

US EPA ARCHIVE DOCUMENT

OK PR XI

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

Part I: Organization and Management of the State Program (§ 271.6(b) through (h))

With this revision authorization application, the State of Oklahoma, through the Oklahoma Department of Environmental Quality ("DEQ"), is seeking authorization for RCRA Cluster VII. The State program now has in place statutory authority and regulations for all required program components through RCRA Cluster VII. 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.

The DEQ has received final authorization for the base RCRA program; for non-HSWA Clusters I through VI; for HSWA Clusters I and II; for RCRA Clusters I, II, III, and IV; and on February 6, 1998, submitted its final application for RCRA Cluster V. On February 6, 1998, the DEQ submitted its draft application for RCRA Cluster VI. On July 20, 1998, the DEQ received comments from EPA regarding DEQ's RCRA VI draft application. On July 21, 1998, the DEQ submitted its final RCRA Cluster VI application. The DEQ received final authorization for the Base Program in January of 1985.

No major changes have taken place in the State program since the last Addendum to Program Description was submitted to EPA on July 20, 1998.

A. State Agency Responsibilities (§ 271.6(b))

Oklahoma statutes provide authority for a single state agency, the DEQ, to administer the provisions of the State hazardous waste management program. These statutes are the Oklahoma Environmental Quality Act, 27A O.S. Supp. 1997 §§ 1-1-101 et seq. (Appendix A); general provisions of the Oklahoma Environmental Quality Code which may affect the hazardous

waste program, 27A O.S. Supp. 1997 §§ 2-1-101 through 2-3-507 (Appendix B); and the Oklahoma Hazardous Waste Management Act, 27A O.S. Supp. 1997 §§ 2-7-101 et seq. ("OHWMMA") (Appendix C). 27A O.S. § 2-14-305 allows for issuance of general permits (Appendix D). No amendments made to the above statutory authorities during the 1998 legislative session which will substantially affect the State hazardous waste management program.

As was the case when the February 6, 1998, 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 Council may not recommend rules for promulgation by the Board unless all applicable requirements of the Oklahoma Administrative Procedures Act, 75 O.S. §§ 250 et seq., as amended (Appendix E) have been followed, including but not limited to notice, rule impact statement and rule-making hearings.

The rules promulgated and in effect as permanent rules which implement the State hazardous waste program are codified in the Oklahoma Administrative Code ("OAC") at OAC 252:200 et seq. (Appendix F).

On January 8, 1998, the Council voted to recommend amendments to OAC 252:200-3-1 and 252:200-3-2 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, 1997: the provisions of 40 CFR Part 124 which are required by 40 CFR § 271.14 as well as 124.31, 124.32, and 124.33; 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 January 27, 1998 as permanent and emergency rules. The permanent rules became effective on June 1, 1998.

Additionally, on June 9, 1998, the Board adopted amendments to 252:200 which classified mercury-containing lamps as a Universal Waste in Oklahoma. These amendments were added as emergency. The rules in Appendix G contain these latest amendments. The Board intends to adopt these amendments as permanent amendments in September, 1998.

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 252:200-3-1 through 252:200-3-6 provides equivalent and no less stringent authority than the Federal Subtitle C program in effect through July 1, 1997.

Pursuant to the Oklahoma statutes listed in Part I.(A) above, a single state agency, the DEQ, has authority to administer the provisions of the State hazardous waste management program.

The DEQ remains the official agency of the State of Oklahoma, as designated by 27A O.S. Supp. 1997 § 2-7-105(13) to cooperate with Federal agencies for purposes of hazardous waste regulation.

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

VI provisions. The DEQ is the sole State agency responsible for administering the provisions of the OHWMA.

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 in place a *DEQ/OCC Jurisdictional Guidance Document* which reflects 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 H contains the current DEQ/OCC Jurisdictional Guidance Document.

The revision of the State program to include administering the provisions of RCRA Cluster VII will not require a change in which state agency will be responsible for administering the State hazardous waste program.

B. Staffing and Funding Resources (271.6(b))

The Executive Director of the DEQ, whose responsibilities have not changed significantly since the February 6, 1998 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.

