

US EPA ARCHIVE DOCUMENT

RCRA VIII ; CLS 166, 10
RCRA IX
Oklahoma
AG Signed 5/31/00
PR XIII
AG

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

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 "Addendum To Program Description" submitted by the DEQ along with this Revision Attorney's Statement.

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 Attorney 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; April 15, 1997; February 6, 1998 as amended June 11, 1998; December 2, 1998; and October 15, 1999. Similarly, this Attorney's Statement supplements the Attorney General's Statements and Attorney's Statements executed on those dates.

I. IDENTIFICATION AND LISTING

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

(31) Listing of four wastes (K169-K172) generated during petroleum refining process,

40 CFR 261.32, Part 261 Appendix VII as amended August 6, 1998 (63 FR 42210),
Revision Checklist 169.

OO. State statutes and regulations provide for secondary materials from mineral processing to be co-processed with normal raw materials in beneficiation operations which generate Bevill exempt wastes, without changing the exempt status of the resulting Bevill waste, provided certain conditions are met as indicated in Revision Checklists 167 E and 179.

Federal Authority

RCRA §3001; 40 CFR 261.4(b)(7) as amended May 26, 1998 (63 FR 28556) and May 11, 1999 (64 FR 25408).

Citation of State Laws and Regulations; Date of Adoption

✓ 27A O.S. Supp. 1999 § 2-2-104 Added by Laws 1994, effective July 1, 1994

27A O.S. Supp. 1999 § 2-7-106 Amended by Laws 1993, effective July 1, 1993

Rules 252:205-3-1 through 252:205-3-6 permanent effective date June 12, 2000

Remarks of the Certifying Attorney

Rules 252:205-3-1 through 252:205-3-6 adopt the federal requirements by reference; therefore, the State program is equivalent to and no less stringent than the federal program.

QQ. State statutes and regulations include revisions that expand the headworks exemption to include waste generated during petroleum refining process (K169-K172), as indicated in Revision Checklist 169.

Federal Authority:

RCRA §§ 2002(a) and 3001, 40 CFR 261.3(a)(2)(iv)(C) as amended August 6, 1998 (63 FR 42110) and October 9, 1998 (63 FR 54356).

Citation of State Laws and Regulations; Date of Adoption

✓ 27A O.S. Supp. 1999 § 2-2-104 Added by Laws 1994, effective July 1, 1994

27A O.S. Supp. 1999 § 2-7-106 Amended by Laws 1993, effective July 1, 1993

Rules 252:205-3-1 through 252:205-3-6 permanent effective date June 12, 2000

Remarks of the Certifying Attorney

Rules 252:205-3-1 through 252:205-3-6 adopt the federal requirements by reference; therefore, the State program is equivalent to and no less stringent than the federal program.

RR. State statutes and regulations include an exemption for catalyst support media as indicated in Revision Checklist 169.

Federal Authority:

RCRA §§ 2002(a) and 3001, 40 CFR 261.3(c)(2)(ii)(E), as amended August 6, 1998 (63

FR 42110) and October 9, 1998 (63 FR 54356).

Citation of State Laws and Regulations; Date of Adoption.

✓ 27A O.S. Supp. 1999 § 2-2-104 Added by Laws 1994, effective July 1, 1994

27A O.S. Supp. 1999 § 2-7-106 Amended by Laws 1993, effective July 1, 1993

Rules 252:205-3-1 through 252:205-3-6 permanent effective date June 12, 2000

Remarks of the Certifying Attorney

Rules 252:205-3-1 through 252:205-3-6 adopt the federal requirements by reference; therefore, the State program is equivalent to and no less stringent than the federal program.

SS. State statutes and regulations exclude dredged material from regulation as a hazardous waste provided the material is subject to the requirements of a permit issued under §404 of the Federal Water Pollution Control Act or §103 of the Marine Protection, Research, and

Sanctuaries Act as indicated in Revision Checklist 175.

Federal Authority:

RCRA §§ 1006(b), 2002(a) and 3001; 40 CFR 261.4(g), as amended November 30, 1998
(63 FR 65874).

