

US EPA ARCHIVE DOCUMENT

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

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 hazardous waste program set forth in the Program Description submitted by DEQ on May 28, 2002, and to meet the requirements of 40 CFR Part 271, Subpart A. 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. The statutory authorities for the State of Oklahoma are documented in the Oklahoma RCRA Statutory Checklist, dated June 1, 2003 and attached to this statement (see attachment #1). In my opinion, statutes relied on in previous approved authorization applications have not been amended, modified or revised by statute or judicial decision in a way that diminished and interferes with the authority to carry out the previously authorized hazardous waste program to meet the requirements of 40 CFR 271 Subpart A.

The provisions for which the State of Oklahoma is seeking authorization are documented in the attached Revision Checklists in Part II of the Program Description. Differences between the State of Oklahoma's provisions and the Federal provisions are noted on the statutory checklist referenced above. The official State regulations may be found in the state statutes, Title 27A of the Environmental Quality Act, The Environmental Quality Code, and the state hazardous waste rules of the Oklahoma Administrative Code Chapter 205, effective June 13, 2002. This certification supplements my or my predecessors certification(s) 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; October 15, 1999, May 31, 2000, and October 15, 2001.

The DEQ has authority of the independent legal counsel to represent the DEQ in court on all matters pertaining to the State program.

The DEQ has authority to incorporate the Federal regulations by reference.

STATUTORY CERTIFICATION

I hereby certify that statutes addressed in previous authorization applications submitted to the Environmental Protection Agency have not been amended, modified, or revised in such a way as to effect the State of Oklahoma's authority to carry out its hazardous waste program.

CERTIFICATION REGARDING LEGISLATIVE, REGULATORY OR POLICY INITIATIVES

I hereby certify that the State of Oklahoma has not enacted any legislation or implemented any regulatory or policy initiatives that could potentially limit or interfere with the authority to implement, administer, or enforce the authorized hazardous waste program.

CERTIFICATION REGARDING JUDICIAL DECISIONS

There have not been any State judicial decisions that limit or interfere with the State of Oklahoma's authority to implement, administer, or enforce the authorized hazardous waste program.

Martha Penisten

Signature

MARTHA Penisten

Name (Type of Print)

Env. ATTY. Supervisor

Title

June 27, 2003

Date