

US EPA ARCHIVE DOCUMENT

ADDENDUM TO PROGRAM DESCRIPTION
OKLAHOMA DEPARTMENT OF ENVIRONMENTAL QUALITY
HAZARDOUS WASTE MANAGEMENT PROGRAM

Scope, Structure, Coverage and Processes

With this revision authorization application, the State of Oklahoma, through the Oklahoma Department of Environmental Quality ("DEQ"), is seeking authorization for RCRA Cluster III.

The DEQ has received final authorization for the base RCRA program and for non-HSWA Clusters I through VI. The DEQ received final authorization for the Base Program in January of 1985. Authorization for RCRA Clusters I and II and HSWA Clusters I and II is pending.

The State program currently provides regulatory coverage corresponding to the regulatory provisions of the Federal RCRA program. The State program now has in place statutory authority and regulations, discussed in detail later in the State Agency Responsibilities section, for all required program components through RCRA Cluster III. These statutory and regulatory provisions were developed to provide corresponding authority to the Federal program; therefore, the State program is equivalent to and no less stringent than the Federal program.

To provide a more detailed discussion of the scope of the program revisions being applied for, the following narrative discussion corresponds to the format of the Reviewer's Checklist for the Program Description included in SPA 13 of the EPA State Authorization Manual; however, those checklists which contain administrative stays or extensions of deadlines which have already

passed are inapplicable as indicated in the accompanying Attorney's Statement and are therefore not included in this narrative:

A. Coke By-product Listings (Checklist 110): In accordance with RCRA §3001(b), State statutes 27A O.S. Supp. §§ 2-2-104, 2-7-106 and Rules 252:200-3-1 through 252:200-3-6 provide authority for State program requirements to be equivalent to the Federal program requirements which contain lists of hazardous waste which encompass the listing of seven wastes (K141, K142, K143, K144, K145, K147, and K148) generated during the production, recovery and refining of coke by-products produced from coal, 40 CFR 261.32, and Part 261 Appendix VII as amended August 18, 1992 [57 FR 37284], Revision Checklist 110. Accordingly, the State requirements are equivalent to the Federal requirements, and no significant increase in funding or personnel will be required when the State receives authorization for these provisions.

B. Chlorinated Toluene Production Waste Listing (Checklist 115): In accordance with RCRA §3001(b), State statutes 27A O.S. Supp. §§ 2-2-104, 2-7-106 and Rules 252:200-3-1 through 252:200-3-6 provide authority for State program requirements to be equivalent to the Federal program requirements which contain lists of hazardous waste which encompass the listing of three wastes (K149, K150, and K151) from the production of chlorinated toluenes, 40 CFR 261.32 and Part 261 Appendix VII, as amended October 15, 1992 [57 FR 47376], Revision Checklist 115. Accordingly, the State requirements are equivalent to the Federal requirements, and no significant increase in funding or personnel will be required when the State receives authorization for these provisions.

C. Wood Preserving; Amendments to Listings and Technical Requirements (Checklist 120): In accordance with RCRA § 3001(b), State statutes 27A O.S. Supp. §§ 2-2-104, 2-7-106 and Rules 252:200-3-1 through 252:200-3-6 provide authority for State program requirements to be equivalent to the Federal program requirements which contain lists of hazardous waste which encompass exceptions to listings of F032, F034, and F035 for wastewaters that have not come into contact with process contaminants, 40 CFR 261.31 as amended December 24, 1992 [57 FR 61492], Revision Checklist 120. Accordingly, the State requirements are equivalent to the Federal requirements, and no significant increase in funding or personnel will be required when the State receives authorization for these provisions.

D. Wood Preserving; Amendments to Listings and Technical Requirements (Checklist 120): In accordance with RCRA 3001(b), State statutes 27A O.S. Supp. §§ 2-2-104, 2-7-106 and Rules 252:200-3-1 through 252:200-3-6 provide authority for State program requirements to be equivalent to the Federal program requirements which contain lists of hazardous waste which encompass an exception to listing of F032 for potentially cross-contaminated wastes that are otherwise currently regulated as hazardous wastes (i.e., F034 or F035), and where the generator does not reserve or initiate the use of chlorophenolic formulations, 40 CFR 261.31 as amended December 24, 1992 [57 FR 61492], Revision Checklist 120. Accordingly, the State requirements are equivalent to the Federal requirements, and no significant increase in funding or personnel will be required when the State receives authorization for these provisions.

E. Toxicity Characteristics Revision; Technical Corrections (Checklists 74, 108, and 117B): In accordance with 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), June 29, 1990 (55 FR 26986), June 1, 1992 (57 FR 23062), and July 10, 1992 (57 FR 30657), State statutes 27A O.S. Supp. §§ 2-2-104, 2-7-106 and Rules 252:200-3-1 through 252:200-3-6 provide authority for State program requirements to be equivalent to the Federal program requirements which 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 Checklists 74, 108 and 117B. State statutes and regulations also provide authority for State program requirements to be equivalent to the Federal program requirements which 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. Accordingly, the State requirements are equivalent to the Federal requirements, and no significant increase in funding or personnel will be required when the State receives authorization for these provisions.

F. Used Oil Filter Exclusion; Technical Correction (Checklists 104 and 107): In accordance with RCRA §§1004, 1006, 2002, 3001 and 3014; 40 CFR 261.4(b)(15) as amended May 20, 1992 (57 FR 21524) and July 1, 1992 (57 FR 29220), and in accordance with 58 FR 26424, State statutes 27A O.S. Supp. §§ 2-2-104, 2-7-106, 2-7-107(A)(5) and Rules 252:200-3-1 through 252:200-3-6 provide authority for State program requirements to be equivalent

to the Federal program requirements which exempt, from the definition of hazardous, used oil filters meeting the 40 CFR 261.4(b)(15) criteria as indicated in Revision Checklists 104 and 107. Accordingly, the State requirements are equivalent to the Federal requirements, and no significant increase in funding or personnel will be required when the State receives authorization for these provisions.

G. Coke By-Product Listings (Checklists 105 and 110): In accordance with RCRA §§3001(e)(2) and (h); 40 CFR 261.4(a)(10) as amended June 22, 1992 (57 FR 27880) and August 18, 1992 (57 FR 37284), State statutes 27A O.S. Supp. §§ 2-2-104, 2-7-106 and Rules 252:200-3-1 through 252:200-3-6 provide authority for State program requirements to be equivalent to the Federal program requirements which exclude from being a solid waste K060, K087, K141, K142, K143, K144, K145, K147 and K148, and those coke by-product residues that are hazardous only because they exhibit the Toxicity Characteristic when, subsequent to generation, these wastes are recycled by being returned to coke ovens, to the tar recovery process as a feedstock to produce coal tar, or mixed with coal tar as specified in Revision Checklists 105 and 110. Accordingly, the State requirements are equivalent to the Federal requirements, and no significant increase in funding or personnel will be required when the State receives authorization for these provisions.