Citation of State Laws and Regulations; Date of Adoption

- ✓ 27A O.S. Supp. 1999 § 2-2-104 Added by Laws 1994, effective July 1, 1994
- 27A O.S. Supp. 1999 § 2-7-106 Amended by Laws 1993, effective July 1, 1993
- Rules 252:205-3-1 through 252:205-3-6 permanent effective date June 12, 2000

Remarks of the Certifying Attorney

Rules 252:205-3-1 through 252:205-3-6 adopt the federal requirements by reference; therefore, the State program is equivalent to and no less stringent than the federal program.

TT. State statutes and regulations exempt, from regulation as a hazardous waste, landfill leachate and gas condensate derived from previously disposed petroleum refinery wastes (K169-K172), as indicated in Revision Checklist 178.

Federal Authority

RCRA §§ 2002(a) and 3001(a), (b), and (e)(2), 3004(g) and (m), 40 CFR 261.4(b)(15), as amended February 11, 1999 (64 FR 6806).

Citation of State Laws and Regulations; Date of Adoption

- ✓ 27A O.S. Supp. 1999 § 2-2-104 Added by Laws 1994, effective July 1, 1994
- 27A O.S. Supp. 1999 § 2-7-106 Amended by Laws 1993, effective July 1, 1993
- Rules 252:205-3-1 through 252:205-3-6 permanent effective date June 12, 2000

Remarks of the Certifying Attorney

Rules 252:205-3-1 through 252:205-3-6 adopt the federal requirements by reference;

therefore, the State program is equivalent to and no less stringent than the federal program.

UU. State statutes and regulations (1) incorporate the third edition and updates to "Test Methods for Evaluating Solid Waste, Physical/Chemical Methods" (SW-846), the Third edition (November 1986), as amended through Update IIIA (April 1998); and (2) include Method 1664, Revision A, N-Hexane Extractable Material (HEM; Oil and Grease) and Silica Gel Treated N-Hexane Extractable Material (SGT-HEM; Non-polar Material) by Extraction and Gravimetry, as indicated in Revision Checklist (180)

Federal Authority

RCRA §§1006, 2002(a), 3001-3007, 3010, 3013-3018, and 7004; 40 CFR 260.11(a)(11) and 260.11(a)(16), as amended May 14, 1999 (64 FR 26315).

Citation of State Laws and Regulations; Date of Adoption

✓ 27A O.S. Supp. 1999 § 2-2-104 Added by Laws 1994, effective July 1, 1994

27A O.S. Supp. 1999 § 2-7-106 Amended by Laws 1993, effective July 1, 1993

Rules 252:205-3-1 through 252:205-3-6 permanent effective date June 12, 2000

Remarks of the Certifying Attorney

Rules 252:205-3-1 through 252:205-3-6 adopt the federal requirements by reference; therefore, the State program is equivalent to and no less stringent than the federal program.

II. DEFINITION OF SOLID WASTE

D. State statutes and regulations provide for a conditional exclusion from the definition of solid wastes for mineral processing secondary materials as indicated in Revision Checklists

(167 D and 179)

Federal Authority

RCRA §3001; 40 CFR 261.2(c)(3), 261.2(c)(4) Table 1, 261.2(e)(1)(iii), 261.4(a)(16), and 261.4(a)(17) as amended May 26, 1998 (63 FR 28556) and May 11, 1999 (64 FR 25408).

Citation of State Laws and Regulations; Date of Adoption

✓ 27A O.S. Supp. 1999 § 2-2-104 Added by Laws 1994, effective July 1, 1994

27A O.S. Supp. 1999 § 2-7-106 Amended by Laws 1993, effective July 1, 1993

Rules 252:205-3-1 through 252:205-3-6 permanent effective date June 12, 2000

Remarks of the Certifying Attorney

Rules 252:205-3-1 through 252:205-3-6 adopt the federal requirements by reference; therefore, the State program is equivalent to and no less stringent than the federal program.

G. State statutes and regulations include revisions to the exclusion for certain oil-bearing hazardous secondary materials, as well as new exclusions for petrochemical recovered oil, and spent caustic solutions from petroleum refining processes, and the related revisions to the references to these exclusions as indicated in Revision Checklist 169.

