

US EPA ARCHIVE DOCUMENT

**MEMORANDUM OF AGREEMENT BETWEEN
THE DEPARTMENT OF ENVIRONMENTAL QUALITY OF
THE STATE OF OKLAHOMA
AND
THE UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 6**

I. GENERAL

This Memorandum of Agreement (hereinafter "Agreement" or "MOA") establishes policies, responsibilities, and procedures pursuant to 40 CFR 271.8 for the State of Oklahoma Hazardous Waste Management Program (hereinafter "State Program"), authorized under Section 3006 of the Resource Conservation and Recovery Act (hereinafter "RCRA" or "the Act") of 1976 (42 U.S.C. §6926), as amended, and for the United States Environmental Protection Agency (hereinafter "EPA") Regional Office for Region 6. This Agreement further sets forth the manner in which the Oklahoma Department of Environmental Quality (hereinafter "DEQ") and EPA will cooperate to effect the DEQ's administration and enforcement of the State program and EPA's administration of the provisions of the Hazardous and Solid Waste Amendments of 1984 ("HSWA") for which the DEQ has not received final authorization. For purposes of this Agreement, references to "RCRA" include HSWA.

This Agreement is entered into by the Executive Director of the DEQ (hereinafter "Executive Director" or "DEQ") and the Regional Administrator of EPA Region 6 (hereinafter "Regional Administrator" or "EPA") (collectively, the "Parties").

The DEQ is the only agency in the State authorized to implement the State Program.

Nothing in this Agreement shall be construed to restrict in any way EPA's authority to fulfill its oversight and enforcement responsibilities under RCRA. Nothing in this Agreement shall be construed to contravene any provision of 40 CFR part 271.

During preparation of the annual State grant work plan¹ in connection with grant funding under section 3011 of RCRA, the parties will jointly review, and update if necessary, this Agreement to ensure consistency with the annual State grant work plan.

This Agreement also may be modified upon the initiative of either party in order to ensure consistency with State program modifications made or for any other purpose mutually agreed upon. Any revisions or modifications to this Agreement must be in writing and must be signed by the Executive Director and the Regional Administrator. This

¹ In this Agreement, "annual State grant work plan" currently refers to the DEQ FOCUS document, which contains DEQ-EPA negotiated RCRA work plan activities and is updated annually. Should a future document replace the DEQ FOCUS document and contain the DEQ-EPA negotiated RCRA work plan activities, "annual State grant work plan" shall refer to that document.

Agreement will remain in effect until such time as State program authorization is withdrawn by or is voluntarily transferred to EPA according to the criteria and procedures established in 40 CFR 271.22 and 40 CFR 271.23.

This Agreement supersedes all previous Memoranda of Agreement, which were executed before the date of this document, and any related amendments or revisions.

This Agreement shall be executed by the Executive Director and the Regional Administrator and shall become effective upon the date of the latter of the two signatures.

II. POLICY STATEMENT

Each of the parties to this Agreement is responsible for ensuring that its obligations under RCRA are met. Upon granting of final authorization by EPA, the DEQ assumes primary responsibility for implementing the authorized provisions of the RCRA hazardous waste program within the geographic boundaries of Oklahoma, except within Indian country located in Oklahoma.

EPA retains its responsibility to ensure full and faithful execution of the requirements of RCRA, including direct implementation of HSWA in the event the DEQ is not authorized to act. The DEQ retains its responsibility to ensure full and faithful execution of the requirements of the Oklahoma Hazardous Waste Management Act ("OHWMA"), 27A O.S. §§ 2-7-101 *et seq.*, as amended. The Executive Director and the Regional Administrator agree to maintain a high level of cooperation and coordination between their respective staffs in a partnership to assure successful and effective administration of the joint State/Federal program.

Section 3006(g) of RCRA provides that hazardous waste requirements and prohibitions promulgated pursuant to HSWA are applicable in authorized States at the same time that they are applicable in unauthorized States. For those HSWA provisions for which the state is not authorized at any given time, EPA will retain responsibility for the direct implementation of those HSWA provisions in the State until the DEQ receives final authorization from EPA to administer those provisions. It is the intention of EPA and the DEQ to coordinate the implementation of such provisions to the greatest degree possible.

EPA will oversee implementation of the authorized State program in order to ensure full execution of the requirements of RCRA, to promote national consistency in implementation of the hazardous waste program, to allow EPA to report to the President and Congress on the achievements of the hazardous waste program, and to encourage States and EPA to agree on desirable technical support and targets for joint efforts to prevent and mitigate environmental problems associated with the improper management of hazardous wastes. Oversight will be accomplished in accordance with the annual State grant work plan.

III. STATE PROGRAM REVIEW

A. General

The Regional Administrator will assess the DEQ's administration and enforcement of the State hazardous waste program on a continuing basis for equivalence and consistency with RCRA, this Agreement, and all applicable Federal requirements and policies, and for adequacy of enforcement. This assessment will be accomplished by EPA review of information submitted by the DEQ in accordance with this Agreement and the annual State grant work plan.