H. "Mixture" and "Derived-From" Rules; Response to Court Reprimand (Checklist 117A): In accordance with RCRA §§1006, 2002(a), and 3001-3005; 40 CFR 261.3, as amended March 3, 1992 (57 FR 7628), June 1, 1992 (57 FR 23062) and October 30, 1992 (57 FR 49278), State statutes 27A O.S. Supp. §§ 2-2-104, 2-7-106 and Rules

252:200-3-1 through 252:200-3-6 provide authority for State program requirements to be equivalent to the Federal program requirements which contain reissued mixture and derived-from rules as indicated in Revision Checklist 117 A. Accordingly, the State requirements are equivalent to the Federal requirements, and no significant increase in funding or personnel will be required when the State receives authorization for these provisions.

I. Toxicity Characteristic Revision; TCLP (Checklist 119): In accordance with RCRA §§1006, 2002, 3001, 3002 and 3006; 40 CFR 261, Appendix II, as amended November 24, 1992 (57 FR 55114) and February 2, 1993 (58 FR 6854), State statutes 27A O.S. Supp. §§ 2-2-104, 2-7-106 and Rules 252:200-3-1 through 252:200-3-6 provide authority for State program requirements to be equivalent to the Federal program requirements which do not require the use of the spike recovery correction as part of the Toxicity Characteristic Leaching Procedure as indicated in Revision Checklist 119. Accordingly, the State requirements are equivalent to the Federal requirements, and no significant increase in funding or personnel will be required when the State receives authorization for these provisions.

J. Burning of hazardous Waste in Boilers and Industrial Furnaces; Technical Amendment III (Checklists 85, 96, and 111): In accordance with RCRA §3001; 40 CFR Part 261.2(d)(2) and (e)(2)(iv) as amended February 21, 1991 (56 FR 7134), August 27, 1991 (56 FR 42504) and August 25, 1992 (57 FR 38558), State statutes 27A O.S. Supp. §§ 2-2-104, 2-7-106 and Rules 252:200-3-1 through 252:200-3-6 provide authority for State program requirements to be equivalent to the Federal program requirements which include as solid waste

secondary materials, 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, 96, and 111. Accordingly, the State requirements are equivalent to the Federal requirements, and no significant increase in funding or personnel will be required when the State receives authorization for these provisions.

K. Liquids in Landfills II (Checklist 118): In accordance with RCRA §3004(c); 40 CFR 260.10, 264.13, 264.314, 264.316, 265.13, 265.314, and 265.316 as amended November 18, 1992 (57 FR 54452), State statutes 27A O.S. Supp. §§ 2-2-104, 2-7-106, 2-7-105(10), 2-7-107(1), 2-7-110(B) and Rules 252:200-3-1 through 252:200-3-6 provide authority for State program requirements to be equivalent to the Federal program requirements which prohibit the disposal, in hazardous waste landfills, of liquids that have been sorbed in materials that are biodegradable or that release liquids during routine landfill operations, as indicated in Revision Checklist 118. Accordingly, the State requirements are equivalent to the Federal requirements, and no significant increase in funding or personnel will be required when the State receives authorization for these provisions.

L. Corrective Action Management Units and Temporary Units; Corrective Action Provisions Under Subtitle C (Checklist 121): In accordance with RCRA §§1006, 2002(a), 3004(u), 3004(v), 3005(c), 3007, and 3008(h); 40 CFR 260.10, 264.3, 264.101(b), 264.552, 264.553, 265.1(b), 268.2(c), 270.2 and Appendix I to 270.42, as amended February 16, 1993 (58 FR 8658), State statutes 27A O.S. Supp. §§ 2-2-104, 2-7-106, 2-7-126(3), 2-7-127(A) Rules 252:200-3-1

through 252:200-3-6 and Rules 252:200-3-1 through 252:200-3-6 provide authority for State program requirements to be equivalent to the Federal program requirements which contain remediation waste management provisions for corrective action management units (CAMUs) and temporary units (TUs) at RCRA facilities, as indicated in Revision Checklist 121. Accordingly, the State requirements are equivalent to the Federal requirements, and no significant increase in funding or personnel will be required when the State receives authorization for these provisions.

M. Wood Preserving; Amendments to Listings and Technical Requirements (Checklists 82, 92, and 120): In accordance with 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 and 265.445, as amended December 6, 1990 (55 FR 50450), July 1, 1991 (56 FR 30192), and December 24, 1992 (57 FR 61492), State statutes 27A O.S. Supp. §§ 2-2-104, 2-7-106 and Rules 252:200-3-1 through 252:200-3-6 provide authority for State program requirements to be equivalent to the Federal program requirements which 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, 92 and 120. Accordingly, the State requirements are equivalent to the Federal requirements, and no significant increase in funding or personnel will be required when the State receives authorization for these provisions.

N. Financial Responsibility for Third-Party Liability, Closure and Post-Closure (Checklist 113): In accordance with RCRA

§§2002(a), 3004 and 3005; 40 CFR 264.141, 264.147, 264.151, 265.141, 265.147 and 265.151 as amended September 1, 1988 (53 FR 33938), July 1, 1991 (56 FR 30200), and September 16, 1992 (57 FR 42832), State statutes 27A O.S. Supp. §§ 2-2-104, 2-7-106, 2-7-116 and Rules 252:200-3-1 through 252:200-3-6 provide authority for State program requirements to be equivalent to the Federal program requirements which allow the use of additional financial instruments (letter of credit, a surety bond, a guarantee, trust fund, and purchase of insurance by other firms) to meet the liability coverage requirements as specified in Revision Checklist 113. Accordingly, the State requirements are equivalent to the Federal requirements, and no significant increase in funding or personnel will be required when the State receives authorization for these provisions.

O. Financial Responsibility for Third-Party Liability, Closure and Post-Closure (Checklist 113): In accordance with RCRA §3004; 40 CFR 264.147(f)(6) and 265.147(f)(6) as amended September 16, 1992 (57 FR 42832), State statutes 27A O.S. Supp. §§ 2-2-104, 2-7-106, 2-7-116 and Rules 252:200-3-1 through 252:200-3-6 provide authority for State program requirements to be equivalent to the Federal program requirements which include conforming changes to 264.147(f)(6) and 265.147(f)(6) to expand the instruments available to owners and operators that no longer meet the requirements of the financial test for liability coverage as indicated in Revision Checklist 113. Accordingly, the State requirements are equivalent to the Federal requirements, and no significant increase in funding or personnel will be required when the State receives authorization for these provisions.

P. Financial Responsibility for Third-Party Liability, Closure and Post-Closure (Checklist 113): In accordance with RCRA §§2002(a), 3004 and 3005; 40 CFR 264.147(a)(7)&(b)(7) and 265.147(a)(7)&(b)(7) as amended September 1, 1988 (53 FR 33938) and September 16, 1992 (57 FR 42832), State statutes 27A O.S. Supp. §§ 2-2-104, 2-7-106, 2-7-116 and Rules 252:200-3-1 through 252:200-3-6 provide authority for State program requirements to be equivalent to the Federal program requirements which require reporting of third-party claims against an owner's or operator's liability coverage as indicated by Revision Checklist 113. Accordingly, the State requirements are equivalent to the Federal requirements, and no significant increase in funding or personnel will be required when the State receives authorization for these provisions.