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 VI 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 I. 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 1999, 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 1999 (July 1, 1998-June 30, 1999), 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 2000 and FY 2001, respectively. Tables II, III, and IV also identify the sources and amounts of funding, including Federal grant money, and explain 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 VII, 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 VII. 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.

C. State Procedures (§ 271.6(c))

The current rules of procedure in place for the DEQ were amended by the Environmental Quality Board on January 27, 1998. These rules, OAC 252:002 became effective as permanent rules on June 1, 1998. See Appendix J. Nothing in the current rules in any way restricts the Waste Management Division from fulfilling its responsibilities under the OHWMA, the Memorandum of Agreement ("MOA") which is included with this Revision Application, or the Performance Partnership Agreement ("PPA") entered into by the DEQ and EPA.

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 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.

The division of responsibility between the State and EPA for administration of respective provisions of RCRA is described in detail in the MOA.

While EPA may comment on any permit application or draft permit, EPA's overview function will focus primarily on those facilities identified in the PPA, as well as on facilities for which the Department requests EPA's assistance.

D. Compliance Tracking and Enforcement (§ 271.6(e))

The goal of the RCRA Compliance Unit of the DEQ has not changed since the submittal of the February 6, 1998 Addendum to Program Description, and the Unit 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 and 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 SNC. 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. NOV's 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. 1997 §§ 1230.1 et seq is attached as Appendix K.

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.

E. Estimated Regulated Activities (§§ 271.6(g) and (h))

Currently, based on Hazardous Waste Notifications, there are approximately 182 large quantity generators; 1,273 small quantity generators; 1,446 conditionally exempt generators; and 497 transporters.

There are approximately 3 on-site and 5 off-site treatment facilities in Oklahoma. The State has five on-site disposal facilities and 2 off-site disposal facilities.

Of the total of approximately 18 storage facilities, there are approximately 14 on-site facilities and 4 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:

- 511,918 tons generated within the State;
- 121,115 tons transported into the State;
- 46,626 tons transported out of the State;
- 424,844 tons managed on-site within the State;
- 138,537 tons managed off-site within the State (including 121,115 tons of imported waste).

F. Copies of State Forms and Coordination With Other Agencies (§§ 271.6(d) and (f))

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 L.

Part II: Scope, Structure, Coverage and Processes

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 17 of the EPA State Authorization Manual:

A. Identification and listing, Revision Checklist 153:

Checklist Title: Conditionally Exempt Small Quantity Generator Disposal Options under Subtitle D
Reference: 61 FR 34252-34278
Promulgation Date: July 1, 1996
Effective Date: January 1, 1997
Provision Type: HSWA

In accordance with federal authorities RCRA §3001(d)(4); 40 CFR 261.5(f)(3) & (g)(3) as amended July 1, 1996 (61 FR 34252), State statutes 27A O.S. Supp. 1997 §§ 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 require that when wastes generated by conditionally exempt small quantity generators are sent to a State permitted, licensed or registered facility, that facility must be subject to 40 CFR Part 258 or §§ 257.5 through 257.30 as specified in Revision Checklist 153. However, 27A O.S. §2-10-301 prohibits disposal of hazardous waste in Oklahoma landfills which are approved to receive only solid waste. The DEQ intends to propose a regulatory change to the hazardous waste regulations to reflect this statutory provision. Therefore, no increase in funding or personnel will be required when the State receives authorization for these provisions.

B. Standards for facilities, Revision Checklist 154:

Checklist Title: Consolidated Organic Air Emission Standards for Tanks, Surface Impoundments, and Containers
Reference: 59 FR 62896-62953, 60 FR 26828-26829, 60 FR 50426-50430, 60 FR 56952-56954, 61 FR 4903-4916, 61 FR 28508-28511, and 61 FR 59932-59997

Promulgation Date: December 6, 1994; May 19, 1995; September 29, 1995; November 13, 1995; February 9, 1996; June 5, 1996; and November 25, 1996
Effective Date: December 6, 1996