Federal Authority

RCRA § 3001; 40 CFR 261.3(c)(2)(ii)(B), 261.4(a)(12), 261.4(a)(18) & (19), 261.6(a)(3)(iv)(C), 261.6(a)(3)(v), 261.31(a), and 266.100(b)(3), as amended August 6, 1998 (63 FR 42110) and October 9, 1998 (63 FR 54356).

Citation of Laws and Regulations; Date of Enactment and Adoption

27A O.S. Supp. 1999 § 2-2-104 Added by Laws 1994, effective July 1, 1994

27A O.S. Supp. 1999 § 2-7-106 Amended by Laws 1993, effective July 1, 1993

Rules 252:205-3-1 through 252:205-3-6 permanent effective date June 12, 2000

Remarks of the Certifying Attorney

Rules 252:205-3-1 through 252:205-3-6 adopt the federal requirements by reference; therefore, the State program is equivalent to and no less stringent than the federal program.

XIII. CORRECTIVE ACTION

H. State statutes and regulations contain design criteria as well as management and operating standards for the use of staging piles in storing remediation wastes, as indicated in Revision Checklist (175).

Federal Authority

RCRA §§ 2002(a), 3004, 3005, and 7004; 40 CFR 264.554, 265.1(b), 268.2(c), and 268.50(g), as amended November 30, 1998 (63 FR 65874).

Citation of Laws and Regulations; Date of Enactment and Adoption

✓ 27A O.S. Supp. 1999 § 2-2-104 Added by Laws 1994, effective July 1, 1994

27A O.S. Supp. 1999 § 2-7-106 Amended by Laws 1993, effective July 1, 1993

Rules 252:205-3-1 through 252:205-3-6 permanent effective date June 12, 2000

Remarks of the Certifying Attorney

Rules 252:205-3-1 through 252:205-3-6 adopt the federal requirements by reference; therefore, the State program is equivalent to and no less stringent than the federal program.

I. State statutes and regulations contain provisions exempting cleanup only remediation waste management sites from 40 CFR 264.101 facility-wide corrective action as indicated in Revision Checklist (175).

Federal Authority

RCRA §§2002(a) and 3004; 40 CFR 260.10, 264.1(j) intro, 264.101(d), 264.552(a), 264.553(a) and 270.230(e)(1) as amended November 30, 1998 (63 FR 65874).

Citations of Laws and Regulations; Date of Enactment and Adoption

✓ 27A O.S. Supp. 1999 § 2-2-104 Added by Laws 1994, effective July 1, 1994

27A O.S. Supp. 1999 § 2-7-106 Amended by Laws 1993, effective July 1, 1993

Rules 252:205-3-1 through 252:205-3-6 permanent effective date June 12, 2000

Remarks of the Certifying Attorney

Rules 252:205-3-1 through 252:205-3-6 adopt the federal requirements by reference; therefore, the State program is equivalent to and no less stringent than the federal program.

XV. STANDARDS FOR FACILITIES

W. State statutes and regulations 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 Checklists 154, 163 and 177.

Federal Authority

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); November 25, 1996 (61 FR 59932); December 8, 1997 (62 FR 64636); and January 21, 1999 (64 FR 3382).

Citation of State Laws and Regulations; Date of Adoption

✓ 27A O.S. Supp. 1999 § 2-2-104 Added by Laws 1994, effective July 1, 1994

27A O.S. Supp. 1999 § 2-7-106 Amended by Laws 1993, effective July 1, 1993

Rules 252:205-3-1 through 252:205-3-6 permanent effective date June 12, 2000

Remarks of the Certifying Attorney

Rules 252:205-3-1 through 252:205-3-6 adopt the federal requirements by reference; therefore, the State program is equivalent to and no less stringent than the federal program.

AA. State statutes and regulations remove requirements to issue post-closure permits at each facility and allow post-closure care requirements to be imposed at interim status facilities using either permits or approved alternate authorities as indicated in Revision Checklist (174).

Federal Authority

RCRA §§ 2002(a), 3005 and 3006; 40 CFR 264.90(e), 265.110(c), 265.118(c)(4), 265.121 and 270.1(c) as amended October 22, 1998 (63 FR 56710).