Q. Wood Preserving; Amendments to Listings and Technical Requirements (Checklist 120): In accordance with RCRA §§2002(a) and 3001(b)&(e)(1); 40 CFR 264.572, 265.573, 265.442 and 265.443 as amended December 24, 1992 (57 FR 61492), State statutes 27A O.S. Supp. §§ 2-2-104, 2-7-106 and Rules 252:200-3-1 through 252:200-3-6 provide authority for State program requirements to be equivalent to the Federal program requirements which require owners or operators of new drip pads to have either 1) a surface protection system meeting the hydraulic conductivity, material chemical compatibility, and assessment requirements of 264.573(a)(4) or 265.443(a)(4), or 2) a liner and leak detection system below the pad as well as a leak collection system as specified in Revision Checklist 120. Accordingly, the State requirements are equivalent to the Federal requirements, and no significant increase in funding

or personnel will be required when the State receives authorization for these provisions.

R. Wood Preserving; Amendments to Listings and Technical Requirements (Checklist 120): In accordance with RCRA §§2002(a) and 3001(b)&(e) (1); 40 CFR 264.571, 264.573, 265.441 and 265.443 as amended December 24, 1992 (57 FR 61492), State statutes 27A O.S. Supp. §§ 2-2-104, 2-7-106 and Rules 252:200-3-1 through 252:200-3-6 provide authority for State program requirements to be equivalent to the Federal program requirements which require owners or operators of existing drip pads to meet the hydraulic conductivity, material chemical compatibility, and assessment requirements of 264.573(a) (4) or 265.443(a) (4), as specified in Revision Checklist 120. Accordingly, the State requirements are equivalent to the Federal requirements, and no significant increase in funding or personnel will be required when the State receives authorization for these provisions.

S. Wood Preserving; Amendments to Listings and Technical Requirements (Checklist 120): In accordance with RCRA §§2002(a) and 3001(b)&(e) (1); 40 CFR 264.570(c) and 265.440(c) as amended December 24, 1992 (57 FR 61492), State statutes 27A O.S. Supp. §§ 2-2-104, 2-7-106 and Rules 252:200-3-1 through 252:200-3-6 provide authority for State program requirements to be equivalent to the Federal program requirements which contain requirements for the management of infrequent and incidental drippage in storage yards as indicated in Revision Checklist 120. Accordingly, the State requirements are equivalent to the Federal requirements, and no significant increase in funding or personnel will be required when the State receives authorization for these provisions.

T. Burning of Hazardous Waste in Boilers and Industrial Furnaces; amendment III and IV (Checklists 85, 94, 96, 111, and 114): State statutes 27A O.S. Supp. §§ 2-2-104, 2-7-106, 2-7-107(A) (4) and 2-7-107(A) (5) and Rules 252:200-3-1 through 252:200-3-6 provide authority for State program requirements to be equivalent to the Federal program requirements found at RCRA §§1006, 2002, 3001 through 3007, 3010 and 7004; 40 CFR 260.10, 260.11, 260.20, 261.3, 261.6, 264.1, 264.112, 264.340, 265.1, 265.112, 265.113, 265.340, 265.370, Part 266 Subpart H, and Part 266 Appendices I-X as amended February 21, 1991 (56 FR 7134), July 17, 1991 (56 FR 32688), August 27, 1991 (56 FR 42504), August 25, 1992 (57 FR 38558), and September 30, 1992 (57 FR 44999) which 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, 96, 111, and 114. Hazardous waste storage units at regulated burners are subject to the 40 CFR Part 264 requirements which have been adopted by reference by the State. Accordingly, the State requirements are equivalent to the Federal requirements, and no significant increase in funding or personnel will be required when the State receives authorization for these provisions.

U. Recycled Used Oil Management Standards; Technical Amendments and Corrections (Checklists 112 and 122): State statutes 27A O.S. Supp. §§ 2-2-104, 2-7-106, 2-7-107(A) (5) and

Rules 252:200-3-1 through 252:200-3-6 provide authority for State program requirements to be equivalent to the Federal program requirements found at RCRA §§1004, 1006, 2002, 3001, 3014 and 7004; 40 CFR Parts 260, 261, 266 and 279 as amended September 10, 1992 (57 FR 41566) and May 3, 1993 (58 FR 26420) which provide used oil management standards for used oil generators, transporters, processors, re-refiners, burners, and marketers as indicated in Revision Checklists 112 and 122. Accordingly, the State requirements are equivalent to the Federal requirements, and no significant increase in funding or personnel will be required when the State receives authorization for these provisions.

V. Land Disposal Restrictions for Newly Listed Wastes and Hazardous Debris (Checklist 109): State statutes 27A O.S. Supp. §§ 2-2-104, 2-7-106, 2-7-107(A)(10) and Rules 252:200-3-1 through 252:200-3-6 provide authority for State program requirements to be equivalent to the Federal program requirements found at RCRA §§3004(d)-(k) and (m); 40 CFR 261.3(f), 268.2, 268.5, 268.7, 268.14, 268.36, 268.40, 268.41, 268.42, 268.43, 268.45, 270.13 and 270.14, as amended August 18, 1992 (57 FR 37194) which provide land disposal treatment standards for certain hazardous wastes listed after November 8, 1984 as well as treatment standards for debris contaminated with listed hazardous wastes or debris that exhibit certain hazardous waste characteristics as indicated in Revision Checklist 109. Accordingly, the State requirements are equivalent to the Federal requirements, and no significant increase in funding or personnel will be required when the State receives authorization for these provisions.

W. Land Disposal Restrictions for Newly Listed Wastes and Hazardous Debris (Checklist 109): State statutes 27A O.S. Supp. §§ 2-2-104, 2-7-106, 2-7-107(A)(10) and Rules 252:200-3-1 through 252:200-3-6 provide authority for State program requirements to be equivalent to the Federal program requirements found at RCRA §§3004(d)-(k) and (m); 40 CFR 261.3(a)&(c), 268.9, 268.41, 268.42, 268.43 and 268.46, as amended August 18, 1992 (57 FR 37194) which include revisions to existing land disposal restrictions including revision of F001-F005 spent solvents treatment standards, conversion of wastewater standards for twenty-four "F" and "K" water codes based on scrubber standards; revisions to K061, K062 and F006 treatment standards; change of recordkeeping requirements; and clarification of rules related to wastes listed because they exhibit a characteristic as indicated in Revision Checklist 109. Accordingly, the State requirements are equivalent to the Federal requirements, and no significant increase in funding or personnel will be required when the State receives authorization for these provisions.

X. Land Disposal Restrictions for Newly Listed Wastes and Hazardous Debris (Checklist 109): State statutes 27A O.S. Supp. §§ 2-2-104, 2-7-106 and Rules 252:200-3-1 through 252:200-3-6 provide authority for State program requirements to be equivalent to the Federal program requirements found at RCRA §§3004(d)-(k) and (m); 40 CFR 260.10, 262.34, 264.110, 264.111, 264.112, 264.140, 264.142, 264 Subpart DD, 265.110, 265.111, 265.112, 265.140, 265.142, 265.221, 265 Subpart DD, 268.50, 270.42 and 270.72, as amended August 18, 1992 (57 FR 37194) which allow storage and treatment in containment buildings as indicated in Revision Checklist 109.

Accordingly, the State requirements are equivalent to the Federal requirements, and no significant increase in funding or personnel will be required when the State receives authorization for these provisions.

