Federal requirements by reference.

D. State statutes and rules contain an administrative stay until June 22, 1992, of the permitting standards for boilers and industrial furnaces as they apply to coke ovens burning certain hazardous wastes from the coke by-products recovery process as indicated in Revision Checklists 98 and 105.

Federal Authority: 5 U.S.C. 705; RCRA §§2002(a) and 3001(b)&(e)(1); 40 CFR 266.100(a) as amended September 5, 1991 (56 FR 43874) and June 22, 1992 (57 FR 27880).

NO LONGER APPLICABLE

XXI. LAND DISPOSAL RESTRICTIONS

A. State statutes and rules provide for the restrictions of the land disposal of certain spent solvents and dioxin-containing hazardous wastes as indicated in Revision Checklists 34, 39, and 50.

Federal Authority: §3004(d)-(k) and (m); 40 CFR Parts 260, 261, 262, 263, 264, 265, 268 and 270 as amended on November 7, 1986 (51 FR 40572), June 4, 1987 (52 FR 21010), July 8, 1987 (52 FR 25760), and August 17, 1988 (53 FR 31138).

Citation of Laws and Rules

27A O.S.Supp. 1993 §§ 2-7-105(10), (17), (18), 2-7-106, 2-7-107(A)(2), (10)
Rules 252:200-3-1 through 252:200-3-6

Remarks of Legal Counsel

Rules 252:200-3-1 through 252:200-3-6 adopt the Federal requirements by reference.

B. State statutes and rules restrict the disposal of certain California list wastes, including liquid hazardous waste containing polychlorinated biphenyls (PCBs) above specified concentrations, and hazardous waste containing halogenated organic compounds (HOCs) above specified concentrations as indicated in Revision Checklists 39, 50, and 66.

Federal Authority: RCRA §3004(d)-(k) and (m); 40 CFR Parts 262, 264, 265, 268 and 270 as amended on July 8, 1987 (52 FR 25760), October 27, 1987 (52 FR 41295), August 17, 1988 (53 FR 31138), and September 6, 1989 (54 FR 36967).

Citation of Laws and Rules

27A O.S.Supp. 1993 §§ 2-7-105(10), (17), (18), 2-7-106, 2-7-107(A)(2), (10)
Rules 252:200-3-1 through 252:200-3-6

Remarks of Legal Counsel

Rules 252:200-3-1 through 252:200-3-6 adopt the Federal requirements by reference.

C. State statutes and rules provide for specific treatment standards and effective dates for certain wastes from the "First Third" of the schedule of restricted wastes listed in 40 CFR 268.10 as well as land disposal restrictions for those First Third wastes for which a treatment standard is not established as indicated in Revision Checklists 50, 62 and 66.

Federal Authority: RCRA §3004 (d)-(k) and (m); 40 CFR Parts 264, 265, 266, and 268 as amended on August 17, 1988 (53 FR 31138), February 27, 1989 (54 FR 8264), May 2, 1989 (54 FR 18836), September 6, 1989 (54 FR 36967) and June 13, 1990 (55 FR 23935).

Citation of Laws and Rules

27A O.S. Supp. 1993 §§ 2-7-105(10), (17), 2-7-106, 2-7-107(A) (2), (10)
Rules 252:200-3-1 through 252:200-3-6

Remarks of Legal Counsel

Rules 252:200-3-1 through 252:200-3-6 adopt the Federal requirements by reference.

D. State statutes and rules provide for certain treatment standards and prohibition effective dates for certain Second Third wastes and for imposing the "soft hammer" provisions⁴ of 40 CFR 268.8 on Second Third wastes for which the Agency is not establishing treatment standards as indicated in Revision Checklist 63.

Federal Authority: RCRA §3004(d)-(k) and (m); 40 CFR Part 268 as amended June 23, 1989 (54 FR 26594).

Citation of Laws and Rules

27A O.S. Supp. 1993 §§ 2-7-105(10), (17), 2-7-106, 2-7-107(A) (2), (10)
Rules 252:200-3-1 through 252:200-3-6

⁴ "Soft hammer" wastes are those wastes for which EPA did not promulgate treatment standards by their respective effective dates. These wastes could continue to be disposed of in a landfill or surface impoundment until May 8, 1990 if certain demonstrations were made and the technology requirements of RCRA §3004(o) were met. Other types of land disposal (e.g., underground injection) were not similarly restricted. On May 6, 1990, wastes for which EPA had not established treatment standards became prohibited from all types of land disposal. This latter requirement is referred to as the "hard hammer" provision and ended the soft hammer provisions which were in effect prior to May 6, 1990.

Remarks of Legal Counsel

Rules 252:200-3-1 through 252:200-3-6 adopt the Federal requirements by reference.

E. State statutes and standards provide for treatment standards and effective dates for certain First Third "soft hammer" wastes⁵ as well as for certain wastes originally contained in the Third of the Schedule as indicated in Revision Checklist 63.

Federal Authority: RCRA §3004(d)-(k) and (m); 40 CFR Parts 264, 265 and 268 as amended June 23, 1989 (54 FR 26594).

