

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 V.

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

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 V. 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 16 of the EPA State Authorization Manual:

A. **Identification and Listing of Hazardous Waste; Amendments to Definition of Solid Waste (Checklist 135) (Non-HSWA):** In accordance with RCRA §§ 2002 and 3001; 40 CFR 261.3(c)(2)(ii)(B),

261.4(a)(12), 261.6(a)(3)(v) through (vii) as amended July 28, 1994 (59 FR 38536), State statutes 27A O.S. Supp. 1996 §§ 2-7-106, 2-2-104 and Rules 252:200-3-2 through 252:200-3-6 provide authority for State program requirements to be equivalent to the Federal program requirements which exclude from the definition of solid waste oil recovered from petroleum refinery wastewaters and from other sources, both on-site and off-site, if the oil is subsequently inserted (along with normal process streams) into the petroleum refining process prior to crude distillation or catalytic cracking. This exclusion does not apply to recovered oil generated from petroleum operations downstream from the refinery, such as marketing or retail sales, or from non-petroleum industry operations. This rule also does not exclude hazardous sludges (e.g., K048, K051 or F037) or similar wastes from regulation. Distinguishing between these wastes and recovered oil can be difficult. EPA will base such a distinction on water content, solids content and, possibly, metals content (see 50 FR 49170; November 29, 1985; Revision Checklist . 19). The salient characteristic of recovered oil is that it consists primarily of oil. Used oil is not a type of recovered oil and it will remain subject to applicable used oil regulations (see 40 CFR 279). The exception is when *de minimis* quantities of used oil are incidentally captured by refinery wastewater treatment systems (see 57 FR 41566; September 10, 1992; Revision Checklist 112). The same State Statutes and regulations also incorporate the correction to an internal reference error made in the rule addressed by Revision Checklist 112 (57 FR 41566; September 10, 1992). That rule removed 261.3(a)(3)(iii), but the internal references at

261.6(c)(2)(ii)(B) and 266.100(b)(3) were not changed to reflect this removal. 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. Standards for the Management of Specific Hazardous Wastes; Amendment to Subpart C--Recyclable Materials Used in a Manner Constituting Disposal; Final Rule (Checklist 136) (ESWA):
In accordance with RCRA §3004; 40 CFR Parts 266.20(c) and 268.41(a) as amended August 24, 1994 (59 FR 43496), State statutes 27A O.S. Supp. 1996 §§ 2-7-106, 2-2-104, 2-7-105(17), 2-7-107(A)(3) 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 amend 266.20 so that certain uses of slag residues produced from the high temperature metal recovery (HTMR) treatment of electric arc furnace dust (K061), steel finishing pickle liquor (K062), and electroplating sludges (F006) are not exempt from RCRA Subtitle C regulations. Specifically, this rule prohibits anti-skid/deicing uses of HTMR slags derived from K061, K062, and F006 as waste-derived products placed on the land, unless there is compliance with all Subtitle C standards applicable to land disposal. Because the land disposal requirements cannot be realistically met by entities that would use the HTMR slag in this fashion, EPA is effectively prohibiting uses of HTMR slags as anti-skid/deicing materials. This rule also clarifies the definition of non-encapsulated uses of HTMR slags by specifying these uses to be the anti-skid/deicing uses.