Y. Land Disposal Restrictions for Ignitable and Corrosive Characteristic Wastes Whose Treatment Standards Were Vacated (Checklist 124): State statutes 27A O.S. Supp. §§ 2-2-104, 2-7-106, 2-7-105(17), 2-7-107(A)(10) and Rules 252:200-3-1 through 252:200-3-6 provide authority for State program requirements to be equivalent to the Federal program requirements found at RCRA §3004(d), (e)&(g); 40 CFR 268.37 as amended on May 24, 1993 (58 FR 29860) which include land disposal restrictions and treatment standards for certain ignitable and corrosive characteristic wastes whose treatment standards were vacated, as indicated in Revision Checklist 124. Accordingly, the State requirements are equivalent to the Federal requirements, and no significant increase in funding or personnel will be required when the State receives authorization for these provisions.

State Agency Responsibilities

No major changes have taken place since the last Addendum to Program Description was submitted to EPA on August 2, 1994. As was the case when the August 2, 1994 Addendum to Program Description was submitted, the Environmental Quality Board ("Board") which consists of thirteen (13) members is appointed by the Governor with the advice and consent of the Senate. The Board is the rulemaking body of the DEQ. Permanent rules regarding hazardous waste are promulgated with the advice of the Hazardous Waste Management

Advisory Council ("Council"); however, emergency rules may be promulgated by the Board without the advice of the Council.

The jurisdictional areas of the Council include the Oklahoma Hazardous Waste Management Act¹ ("OHWMA"), the Oklahoma Hazardous Waste Reduction Program, and such other areas as designated by the Board. A copy of the OHWMA is attached as Appendix A. The OHWMA was amended during the 1994 legislative session by Senate Bills ("SB") 832 (Appendix B) and 997 (Appendix C).

The Council may not recommend rules for promulgation by the Board unless all applicable requirements of the Oklahoma Administrative Procedures Act² ("APA") have been followed, including but not limited to notice, rule impact statement and rule-making hearings. A copy of the Oklahoma Administrative Procedures Act is attached as Appendix D.

During the 1994 Oklahoma legislative session House Bills 1919, 2446, and 2447 were passed which have minor effects on the rulemaking procedures followed by the DEQ. House Bills 2446 and 2447 amend the Oklahoma Administrative Procedures Act and House Bill 1919 deals exclusively with rulemaking procedures for environmental agencies. A copy of House Bills 1919, 2446, and 2447 is attached as Appendix E.

The Executive Director, whose responsibilities have not changed since the August 2, 1994 Addendum to Program Description submittal, is appointed by the Board, and is responsible for the administration of the DEQ. The Executive Director is given

¹27A O.S.Supp. 1993 §§ 2-7-101 et seq.

²75 O.S.Supp. 1993 §§ 250 et seq.

specific powers and duties necessary to fully implement a State hazardous waste program which is equivalent to the Federal hazardous waste program.

The Executive Director is given the duty to "establish such divisions and such other programs and offices as the Executive Director may determine necessary to implement and administer programs and functions within the jurisdiction of the DEQ pursuant to the Oklahoma Environmental Quality Code". Accordingly, the Executive Director has created the Waste Management Division ("WMD") which is responsible for implementing the provisions of the OHWMA.

The DEQ remains the official agency of the State of Oklahoma, as designated by law, to cooperate with Federal agencies for purposes of hazardous waste regulation.

To assure that the State program would continue to provide regulatory coverage corresponding to the regulatory provisions of the RCRA program, on June 22, 1994, the Board adopted under the emergency rulemaking procedures of the APA,³ amendments to the Hazardous Waste Management Rules ("Rules"), Oklahoma Administrative Code ("OAC") Title 252, Chapter 200. A copy of the Rules is attached as Appendix F. The Governor signed the emergency rulemaking action with an effective date of August 15, 1994. Additionally, on June 22, 1994, the Board adopted the same amendments as permanent rules which should become effective in May, 1995. A copy of the amendments to the Rules is attached as Appendix G.

³75 O.S. Supp. 1992 §§ 250 et seq.

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 as amended through July 1, 1993, 40 CFR Parts 260 - 266, 268, 270, 279 with the exception of 40 CFR 260.20 through 260.22, and the provisions of part 124 which are required by 40 CFR 271.14. This incorporation by reference was duly adopted under the laws of Oklahoma, 27A O.S.Supp. 1993, §§ 2-2-104 and 2-7-101 et seq.

The State's incorporation of Federal regulations 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.

Section 3 of SB 832 enhances the Board's incorporation by reference powers by allowing adoption by reference of federal statutes as well as federal regulations. Additionally, Section 3 states that invalidation of a federal provision adopted by reference does not affect the incorporating Board rule.

Senate Bill 997 will establish a "uniform" permitting process and does away with the requirement for hazardous waste facility construction permits. The uniform permitting process is in accord with the permitting process utilized by EPA.

The DEQ is the sole State agency responsible for administering the provisions of the OHWMA. The division of responsibility between the State and EPA for administration of respective provisions of RCRA is described in detail in the Memorandum of Agreement ("MOA") which was included with the August 2, 1994 authorization application, and has not changed since that submittal. A copy of the MOA is included, for reference, with this Revision Application.

Currently, the DEQ issues joint RCRA hazardous waste permits with EPA. Because the DEQ is not yet authorized for HSWA, the DEQ issues those portions of the permit arising under the base RCRA program, while EPA issues those portions relating to HSWA provisions, including corrective action. In some cases the DEQ drafts the HSWA portions of the permit for review and ultimate issuance by EPA; the cases in which this is to be done are negotiated between the DEQ and EPA Region VI annually in the State Grant Work Plan. Upon authorization for the State to implement the HSWA provisions of RCRA, the DEQ will issue all hazardous waste permits, including corrective action.

Appeal procedures for RCRA hazardous waste permits issued by the DEQ are specified in 40 CFR 124.19(a) through (c) and (e), which the DEQ adopts by reference.

The revision of the State program to include administering the provisions of RCRA Cluster III will not require a change in which state agency will be responsible for administering the State hazardous waste program. As described above, the OHWMA delegates authority to the DEQ to administer the State hazardous waste

program, including the statutory and regulatory provisions necessary to administer the RCRA III provisions.

Staffing and Funding Resources

The Waste Management Division continues to be staffed with personnel that have the administrative expertise, technical background and experience necessary to effectively administer and implement the RCRA III program.

Many of the personnel currently employed in the service have several years of experience in the hazardous waste program. Both experienced and new personnel participate in a variety of training programs to increase their expertise and skills. A training curriculum designed specifically for new employees of the WMD is well established.

The organization of the WMD is depicted in Appendix H. Table I shows staffing requirements for the WMD hazardous waste program support personnel, based on the EPA/State Grant. Table I-A itemizes the costs of administrative support, technical support, and costs of personnel for fiscal year 1995, based on contributions the State will make above the amounts in the EPA/State Grant. Table II shows the WMD hazardous waste program budget for State Fiscal Year 1995 (July 1, 1994-June 30, 1995), which shows funding amounts based on the personnel requirements set out in the EPA/State Grant. Tables III and IV are estimated budgets for FY 1996 and FY 1997, respectively. Tables II, III, and IV also identify the sources and amounts of funding, including Federal grant money, and explains how the funding may be expended.

With respect to the provisions of RCRA III, the State program is not greater in scope than the Federal program. Personnel are primarily engineers and hydrologists in the Permitting & Site Remediation Section of the WMD. These individuals are presently involved in the ongoing RCRA permitting and facility management activities throughout the state.