In accordance with federal authorities RCRA § 3004(n); 40 CFR 60 Appendix A, 260, 261, 262, 264, 265, and 270 as amended December 6, 1994 (59 FR 62896); May 19, 1995 (60 FR 26828); September 29, 1995 (60 FR 50426); November 13, 1995 (60 FR 56952); February 9, 1996 (61 FR 4903); June 5, 1996 (61 FR 28508); and November 25, 1996 (61 FR 59932), State statutes 27A O.S. Supp. 1997 §§ 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 provide for organic air emission standards for tanks, surface impoundments and containers and provide that air emission control requirements be added to the permit terms and provisions specified for miscellaneous units as specified in Revision Checklist 154. Accordingly, the State requirements are consistent with and 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, Revision Checklist 155:

Checklist Title: Land Disposal Restrictions Phase III-- Emergency Extension of the K088 Capacity Variance
Reference: 62 FR 1992-1997
Promulgation Date: January 14, 1997
Effective Date: January 8, 1997
Provision Type: HSWA

In accordance with federal authorities RCRA §§ 3004(d) through (k), and 3004(m); 40 CFR 268.39(c) as amended January 14, 1997 (62 FR 1992), State statutes 27A O.S. Supp. 1997 §§ 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 provide a six (6) month extension of the current national capacity variance for spent potliners from primary

aluminum production (Hazardous Waste Number K088) so that K088 wastes do not have to be treated to meet LDR treatment standards until July 8, 1997, as indicated in Revision Checklist 155. Accordingly, the State requirements are consistent with and 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. Standards for Facilities, Revision Checklist 156:

Checklist Title: Military Munitions Rule
Reference: 62 FR 6622-6657
Promulgation Date: February 12, 1997
Effective Date: August 12, 1997
Provision Type: Non-HSWA

In accordance with federal authorities RCRA § 2002, 3001-3007, 3010, and 7003; 40 CFR 260.10; 261.2(a)(2)(iii)-(iv); 262.10(i); 263.10(e)&(f); 264.1(g)(8)(i)(D), (g)(8)(iv), and (i); 264.70; 264.1200 through 264.1202; 265.1(c)(11)(i)(D), (c)(11)(iv), and (f); 265.70; 265.1200 through 265.1202; 266.200(a)-(b); 266.201, 266.202, 266.204, 266.206, 270.1(c)(3)(i)(D), and 270.1(c)(3)(iii) as amended on February 12, 1997 (62 FR 6622), State statutes 27A O.S. Supp. 1997 §§ 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 identify when conventional and chemical military munitions become a hazardous waste under RCRA and provide for the safe storage and transport of such waste. They also clarify that emergency responses involving both military and non-military munitions and explosives are considered an immediate response to a discharge or imminent and substantial threat of a discharge of a hazardous waste as indicated in Revision Checklist 156. Accordingly, the State requirements are consistent with and equivalent to the Federal requirements, and no

significant increase in funding or personnel will be required when the State receives authorization for these provisions.

Additionally, in accordance with federal authorities RCRA § 3001, 3003, 3004(y); 40 CFR 266.203 as amended on February 12, 1997 (62 FR 6622), State statutes 27A O.S. Supp. 1997 §§ 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 provide for a manifest exemption for off-site shipment of unused waste munitions from one military installation to another as indicated in Revision Checklist 156. Accordingly, the State requirements are consistent with and equivalent to the Federal requirements, and no significant increase in funding or personnel will be required when the State receives authorization for these provisions.

Also, in accordance with federal authorities RCRA § 3001 and 3004(y); 40 CFR 266.205 as amended on February 12, 1997 (62 FR 6622), State statutes 27A O.S. Supp. 1997 §§ 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 provide for conditional exemption for waste munitions storage as indicated in Revision Checklist 156. Accordingly, the State requirements are consistent with and 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. Identification and listing, and land disposal restrictions, Revision Checklist 157:

Checklist Title: Land Disposal Restrictions -- Phase IV
Reference: 62 FR 25998-26040
Promulgation Date: May 12, 1997
Effective Date: August 11, 1997 for all provisions, except §§148.18(b) and 268.30(b) which are effective May 12, 1999.