Program review meetings between the DEQ and EPA personnel will be scheduled at reasonable intervals to review specific operating procedures and schedules, to resolve problems, and to discuss mutual program concerns. These meetings will be scheduled at least fifteen (15) days in advance unless otherwise agreed. A tentative agenda for the meeting will be prepared by EPA and transmitted to the DEQ a minimum of five (5) days before the meeting.

In FY07, the EPA Region 6 Multimedia Planning and Permitting Division began implementation of the RCRA Hazardous Waste State Program Oversight process, which encompasses an annual review of the Cooperative Agreement process, the state authorization process, the permitting process, and data management process. This review provides periodic opportunities for EPA to encourage enhancements to the overall RCRA program.

Once every three years, or at another mutually agreed-to frequency, the Regional Administrator will also conduct an Enforcement Framework Review of the DEQ's enforcement programs. These Framework Reviews will be integrated into and informed by the ongoing program assessment activities described above. EPA will provide the results of the Framework Reviews to the DEQ.

The Regional Administrator may also consider, as part of these regular assessments, written comments about the DEQ's program administration and enforcement that are received from regulated persons, the public, and Federal, State, and local agencies. Copies of any such comments received by the Regional Administrator will be provided to the DEQ in accordance with 40 CFR part 2 (Public Information) and 40 CFR 271.17 (Sharing of information).

To ensure effective program review, the DEQ agrees to allow EPA access to all files and other information requested by the Regional Administrator or his or her designee and deemed necessary by EPA for reviewing State program administration and enforcement. Review of DEQ files may be scheduled at quarterly intervals.

B. Identification of Priority Activities

As a part of the annual State grant work plan, the DEQ and EPA agree to develop

criteria for priority activities, including activities regarding handlers of hazardous waste. These criteria will be based on guidance issued by EPA in the annual Agency Operating Year Guidance/RCRA Implementation Plan, the Environmental Performance Partnership Agreement ("PPA"), and other guidance documents as may be appropriate, and will serve to identify those activities which should receive the highest priority during the grant period.

Examples of activities which will be considered high priority will include, but not be limited to, facilities to be inspected, facilities to be permitted, and enforcement against facilities with known or suspected ground-water contamination.

IV. INFORMATION SHARING

A. General

This section covers information sharing for various elements of the RCRA program. Specific information sharing requirements for other major program elements are covered in their respective sections of this Agreement, and as agreed to in the annual State grant work plan and in the ODEQ-EPA Joint Permitting Agreement ("JPA"). All sharing of information related to the State program between DEQ and EPA shall be in accordance with the requirements of 40 CFR part 2 (Public Information) and 40 CFR 271.17 (Sharing of information).

Information in this Agreement related to Permitting (Sections V. and VI.) shall be sent by the State to the Section Chief of the EPA Region 6 RCRA Facility Assessment Section. EPA shall send permit related information to the Engineering Manager of the DEQ Land Protection Division. Information related to Enforcement (Section VII.) shall be sent by the DEQ to the Associate Director of the EPA Region 6 Hazardous Waste Enforcement Branch. EPA shall send enforcement related information to the Engineering Manager of the DEQ Land Protection Division.

As the national hazardous waste program matures, the respective roles and responsibilities in this State/Federal partnership will become clearer. As the respective information needs of the DEQ and EPA evolve, changes to this section of the Agreement may be appropriate. During the annual review of this Agreement, the DEQ and EPA will carefully examine the following information sharing provisions and revise the provisions as necessary.

B. EPA

1. EPA will keep the DEQ informed of the content and meaning of Federal statutes, regulations, guidelines, standards, policy decisions, directives, and any other factors that affect the State program. EPA will also provide general technical guidance to the DEQ. EPA will share with the DEQ any national reports developed by EPA from the data submitted through State reporting requirements.
2. EPA agrees to make available to the DEQ copies of any reports and data resulting

from RCRA-related compliance inspections conducted by EPA within a reasonable time, subject to the terms of 40 CFR part 2 (Public Information) and 271.17 (Sharing of information).

3. EPA will provide access by the DEQ to EPA's files and will make available to the DEQ other relevant information as requested or appropriate that the DEQ needs to implement its approved program. Information provided to the DEQ will be subject to the terms of 40 CFR part 2 (Public Information) and 271.17 (Sharing of information).