With respect to assignment of personnel to perform necessary duties to meet the requirements of implementation of RCRA Cluster III, many factors will be taken into consideration. These factors include: (1) other Federal Workplan commitments, (2) other state program commitments, (3) the nature of the work being performed, and (4) the specific skills of the personnel. For example, although most of the personnel involved will be engineers and groundwater specialists, if a project requires specialized knowledge of hazardous waste combustion, the DEQ technical staff utilizes personnel with advanced knowledge in this area. Therefore, RCRA work involving combustion is handled by these individuals and other work assignments are adjusted accordingly.

The DEQ estimates that a full-time technical employee costs \$45,000 - \$50,000 annually, including benefits and all administrative costs. It is anticipated that no additional personnel will need to be hired to implement the provisions of RCRA Cluster III. The state matching funds are required to be spent within the hazardous waste program, however, there are no restrictions or limitations which would prohibit these funds from being spent on RCRA requirements.

State Procedures

The current rules of procedure in place for the DEQ were adopted by the Environmental Quality Board on January 26, 1994. These rules, OAC 252:002 were approved by the Governor on March 24, 1994, and became effective as permanent rules on May 26, 1994. See Appendix I. Nothing in the current rules in any way restricts the hazardous waste management service from fulfilling its responsibilities under the OHWMA, the MOA, or the State Grant Work Plan entered into by the DEQ and EPA.

Compliance Tracking and Enforcement

The goal of the RCRA Compliance Unit of the DEQ has not changed since the submittal of the August 2, 1994 Addendum to Program Description, and continues to be to achieve and maintain a high rate of compliance within the regulated universe by establishing a comprehensive inspection program and taking timely and effective enforcement actions against violators.

The DEQ continues to diligently attempt to adhere to the time frames for enforcement actions specified in the current EPA Enforcement Response Policy ("ERP") and the multi-year EPA/DEQ Enforcement Memorandum of Understanding ("MOU") [generally, 135 days for formal enforcement against High Priority Violators ("HPV") and 195 days for formal enforcement if necessary or appropriate against Medium Priority Violators ("MPV")]. In those circumstances in which the DEQ determines it cannot meet a specified time frame, it makes every effort to notify the EPA, as specified in the ERP and MOU, in advance of the deadline with a specification of the reason(s) for the delay and identifies an alternate time frame.

The multi-year State Grant Workplan specifies the annual goals for inspections to be performed by the DEQ within the various categories of hazardous waste handlers.

The DEQ identifies violations of RCRA hazardous waste requirements by three primary means: inspections, periodic record reviews (e.g. manifests and state disposal plans), and complaints (as verified by subsequent investigation or inspection). The DEQ utilizes numerous inspection checklists to identify violations, including the Land Disposal Restriction checklist, when performing inspections at hazardous waste handler sites. Once a violation is identified, it is recorded by entry into the EPA RCRIS system, as well as the internal tracking system of the WMD. Violations are documented by the issuance of a Notice of Violation ("NOV") for most Class I and II violations and by the issuance of an Administrative Compliance and Penalty Order ("ACPO") for HPVs. When either an NOV or ACPO is issued, compliance is tracked by both the WMD tracking system previously mentioned and by the computerized docket system of the Office of General Counsel of the DEQ, until resolution.

The DEQ continues to use EPA's Violation Classification Guidance document, i.e., violations are classified as Class I* (most serious), Class I (very serious), and Class II (less serious), and violators as HPVs, MPVs, and LPVs (Low Priority Violators). An HPV is a handler who by its violations has caused actual exposure or a substantial likelihood of exposure to hazardous waste or hazardous constituents; or who is a chronic or recalcitrant violator; or who substantially deviates from the terms of a permit, order or decree. Generally, an MPV is a handler with

one or more Class I violations who does not meet the criteria for an HPV. An LPV is a handler with only Class II violations who does not meet the criteria for an HPV or MPV. More details, along with examples, of the violation classification scheme are contained in the EPA/DEQ Enforcement MOU.

As noted above, Administrative Orders with penalties are the means commonly used to address HPVs. NOV's are typically issued to MPVs and LPVs, with an administrative order subsequently issued within 195 days of the inspection if the NOV does not result in compliance. State statutes also authorize the DEQ to bring actions in state court for injunctions and civil penalties, and to refer violations to state district attorneys for criminal prosecution. Fines of up to \$25,000.00 per day per violation are authorized in administrative, civil and criminal actions; additionally, the most serious violations (e.g. illegal disposal), if committed knowingly and willfully, are now classified as felonies under state law, with prison terms of up to ten years. A copy of the Environmental Crimes Act, 21 O.S.Supp. 1993 §§ 1230.1 et seq is attached as Appendix J.

Once any type of order is issued to a facility, it is tracked by the above-mentioned tracking mechanisms until resolution. Verification of compliance is usually accomplished by either requiring the violator to submit appropriate documentation to demonstrate compliance, by a follow-up inspection or a combination of submittal of appropriate documentation and a follow-up inspection.

Estimated Regulated Activities

There have been no substantial changes in the regulated activities in the State since the August 2, 1994 Addendum to Program Description submittal. Currently, based on Hazardous Waste Notifications, there are approximately 166 large quantity generators; 1,288 small quantity generators; 1,375 conditionally exempt generators; and 359 transporters.

There are approximately three on-site and five off-site treatment facilities in Oklahoma. The State has five on-site disposal facilities and two off-site disposal facilities.

Of the total of approximately 17 storage facilities, there are approximately twelve on-site facilities and five off-site facilities. Treatment facilities that were also storage facilities were only counted in the treatment category. Disposal facilities that also had storage were only counted in the disposal category. Virtually all of the treatment and disposal facilities also had storage capability.

DEQ data from 1985, which was the year the State program was originally authorized, indicates the universe in the State at that time included approximately 136 large quantity generators; 160 small quantity generators; 350 conditionally exempt generators; 115 transporters; 17 burner/blenders; and 47 treatment, storage and disposal facilities.

Estimates of annual quantities of hazardous waste managed in Oklahoma, based upon the most recent available compiled Biennial Report data, are:

- 205,382 tons generated within the State.
- 113,781 tons transported into the State.

- 47,713 tons transported out of the State.
- 63,915 tons managed on-site within the State.
- 230,516 tons managed off-site within the State (including 113,781 tons of imported waste).

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. It should be noted in particular, because of the ramifications for other authorized State programs and the Federal program, that the DEQ continues to require use of the Uniform Hazardous Waste Manifest for the shipment of hazardous waste. The DEQ supplies copies of all international shipment manifests to EPA in accordance with the State Grant Work Plan. The DEQ is currently working with EPA to automate this process. Copies of the forms used by the State are attached as Appendix K.

ADDENDUM TO PROGRAM DESCRIPTION
OKLAHOMA DEPARTMENT OF ENVIRONMENTAL QUALITY
HAZARDOUS WASTE MANAGEMENT PROGRAM

PD
not complete

Scope, Structure, Coverage and Processes

With this revision authorization application, the State of Oklahoma, through the Oklahoma Department of Environmental Quality ("DEQ"), is seeking authorization for RCRA Cluster III.

The DEQ has received final authorization for the base RCRA program and for non-HSWA Clusters I through VI. The DEQ received final authorization for the Base Program in January of 1985. Authorization for RCRA Clusters I and II and HSWA Clusters I and II is pending.