This rule partially implements a settlement agreement that EPA entered into on August 13, 1993 with the Natural Resources Defense Council and the Hazardous Waste Treatment Council. This agreement addresses the challenge made by both Councils to EPA's August 13, 1991 (Revision Checklist 95; 56 FR 41164) decision not to apply the generic exclusion levels at which K061 slags are deemed nonhazardous to K061 slags used as waste-derived products that are applied to or placed on the land. (This decision was extended to K062 and F006 HTMR slags on August 18, 1992 (Revision Checklist 109; 57 FR 37194)). The generic exclusion levels established for some metals in the K061 HTMR slags are lower than the BDAT standards that apply to K061. Therefore, while the generic exclusion requires nonhazardous K061 slags meeting exclusion levels to be disposed of in a Subtitle D unit, K061 slags that may exhibit metal levels above the exclusion levels, but below BDAT, may be used as products in a manner constituting disposal in the exemption in 266.20(b). While this amendment effectively prohibits the anti-skid/deicing uses of K061; K062; and F006-derived HTMR slags as waste-derived products placed on the land, it does not prohibit other uses of these slags that meet 266.20(b) requirements and does not prevent the disposal of HTMR slags in Subtitle D units if the residues can meet the risk-based exclusion levels specified at 261.3(c)(2). 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. Land Disposal Restrictions Phase II--Universal Treatment Standards, and Treatment Standards for Organic Toxicity Characteristic Wastes and Newly Listed Wastes (Checklist 137) (H₂SWA/Non-H₂SWA): In accordance with RCRA §§3001 and 3004; 40 CFR 260.30, 260.30(b), 260.31(a)&(b), 260.32, 260.33, 260.33(a)&(b), and 261.2(e)(1)(ii) as amended September 19, 1994 (59 FR 47982), State statutes 27A O.S. Supp. 1996 §§ 2-7-106, 2-2-104 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 secondary materials that are recycled back into the secondary production process from which they were generated to be excluded from the definition of solid waste as per 261.2(e)(1)(iii) and indicated in Revision Checklist 137.

Additionally, in accordance with RCRA §§3004(d)-(k) and (m); 40 CFR 268 as amended September 19, 1994 (59 FR 47982) and January 3, 1995 (60 FR 242), State statutes 27A O.S. Supp. 1996 §§ 2-7-106, 2-2-104 and 2-7-107(A)(10) and Rules 252:200-3-1 through 252:200-3-6 provide authority for the State program requirements to be equivalent to the Federal program requirements which contain treatment standards for certain newly identified organic toxicity wastes and for newly listed coke product and chlorotoluene production wastes as well as dilution prohibitions for high total organic content (TOC) ignitable and toxicity characteristic pesticides as indicated in Revision Checklist 137. Moreover, in accordance with RCRA §§3004(d)-(k) and (m); 40 CFR 268 as amended September 19, 1994 (59 FR 47982) and January 3, 1995 (60 FR 242), State statutes 27A O.S. Supp. 1996 §§ 2-7-106, 2-2-104, 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 which contain modifications to the land disposal restrictions which simplify and provide consistency including the Universal Treatment Standards, treatment standards from three tables consolidated into one table, reduced information on notification forms, and simplified regulations for lab pack treatment as indicated in Revision Checklist 137. 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. Hazardous Waste Management System; Testing and Monitoring Activities (Checklist 139) (Non-HSWA): In accordance with RCRA §§2002(a), 3001(b), and 3001(e)(1); 40 CFR 260.11(a) as amended January 4, 1994 (59 FR 458), June 2, 1994 (59 FR 28484), January 13, 1995 (60 FR 3089) and April 4, 1995 (60 FR 17001), State statutes 27A O.S. Supp. 1996 §§ 2-7-106, 2-2-104 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 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, 132, and 139. 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. Hazardous Waste Management System; Carbamate Production Identification and Listing of Hazardous Waste; and CERCLA Hazardous Substance Designation and Reportable Quantities (Checklist 140) (HSWA): In accordance with RCRA § 3001(b), RCRA §§2002(a), 3001(b) and (e) (1); 40 CFR 261.3(a) (2) (iv) (E)&(F), as amended February 9, 1995 (60 FR 7824) and as affected by *Dithiocarbamate Task Force v. EPA*, CA DC 95-1249, 11/1/96, RCRA §§2002(a), 3001(b) and (e) (1); 40 CFR 261.3(a) (2) (iv) (G), as amended February 9, 1995 (60 FR 7824) and as affected by *Dithiocarbamate Task Force v. EPA*, CA DC 95-1249, 11/1/96, RCRA §§2002(a), 3001(b) and (e) (1); 40 CFR 261.3(c) (2) (ii) (D), as amended February 9, 1995 (60 FR 7824) and as affected by *Dithiocarbamate Task Force v. EPA*, CA DC 95-1249, 11/1/96, State statutes 27A O.S. Supp. 1996 §§ 2-7-106, 2-2-104 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 all wastes controlled under the following Federal regulations as indicated in the designated Revision Checklists: (a) Federal regulations which list five wastes generated during the production of carbamate chemicals, plus the listing of 58 commercial chemical products, 40 CFR 261.32, 261.33(e), 261.33(f), Part 261, Appendix VII and Part 261, Appendix VIII, as amended February 9, 1995 [60 FR 7824], April 17, 1995 [60 FR 19165], and May 12, 1995 [60 FR 25619], Revision Checklist 140; (b) Federal regulations which exclude from being hazardous certain wastewaters from the production of carbamates and carbamoyl oximes of K157 provided the conditions in 261.3(a) (2) (iv) (E)&(F) as amended February 9, 1995 (60 FR 7824) and as affected by *Dithiocarbamate Task Force v. EPA*,