Citation of State Laws and Regulations; Date of Adoption

✓ 27A O.S. Supp. 1999 § 2-2-104 Added by Laws 1994, effective July 1, 1994

27A O.S. Supp. 1999 § 2-7-106 Amended by Laws 1993, effective July 1, 1993

Rules 252:205-3-1 through 252:205-3-6 permanent effective date June 12, 2000

Remarks of the Certifying Attorney

Rules 252:205-3-1 through 252:205-3-6 adopt the federal requirements by reference; therefore, the State program is equivalent to and no less stringent than the federal program.

BB. State statutes and regulations give discretion to the State Director to impose requirements developed for corrective action in lieu of Subparts F, G, and H at certain regulated facilities, either permitted or interim status, that appear to have released to the environment, if nearby SWMUs also appear to have contributed to the same release as indicated in Revision Checklist (174).

Federal Authority

RCRA §§ 2002(a), 3004, 3005 and 3006; 40 CFR 264.90(f), 264.110(c), 264.112(b)&(c), 264.118(b)&(d), 264.140(d), 265.90(f), 265.110(d), 265.112(b)&(c), 265.118(c)(5) & (d)(1)(iii), and 265.140(d) as amended October 22, 1998 (63 FR 56710).

Citations of Laws and Regulations; Date of Enactment and Adoption

27A O.S. Supp. 1999 § 2-2-104 Added by Laws 1994, effective July 1, 1994

27A O.S. Supp. 1999 § 2-7-106 Amended by Laws 1993, effective July 1, 1993

Rules 252:205-3-1 through 252:205-3-6 permanent effective date June 12, 2000

Remarks of the Certifying Attorney

Rules 252:205-3-1 through 252:205-3-6 adopt the federal requirements by reference; therefore, the State program is equivalent to and no less stringent than the federal program.

CC. State statutes and regulations provide reduced 40 CFR Part 264, Subparts B, C, and D requirements for remediation waste management sites as indicated in Revision Checklist 175.

Federal Authority

RCRA §§ 2002(a), 3004, and 3007; 40 CFR 260.10, 264.1(j), and 264.73(b)(17) as amended November 30, 1998 (63 FR 65874).

Citation of Laws and Regulations; Date of Enactment and Adoption

✓ 27A O.S. Supp. 1999 § 2-2-104 Added by Laws 1994, effective July 1, 1994

27A O.S. Supp. 1999 § 2-7-106 Amended by Laws 1993, effective July 1, 1993

Rules 252:205-3-1 through 252:205-3-6 permanent effective date June 12, 2000

Remarks of the Certifying Attorney

Rules 252:205-3-1 through 252:205-3-6 adopt the federal requirements by reference; therefore, the State program is equivalent to and no less stringent than the federal program.

XVI. REQUIREMENTS FOR PERMITS

CC. State statutes and regulations require that owners and operators seeking a post-closure permit have to submit only that information required by 40 CFR 270.28 as indicated in Revision Checklist 174.

Federal authority

RCRA §3006; 40 CFR 270.14 and 270.28 as amended October 22, 1998 (63 FR 56710).

Citation of State Laws and Regulations; Date of Adoption

✓ 27A O.S. Supp. 1999 § 2-2-104 Added by Laws 1994, effective July 1, 1994

27A O.S. Supp. 1999 § 2-7-106 Amended by Laws 1993, effective July 1, 1993

Rules 252:205-3-1 through 252:205-3-6 permanent effective date June 12, 2000

Remarks of the Certifying Attorney

Rules 252:205-3-1 through 252:205-3-6 adopt the federal requirements by reference; therefore, the State program is equivalent to and no less stringent than the federal program.

DD. State statutes and regulations provide for Remedial Action Plans (RAPs) as a special form of RCRA permit for treatment, storage or disposal of hazardous remediation waste at remediation waste management sites, as indicated in Revision Checklist 175

Federal Authority

RCRA §§ 2002(a), 3005, 3007, and 7004; 40 CFR 270.2, 270.11(d), 270.42, 270.68, 270.73(a), and 270.79-270.230, as amended November 30, 1998 (63 FR 65874).