The State program cur
corresponding to the regulat
program. The State program ne
and regulations, discussed in
Responsibilities section, for all required program components
through RCRA Cluster III. These statutory and regulatory
provisions were developed to provide corresponding authority to the
Federal program; therefore, the State program is equivalent to and
no less stringent than the Federal program.

Duplicates

ulatory coverage
e Federal RCRA
atory authority
er in the State Agency

To provide a more detailed discussion of the scope of the program revisions being applied for, the following narrative discussion corresponds to the format of the Reviewer's Checklist for the Program Description included in SPA 13 of the EPA State Authorization Manual; however, those checklists which contain administrative stays or extensions of deadlines which have already

passed are inapplicable as indicated in the accompanying Attorney's Statement and are therefore not included in this narrative:

A. Refining coke by-products (Checklist 110): In accordance with RCRA §3001(b), State statutes 27A O.S. Supp. §§ 2-2-104, 2-7-106 and Rules 252:200-3-1 through 252:200-3-6 provide authority for State program requirements to be equivalent to the Federal program requirements which contain lists of hazardous waste which encompass the listing of seven wastes (K141, K142, K143, K144, K145, K147, and K148) generated during the production, recovery and refining of coke by-products produced from coal, 40 CFR 261.32, and Part 261 Appendix VII as amended August 18, 1992 [57 FR 37284], Revision Checklist 110. Accordingly, the State requirements are equivalent to the Federal requirements, and no significant increase in funding or personnel will be required when the State receives authorization for these provisions.

B. Listing of wastes from production of chlorinated toluenes (Checklist 115): In accordance with RCRA §3001(b), State statutes 27A O.S. Supp. §§ 2-2-104, 2-7-106 and Rules 252:200-3-1 through 252:200-3-6 provide authority for State program requirements to be equivalent to the Federal program requirements which contain lists of hazardous waste which encompass the listing of three wastes (K149, K150, and K151) from the production of chlorinated toluenes, 40 CFR 261.32 and Part 261 Appendix VII, as amended October 15, 1992 [57 FR 47376], Revision Checklist 115. Accordingly, the State requirements are equivalent to the Federal requirements, and no significant increase in funding or personnel will be required when the State receives authorization for these provisions.

C. Exceptions to listings of F032, F034, and F035 for waste waters under certain conditions (Checklist 120): In accordance with RCRA § 3001(b), State statutes 27A O.S. Supp. §§ 2-2-104, 2-7-106 and Rules 252:200-3-1 through 252:200-3-6 provide authority for State program requirements to be equivalent to the Federal program requirements which contain lists of hazardous waste which encompass exceptions to listings of F032, F034, and F035 for wastewaters that have not come into contact with process contaminants, 40 CFR 261.31 as amended December 24, 1992 [57 FR 61492], Revision Checklist 120. Accordingly, the State requirements are equivalent to the Federal requirements, and no significant increase in funding or personnel will be required when the State receives authorization for these provisions.

D. Exception to listing of F032 under certain conditions (Checklist 120): In accordance with RCRA 3001(b), State statutes 27A O.S. Supp. §§ 2-2-104, 2-7-106 and Rules 252:200-3-1 through 252:200-3-6 provide authority for State program requirements to be equivalent to the Federal program requirements which contain lists of hazardous waste which encompass an exception to listing of F032 for potentially cross-contaminated wastes that are otherwise currently regulated as hazardous wastes (i.e., F034 or F035), and where the generator does not reserve or initiate the use of chlorophenolic formulations, 40 CFR 261.31 as amended December 24, 1992 [57 FR 61492], Revision Checklist 120. Accordingly, the State requirements are equivalent to the Federal requirements, and no significant increase in funding or personnel will be required when the State receives authorization for these provisions.

E. Revision of TCLP for identifying wastes as indicated in Checklists 74, 108, and 117B: In accordance with 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), June 29, 1990 (55 FR 26986), June 1, 1992 (57 FR 23062), and July 10, 1992 (57 FR 30657), State statutes 27A O.S. Supp. §§ 2-2-104, 2-7-106 and Rules 252:200-3-1 through 252:200-3-6 provide authority for State program requirements to be equivalent to the Federal program requirements which 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 Checklists 74, 108 and 117B. State statutes and regulations also provide authority for State program requirements to be equivalent to the Federal program requirements which 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. Accordingly, the State requirements are equivalent to the Federal requirements, and no significant increase in funding or personnel will be required when the State receives authorization for these provisions.

F. Exemption of used oil filters under certain conditions (Checklists 104 and 107): In accordance with RCRA §§1004, 1006, 2002, 3001 and 3014; 40 CFR 261.4(b)(15) as amended May 20, 1992 (57 FR 21524) and July 1, 1992 (57 FR 29220), and in accordance with 58 FR 26424, State statutes 27A O.S. Supp. §§ 2-2-104, 2-7-106, 2-7-107(A)(5) and Rules 252:200-3-1 through 252:200-3-6 provide authority for State program requirements to be equivalent

to the Federal program requirements which exempt, from the definition of hazardous, used oil filters meeting the 40 CFR 261.4(b)(15) criteria as indicated in Revision Checklists 104 and 107. Accordingly, the State requirements are equivalent to the Federal requirements, and no significant increase in funding or personnel will be required when the State receives authorization for these provisions.

G. Exclusion of certain wastes in accordance with Checklists 105 and 110: In accordance with RCRA §§3001(e)(2) and (h); 40 CFR 261.4(a)(10) as amended June 22, 1992 (57 FR 27880) and August 18, 1992 (57 FR 37284), State statutes 27A O.S. Supp. §§ 2-2-104, 2-7-106 and Rules 252:200-3-1 through 252:200-3-6 provide authority for State program requirements to be equivalent to the Federal program requirements which exclude from being a solid waste K060, K087, K141, K142, K143, K144, K145, K147 and K148, and those coke by-product residues that are hazardous only because they exhibit the Toxicity Characteristic when, subsequent to generation, these wastes are recycled by being returned to coke ovens, to the tar recovery process as a feedstock to produce coal tar, or mixed with coal tar as specified in Revision Checklists 105 and 110. Accordingly, the State requirements are equivalent to the Federal requirements, and no significant increase in funding or personnel will be required when the State receives authorization for these provisions.

H. Reissued mixture and derived-from rules as found in Checklist 117A: In accordance with RCRA §§1006, 2002(a), and 3001-3005; 40 CFR 261.3, as amended March 3, 1992 (57 FR 7628), June 1, 1992 (57 FR 23062) and October 30, 1992 (57 FR 49278),

State statutes 27A O.S. Supp. §§ 2-2-104, 2-7-106 and Rules 252:200-3-1 through 252:200-3-6 provide authority for State program requirements to be equivalent to the Federal program requirements which contain reissued mixture and derived-from rules as indicated in Revision Checklist 117 A. Accordingly, the State requirements are equivalent to the Federal requirements, and no significant increase in funding or personnel will be required when the State receives authorization for these provisions.