CA DC 95-1249, 11/1/96 are met as indicated in Revision Checklist 140; (c) Federal regulations which exclude from being hazardous certain wastewaters derived from the treatment of one or more wastes listed in 261.32, organic waste from the production of carbamates and carbamoyl oximes of K156, provided the conditions in 261.3(a)(2)(iv)(G) as amended February 9, 1995 (60 FR 7824) and as affected by *Dithiocarbamate Task Force v. EPA*, CA DC 95-1249, 11/1/96 are met as indicated in Revision Checklist 140; and (d) Federal regulations which exclude from being hazardous biological treatment sludge from the treatment of organic wastes from the production of carbamates and carbamoyl oximes of K156 and wastewaters from the production of carbamates and carbamoyl oximes of K157 as indicated in Revision Checklist 140. 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. Hazardous Waste Management System; Testing and Monitoring Activities (Checklist 141) (Non-HSWA): In accordance with RCRA §§2002(a), 3001(b), and 3001(e)(1); 40 CFR 260.11(a) as amended January 4, 1994 (59 FR 458), June 2, 1994 (59 FR 28484), January 13, 1995 (60 FR 3089), and April 4, 1995 (60 FR 17001), State statutes 27A O.S. Supp. 1996 §§ 2-7-106, 2-2-104 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 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, IIA, and IIB as indicated in Revision Checklists 128, 132, 139, and 141.

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. Universal Waste Rule (Hazardous Waste Management System; Modification of the Hazardous Waste Recycling Regulatory Program); Final Rule (Checklists 142 A-E) (Non-HSWA): In accordance with RCRA §§2002, 3001, 3002, 3003, 3004, 3005, 3010, 3013, 3017, and 7004; 40 CFR 260.10, 261.5(c), 261.5(f)(3)(vi), 261.5(g)(3)(vi), 261.9, 262.10(b), 262.11(d), 264.1(g)(11), 265.1(c)(14), 266.80, 268.1(f), 270.1(c)(2)(viii), and 273 as amended May 11, 1995 (60 FR 25492), State statutes 27A O.S. Supp. 1996 §§ 2-7-106, 2-2-104, 75 O.S. 1991 § 305 and Rules 252:200-3-1 through 252:200-3-6, 252:001-1-8 and 252:002-5-1 provide authority for State program requirements to be equivalent to the Federal program requirements which provide hazardous waste management standards for the collection and management of certain widely generated wastes determined "universal wastes" as indicated in Revision Checklist 142 A; designate hazardous waste batteries as a universal waste as indicated in Revision Checklist 142 B, hazardous waste pesticides that are either recalled or collected in waste pesticide collection programs as a universal waste as indicated in Revision Checklist 142 C, and hazardous waste thermostats as a universal waste as indicated in Revision Checklist 142 D; and allow petitions to include other wastes as universal wastes as indicated in Revision Checklist 142 E. 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 March 3, 1996. As was the case when the March 3, 1996 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. Included with the OHWMA in Appendix A is a copy of 27A O.S. Supp. 1996 § 2-2-104. The OHWMA was amended during the 1996 legislative session by House Bill ("HB") 2972. HB 2972 changes hazardous waste storage and recycling fees by amending 27A O.S. § 2-7-121(A)(2). HB 2972 was signed by the Governor on June 14, 1996 and became effective on that date. Although these amendments are reflected in the OHWMA in Appendix A, a copy of HB 2972 is included for reference as Appendix B.