Citation of Laws and Regulations; Date of Enactment and Adoption

✓ 27A O.S. Supp. 1999 § 2-2-104 Added by Laws 1994, effective July 1, 1994

27A O.S. Supp. 1999 § 2-7-106 Amended by Laws 1993, effective July 1, 1993

Rules 252:205-3-1 through 252:205-3-6 permanent effective date June 12, 2000

Remarks of the Certifying Attorney

Rules 252:205-3-1 through 252:205-3-6 adopt the federal requirements by reference; therefore, the State program is equivalent to and no less stringent than the federal program.

XXI. LAND DISPOSAL RESTRICTIONS

U. State statutes and regulations provide for an extension of the 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 September 21, 1988, as indicated in Revision Checklists 155, 160, and 173.

Federal Authority

RCRA §3004(d)-(k), and (m), 40 CFR 268.39(c) as amended January 14, 1997 (62 FR 1992), July 14, 1997 (62 FR 37694), and September 24, 1998 (63 FR 51254).

DD. State statutes and regulations include prohibitions and treatment standards for metal constituents in all hazardous wastes including the toxic characteristic wastes as indicated in Revision Checklists 167 A and 179.

Federal Authority

RCRA §§3004(g)(4) and (m); 40 CFR 268.2(i), 268.3(d), 268.34, 268.40(e)&(h), 268.40 table, and 268.48 as amended May 26, 1998 (63 FR 28556) and May 11, 1999 (64 FR 25408).

Citation of State Laws and Regulations; Date of Adoption

✓ 27A O.S. Supp. 1999 § 2-2-104 Added by Laws 1994, effective July 1, 1994

27A O.S. Supp. 1999 § 2-7-106 Amended by Laws 1993, effective July 1, 1993

Rules 252:205-3-1 through 252:205-3-6 permanent effective date June 12, 2000

Remarks of the Certifying Attorney

Rules 252:205-3-1 through 252:205-3-6 adopt the federal requirements by reference; therefore, the State program is equivalent to and no less stringent than the federal program.

FF. State statutes and regulations include treatment standards for contaminated soils as indicated in Revision Checklists (167 B and 179)

Federal Authority

RCRA §§3004(d)-(k) and (m); 40 CFR 262.34(d)(4), 268.2(h), 268.2(k), 268.7(a)(1)-(6), 268.7(b)(1)-(3), 268.7(b)(4) intro & (b)(iv), 268.9(d)(2) intro, 268.9(d)(2)(i), 268.7(e), 268.44(h)(3)-(5), 268.49 as amended May 26, 1998 (63 FR 28556) and May 11, 1999 (64 FR 25408).

Citation of State Laws and Regulations; Date of Adoption

27A O.S. Supp. 1999 § 2-2-104 Added by Laws 1994, effective July 1, 1994

27A O.S. Supp. 1999 § 2-7-106 Amended by Laws 1993, effective July 1, 1993

Rules 252:205-3-1 through 252:205-3-6 permanent effective date June 12, 2000

Remarks of the Certifying Attorney

Rules 252:205-3-1 through 252:205-3-6 adopt the federal requirements by reference; therefore, the State program is equivalent to and no less stringent than the federal program.

GG. State statutes and regulations include corrections and clarifications to the land disposal restrictions as indicated in Revision Checklists (167 C and 179).

Federal Authority

RCRA §§3004(d)-(k) and (m); 40 CFR 268.4(a)(2)(ii)&(iii), 268.7(a)(7), 268.7(b)(3)(ii)/Table, 268.7(b)(4)(iv)&(v), 268.7(b)(5)&(6), 268.40/Table, 268.40(e),

268.42(a), 268.45(a) intro, 268.45(d)(3)&(4), 268.48, 268 Appendices VII & VIII as amended May 26, 1998 (63 FR 28556), June 8, 1998 (63 FR 31266) and May 11, 1999 (64 FR 25408).

Citation of State Laws and Regulations; Date of Adoption

✓ 27A O.S. Supp. 1999 § 2-2-104 Added by Laws 1994, effective July 1, 1994

27A O.S. Supp. 1999 § 2-7-106 Amended by Laws 1993, effective July 1, 1993

Rules 252:205-3-1 through 252:205-3-6 permanent effective date June 12, 2000

Remarks of the Certifying Attorney

Rules 252:205-3-1 through 252:205-3-6 adopt the federal requirements by reference; therefore, the State program is equivalent to and no less stringent than the federal program.