I. Spike recovery correction as described in Checklist 119: In accordance with RCRA §§1006, 2002, 3001, 3002 and 3006; 40 CFR 261, Appendix II, as amended November 24, 1992 (57 FR 55114) and February 2, 1993 (58 FR 6854), State statutes 27A O.S. Supp. §§ 2-2-104, 2-7-106 and Rules 252:200-3-1 through 252:200-3-6 provide authority for State program requirements to be equivalent to the Federal program requirements which do not require the use of the spike recovery correction as part of the Toxicity Characteristic Leaching Procedure as indicated in Revision Checklist 119. Accordingly, the State requirements are equivalent to the Federal requirements, and no significant increase in funding or personnel will be required when the State receives authorization for these provisions.

J. Characteristic wastes fed to a halogen acid furnace described in Checklists 85, 96, and 111: In accordance with RCRA §3001; 40 CFR Part 261.2(d)(2) and (e)(2)(iv) as amended February 21, 1991 (56 FR 7134), August 27, 1991 (56 FR 42504) and August 25, 1992 (57 FR 38558), State statutes 27A O.S. Supp. §§ 2-2-104, 2-7-106 and Rules 252:200-3-1 through 252:200-3-6 provide authority for State program requirements to be equivalent to the Federal program

requirements which include as solid waste secondary materials, 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, 96, and 111. Accordingly, the State requirements are equivalent to the Federal requirements, and no significant increase in funding or personnel will be required when the State receives authorization for these provisions.

K. Prohibition of disposal of certain wastes in hazardous waste landfills as described in Checklist 118: In accordance with RCRA §3004(c); 40 CFR 260.10, 264.13, 264.314, 264.316, 265.13, 265.314, and 265.316 as amended November 18, 1992 (57 FR 54452), State statutes 27A O.S. Supp. §§ 2-2-104, 2-7-106, 2-7-105(10), 2-7-107(1), 2-7-110(B) and Rules 252:200-3-1 through 252:200-3-6 provide authority for State program requirements to be equivalent to the Federal program requirements which prohibit the disposal, in hazardous waste landfills, of liquids that have been sorbed in materials that are biodegradable or that release liquids during routine landfill operations, as indicated in Revision Checklist 118. Accordingly, the State requirements are equivalent to the Federal requirements, and no significant increase in funding or personnel will be required when the State receives authorization for these provisions.

L. Remediation waste management provisions for CAMUs and TUs as indicated in Checklist 121: In accordance with RCRA §§1006, 2002(a), 3004(u), 3004(v), 3005(c), 3007, and 3008(h); 40 CFR 260.10, 264.3, 264.101(b), 264.552, 264.553, 265.1(b), 268.2(c), 270.2 and Appendix I to 270.42, as amended February 16, 1993 (58 FR

8658), State statutes 27A O.S. Supp. §§ 2-2-104, 2-7-106, 2-7-126(3), 2-7-127(A) Rules 252:200-3-1 through 252:200-3-6 and Rules 252:200-3-1 through 252:200-3-6 provide authority for State program requirements to be equivalent to the Federal program requirements which contain remediation waste management provisions for corrective action management units (CAMUs) and temporary units (TUs) at RCRA facilities, as indicated in Revision Checklist 121. Accordingly, the State requirements are equivalent to the Federal requirements, and no significant increase in funding or personnel will be required when the State receives authorization for these provisions.

M. Requirements for devices used to assist in the collection of treated wood drippage as described in Checklists 82, 92, and 120: In accordance with 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 and 265.445, as amended December 6, 1990 (55 FR 50450), July 1, 1991 (56 FR 30192), and December 24, 1992 (57 FR 61492), State statutes 27A O.S. Supp. §§ 2-2-104, 2-7-106 and Rules 252:200-3-1 through 252:200-3-6 provide authority for State program requirements to be equivalent to the Federal program requirements which 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, 92 and 120. Accordingly, the State requirements are equivalent to the Federal requirements, and no significant increase in funding or personnel will be required when the State receives authorization for these provisions.

N. Additional financial instruments to meet liability coverage requirements as described in Checklist 113: In accordance with RCRA §§2002(a), 3004 and 3005; 40 CFR 264.141, 264.147, 264.151, 265.141, 265.147 and 265.151 as amended September 1, 1988 (53 FR 33938), July 1, 1991 (56 FR 30200), and September 16, 1992 (57 FR 42832), State statutes 27A O.S. Supp. §§ 2-2-104, 2-7-106, 2-7-116 and Rules 252:200-3-1 through 252:200-3-6 provide authority for State program requirements to be equivalent to the Federal program requirements which allow the use of additional financial instruments (letter of credit, a surety bond, a guarantee, trust fund, and purchase of insurance by other firms) to meet the liability coverage requirements as specified in Revision Checklist 113. Accordingly, the State requirements are equivalent to the Federal requirements, and no significant increase in funding or personnel will be required when the State receives authorization for these provisions.

O. Expansion of instruments available to owners and operators that no longer meet the financial test requirements described in Checklist 113: In accordance with RCRA §3004; 40 CFR 264.147(f)(6) and 265.147(f)(6) as amended September 16, 1992 (57 FR 42832), State statutes 27A O.S. Supp. §§ 2-2-104, 2-7-106, 2-7-116 and Rules 252:200-3-1 through 252:200-3-6 provide authority for State program requirements to be equivalent to the Federal program requirements which include conforming changes to 264.147(f)(6) and 265.147(f)(6) to expand the instruments available to owners and operators that no longer meet the requirements of the financial test for liability coverage as indicated in Revision Checklist 113. Accordingly, the State requirements are equivalent to the Federal

requirements, and no significant increase in funding or personnel will be required when the State receives authorization for these provisions.

P. Reporting of third-party claims against liability coverage as indicated in Checklist 113: In accordance with RCRA §§2002(a), 3004 and 3005; 40 CFR 264.147(a)(7)&(b)(7) and 265.147(a)(7)&(b)(7) as amended September 1, 1988 (53 FR 33938) and September 16, 1992 (57 FR 42832), State statutes 27A O.S. Supp. §§ 2-2-104, 2-7-106, 2-7-116 and Rules 252:200-3-1 through 252:200-3-6 provide authority for State program requirements to be equivalent to the Federal program requirements which require reporting of third-party claims against an owner's or operator's liability coverage as indicated by Revision Checklist 113. Accordingly, the State requirements are equivalent to the Federal requirements, and no significant increase in funding or personnel will be required when the State receives authorization for these provisions.

Q. Leak detection systems as specified in Checklist 120: In accordance with RCRA §§2002(a) and 3001(b)&(e)(1); 40 CFR 264.572, 265.573, 265.442 and 265.443 as amended December 24, 1992 (57 FR 61492), State statutes 27A O.S. Supp. §§ 2-2-104, 2-7-106 and Rules 252:200-3-1 through 252:200-3-6 provide authority for State program requirements to be equivalent to the Federal program requirements which require owners or operators of new drip pads to have either 1) a surface protection system meeting the hydraulic conductivity, material chemical compatibility, and assessment requirements of 264.573(a)(4) or 265.443(a)(4), or 2) a liner and leak detection system below the pad as well as a leak collection system as specified in Revision Checklist 120. Accordingly, the State

requirements are equivalent to the Federal requirements, and no significant increase in funding or personnel will be required when the State receives authorization for these provisions.