Provision Type: HSWA

In accordance with federal authorities RCRA §§3001; 40 CFR 261.1(c)(9)-(12), 261.2(c) table 1, 261.4(a)(13), 261.4(a)(14), 261.6(a)(3)(ii) as amended May 12, 1997 (62 FR 25998), State statutes 27A O.S. Supp. 1997 §§ 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 include revisions of the exclusion of scrap metal and circuit boards from RCRA regulation as indicated in Checklist 157.

Additionally, in accordance with federal authorities RCRA §§3004(d)-(k) and (m); 40 CFR 268.30(a)-(e) and 268.40 as amended May 12, 1997 (62 FR 25998), State statutes 27A O.S. Supp. 1997 §§ 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 prohibit the land disposal of the wood preserving waste F032, F034 and F035 by August 11, 1997, and also prohibit any soil and debris and radioactive waste mixed with above chemicals from land disposal effective May 12, 1999. In between these effective dates, mixtures may only be land disposed if the facilities follow certain procedures included in State statutes and regulations as indicated in Revision Checklist 157.

Also, in accordance with federal authorities RCRA §§3004(d)-(k) and (m); 40 CFR 268.4(a)(2)(iv), 268.4(a)(4), 268.7(a)-(c)(2), 268.9(a), 268.9(d)(1)(ii), 268.32, 268.34-268.37, 268.44(o), and Part 268 Appendices I-III, VI, VIII and X, as amended May 12, 1997 (62 FR 25998), State statutes 27A O.S. Supp. 1997 §§ 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 include revisions of record keeping and paperwork requirements indicated in Revision Checklist 157. State statutes and regulations also include revisions to

update the land disposal restrictions to better reflect the current program, as indicated in Revision Checklist 157.

Moreover, in accordance with federal authorities RCRA §§3004(d)-(k) and (m); 40 CFR 268.42 table 1 as amended May 12, 1997 (62 FR 25998), State statutes 27A O.S. Supp. 1997 §§ 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 include revisions introducing polymerization as an alternative treatment method as indicated in Revision Checklist 157.

Additionally, in accordance with federal authorities RCRA §§3004(d)-(k) and (m); 40 CFR 268.1(e)(4) as amended May 12, 1997 (62 FR 25998), State statutes 27A O.S. Supp. 1997 §§ 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 include revisions which indicate that the *de minimis* provision applies to minor losses of characteristic wastes as indicated in Revision Checklist 157. Accordingly, the State requirements are consistent with and 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. Identification and listing, Revision Checklist 158:

Checklist Title: Testing and Monitoring Activities Amendment III
Reference: 62 FR 32452-32463
Promulgation Date: June 13, 1997
Effective Date: June 13, 1997
Provision Type: Non-HSWA

In accordance with federal authorities RCRA §§1006, 2002(a), 3001-3007, 3010, 3013-3018, and 7004; 40 CFR Parts 260.11, 264.1034(d)(1)(iii), 264.1034(f), 264.1063(d)(2), Part 264 Appendix IX, 265.1034(d)(1)(iii), 265.1034(f), 265.1063(d)(2), 266.104(e)(1),

266.106(g)(1)&(2), 266.107(f), and 266 Appendix IX, as amended June 13, 1997 (62 FR 32452), State statutes 27A O.S. Supp. 1997 §§ 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 include required test methods in EPA Publication SW-846 and Third Edition of the EPA Approved Test Methods Manual "Test Methods for Evaluating Solid Waste, Physical/Chemical Methods" through Update III and include amendments as indicated in Revision Checklist 158. Accordingly, the State requirements are consistent with and 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. Identification and listing, and land disposal restrictions, Revision Checklist 159:

Checklist Title: Conformance With the Carbamate Vacatur
Reference: 62 FR 32974-32980
Promulgation Date: June 17, 1997
Effective Date: May 29, 1997
Provision Type: HSWA

In accordance with federal authorities RCRA 3001 and 3004; 40 CFR 261.32, 261.33(f), 261 Appendix VII, 261 Appendix VIII as amended June 17, 1997 (62 FR 32974), State statutes 27A O.S. Supp. 1997 §§ 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 include revisions designed to conform with the Federal appeals court ruling (98 F.3d 1394 (D.C. Cir. 1996)) which invalidated, in part, certain EPA regulations listing certain carbamate wastes as hazardous as indicated in Revision Checklist 159. Accordingly, the State requirements are consistent with and equivalent to the Federal requirements, and no significant increase in funding or personnel will be required when the State receives authorization for these provisions.