¹27A O.S. Supp. 1995 §§ 2-7-101 et seq.

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 C.

The Executive Director, whose responsibilities have not changed significantly since the March 3, 1996 Addendum to Program Description submittal, is appointed by the Board, and is responsible for the administration of the DEQ. The Executive Director is given 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.

Permits issued by the various program areas of the DEQ are currently subject to differing processes. In 1995, Senate Bill 247 established the Uniform Environmental Permitting Act, ("UEPA"), which took effect July 1, 1996.

²75 O.S. Supp. 1995 §§ 250 et seq.

The UEPA stacks procedural steps in 3 levels: Tier I - simplest; Tier II - basic federal process; and Tier III - most involved. The 3 tiers are cumulative (e.g., Tier II procedures include those of Tier I; Tier III includes both I and II). Additionally, the UEPA simplifies standing requirements for persons requesting hearings and clarifies up-front filing and notice requirements. In many cases the UEPA provides more opportunity for input into the permitting process than the federal requirements do; a savings clause assures that in no event will they be less stringent.

To implement the provisions of the UEPA, on January 16, 1996, the Board adopted amendments to the Hazardous Waste Management Rules ("Rules"), Oklahoma Administrative Code ("OAC") Title 252, Chapter 200 as permanent rules. The amendments became effective July 1, 1996 and a copy of the Rules, which have incorporated the amendments which were effective July 1, 1996 is attached as Appendix D. These same amendments deleted an Underground Injection Control program subchapter as well as Underground Injection Control program adoption by reference language.

On April 4, 1996, the Council voted to recommend amendments to OAC 252:200-3-1, through 252:200-3-4 to incorporate by reference, in accordance with the *Guidelines For State Adoption Of Federal Regulations By Reference*, the following EPA Hazardous Waste Management Regulations as amended through July 1, 1995: the provisions of 40 CFR Part 124 which are required by 40 CFR 271.14; 40 CFR Parts 260 - 266, with the exception of 40 CFR 260.20 through 260.22; 40 CFR Part 268; 40 CFR Part 270; 40 CFR Part 273; and 40 CFR Part 279. The Board adopted these amendments on June 18, 1996.

The amendments were signed by the Governor and became effective as emergency rules on August 1, 1996. The amendments will be effective as permanent rules June 1, 1997. The Rules in Appendix D contain these latest amendments.

Currently, the Oklahoma Corporation Commission ("OCC") regulates certain aspects of the oil and gas production and transportation industry in Oklahoma, including certain wastes generated by pipelines, bulk fuel sales terminals and certain tank farms. The DEQ and the OCC have agreed that proposed amendments to the DEQ/OCC Jurisdictional Guidance Document reflect the current state of affairs between the two agencies. The DEQ exclusively regulates hazardous waste in Oklahoma (excluding Indian lands) and the OCC does not regulate hazardous waste in Oklahoma. Appendix I contains the DEQ/OCC Jurisdictional Guidance Document with the amendments agreed upon by both agencies. The amendments will be finalized after negotiations related to non-hazardous waste issues have been agreed upon.

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, 1995.

The DEQ remains the official agency of the State of Oklahoma, as designated by 27A O.S. Supp. 1996 § 2-7-105(13) to cooperate with Federal agencies for purposes of hazardous waste regulation.