R. Drip pad requirements as specified in Checklist 120: In accordance with RCRA §§2002(a) and 3001(b)&(e) (1); 40 CFR 264.571, 264.573, 265.441 and 265.443 as amended December 24, 1992 (57 FR 61492), State statutes 27A O.S. Supp. §§ 2-2-104, 2-7-106 and Rules 252:200-3-1 through 252:200-3-6 provide authority for State program requirements to be equivalent to the Federal program requirements which require owners or operators of existing drip pads to meet the hydraulic conductivity, material chemical compatibility, and assessment requirements of 264.573(a)(4) or 265.443(a)(4), as specified in Revision Checklist 120. Accordingly, the State requirements are equivalent to the Federal requirements, and no significant increase in funding or personnel will be required when the State receives authorization for these provisions.

S. Requirements for incidental drippage in storage yards as indicated in Checklist 120: In accordance with RCRA §§2002(a) and 3001(b)&(e) (1); 40 CFR 264.570(c) and 265.440(c) as amended December 24, 1992 (57 FR 61492), State statutes 27A O.S. Supp. §§ 2-2-104, 2-7-106 and Rules 252:200-3-1 through 252:200-3-6 provide authority for State program requirements to be equivalent to the Federal program requirements which contain requirements for the management of infrequent and incidental drippage in storage yards as indicated in Revision Checklist 120. Accordingly, the State requirements are equivalent to the Federal requirements, and no significant increase in funding or personnel will be required when the State receives authorization for these provisions.

T. Control standards for emissions from boilers and industrial furnaces as indicated in Checklists 85, 94, 96, 111, and 114: State statutes 27A O.S. Supp. §§ 2-2-104, 2-7-106, 2-7-107(A) (4) and 2-7-107(A) (5) and Rules 252:200-3-1 through 252:200-3-6 provide authority for State program requirements to be equivalent to the Federal program requirements found at RCRA §§1006, 2002, 3001 through 3007, 3010 and 7004; 40 CFR 260.10, 260.11, 260.20, 261.3, 261.6, 264.1, 264.112, 264.340, 265.1, 265.112, 265.113, 265.340, 265.370, Part 266 Subpart H, and Part 266 Appendices I-X as amended February 21, 1991 (56 FR 7134), July 17, 1991 (56 FR 32688), August 27, 1991 (56 FR 42504), August 25, 1992 (57 FR 38558), and September 30, 1992 (57 FR 44999) which 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, 96, 111, and 114. Hazardous waste storage units at regulated burners are subject to the 40 CFR Part 264 requirements which have been adopted by reference by the State. Accordingly, the State requirements are equivalent to the Federal requirements, and no significant increase in funding or personnel will be required when the State receives authorization for these provisions.

U. Management standards for used oil generators, transporters, etc. as indicated in Checklists 112 and 122: State statutes 27A O.S. Supp. §§ 2-2-104, 2-7-106, 2-7-107(A) (5) and

Rules 252:200-3-1 through 252:200-3-6 provide authority for State program requirements to be equivalent to the Federal program requirements found at RCRA §§1004, 1006, 2002, 3001, 3014 and 7004; 40 CFR Parts 260, 261, 266 and 279 as amended September 10, 1992 (57 FR 41566) and May 3, 1993 (58 FR 26420) which provide used oil management standards for used oil generators, transporters, processors, re-refiners, burners, and marketers as indicated in Revision Checklists 112 and 122. Accordingly, the State requirements are equivalent to the Federal requirements, and no significant increase in funding or personnel will be required when the State receives authorization for these provisions.

V. Land disposal treatment standards as indicated in Checklist 109: State statutes 27A O.S. Supp. §§ 2-2-104, 2-7-106, 2-7-107(A) (10) and Rules 252:200-3-1 through 252:200-3-6 provide authority for State program requirements to be equivalent to the Federal program requirements found at RCRA §§3004(d)-(k) and (m); 40 CFR 261.3(f), 268.2, 268.5, 268.7, 268.14, 268.36, 268.40, 268.41, 268.42, 268.43, 268.45, 270.13 and 270.14, as amended August 18, 1992 (57 FR 37194) which provide land disposal treatment standards for certain hazardous wastes listed after November 8, 1984 as well as treatment standards for debris contaminated with listed hazardous wastes or debris that exhibit certain hazardous waste characteristics as indicated in Revision Checklist 109. Accordingly, the State requirements are equivalent to the Federal requirements, and no significant increase in funding or personnel will be required when the State receives authorization for these provisions.

W. Revisions to existing land disposal restrictions as indicated in Checklist 109: State statutes 27A O.S. Supp. §§ 2-2-104, 2-7-106, 2-7-107(A) (10) and Rules 252:200-3-1 through 252:200-3-6 provide authority for State program requirements to be equivalent to the Federal program requirements found at RCRA §§3004(d)-(k) and (m); 40 CFR 261.3(a)&(c), 268.9, 268.41, 268.42, 268.43 and 268.46, as amended August 18, 1992 (57 FR 37194) which include revisions to existing land disposal restrictions including revision of F001-F005 spent solvents treatment standards, conversion of wastewater standards for twenty-four "F" and "K" water codes based on scrubber standards; revisions to K061, K062 and F006 treatment standards; change of recordkeeping requirements; and clarification of rules related to wastes listed because they exhibit a characteristic as indicated in Revision Checklist 109. Accordingly, the State requirements are equivalent to the Federal requirements, and no significant increase in funding or personnel will be required when the State receives authorization for these provisions.

X. Storage and treatment in containment buildings as indicated in Checklist 109: State statutes 27A O.S. Supp. §§ 2-2-104, 2-7-106 and Rules 252:200-3-1 through 252:200-3-6 provide authority for State program requirements to be equivalent to the Federal program requirements found at RCRA §§3004(d)-(k) and (m); 40 CFR 260.10, 262.34, 264.110, 264.111, 264.112, 264.140, 264.142, 264 Subpart DD, 265.110, 265.111, 265.112, 265.140, 265.142, 265.221, 265 Subpart DD, 268.50, 270.42 and 270.72, as amended August 18, 1992 (57 FR 37194) which allow storage and treatment in containment buildings as indicated in Revision Checklist 109.

Accordingly, the State requirements are equivalent to the Federal requirements, and no significant increase in funding or personnel will be required when the State receives authorization for these provisions.

Y. Land disposal restrictions and treatment standards as indicated in Checklist 124: State statutes 27A O.S. Supp. §§ 2-2-104, 2-7-106, 2-7-105(17), 2-7-107(A)(10) and Rules 252:200-3-1 through 252:200-3-6 provide authority for State program requirements to be equivalent to the Federal program requirements found at RCRA §3004(d), (e)&(g); 40 CFR 268.37 as amended on May 24, 1993 (58 FR 29860) which include land disposal restrictions and treatment standards for certain ignitable and corrosive characteristic wastes whose treatment standards were vacated, as indicated in Revision Checklist 124. Accordingly, the State requirements are equivalent to the Federal requirements, and no significant increase in funding or personnel will be required when the State receives authorization for these provisions.

State Agency Responsibilities

No major changes have taken place since the last Addendum to Program Description was submitted to EPA on August 2, 1994. As was the case when the August 2, 1994 Addendum to Program Description was submitted, the Environmental Quality Board ("Board") which consists of thirteen (13) members is appointed by the Governor with the advice and consent of the Senate. The Board is the rulemaking body of the DEQ. Permanent rules regarding hazardous waste are promulgated with the advice of the Hazardous Waste Management