Additionally, in accordance with federal regulations RCRA 3004(d)-(k) and (m); 40 CFR 268.39(a), 268.39(d), and 268.40 as amended June 17, 1997 (62 FR 32974), State statutes 27A O.S. Supp. 1997 §§ 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 include revisions designed to conform with the Federal appeals court ruling (98 F.3d 1394 (D.C. Cir. 1996)) which invalidated, in part, certain EPA regulations including the land disposal prohibitions and treatment standards for the vacated carbamate wastes as indicated in Revision Checklist 159.

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The Council may not recommend rules for promulgation by the Board unless all applicable requirements of the Oklahoma Administrative Procedures Act, 75 O.S. §§ 250 et seq., as amended (Appendix E) have been followed, including but not limited to notice, rule impact statement and rule-making hearings.

The rules promulgated and in effect as permanent rules which implement the State hazardous waste program are codified in the Oklahoma Administrative Code ("OAC") at OAC 252:200 et seq. (Appendix F).

On January 8, 1998, the Council voted to recommend amendments to OAC 252:200-3-1 and 252:200-3-2 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, 1997: the provisions of 40 CFR Part 124 which are required by 40 CFR § 271.14 as well as 124.31, 124.32, and 124.33; 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 January 27, 1998 as permanent and emergency rules. The permanent rules became effective on June 1, 1998.

Additionally, on June 9, 1998, the Board adopted amendments to 252:200 which classified mercury-containing lamps as a Universal Waste in Oklahoma. These amendments were added as emergency. The rules in Appendix G contain these latest amendments. The Board intends to adopt these amendments as permanent amendments in September, 1998.

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 252:200-3-1 through 252:200-3-6 provides equivalent and no less stringent authority than the Federal Subtitle C program in effect through July 1, 1997.

Pursuant to the Oklahoma statutes listed in Part I.(A) above, a single state agency, the DEQ, has authority to administer the provisions of the State hazardous waste management program.

The DEQ remains the official agency of the State of Oklahoma, as designated by 27A O.S. Supp. 1997 § 2-7-105(13) to cooperate with Federal agencies for purposes of hazardous waste regulation.

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

VI provisions. The DEQ is the sole State agency responsible for administering the provisions of the OHWMA.

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 in place a *DEQ/OCC Jurisdictional Guidance Document* which reflects 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 H contains the current DEQ/OCC Jurisdictional Guidance Document.

The revision of the State program to include administering the provisions of RCRA Cluster VII will not require a change in which state agency will be responsible for administering the State hazardous waste program.

B. Staffing and Funding Resources (271.6(b))

The Executive Director of the DEQ, whose responsibilities have not changed significantly since the February 6, 1998 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.

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 VI 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 I. 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 1999, 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 1999 (July 1, 1998-June 30, 1999), 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 2000 and FY 2001, respectively. Tables II, III, and IV also identify the sources and amounts of funding, including Federal grant money, and explain 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 VII, 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 VII. 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.

C. State Procedures (§ 271.6(c))

The current rules of procedure in place for the DEQ were amended by the Environmental Quality Board on January 27, 1998. These rules, OAC 252:002 became effective as permanent rules on June 1, 1998. See Appendix J. Nothing in the current rules in any way restricts the Waste Management Division from fulfilling its responsibilities under the OHWMA, the Memorandum of Agreement ("MOA") which is included with this Revision Application, or the Performance Partnership Agreement ("PPA") entered into by the DEQ and EPA.

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 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.

The division of responsibility between the State and EPA for administration of respective provisions of RCRA is described in detail in the MOA.