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"). A copy of the MOA is included with this Revision Application.

The Department and EPA have agreed to a joint permitting process (see section V.D of the MOA) for the joint processing and enforcement of permits for those provisions of HSWA promulgated after June 30, 1993; however, as the Department receives authorization for provisions of the HSWA promulgated after June 30, 1993, EPA will suspend issuance of Federal permits in the State for those provisions.

While EPA may comment on any permit application or draft permit, EPA's overview function will focus primarily on those facilities identified in the Performance Partnership Agreement ("PPA"), as well as on facilities for which the Department requests EPA's assistance. The joint permitting procedures are discussed in greater detail in the MOA submitted with this revision application.

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 V 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 V 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 V 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 E. 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 1997, 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 1997 (July 1, 1996-June 30, 1997), 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 1998 and FY 1999, 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.

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 V, many factors will be taken into consideration. These factors include: (1) other Program Plan 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 V. 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 and the Environmental Quality Board were adopted by the Environmental Quality Board on January 26, 1994. These rules, OAC 252:002 and OAC 252:001 were approved by the Governor on March 24, 1994, and became effective as permanent rules on May 26, 1994. See Appendix F. Nothing in the current rules in any way restricts the Waste Management Division from fulfilling its responsibilities under the OHWMA, the MOA, or the PPA 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 March 3, 1996 Addendum to Program Description, and continues 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, 180 days for formal enforcement against Significant Non-Compliers ("SNC") and 180 days from the first day of discovery of noncompliance with the compliance schedule (and extensions granted) established through the informal enforcement action (Notice of Violation "NOV") for formal enforcement if necessary or appropriate against Secondary Violators ("SV")]. 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 PPA 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 SNCs. 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 SNCs, SVs. A SNC 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, a SV is a handler who does not meet the criteria for identification as a SV. 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 SNCs. NOVs are typically issued to SVs, with an administrative order subsequently issued if necessary within 180 days from the first day of discovery of noncompliance with the schedule (and extensions granted) established through the NOV. 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. 1996 §§ 1230.1 et seq is attached as Appendix G.

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 March 3, 1996 Addendum to Program Description submittal. Currently, based on Hazardous Waste Notifications, there are approximately 156 large quantity generators; 1,260 small quantity generators; 1,499 conditionally exempt generators; and 353 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 PPA. The DEQ is currently working with EPA to automate this process. Copies of the forms used by the State are attached as Appendix H.

MARK S. COLEMAN
Executive Director



FRANK KEATING
Governor

State of Oklahoma
DEPARTMENT OF ENVIRONMENTAL QUALITY

April 2, 1998

Catherine Carter, Chief (6PD-G)
Multimedia Planning & Permitting Division
Grants and Authorizations Section
U.S. Environmental Protection Agency, Region 6
1445 Ross Avenue, Suite 1200
Dallas, TX 75202-2733

RECEIVED
98 MAR 38 AM 7:29
RCRA GRANTS & AUTH SEC
6PD-G

Re: Authorization Application for RCRA Cluster V

Dear Ms. Carter:

At the request of Alima Patterson of your staff, the Oklahoma Department of Environmental Quality ("DEQ") is pleased to submit the enclosed signature page for the Memorandum of Agreement which was submitted with the Revision Authorization Application for RCRA Cluster V. As requested, H.A. Caves, Director, Waste Management Division has signed this page which also needs the signature of a representative of the United States Environmental Protection Agency. Please return a copy of this page to the DEQ after the EPA representative's signature has been obtained.

As always, it has been a pleasure working with Alima Patterson of your staff on this authorization application. If you have any questions, please call me at (405) 271-8134.

