

US EPA ARCHIVE DOCUMENT

ADDENDUM TO PROGRAM DESCRIPTION
OKLAHOMA DEPARTMENT OF ENVIRONMENTAL QUALITY
HAZARDOUS WASTE MANAGEMENT PROGRAM
RCRA CLUSTER IX

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 IX. The State program now has in place statutory authority and regulations for all required program components through RCRA Cluster IX. These statutory and regulatory provisions were developed to provide corresponding authority to the Federal program; therefore, the State program is equivalent to, consistent with, 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, IV, V, VI, VII, and VIII. 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 the U.S. Environmental Protection Agency on October 15, 1999.

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. 1999 §§ 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. 1999 §§ 2-1-101 through 2-3-507 (Appendix B); and the Oklahoma Hazardous Waste Management Act, 27A O.S. Supp. 1999 §§ 2-7-101 et seq. ("OHWMA") (Appendix C). 27A O.S. Supp. 1999 § 2-14-305 allows for issuance of general permits (Appendix D). No amendments were made to the above statutory authorities during the 2000 legislative session, which will substantially affect the State hazardous waste management program.

As was the case when the October 15, 1999 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. Supp. 1999 §§ 250 et seq. (Appendix E) have been followed, including but not limited to notice, rule impact statement and rule-making hearings.

Board meetings and Council meetings are conducted in accordance with the Oklahoma Open Meeting Act, 25 O.S. Supp. 1999 §301 et seq., (Appendix F).

These rules include provisions, found at OAC 252:205-3-1 through 252:205-3-6, 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, 1999: the provisions of Title 40 of the Code of Federal Regulations ("CFR") Part 124 which are required by 40 CFR § 271.14 as well as 124.19(a) through (c) and (e),

124.31, 124.32, and 124.33; 40 CFR Parts 260-266, with the exception of 40 CFR §§ 260.20 through 260.22, 264.1(f), 264.149, 264.150, 264.301(l), the Appendix VI to Part 264, 265.1(c)(4), 265.149 and 265.150; 40 CFR Part 268 except 268.5, 268.6, 268.10, 268.11, 268.12, 268.13, 268.42(b), 268.44(a) through (g), and 268.44(m) through (p); 40 CFR Part 270 except 270.14(b)(18); 40 CFR Part 273; and 40 CFR Part 279. Additionally, the rules adopt the new or superseding amendments to 40 CFR found in 64 FR 36465 - 36490 published July 6, 1999, dealing with hazardous waste lamps as a universal waste.

The Board adopted these amendments on February 25, 2000 as permanent rules. These permanent rules which became effective on June 12, 2000, implement the State hazardous waste program, and are codified in the OAC at OAC 252:205 et seq. (Appendix G).

The State's incorporation of Federal regulations does not operate to incorporate prospectively future changes to the incorporated sections of 40 CFR, 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 252:205-3-1 through 252:205-3-6 provides equivalent and no less stringent authority than the Federal Subtitle C program in effect through July 1, 1999.

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. 1999 § 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 VIII 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* that 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* that was signed as amended on January 27, 1999.

The revision of the State program to include administering the provisions of RCRA Cluster IX 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 October 15, 1999 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 that 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 WMD continues to be staffed with personnel that have the administrative expertise, technical background and experience necessary to effectively administer and implement the RCRA Cluster IX program.

Many of the personnel currently employed in the WMD 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 2001, 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 2001 (July 1, 2000 - June 30, 2001), 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 2002 and FY 2003, 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 IX, 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 \$55,000 - \$60,000 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 IX. 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 Environmental Quality Board amended the current rules of procedure in place for the DEQ on June 22, 1999. These rules, OAC 252:002 became effective as permanent rules on August 3, 1999. 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, 1996; however, as the Department receives authorization for provisions of the HSWA promulgated after June 30, 1996, 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 Section of the DEQ has not changed since the submittal of the October 15, 1999 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 not only RCRIS but also 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 Violation Classification Guidance Document.