While EPA may comment on any permit application or draft permit, EPA's overview function will focus primarily on those facilities identified in the PPA, as well as on facilities for which the Department requests EPA's assistance.

D. Compliance Tracking and Enforcement (§ 271.6(e))

The goal of the RCRA Compliance Unit of the DEQ has not changed since the submittal of the February 6, 1998 Addendum to Program Description, and the Unit 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 and 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 SNC. 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. NOV's 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. 1997 §§ 1230.1 et seq is attached as Appendix K.

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.

E. Estimated Regulated Activities (§§ 271.6(g) and (h))

Currently, based on Hazardous Waste Notifications, there are approximately 182 large quantity generators; 1,273 small quantity generators; 1,446 conditionally exempt generators; and 497 transporters.

There are approximately 3 on-site and 5 off-site treatment facilities in Oklahoma. The State has five on-site disposal facilities and 2 off-site disposal facilities.

Of the total of approximately 18 storage facilities, there are approximately 14 on-site facilities and 4 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:

- 511,918 tons generated within the State;
- 121,115 tons transported into the State;
- 46,626 tons transported out of the State;
- 424,844 tons managed on-site within the State;
- 138,537 tons managed off-site within the State (including 121,115 tons of imported waste).

F. Copies of State Forms and Coordination With Other Agencies (§§ 271.6(d) and (f))

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 L.

Part II: Scope, Structure, Coverage and Processes

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 17 of the EPA State Authorization Manual:

A. Identification and listing, Revision Checklist 153:

Checklist Title: Conditionally Exempt Small Quantity Generator Disposal Options under Subtitle D
Reference: 61 FR 34252-34278
Promulgation Date: July 1, 1996
Effective Date: January 1, 1997
Provision Type: HSWA

In accordance with federal authorities RCRA §3001(d)(4); 40 CFR 261.5(f)(3) & (g)(3) as amended July 1, 1996 (61 FR 34252), State statutes 27A O.S. Supp. 1997 §§ 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 require that when wastes generated by conditionally exempt small quantity generators are sent to a State permitted, licensed or registered facility, that facility must be subject to 40 CFR Part 258 or §§ 257.5 through 257.30 as specified in Revision Checklist 153. However, 27A O.S. §2-10-301 prohibits disposal of hazardous waste in Oklahoma landfills which are approved to receive only solid waste. The DEQ intends to propose a regulatory change to the hazardous waste regulations to reflect this statutory provision. Therefore, no increase in funding or personnel will be required when the State receives authorization for these provisions.

B. Standards for facilities, Revision Checklist 154:

Checklist Title: Consolidated Organic Air Emission Standards for Tanks, Surface Impoundments, and Containers
Reference: 59 FR 62896-62953, 60 FR 26828-26829, 60 FR 50426-50430, 60 FR 56952-56954, 61 FR 4903-4916, 61 FR 28508-28511, and 61 FR 59932-59997

Promulgation Date: December 6, 1994; May 19, 1995; September 29, 1995; November 13, 1995; February 9, 1996; June 5, 1996; and November 25, 1996
Effective Date: December 6, 1996

In accordance with federal authorities RCRA § 3004(n); 40 CFR 60 Appendix A, 260, 261, 262, 264, 265, and 270 as amended December 6, 1994 (59 FR 62896); May 19, 1995 (60 FR 26828); September 29, 1995 (60 FR 50426); November 13, 1995 (60 FR 56952); February 9, 1996 (61 FR 4903); June 5, 1996 (61 FR 28508); and November 25, 1996 (61 FR 59932), State statutes 27A O.S. Supp. 1997 §§ 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 provide for organic air emission standards for tanks, surface impoundments and containers and provide that air emission control requirements be added to the permit terms and provisions specified for miscellaneous units as specified in Revision Checklist 154. Accordingly, the State requirements are consistent with and 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, Revision Checklist 155:

Checklist Title: Land Disposal Restrictions Phase III-- Emergency Extension of the K088 Capacity Variance
Reference: 62 FR 1992-1997
Promulgation Date: January 14, 1997
Effective Date: January 8, 1997
Provision Type: HSWA