Sincerely,

Jerry J. Sanger, Senior Environmental Specialist
Waste Management Division

ENVIRONMENTAL QUALITY BOARD

PUBLIC INFORMATION & EDUCATION
 Ellen Bussert, Director
 Environmental Education
 Public Information
 Recycling Promotion

DIRECTOR'S OFFICE
 Executive Director
 Mark S. Coleman
 Deputy Director
 Steve Thompson
 General Counsel
 Bob Kellogg

SUPPORT SERVICES
 Lawrence A. Gales, Director
 Personnel
 Finance
 Information Management

Water Quality Management Advisory Council
Waterworks and Wastewater Works Advisory Council

Small Business Assistance Compliance Advisory Panel
Laboratory Services Advisory Council

Radiation Management Advisory Council

Solid Waste Management Advisory Council
Hazardous Waste Management Advisory Council

Air Quality Council

WATER QUALITY DIVISION
 Jon L. Craig, Director
 Water Quality Mgmt. Section
 - Operator Certification Unit
 - Compliance Unit
 - Support Unit
 - Data Management Unit
 Field Inspection & Compliance Section
 - PWS Unit
 - Construction Unit
 - Municipal Unit
 - Industrial Unit
 PDES Section
 - Pretreatment/Stormwater Unit
 - Planning Unit
 - Industrial Permit Unit
 - Municipal Permit Unit

CUSTOMER SERVICES DIVISION
 Judith A. Duncan, Director
 Customer Assistance Section
 - Citizen and Local Govt. Assistance Unit
 - Pollution Prevention Unit
 - Business Assistance Unit
 - Internal Customer Assistance Unit
 Office of Hearing Examiners
 SEL Organic Chemistry Section
 SEL Inorganic Chemistry Section
 Quality Assurance/Laboratory Certification
 Risk Communication
 Risk Assessment

COMPLAINTS & LOCAL SERVICES DIVISION
 Lary McKee, Director
 Complaints Hotline
 - SW Region
 - NW Region
 - SE Region
 - NE Region
 City County Locations
 - Oklahoma County
 - Tulsa County

WASTE MANAGEMENT DIVISION
 Damon Wingfield, Director
 Management Section
 - RCRA Data Management Unit
 - Site Assessment
 - Project Oversight Unit
 Radiation Management
 Compliance & Inspection Section
 - RCRA Compliance Unit
 - Solid Waste Compliance Unit
 Permitting & Site Remediation Section
 - Site Remediation Unit
 - Land Disposal Facilities Unit
 - Solid Waste Permitting Unit
 - Treatment/Storage Facilities Unit
 Groundwater Section
 Waste Planning & Systems Development

AIR QUALITY DIVISION
 Larry Byrum, Director
 Program Management
 Quality Assurance
 Analysis & Inventory Section
 - Emission Inv. & Fee Develop.
 - Special Air Projects Unit
 - Analysis & Planning Unit
 - Monitoring & Data Acquisition Unit
 Enforcement & Complaints Section
 - Complaints Unit
 - Enforcement Unit
 - Municipal Support Program
 Tulsa County
 Air Permits & Compliance Section
 - Compliance Unit
 - Permits Support Unit
 - New Source Permits
 - Existing Source Permits

