

US EPA ARCHIVE DOCUMENT

OKLAHOMA DEPARTMENT OF ENVIRONMENTAL QUALITY
REVISION ATTORNEY'S STATEMENT FOR FINAL
AUTHORIZATION FOR RCRA PROGRAM
RCRA CLUSTER IV

I hereby certify, pursuant to my authority as independent legal counsel for the Oklahoma Department of Environmental Quality ("DEQ") 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 USC 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 DEQ. The specific authorities provided are contained in statutes or regulations 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; as well as the Attorney's Statements of June 24, 1994 and December 8, 1994. Similarly, this Attorney's Statement supplements the Attorney General's Statements and Attorney's Statements executed on those dates.

The following sections are arranged in order by consecutive checklist numbers. This format conforms with the Program Description and is utilized for ease of recognition of completeness of checklist inclusion. Original Model Revision Attorney General's Statement section numbering is also included for ease of cross reference.

1. **Checklist number 125:**

XX. STANDARDS FOR THE MANAGEMENT OF WASTE FUEL AND USED OIL AND FOR THE BURNING OF THESE MATERIALS IN BOILERS AND INDUSTRIAL FURNACES

F. State statutes and regulations are amended such that the procedures for conducting air quality modeling and screening for boilers and industrial furnaces burning hazardous wastes reference the method recommended in Appendix W of 40 CFR Part 51. State regulations and statutes also incorporate by reference the October 1992 edition of "Screening Procedures for Estimating the Air Quality Impact of Stationary Sources" as indicated in Revision Checklist 125.

Federal Authority: RCRA §§1006, 2002, 3001 through 3007, 3010 and 7004; 40 CFR 260.11(a), 266.104(e)(3), 266.106(h) and Part 266 Appendix X, as amended July 20, 1993 (58 FR 38816).

Citation of Laws and Rules

27A O.S. Supp. 1994 § 2-7-107(A)(4) and (5), 27A O.S. Supp. 1994 § 2-2-104
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. Checklist number 126:

I. IDENTIFICATION AND LISTING

BB. State statutes and regulations replace the current Second Edition (including Updates I and II) of the "Test Methods for Evaluating Solid Waste, Physical/Chemical Methods," EPA Publication SW-846, by incorporating by reference the Third Edition (and its first update) of this test methods manual. Throughout the State's code, references to test methods directly refer to the methods as they are found in SW-846, as indicated in Revision Checklist 126.

Federal Authority: RCRA §§1006; 2002, 3001, 3002, 3004, 3005, 3006, 3010, and 3014; 40 CFR 260.11(a); 260.22(d)(1)(i); 261.22(a)(1)&(2); 261.24(a); 261 Appendices II, III, and X; 264.190(a); 264.314(c); 265.190(a); 265.314(d); 268.7(a); 268.40(a); 268.41(a); 268 Appendices I & IX; 270.6(a); 270.19(c)(1)(iii)&(iv); 270.62(b)(2)(i)(C)&(D); and 270.66(c)(2)(i)&(ii) as amended August 31, 1993 (58 FR 46040).

Citation of Laws and Rules

27A O.S. Supp. 1994 § 2-7-106, 27A O.S. Supp. 1994 § 2-2-104
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. Checklist number 127:

XX. STANDARDS FOR THE MANAGEMENT OF WASTE FUEL AND USED OIL AND FOR THE BURNING OF THESE MATERIALS IN BOILERS AND INDUSTRIAL FURNACES

G. State statutes and regulations contain an administrative stay, until further administrative action is taken, that replaces the current limits needed to qualify for the Bevill exemption under test number 2 with the land disposal restriction limits for underlying constituents as indicated in Revision Checklist 127.

Federal Authority: RCRA §§1006, 2002(a), 3004, and 3014; 40 CFR 266.112(b)(2)(i) and Part 266 Appendix VII, as amended November 9, 1993 (58 FR 59598).

Citation of Laws and Rules

27A O.S. Supp.1994 §§ 2-2-104, 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

4. Checklist number 128:

I. IDENTIFICATION AND LISTING

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

(27) Listing of three chemicals from wood surface protection processes, 40 CFR 261 Appendix VIII, as amended January 4, 1994 [59 FR 458], Revision Checklist 128.

Federal Authority: RCRA §3001(b).

Citation of Laws and Rules

27A O.S. Supp. 1994 § 2-7-106, 27A O.S. Supp. 1994 § 2-2-104
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.

CC. State statutes and regulations incorporate by reference "Test Methods for Evaluating Solid Waste, Physical/Chemical Methods," EPA Publication SW-846, the Third Edition (November 1986), as amended by Updates I, II and IIA, as indicated in Revision Checklists 128 and 132.