In accordance with federal authorities RCRA §§ 3004(d) through (k), and 3004(m); 40 CFR 268.39(c) as amended January 14, 1997 (62 FR 1992), State statutes 27A O.S. Supp. 1997 §§ 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 provide a six (6) month extension of the current national capacity variance for spent potliners from primary

aluminum production (Hazardous Waste Number K088) so that K088 wastes do not have to be treated to meet LDR treatment standards until July 8, 1997, as indicated in Revision Checklist 155. Accordingly, the State requirements are consistent with and 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. Standards for Facilities, Revision Checklist 156:

Checklist Title: Military Munitions Rule
Reference: 62 FR 6622-6657
Promulgation Date: February 12, 1997
Effective Date: August 12, 1997
Provision Type: Non-HSWA

In accordance with federal authorities RCRA § 2002, 3001-3007, 3010, and 7003; 40 CFR 260.10; 261.2(a)(2)(iii)-(iv); 262.10(i); 263.10(e)&(f); 264.1(g)(8)(i)(D), (g)(8)(iv), and (i); 264.70; 264.1200 through 264.1202; 265.1(c)(11)(i)(D), (c)(11)(iv), and (f); 265.70; 265.1200 through 265.1202; 266.200(a)-(b); 266.201, 266.202, 266.204, 266.206, 270.1(c)(3)(i)(D), and 270.1(c)(3)(iii) as amended on February 12, 1997 (62 FR 6622), State statutes 27A O.S. Supp. 1997 §§ 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 identify when conventional and chemical military munitions become a hazardous waste under RCRA and provide for the safe storage and transport of such waste. They also clarify that emergency responses involving both military and non-military munitions and explosives are considered an immediate response to a discharge or imminent and substantial threat of a discharge of a hazardous waste as indicated in Revision Checklist 156. Accordingly, the State requirements are consistent with and equivalent to the Federal requirements, and no

significant increase in funding or personnel will be required when the State receives authorization for these provisions.

Additionally, in accordance with federal authorities RCRA § 3001, 3003, 3004(y); 40 CFR 266.203 as amended on February 12, 1997 (62 FR 6622), State statutes 27A O.S. Supp. 1997 §§ 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 provide for a manifest exemption for off-site shipment of unused waste munitions from one military installation to another as indicated in Revision Checklist 156. Accordingly, the State requirements are consistent with and equivalent to the Federal requirements, and no significant increase in funding or personnel will be required when the State receives authorization for these provisions.

Also, in accordance with federal authorities RCRA § 3001 and 3004(y); 40 CFR 266.205 as amended on February 12, 1997 (62 FR 6622), State statutes 27A O.S. Supp. 1997 §§ 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 provide for conditional exemption for waste munitions storage as indicated in Revision Checklist 156. Accordingly, the State requirements are consistent with and 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. Identification and listing, and land disposal restrictions, Revision Checklist

157:

Checklist Title: Land Disposal Restrictions -- Phase IV
Reference: 62 FR 25998-26040
Promulgation Date: May 12, 1997
Effective Date: August 11, 1997 for all provisions, except §§148.18(b) and 268.30(b) which are effective May 12, 1999.

Provision Type: HSWA

In accordance with federal authorities RCRA §§3001; 40 CFR 261.1(c)(9)-(12), 261.2(c) table 1, 261.4(a)(13), 261.4(a)(14), 261.6(a)(3)(ii) as amended May 12, 1997 (62 FR 25998), State statutes 27A O.S. Supp. 1997 §§ 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 include revisions of the exclusion of scrap metal and circuit boards from RCRA regulation as indicated in Checklist 157.

Additionally, in accordance with federal authorities RCRA §§3004(d)-(k) and (m); 40 CFR 268.30(a)-(e) and 268.40 as amended May 12, 1997 (62 FR 25998), State statutes 27A O.S. Supp. 1997 §§ 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 prohibit the land disposal of the wood preserving waste F032, F034 and F035 by August 11, 1997, and also prohibit any soil and debris and radioactive waste mixed with above chemicals from land disposal effective May 12, 1999. In between these effective dates, mixtures may only be land disposed if the facilities follow certain procedures included in State statutes and regulations as indicated in Revision Checklist 157.