As noted above, Administrative Orders with penalties are the means commonly used to address SNCs. NOVs are typically issued to SVs, with an administrative order subsequently issued if necessary within 180 days from the first day of discovery of noncompliance with the schedule (and extensions granted) established through the NOV. State statutes also authorize the DEQ to bring actions in state court for injunctions and civil penalties (27A O.S. Supp. 1999 § 2-7-129, Appendix C), and to refer violations to state district attorneys for criminal prosecution (27A O.S. Supp. 1999 § 2-7-131, Appendix C). Fines of up to \$25,000.00 per day per violation are authorized in administrative, civil and criminal actions (27A O.S. Supp. 1999 §§ 2-7-130 & 2-7-131, Appendix C); 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. The DEQ currently has an Environmental Crimes Investigation Team, chaired by the General Counsel of the DEQ, and which includes one or more assigned attorneys, one or more assigned Environmental Program Specialists from each of the four major regulator Divisions, the RCRA Compliance Section Supervisor, and other compliance and enforcement supervisors as needed. A copy of the Environmental Crimes Act, 21 O.S. Supp. 1999 §§ 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 171 large quantity generators; 1,119 small quantity generators; 1,482 conditionally exempt generators; and 96 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 17 storage facilities, there are approximately 13 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:

- 315,286 tons generated within the State;
- 126,313 tons transported into the State;

- 36,013 tons transported out of the State;
- 143,802 tons managed on-site within the State;
- 136,481 tons managed off-site within the State (including 126,313 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. 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 20 of the EPA State Authorization Manual:

A. Hazardous Waste Management System; Identification and Listing of Hazardous Waste; Petroleum Refining Process Wastes; Land Disposal Restrictions for Newly Identified Wastes; and CERCLA Hazardous Substance Designation and Reportable Quantities (Revision Checklist 169).

Checklist Title:	Petroleum Refining Process Wastes
Reference:	63 FR 42110-42189; 63 FR 54356-54357
Promulgation Date:	August 6, 1998; October 9, 1998
Effective Date:	February 8, 1999 for all revisions except the following which are

Cluster:
Provision Type:

effective December 8, 1998: 261.3(c)(2)(ii)(B), 261.4(a),
261.6(a)(3)(iv)(C), and 266.100(b)(3) and the removal of
261.6(a)(3)(v)
RCRA Cluster IX
HSWA/Non-HSWA

In accordance with federal authorities 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), State statutes 27A O.S. Supp. 1999 §§ 2-7-106, 2-2-104 and Rules 252:205-3-1 through 252:205-3-6 provide authority for State program requirements to be equivalent to the Federal program requirements which include revisions that expand the headworks exemption to include waste generated during petroleum refining process (K169-K172), as indicated in Revision Checklist 169.

In accordance with federal authorities 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), State statutes 27A O.S. Supp. 1999 §§ 2-7-106, 2-2-104 and Rules 252:205-3-1 through 252:205-3-6 provide authority for State program requirements to be equivalent to the Federal program requirements which include an exemption for catalyst support media as indicated in Revision Checklist 169.

In accordance with federal authorities 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), State statutes 27A O.S. Supp. 1999 §§ 2-7-106, 2-2-104 and Rules 252:205-3-1 through 252:205-3-6 provide authority for State program requirements to be equivalent to the Federal program requirements which 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.

In accordance with federal authorities RCRA § 3004(g) and (m); 40 CFR 268.35 and 268.40, as amended August 6, 1998 (63 FR 42110), State statutes 27A O.S. Supp. 1999 §§ 2-7-106, 2-2-104 and Rules 252:205-3-1 through 252:205-3-6 provide authority for State program requirements to be equivalent to the Federal program requirements which include a waste-specific prohibition and treatment standards for K169-K172 wastes under the land disposal restriction program, as indicated in Revision Checklist 169.

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.

B. Hazardous Waste Recycling; Land Disposal Restrictions; Final Rule (Revision Checklist 170).

Checklist Title:	Land Disposal Restrictions Phase IV -- Zinc Micronutrient Fertilizers, Administrative Stay
Reference:	63 <u>FR</u> 46332-46334
Promulgation Date:	August 31, 1998
Effective Date:	August 21, 1998
Cluster:	RCRA Cluster IX
Provision Type:	HSWA

In accordance with federal authorities RCRA §§3001 and 3004(d), 40 CFR 268.40(i), as amended August 31, 1998 (63 FR 46332), State statutes 27A O.S. Supp. 1999 §§ 2-7-106, 2-2-104 and Rules 252:205-3-1 through 252:205-3-6 provide authority for State program requirements to be equivalent to the Federal program requirements which 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 Checklist 170.

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. Emergency Revision of the Land Disposal Restrictions (LDR) Treatment Standards for Listed Hazardous Wastes from Carbamate Production (Revision Checklist 171).