WASTE MANAGEMENT DIVISION

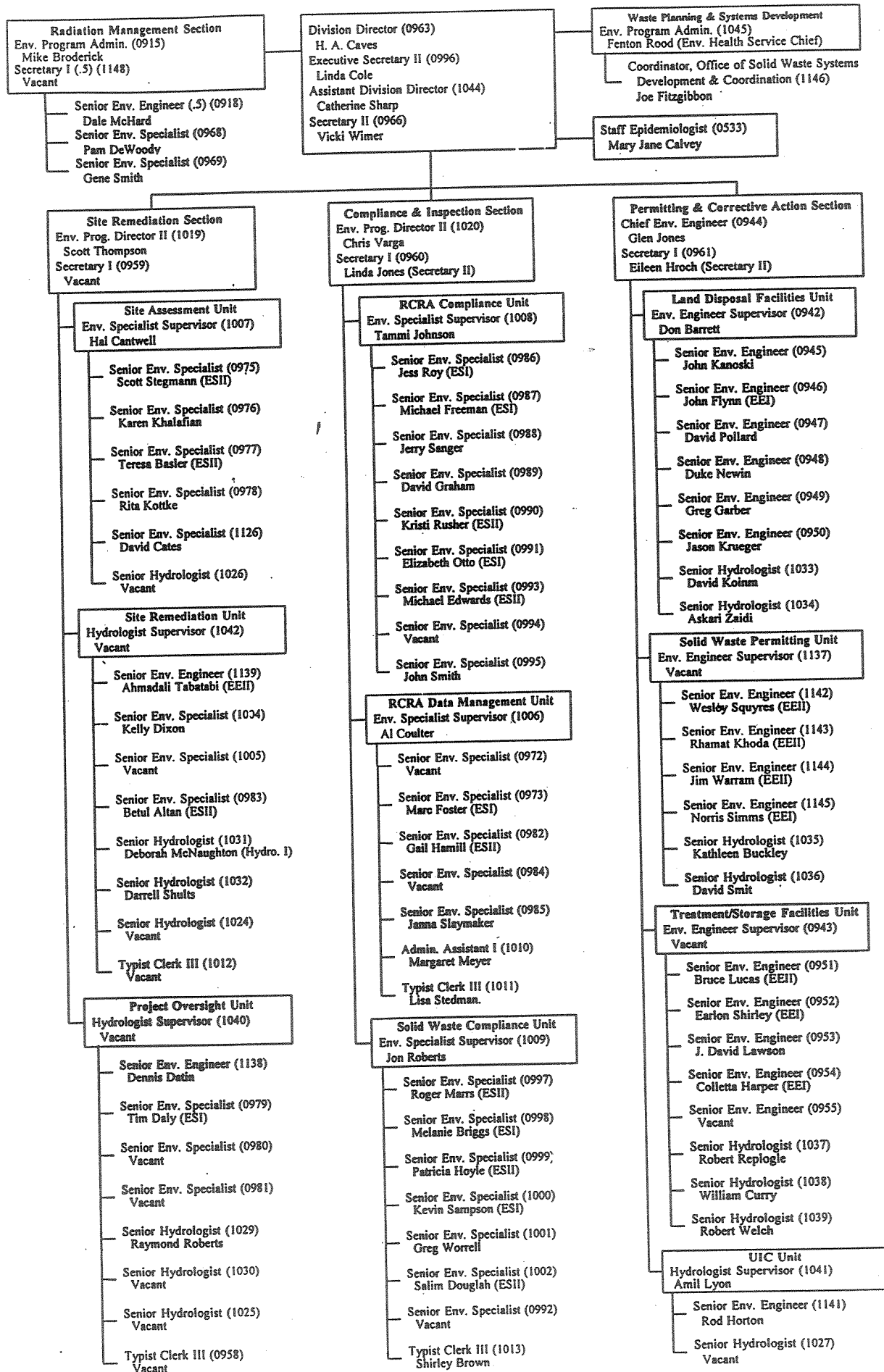


TABLE I
OKLAHOMA DEPARTMENT OF ENVIRONMENTAL QUALITY
WASTE MANAGEMENT DIVISION
STAFFING REQUIREMENTS FOR FINAL AUTHORIZATION

FY 1997

ELEMENT	MAN-YEARS (FY 97)
Permitting	5.50
Corrective Action	2.85
Compliance Monitoring	3.50
Enforcement	3.50
Program Management	3.00
Information Management	2.00
Authorization	0.50
Clerical	1.00
TOTAL	21.85