HH. State statutes and regulations include a waste-specific prohibition and treatment standards for K169-K172 wastes under the land disposal restriction program, as indicated in Revision Checklist 169.

Federal Authority

RCRA § 3004(g) and (m); 268.35 and 268.40, as amended August 6, 1998 (63 FR 42110).

Citation of Laws and Regulations; Date of Enactment and Adoption

✓ 27A O.S. Supp. 1999 § 2-2-104 Added by Laws 1994, effective July 1, 1994

27A O.S. Supp. 1999 § 2-7-106 Amended by Laws 1993, effective July 1, 1993

Rules 252:205-3-1 through 252:205-3-6 permanent effective date June 12, 2000

Remarks of the Certifying Attorney

Rules 252:205-3-1 through 252:205-3-6 adopt the federal requirements by reference; therefore, the State program is equivalent to and no less stringent than the federal program.

II. State statutes and regulations stay the May 26, 1998 Phase IV Land Disposal Restriction treatment standards for metal-bearing hazardous wastes which exhibit the characteristic of toxicity, until EPA develops more consistent and comprehensive regulations for hazardous waste-derived fertilizers. In the interim, affected fertilizers are subject to the treatment standards that previously existed for toxic metals as specified on Revision Checklists (170) and (179).

Federal Authority

RCRA §§3001 and 3004(d), 40 CFR 268.40(i), as amended August 31, 1998 (63 FR 46332) and May 11, 1999 (64 FR 25408).

Citation of State Laws and Regulations: Date of Adoption

✓ 27A O.S. Supp. 1999 § 2-2-104 Added by Laws 1994, effective July 1, 1994

27A O.S. Supp. 1999 § 2-7-106 Amended by Laws 1993, effective July 1, 1993

Rules 252:205-3-1 through 252:205-3-6 permanent effective date June 12, 2000

Remarks of the Certifying Attorney

Rules 252:205-3-1 through 252:205-3-6 adopt the federal requirements by reference; therefore, the State program is equivalent to and no less stringent than the federal program.

JJ. State statutes and regulations provide revised treatment standards for seven carbamate wastes and extend indefinitely the temporary treatment standards; remove the treatment standard for one carbamate waste; delete certain carbamate wastes as underlying hazardous constituents; and extend for six months the temporary alternative treatment standards for the other 32 carbamate wastes as indicated in Revision Checklists (17) and (179).

Federal Authority

RCRA § 3004(d)-(k) and (m); 40 CFR 268.40(g) - (j), 268.40/Table, and 268.48(a)/Table

as amended September 4, 1998 (63 FR 47410) and May 11, 1999 (64 FR 25408).

Citation of State Laws and Regulations: Date of Adoption

✓ 27A O.S. Supp. 1999 § 2-2-104 Added by Laws 1994, effective July 1, 1994

27A O.S. Supp. 1999 § 2-7-106 Amended by Laws 1993, effective July 1, 1993

Rules 252:205-3-1 through 252:205-3-6 permanent effective date June 12, 2000

Remarks of the Certifying Attorney

Rules 252:205-3-1 through 252:205-3-6 adopt the federal requirements by reference; therefore, the State program is equivalent to and no less stringent than the federal program.

KK. State statutes and regulations provide for an extension of the compliance date until November 26, 1998, for treatment standards for secondary lead slags that exhibit the toxicity characteristic for metals as indicated in Revision Checklist⁽¹⁷²⁾

Federal Authority

RCRA § 3004(d)-(k) & (m); 40 CFR 268.34(b) as amended September 9, 1998 (63 FR 48124).

Citation of State Laws and Regulations: Date of Adoption

✓ 27A O.S. Supp. 1999 § 2-2-104 Added by Laws 1994, effective July 1, 1994

27A O.S. Supp. 1999 § 2-7-106 Amended by Laws 1993, effective July 1, 1993

Rules 252:205-3-1 through 252:205-3-6 permanent effective date June 12, 2000

Remarks of the Certifying Attorney

Rules 252:205-3-1 through 252:205-3-6 adopt the federal requirements by reference; therefore, the State program is equivalent to and no less stringent than the federal program.