Checklist Title: Emergency Revision of the Land Disposal Restrictions (LDR) Treatment Standards for Listed Hazardous Wastes from Carbamate Production

Reference: 63 FR 47410-47418

Promulgation Date: September 4, 1998

Effective Dates: August 26, 1998 for the rule

Compliance Dates: Treatment standards for the wastes specified in 40 CFR 261.33 as P185, P191, P192, P197, U364, U394, and U395; August 26, 1998.

The existing alternative standards of 40 CFR 268.40(g) continue to apply until March 4, 1999 .

The numerical standards specified in 40 CFR 268.40 for the wastes specified in 261.33 as K156-K159, and K161, and in 261.33 as P127, P128, P185, P188-P192, P194, P196-P199, P201-P205, U271, U278-U280, U364, U367, U372, U373, U387, U389, U394-U395, U404, and U409-U411 and the numerical standards associated with the waste constituents in 268.48; March 4, 1999.

Cluster: RCRA Cluster IX

Provision Type: HSWA

In accordance with federal authorities RCRA § 3004(d)-(k) and (m); 40 CFR 268.40(g) & (i), 268.40/Table, and 268.48(a)/Table as amended September 4, 1998 (63 FR 47410), State statutes 27A O.S. Supp. 1999 §§ 2-7-106, 2-2-104 and Rules 252:205-3-1 through 252:205-3-6 provide authority for State program requirements to be equivalent to the Federal program requirements which 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 Checklist171.

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. Characteristic Slags Generated From Thermal Recovery of Lead by Secondary Lead Smelters; Land Disposal Restrictions; Final Rule; Extension of Compliance Date (Revision Checklist 172).

Checklist Title:	Land Disposal Restrictions Phase IV -- Extension of Compliance Date for Characteristic Slags
Reference:	63 <u>FR</u> 48124-48127
Promulgation Date:	September 9, 1998
Effective Dates:	August 28, 1998
Cluster:	RCRA Cluster IX
Provision Type:	HSWA

In accordance with federal authorities RCRA § 3004(d)-(k) & (m); 40 CFR 268.34(b) as amended September 9, 1998 (63 FR 48124), State statutes 27A O.S. Supp. 1999 §§ 2-7-106, 2-2-104 and Rules 252:205-3-1 through 252:205-3-6 provide authority for State program requirements to be equivalent to the Federal program requirements which 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 Checklist172.

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. Land Disposal Restrictions: Treatment Standards for Spent Potliners from Primary Aluminum Reduction (K088); Final Rule (Revision Checklist 173).

Checklist Title: Land Disposal Restrictions – Treatment Standards for Spent Potliners from Primary Aluminum Reduction (K088); Final Rule
Reference: 63 FR 51254-51267.
Promulgation Date: September 24, 1998
Effective Date: September 21, 1998
Cluster: RCRA Cluster IX
Provision Type: HSWA

In accordance with federal authorities 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), State statutes 27A O.S. Supp. 1999 §§ 2-7-106, 2-2-104 and Rules 252:205-3-1 through 252:205-3-6 provide authority for State program requirements to be equivalent to the Federal program requirements which 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.

In accordance with federal authorities RCRA §3004(d)-(k), and (m); 40 CFR 268.40, as amended September 24, 1998 (63 FR 51254), State statutes 27A O.S. Supp. 1999 §§ 2-7-106, 2-2-104 and Rules 252:205-3-1 through 252:205-3-6 provide authority for State program requirements to be equivalent to the Federal program requirements which provide for interim replacement standards for spent potliners from primary aluminum reduction (EPA hazardous waste K088) as indicated in Revision Checklist 173.

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. Standards Applicable to Owners and Operators of Closed and Closing Hazardous Waste Management Facilities: Post-Closure Permit Requirement and Closure Process; Final Rule (Revision Checklist 174).

Checklist Title: Post-Closure Requirements and Closure Process
Reference: 63 FR 56710-56735
Promulgation Date: October 22, 1998
Effective Date: October 22, 1998
Cluster: RCRA Cluster IX
Provision Type: HSWA/non-HSWA

In accordance with federal authorities 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), State statutes 27A O.S. Supp. 1999 §§ 2-7-106, 2-2-104 and Rules 252:205-3-1 through 252:205-3-6 provide authority for State program requirements to be equivalent to the Federal program requirements which 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.

In accordance with federal authorities 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), State statutes 27A O.S. Supp. 1999 §§ 2-7-106, 2-2-104 and Rules 252:205-3-1 through 252:205-3-6 provide authority for State program requirements to be equivalent to the Federal program requirements which 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.