Federal Authority: RCRA §§2002(a), 3001(b), and 3001(e)(1); 40 CFR 260.11(a) as amended January 4, 1994 (59 FR 458) and June 2, 1994 (59 FR 28484).

Citation of Laws and Rules

27A O.S. Supp. 1994 § 2-7-106, 27A O.S. Supp. 1994 § 2-2-104
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.

5. Checklist number 129:

I. IDENTIFICATION AND LISTING

DD. State statutes and regulations increase the quantity and time limits for contaminated media used in treatability studies, as indicated in Revision Checklist 129.

Federal Authority: RCRA §3001; 40 CFR 261.4(e)(2)(i)&(ii), (e)(3), (f)(3), (f)(4), and (f)(5) as amended February 18, 1994 (59 FR 8362).

Citation of Laws and Rules

27A O.S. Supp. 1994 § 2-7-106, 27A O.S. Supp. 1994 § 2-2-104
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.

6. Checklist number 130:

XX. STANDARDS FOR THE MANAGEMENT OF WASTE FUEL AND USED OIL AND FOR THE BURNING OF THESE MATERIALS IN BOILERS AND INDUSTRIAL FURNACES

E. State statutes and regulations provide used oil management standards for used oil generators, transporters, processors, re-refiners, burners, and marketers as indicated in Revision Checklists 112, 122 and 130.

Federal Authority: RCRA §§1004, 1006, 2002, 3001, 3014 and 7004; 40 CFR Parts 260, 261, 266 and 279 as amended September 10, 1992 (57 FR 41566), May 3, 1993 (58 FR 26420) and March 4, 1994 (58 FR 10550).

Citation of Laws and Rules

27A O.S. Supp. 1994 § 2-7-107(A) (5), 27A O.S. Supp. 1994 § 2-2-104 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.

7. Checklist number 131:

VII. NATIONAL UNIFORM MANIFEST SYSTEM AND RECORDKEEPING

F. State statutes and regulations incorporate updates to the recordkeeping instructions so that the codes used by hazardous waste treatment, storage and disposal facilities to maintain records on-site match the codes used by these facilities on the Part A Permit Application Form as indicated on Revision Checklist 131. The new handling codes for Miscellaneous Units and Boilers and Industrial Furnaces, addressed by Checklist 131, are also incorporated into the statutes and regulations.

Federal Authority: RCRA §§ 3004 and 3005; 40 CFR 264 Appendix I, 265 Appendix I as amended March 24, 1994 (59 FR 13891).

Citation of Laws and Rules

27A O.S. Supp. 1994 §§ 2-7-105(5) and (9), 2-7-106, 27A O.S. Supp. 1994 § 2-2-104

Remarks of Legal Counsel

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

8. Checklist number 132:

I. IDENTIFICATION AND LISTING

CC. State statutes and regulations incorporate by reference "Test Methods for Evaluating Solid Waste, Physical/Chemical Methods," EPA Publication SW-846, the Third Edition (November 1986), as amended by Updates I, II and IIA, as indicated in Revision Checklists 128 and 132.

Federal Authority: RCRA §§2002(a), 3001(b), and 3001(e)(1); 40 CFR 260.11(a) as amended January 4, 1994 (59 FR 458) and June 2, 1994 (59 FR 28484).

Citation of Laws and Rules

27A O.S. Supp. 1994 § 2-7-106, 27A O.S. Supp. 1994 § 2-2-104
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.

9. Checklist number 133:

XV. STANDARDS FOR FACILITIES

U. State statutes and regulations indicate that the "Uniform Customs and Practice for Documentary Credits" is a copyrighted document of the International Chamber of Commerce as indicated in Revision Checklist 133.

Federal Authority: RCRA §§ 2002(a), 3004, 3005, and 3006; 40 CFR 264.151(d) & (k) as amended June 10, 1994 (59 FR 29958).

Citation of Laws and Rules

27A O.S. Supp. 1994 § 2-2-104
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.

10. Checklist number 134:

I. IDENTIFICATION AND LISTING

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

(28) Listing of Beryllium (P015) is amended to read "Beryllium powder," 40 CFR 261.33 and Part 261, Appendix VIII, as amended June 20, 1994 [59 FR 31551], Revision Checklist 134.

Federal Authority: RCRA §3001(b).

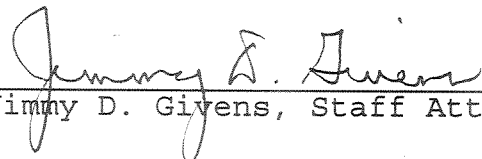
Citation of Laws and Rules

27A O.S. Supp. 1994 § 2-7-106, 27A O.S. Supp. 1994 § 2-2-104
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.

FOR THE OKLAHOMA DEPARTMENT
OF ENVIRONMENTAL QUALITY


Jimmy D. Givens, Staff Attorney

3-4-96
Date