Citation of Laws and Rules

27A O.S. Supp. 1993 §§ 2-7-105(10), (17), 2-7-106, 2-7-107(A) (2), (10)

Rules 252:200-3-1 through 252:200-3-6

Remarks of Legal Counsel

Rules 252:200-3-1 through 252:200-3-6 adopt the Federal requirements by reference.

F. State statutes and rules provide specific treatment standards and effective dates for the "Third" "Third" wastes, "soft hammer" First and Second Third wastes⁵, five newly listed wastes, four wastes that fall into the F002 and F005 (spent solvent) waste codes, F025, mixed radioactive/hazardous wastes, characteristic wastes, and multi-source leachate, as well as establish revised treatment standards for petroleum refining hazardous wastes (K048-K052) as indicated in Revision Checklists 78, 83 and 102.

Federal Authority: RCRA §§3001 and 3004 (d)-(k) and (m); 40 CFR 261, 262, 264, 265, 268, and 270 as amended June 1, 1990 (55 FR 22520), January 31, 1991 (56 FR 3864) and March 6, 1992 (57 FR 8086).

Citation of Laws and Rules

27A O.S. Supp. 1993 §§ 2-7-105(10), (17), 2-7-106, 2-7-107(A) (2), (10)

Rules 252:200-3-1 through 252:200-3-6

⁵See Footnote 4.

Remarks of Legal Counsel

Rules 252:200-3-1 through 252:200-3-6 adopt the Federal requirements by reference.

G. State statutes and rules provide for alternate treatment standards for lab packs meeting certain criteria as indicated in Revision Checklists 78 and 83.

Federal Authority: RCRA §3004(d)-(k) and (m); 40 CFR 264.316(f), 265.316(f), 268.7(a)(7), 268.7(a)(8), 268.42(c), 268.42(c)(1)-(4), and Part 268 Appendices IV and V, as amended June 1, 1990 (55 FR 22520) and January 31, 1991, (56 FR 3864).

Citation of Laws and Rules

27A O.S. Supp. 1993 §§ 2-7-105(10), (17), 2-7-106, 2-7-107(A)(2), (10)
Rules 252:200-3-1 through 252:200-3-6

Remarks of Legal Counsel

Rules 252:200-3-1 through 252:200-3-6 adopt the Federal requirements by reference.

H. State statutes and rules contain treatment standards under the land disposal restrictions program for K061 as indicated in Revision Checklist 95.

Federal Authority: RCRA §3004(d)-(k) and (m); 40 CFR 268.41 and 268.42 as amended August 19, 1991 (56 FR 41164).

Citation of Laws and Rules

27A O.S. Supp. 1993 §§ 2-7-105(10), (17), 2-7-106, 2-7-107(A)(2), (10)
Rules 252:200-3-1 through 252:200-3-6

Remarks of Legal Counsel

Rules 252:200-3-1 through 252:200-3-6 adopt the Federal requirements by reference.

I. State statutes and rules provide an extension of the land disposal restriction effective date for hazardous waste debris until May 8, 1993, as indicated in Revision Checklist 103.

Federal Authority: RCRA §§3004(h)(3); 40 CFR 268.35(e) as amended May 15, 1992 (57 FR 20766).

Citation of Laws and Rules

27A O.S. Supp. 1993 § 2-7-106
Rules 252:200-3-1 through 252:200-3-6

Remarks of Legal Counsel

NO LONGER APPLICABLE; EXTENSION DATE OF MAY 8, 1993 HAS PASSED

J. State statutes and rules provide an extension of the land disposal restriction effective date, until May 8, 1993, for D008 lead-bearing hazardous materials stored before secondary smelting, provided the owner/operator meets the requirements specified at 40 CFR 268.35(k), as indicated in Revision Checklist 106.

Federal Authority: RCRA §3004(h)(3); 40 CFR 268.35(c) and (k) as amended June 26, 1992 (57 FR 28628).

Citation of Laws and Rules

27A O.S. Supp. 1993 § 2-7-106
Rules 252:200-3-2 through 252:200-3-6

Remarks of Legal Counsel

NO LONGER APPLICABLE; EXTENSION DATE OF MAY 8, 1993 HAS PASSED

(The following section is carried over from page 3)

I. IDENTIFICATION AND LISTING

A. State statutes and Rules adopt federal requirements by reference which contain lists of hazardous waste which encompass the generic delisting of strontium sulfide (CAS No. 1314-96-1), 40 CFR 261.33(e) and Part 261 Appendix VIII, as amended October 31, 1988 [53 FR 43881] and February 25, 1991 [56 FR 7567], Revision Checklists 57 and 86.

Citation of Laws and Rules

27A O.S. Supp. 1993 § 2-7-106
Rules 252:200-3-2 through 252:200-3-6

Remarks of Legal Counsel

Rules 252:200-3-2 through 252:200-3-6 adopt the federal requirements by reference

Jimmy D. Givens
Signature

Jimmy D. Givens
Name (print)

Staff Attorney, DEQ
Title

June 24, 1994
Date