In accordance with federal authorities RCRA §3006; 40 CFR 270.14 and 270.28 as

amended October 22, 1998 (63 FR 56710), State statutes 27A O.S. Supp. 1999 §§ 2-7-106, 2-2-104 and Rules 252:205-3-1 through 252:205-3-6 provide authority for State program requirements to be equivalent to the Federal program requirements which 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.

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. Hazardous Remediation Waste Management Requirements (HWIR-Media)
(Revision Checklist 175).**

Checklist Title:	HWIR-Media
Reference:	63 <u>FR</u> 65874-65947
Promulgation Date:	November 30, 1998
Effective Date:	June 1, 1999
Cluster:	RCRA Cluster IX
Provision Type:	HSWA/Non-HSWA

In accordance with federal authorities RCRA §§ 1006(b), 2002(a) and 3001; 40 CFR 261.4(g), as amended November 30, 1998 (63 FR 65874), State statutes 27A O.S. Supp. 1999 §§ 2-7-106, 2-2-104 and Rules 252:205-3-1 through 252:205-3-6 provide authority for State program requirements to be equivalent to the Federal program which 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.

In accordance with federal authorities 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), State statutes 27A O.S. Supp. 1999 §§ 2-7-106, 2-2-104 and Rules 252:205-3-1 through 252:205-3-

6 provide authority for State program requirements to be equivalent to the Federal program which 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.

In accordance with federal authorities 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), State statutes 27A O.S. Supp. 1999 §§ 2-7-106, 2-2-104 and Rules 252:205-3-1 through 252:205-3-6 provide authority for State program requirements to be equivalent to the Federal program requirements which contain provisions exempting cleanup only remediation waste management sites from 40 CFR 264.101 facility-wide corrective action as indicated in Revision Checklist 175.

In accordance with federal authorities 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), State statutes 27A O.S. Supp. 1999 §§ 2-7-106, 2-2-104 and Rules 252:205-3-1 through 252:205-3-6 provide authority for State program requirements to be equivalent to the Federal program requirements which provide reduced 40 CFR Part 264, Subparts B, C, and D requirements for remediation waste management sites as indicated in Revision Checklist 175.

In accordance with federal authorities 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), State statutes 27A O.S. Supp. 1999 §§ 2-7-106, 2-2-104 and Rules 252:205-3-1 through 252:205-3-6 provide authority for State program requirements to be equivalent to the Federal program requirements which 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.

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.

H. Universal Waste Rule (Hazardous Waste Management System; Modification of the Hazardous Waste Recycling Regulatory Program) (Revision Checklist 176).

Checklist Title: Universal Waste Rule -- Technical Amendments
Reference: 63 FR 71225-71230
Promulgation Date: December 24, 1998
Effective Date: December 24, 1998
Cluster: RCRA Cluster IX
Provision Type: Non-HSWA

In accordance with federal authorities 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), State statutes 27A O.S. Supp. 1999 §§ 2-7-106, 2-2-104 and Rules 252:205-3-1 through 252:205-3-6 provide authority for State program requirements to be equivalent to the Federal program which 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.

In accordance with federal authorities 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), State statutes 27A O.S. Supp. 1999 §§ 2-7-106, 2-2-104 and Rules 252:205-3-1 through 252:205-3-6 provide authority for State program requirements to be equivalent to the

Federal program regulations which include hazardous waste batteries as a universal waste as indicated in Revision Checklists 142 B and 176.

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.

I. Hazardous Waste Treatment, Storage, and Disposal Facilities and Hazardous Waste Generators; Organic Air Emission Standards for Tanks, Surface Impoundments, and Containers (Revision Checklist 177).

Checklist Title:	Organic Air Emission Standards: Clarification and Technical Amendments
Reference:	64 <u>FR</u> 3382
Promulgation Date:	January 21, 1999
Effective Date:	January 21, 1999
Cluster:	RCRA Cluster IX
Provision Type:	HSWA

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); November 25, 1996 (61 FR 59932); December 8, 1997 (62 FR 64636); and January 21, 1999 (64 FR 3382), State statutes 27A O.S. Supp. 1999 §§ 2-7-106, 2-2-104 and Rules 252:205-3-1 through 252:205-3-6 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 Checklists 154, 163 and 177.

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.

J. Hazardous Waste Management System; Identification and Listing of Hazardous Waste; Petroleum Refining Process Wastes; Exemption for Leachate from Non-Hazardous Waste Landfills (Revision Checklist 178).