Also, in accordance with federal authorities RCRA §§3004(d)-(k) and (m); 40 CFR 268.4(a)(2)(iv), 268.4(a)(4), 268.7(a)-(c)(2), 268.9(a), 268.9(d)(1)(ii), 268.32, 268.34-268.37, 268.44(o), and Part 268 Appendices I-III, VI, VIII and X, as amended May 12, 1997 (62 FR 25998), State statutes 27A O.S. Supp. 1997 §§ 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 include revisions of record keeping and paperwork requirements indicated in Revision Checklist 157. State statutes and regulations also include revisions to

update the land disposal restrictions to better reflect the current program, as indicated in Revision Checklist 157.

Moreover, in accordance with federal authorities RCRA §§3004(d)-(k) and (m); 40 CFR 268.42 table 1 as amended May 12, 1997 (62 FR 25998), State statutes 27A O.S. Supp. 1997 §§ 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 include revisions introducing polymerization as an alternative treatment method as indicated in Revision Checklist 157.

Additionally, in accordance with federal authorities RCRA §§3004(d)-(k) and (m); 40 CFR 268.1(e)(4) as amended May 12, 1997 (62 FR 25998), State statutes 27A O.S. Supp. 1997 §§ 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 include revisions which indicate that the *de minimis* provision applies to minor losses of characteristic wastes as indicated in Revision Checklist 157. Accordingly, the State requirements are consistent with and 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. Identification and listing, Revision Checklist 158:

Checklist Title: Testing and Monitoring Activities Amendment III
Reference: 62 FR 32452-32463
Promulgation Date: June 13, 1997
Effective Date: June 13, 1997
Provision Type: Non-HSWA

In accordance with federal authorities RCRA §§1006, 2002(a), 3001-3007, 3010, 3013-3018, and 7004; 40 CFR Parts 260.11, 264.1034(d)(1)(iii), 264.1034(f), 264.1063(d)(2), Part 264 Appendix IX, 265.1034(d)(1)(iii), 265.1034(f), 265.1063(d)(2), 266.104(e)(1),

266.106(g)(1)&(2), 266.107(f), and 266 Appendix IX, as amended June 13, 1997 (62 FR 32452), State statutes 27A O.S. Supp. 1997 §§ 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 include required test methods in EPA Publication SW-846 and Third Edition of the EPA Approved Test Methods Manual "Test Methods for Evaluating Solid Waste, Physical/Chemical Methods" through Update III and include amendments as indicated in Revision Checklist 158. Accordingly, the State requirements are consistent with and 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. Identification and listing, and land disposal restrictions, Revision Checklist 159:

Checklist Title: Conformance With the Carbamate Vacatur
Reference: 62 FR 32974-32980
Promulgation Date: June 17, 1997
Effective Date: May 29, 1997
Provision Type: HSWA

In accordance with federal authorities RCRA 3001 and 3004; 40 CFR 261.32, 261.33(f), 261 Appendix VII, 261 Appendix VIII as amended June 17, 1997 (62 FR 32974), State statutes 27A O.S. Supp. 1997 §§ 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 include revisions designed to conform with the Federal appeals court ruling (98 F.3d 1394 (D.C. Cir. 1996)) which invalidated, in part, certain EPA regulations listing certain carbamate wastes as hazardous as indicated in Revision Checklist 159. Accordingly, the State requirements are consistent with and equivalent to the Federal requirements, and no significant increase in funding or personnel will be required when the State receives authorization for these provisions.

Additionally, in accordance with federal regulations RCRA 3004(d)-(k) and (m); 40 CFR 268.39(a), 268.39(d), and 268.40 as amended June 17, 1997 (62 FR 32974), State statutes 27A O.S. Supp. 1997 §§ 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 include revisions designed to conform with the Federal appeals court ruling (98 F.3d 1394 (D.C. Cir. 1996)) which invalidated, in part, certain EPA regulations including the land disposal prohibitions and treatment standards for the vacated carbamate wastes as indicated in Revision Checklist 159.