

US EPA ARCHIVE DOCUMENT

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

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; October 15, 1992, as amended September 24, 1993; as well as the Attorney's Statements of June 24, 1994; December 8, 1994; March 4, 1996 and April 15, 1997. 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. **Revision Checklist 145:**

X. LIQUIDS IN LANDFILLS

C. State statutes and regulations provide that OECD 301B (Modified Sturm Test) may also be used to demonstrate that a sorbent is non-biodegradable as indicated in Revision Checklist 145.

Federal Authority: RCRA §3004(c), 42 U.S.C. 6924(c); 40 CFR 264.314(e)(2)(ii)&(iii), and 265.314(e)(2)(ii)&(iii) as amended July 11, 1995 (60 FR 35703).

Citation of Laws and Rules

27A O.S. Supp. 1997 § 2-2-104 Added by Laws 1994, effective July 1, 1994

27A O.S. Supp. 1997 § 2-7-106 Amended by Laws 1993, effective July 1, 1993

27A O.S. Supp. 1997 § 2-7-107(A)(10) Amended by Laws 1993, effective July 1, 1993

Rules 252:200-3-1 through 252:200-3-4 Amended June 18, 1996, emergency effective date August 1, 1996, permanent effective date June 1, 1997

Rules 252:200-3-5, 252:200-3-6 Finally adopted March 30, 1994, effective as permanent rules May 26, 1994

Remarks of Legal Counsel

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

2. **Revision Checklist 148:**

XVI. REQUIREMENTS FOR PERMITS

Z. State statutes and regulations provide for opportunities for earlier public involvement in the permitting process and expand public access to information throughout the permitting process and the operational lives of facilities as indicated in Revision Checklist 148.

Federal Authority: RCRA §§2002, 3004, 3005, and 7004(b), 40 CFR 124.31, 124.32, 124.33, 270.2, 270.14(b)(22), 270.30(m), 270.62(b)(6), 270.62(d), 270.66(d)(3), and 270.66(g) as amended December 11, 1995 (60 FR 63417).

Citation of Laws and Rules

✓ 27A O.S. Supp. 1997 § 2-2-104 Added by Laws 1994, effective July 1, 1994

✓ 27A O.S. Supp. 1997 § 2-7-106 Amended by Laws 1993, effective July 1, 1993

27A O.S. Supp. 1997 § 2-7-105(15) Amended by Laws 1993, effective July 1, 1993

Rules 252:200-3-1 through 252:200-3-4 Amended June 18, 1996, emergency effective date August 1, 1996, permanent effective date June 1, 1997

Rules 252:200-3-5, 252:200-3-6 Finally adopted March 30, 1994, effective as permanent rules May 26, 1994

Remarks of Legal Counsel

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

3. **Revision Checklist 150:**

I. IDENTIFICATION AND LISTING

II. State statutes and regulations provide that recovered oil excluded from the definition of hazardous waste at 40 CFR 261.4(a)(12) be inserted into the petroleum refining process at or before a point where contaminants are removed as indicated in Revision Checklist 150.

Federal Authority: RCRA §§2002 and 3001; 40 CFR 261.4(a)(12) as amended March 26, 1996 (61 FR 13103).

Citation of Laws and Rules

✓ 27A O.S. Supp. 1997 § 2-7-106 Amended by Laws 1993, effective July 1, 1993

✓ 27A O.S. Supp. 1997 § 2-2-104 Added by Laws 1994, effective July 1, 1994

Rules 252:200-3-1 through 252:200-3-4 Amended June 18, 1996, emergency effective date August 1, 1996, permanent effective date June 1, 1997

Rules 252:200-3-5, 252:200-3-6 Finally adopted March 30, 1994, effective as permanent rules May 26, 1994

Remarks of Legal Counsel

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

4. **Revision Checklist 151:**

XXI. LAND DISPOSAL RESTRICTIONS

T. State statutes and regulations contain treatment standards for hazardous wastes from the production of carbamate pesticides and from primary aluminum production; contain the treatment standards for hazardous wastes that exhibit the characteristic of reactivity; and put back into place the LDR "Third Third" provisions for the treatment of certain wastewaters as indicated in Revision Checklist 151. These statutes and regulations also codify the Federal policy that combustion of inorganic waste is an impermissible form of treatment as also indicated in this checklist.

Federal Authority: RCRA § 3004(d) through (k), 3004(m); Public Law 104-119, 100 Stat. 830, 40 CFR part 268 as amended April 8, 1996 (61 FR 15566 and 61 FR 15660); April 30, 1996 (61 FR 19117); June 28, 1996 (61 FR 33680); July 10, 1996 (61 FR 36419); August 26, 1996 (61 FR 43924), and February 19, 1997 (62 FR 7502).

Citation of Laws and Rules

✓ 27A O.S. Supp. 1997 §§ 2-7-106 Amended by Laws 1993, effective July 1, 1993

✓ 27A O.S. Supp. 1997 § 2-2-104 Added by Laws 1994, effective July 1, 1994

27A O.S. Supp. 1997 § 2-7-107(A)(10) Amended by Laws 1993, effective July 1, 1993

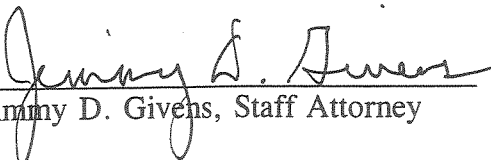
Rules 252:200-3-1 through 252:200-3-4 Amended June 18, 1996, emergency effective date August 1, 1996, permanent effective date June 1, 1997

Rules 252:200-3-5, 252:200-3-6 Finally adopted March 30, 1994, effective as permanent rules May 26, 1994

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

Feb. 6, 1998
Date