Checklist Title: Petroleum Refining Process Wastes -- Leachate Exemption
Reference: 64 FR 6806
Promulgation Date: February 11, 1999
Effective Date: February 5, 1999
Cluster: RCRA Cluster IX
Provision Type: HSWA

In accordance with federal authorities 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), State statutes 27A O.S. Supp. 1999 §§ 2-7-106, 2-2-104 and Rules 252:205-3-1 through 252:205-3-6 provide authority for State program requirements to be equivalent to the Federal program which 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.

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.

K. Land Disposal Restrictions -- Phase IV: Treatment Standards for Wood Preserving Wastes, Treatment Standards for Metal Wastes, Zinc Micronutrient Fertilizers, Carbamate Treatment Standards, and K088 Treatment Standards; Final Rule (Revision Checklist 179).

Checklist Title: Land Disposal Restrictions Phase IV -- Technical Corrections and Clarifications to Treatment Standards
Reference: 64 FR 25408-25417
Promulgation Date: May 11, 1999
Effective Date: May 11, 1999
Cluster: RCRA Cluster IX

Provision Type:

HSWA/non-HSWA

In accordance with federal authorities RCRA §3001; 40 CFR 261.4(b)(7) as amended May 26, 1998 (63 FR 28556) and May 11, 1999 (64 FR 25408), State statutes 27A O.S. Supp. 1999 §§ 2-7-106, 2-2-104 and Rules 252:205-3-1 through 252:205-3-6 provide authority for State program requirements to be equivalent to the Federal program requirements which 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.

In accordance with federal authorities 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), State statutes 27A O.S. Supp. 1999 §§ 2-7-106, 2-2-104 and Rules 252:205-3-1 through 252:205-3-6 provide authority for State program requirements to be equivalent to the Federal program requirements which 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.

In accordance with federal authorities 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), State statutes 27A O.S. Supp. 1999 §§ 2-7-106, 2-2-104 and Rules 252:205-3-1 through 252:205-3-6 provide authority for State program requirements to be equivalent to the Federal program requirements which 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.

In accordance with federal authorities 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), State statutes 27A O.S. Supp. 1999 §§ 2-7-106, 2-2-104 and Rules 252:205-3-1 through 252:205-3-6 provide authority for State program requirements to be equivalent to the Federal program requirements which include treatment standards for contaminated soils as indicated in Revision Checklists 167 B and 179.

In accordance with federal authorities 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), State statutes 27A O.S. Supp. 1999 §§ 2-7-106, 2-2-104 and Rules 252:205-3-1 through 252:205-3-6 provide authority for State program requirements to be equivalent to the Federal program requirements which include corrections and clarifications to the land disposal restrictions as indicated in Revision Checklists 167 C and 179.

In accordance with federal authorities 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), State statutes 27A O.S. Supp. 1999 §§ 2-7-106, 2-2-104 and Rules 252:205-3-1 through 252:205-3-6 provide authority for State program requirements to be equivalent to the Federal program requirements which 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.

In accordance with federal authorities 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), State statutes 27A O.S. Supp. 1999 §§ 2-7-106, 2-2-104 and Rules 252:205-3-1 through 252:205-3-6 provide authority for State program requirements to be equivalent to the Federal program requirements which 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 171 and 179.

In accordance with federal authorities 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), State statutes 27A O.S. Supp. 1999 §§ 2-7-106, 2-2-104 and Rules 252:205-3-1 through 252:205-3-6 provide authority for State program requirements to be equivalent to the Federal program requirements which provide for interim replacement standards for spent potliners from primary aluminum reduction (EPA hazardous waste K088) as indicated in Revision Checklists 173 and 179.

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.

L. Guidelines for Establishing Test Procedures for the Analysis of Oil and Grease and Non-Polar Material Under the Clean Water Act and Resource Conservation and Recovery Act; Final Rule (Revision Checklist 180)

Checklist Title:	Test Procedures for the Analysis of Oil and Grease and Non-Polar Material
Reference:	64 <u>FR</u> 26315-26327
Promulgation Date:	May 14, 1999
Effective Date:	June 14, 1999
Cluster:	RCRA Cluster IX
Provision Type:	Non-HSWA

In accordance federal authorities 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), State statutes 27A O.S. Supp. 1999 §§ 2-7-106, 2-2-104 and Rules 252:205-3-1 through 252:205-3-6 provide authority for State program requirements to be equivalent to the Federal program requirements which (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.

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.