LL. State statutes and regulations provide for interim replacement standards for spent

potliners from primary aluminum reduction (EPA hazardous waste K088) as indicated in Revision Checklists 173 and 179.

Federal Authority:

RCRA §3004(d)-(k), and (m); 40 CFR 268.40, as amended September 24, 1998 (63 FR 51254) and May 11, 1999 (64 FR 25408).

Citation of State Laws and Regulations: Date of Adoption

✓ 27A O.S. Supp. 1999 § 2-2-104 Added by Laws 1994, effective July 1, 1994

27A O.S. Supp. 1999 § 2-7-106 Amended by Laws 1993, effective July 1, 1993

Rules 252:205-3-1 through 252:205-3-6 permanent effective date June 12, 2000

Remarks of the Certifying Attorney

Rules 252:205-3-1 through 252:205-3-6 adopt the federal requirements by reference; therefore, the State program is equivalent to and no less stringent than the federal program.

XXIII. UNIVERSAL WASTES

A. State statutes and regulations provide hazardous waste management standards for the collection and management of certain widely generated wastes determined "universal wastes" as indicated in Revision Checklists 142 A and 176.

Federal Authority:

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 intro, 262.10(b), 262.11(d), 264.1(g)(11) intro, 265.1(c)(14) intro, 268.1(f) intro, 270.1(c)(2)(viii) intro, 273.1(a) intro, 273.1(b), 273.5, 273.6, 273.10, 273.11, 273.12, 273.14 intro, 273.15-273.31, 273.32(a)(1)&(2), 273.32(b), 273.34 intro, 273.35-273.70, as amended May 11, 1995 (60 FR 25492) and December 24, 1998 (63 FR 71225).

Citation of State Laws and Regulations: Date of Adoption

✓ 27A O.S. Supp. 1999 § 2-2-104 Added by Laws 1994, effective July 1, 1994

27A O.S. Supp. 1999 § 2-7-106 Amended by Laws 1993, effective July 1, 1993

Rules 252:205-3-1 through 252:205-3-6 permanent effective date June 12, 2000

Remarks of the Certifying Attorney

Rules 252:205-3-1 through 252:205-3-6 adopt the federal requirements by reference; therefore, the State program is equivalent to and no less stringent than the federal program.

B. State statutes and regulations include hazardous waste batteries as a universal waste as indicated in Revision Checklists 142 B) and 176.

Federal Authority

RCRA §§3001, 3002, 3003, 3004, 3005, 3010, 3013, 3017, and 7004; 40 CFR 260.10, 261.9(a), 264.1(g)(11)(i), 265.1(c)(14)(i), 266.80(a), 266.80(b), 268.1(f)(1), 270.1(c)(2)(viii)(A), 273.1(a)(1), 273.2, 273.6, 273.13(a), 273.14(a), 273.33(a), and 273.34(a), as amended May 11, 1995 (60 FR 25492) and December 24, 1998 (63 FR 71225).

Citation of State Laws and Regulations: Date of Adoption

✓ 27A O.S. Supp. 1999 § 2-2-104 Added by Laws 1994, effective July 1, 1994

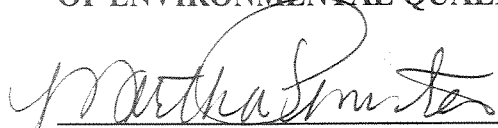
27A O.S. Supp. 1999 § 2-7-106 Amended by Laws 1993, effective July 1, 1993

Rules 252:205-3-1 through 252:205-3-6 permanent effective date June 12, 2000

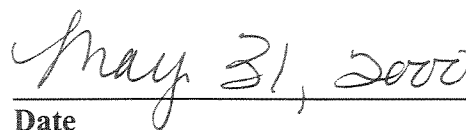
Remarks of the Certifying Attorney

Rules 252:205-3-1 through 252:205-3-6 adopt the federal requirements by reference; therefore, the State program is equivalent to and no less stringent than the federal program.

FOR THE OKLAHOMA DEPARTMENT
OF ENVIRONMENTAL QUALITY



Martha Penisten, Staff Attorney



Date