TABLE I-A
OKLAHOMA DEPARTMENT OF ENVIRONMENTAL QUALITY
SUPPORT PERSONNEL

SUPPORT POSITIONS	AVERAGE MAN-YEARS	SALARY
Executive Director	0.20	14,400
Administrative Asst. II	1.00	22,918
Environmental Investigator	2.00	54,521
Environmental Program Dir. II	2.00	74,958
Programs Administrator	0.38	22,895
TOTAL ADMINISTRATIVE SUPPORT	5.58	189,692
Env. Engineer Supervisor	2.00	78,674
Sr. Environmental Engineer	4.65	191,217
Env. Specialist Supervisor	1.00	37,228
Sr. Hydrologist	5.00	143,441
Sr. Environmental Specialist	12.00	350,380
Chemist II		2,337
Sr. Lab Technician		962
Lab Technician		3,021
Sr. Environmental Technician	1.00	17,805
Staff Epidemiologist	1.00	35,720
Env. Program Director II (Local) (4 x .05)		7,688
Sr. Env. Specialist (Local) (66 x .05)	3.00	92,083
TOTAL TECHNICAL SUPPORT	29.65	960,556
Executive Secretary I	1.20	23,656
Secretary II	2.00	39,007
Typist Clerk III	2.75	43,012
TOTAL CLERICAL SUPPORT	5.95	105,675
GRAND TOTAL SUPPORT	41.18	1,255,923

TABLE II
 OKLAHOMA DEPARTMENT OF ENVIRONMENTAL QUALITY
 WASTE MANAGEMENT DIVISION
 FY 1997 BUDGET SUMMARY*

	FY 97
Salary	680,954
Fringe Benefits	176,844
Travel	82,865
Equipment	0
Supplies	57,270
Contractual	0
Data Processing	0
Subtotal	997,933
Indirect Costs (21.56% of salaries totaling \$680,954)	146,814
Total	1,144,747
Federal Share	858,560
State Share**	286,187

* Amounts shown reflect dollars for hazardous waste management program

**The State share is composed of Hazardous Waste funds which are assessed and collected by the Oklahoma Department of Environmental Quality. The Hazardous Waste Fund may be expended for the following:

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

TABLE III
OKLAHOMA DEPARTMENT OF ENVIRONMENTAL QUALITY
WASTE MANAGEMENT DIVISION
FY 1998 BUDGET SUMMARY*

	FY 98
Salary	728,621
Fringe Benefits	189,223
Travel	88,666
Equipment	0
Supplies	61,279
Contractual	0
Data Processing	0
Subtotal	1,067,789
Indirect Costs (21.56% of salaries totaling \$728,621)	157,091
Total	1,224,880
Federal Share	918,659
State Share**	306,221

* Amounts shown reflect dollars for hazardous waste management program

**The State share is composed of Hazardous Waste funds which are assessed and collected by the Oklahoma Department of Environmental Quality. The Hazardous Waste Fund may be expended for the following:

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

TABLE IV
 OKLAHOMA DEPARTMENT OF ENVIRONMENTAL QUALITY
 WASTE MANAGEMENT DIVISION
 FY 1999 BUDGET SUMMARY*

	FY 99
Salary	779,624
Fringe Benefits	202,469
Travel	94,873
Equipment	0
Supplies	65,569
Contractual	0
Data Processing	0
Subtotal	1,142,535
Indirect Costs (21.56% of salaries totaling \$779,624)	168,087
Total	1,310,622
Federal Share	982,965
State Share**	327,657

* Amounts shown reflect dollars for hazardous waste management program

- **The State share is composed of Hazardous Waste funds which are assessed and collected by the Oklahoma Department of Environmental Quality. The Hazardous Waste Fund may be expended for the following:
1. the administration of the provisions of the Oklahoma Hazardous Waste Management Act.
 2. the development of an inventory of hazardous wastes currently produced in Oklahoma and management needs for the identified wastes.
 3. the implementation of information exchanges, technical assistance, public information, and educational programs.
 4. the development and encouragement of waste reduction plans for Oklahoma waste generators.
 5. increased inspection of hazardous waste facilities which may include full time inspectors at off-site controlled industrial waste facilities.