C. State

1. The DEQ agrees to inform EPA in advance of any proposed program changes that would affect the DEQ's ability to implement the authorized program. Program changes of concern include modification of the DEQ's legal authorities (i.e., statutes, regulations, and judicial or legislative actions affecting those authorities), modifications of Memoranda of Agreement or Understanding with other agencies, and modifications of resource levels (i.e., available or budgeted personnel and funds). Program changes also include legal changes that would affect compliance monitoring and enforcement, such as privileges and immunities laws. The DEQ recognizes that program revisions must be made in accordance with the provisions of 40 CFR 271.21 (Procedures for revision of State programs) and that revisions are not authorized as RCRA Subtitle C requirements until approved by EPA.
2. DEQ agrees to provide any pertinent information requested by EPA within a mutually agreed upon time frame, as necessary for EPA to carry out its oversight responsibilities.
3. Through development of the annual State grant work plan, EPA and the DEQ will agree on the type and frequency of reports the DEQ will make in order for EPA to maintain oversight of the implementation of the DEQ's authorized program. Such reporting shall include, but not be limited to, the following:
 - a. Compliance monitoring and enforcement information;
 - b. Information indicating the status of the DEQ's permitting, closure, post-closure, and ground-water monitoring and corrective action activities;
 - c. DEQ decisions to grant variance or waiver requests made by hazardous waste handlers;
 - d. Various reports designed to accurately describe the status of the DEQ's authorized program, including biennial reports summarizing the quantities and types of hazardous waste generated, transported, treated, stored, and disposed in the State.

4. The DEQ agrees to provide EPA with a copy of each DEQ decision regarding variances and waivers at the time such requests are granted.
5. The DEQ agrees to provide EPA with a copy of any decisions regarding requests made by hazardous waste handlers to change their classifications (e.g., requests to be deleted as generators but to retain facility status) and facility requests to make on-site changes prior to permit issuance (e.g., requests to handle additional wastes not identified on the facility's original notification and RCRA Part A Application).
6. The DEQ agrees to provide EPA with copies of reports on data resulting from any compliance inspection and subsequent enforcement actions when EPA requests such copies.
7. As agreed, the DEQ will continue to assign EPA identification numbers to generators and transporters and to owners and operators of hazardous waste treatment, storage, and disposal facilities submitting notifications. Pursuant to RCRA Section 3010 and agreement between EPA and the DEQ, the DEQ is responsible for receiving, reviewing, and processing notification forms (Form 8700-12).
8. The DEQ has received authorization to issue State-only delisting decisions. See 68 FR 17308 (April 9, 2003). The DEQ and EPA have agreed that EPA will act as consultant in Oklahoma's delisting program and that the DEQ will request assistance from EPA when needed. The DEQ has also agreed to send EPA an annual summary report of Oklahoma's delisting program, which shall include both a list of the facilities that have submitted a delisting petition and a list of facilities that have been issued a delisting (or delistings) from the DEQ. For each facility, the DEQ's report shall include:
 - a. Facility name and EPA ID number;
 - b. Facility location (city);
 - c. Waste description;
 - d. Waste codes being petitioned for delisting, or being delisted;
 - e. Amount of waste being petitioned for delisting, or being delisted; and
 - f. The State Register citation that includes the final rule for each delisting project.

D. Site Visits

EPA is responsible for maintaining reliable national data on hazardous waste management. This data is used to report to the President and Congress on the achievements of the hazardous waste program and to support EPA's regulatory development efforts. Whenever EPA determines that it needs to obtain certain information beyond that submitted

by the DEQ in accordance with the reporting requirements established in this Agreement and the annual State grant work plan, EPA will first seek to gain this information from the DEQ. The DEQ agrees to supply the Regional Administrator with this information if readily available and as resources allow.

If the DEQ is unable to provide the information or if it is necessary to supplement the DEQ information, EPA may conduct a special survey or perform information collection site visits after notifying the DEQ. EPA will share with the DEQ reports developed by EPA as a result of such information collection, subject to the terms of 40 CFR part 2 (Public Information) and 40 CFR 271.17 (Sharing of information).

E. Emergency Situations

Upon receipt by EPA or the DEQ of any information that the handling, storage, treatment, transportation, or disposal of hazardous waste presents an imminent and substantial endangerment to human health or the environment, the party in receipt of such information shall immediately notify by telephone the other party to this Agreement of the existence of such situation. The DEQ may be notified through its twenty-four hour emergency telephone number, (800) 522-0206. This line is answered twenty-four hours a day by various operators in the Environmental Complaints and Local Services division. These calls are then referred, as necessary, to appropriate personnel in the State program. Due to the fact that several persons are responsible for answering this twenty-four hour number, it is not possible to list each by name and title. EPA, Region 6, may be notified through its emergency telephone number at (866) 372-7745.

F. Confidentiality

1. Any information obtained or used in the administration of the authorized State program shall be available to EPA upon request without restriction. If the information has been submitted to the DEQ under a claim of confidentiality, the DEQ will submit that claim to EPA when providing information. Any information obtained from a State and subject to a claim of confidentiality will be treated in accordance with the regulations in 40 CFR part 2 (Public Information) and 40 CFR 271.17 (Sharing of information).
2. EPA agrees to furnish to the DEQ information in its files that is not submitted under a claim of confidentiality and that the DEQ needs to implement its program. Subject to the conditions in 40 CFR part 2 (including authorization to receive confidential information pursuant to 40 CFR 2.305(h)), EPA will furnish the DEQ with information submitted to EPA under a claim of confidentiality that the DEQ needs to implement its program. All such information that EPA agrees to transfer to the DEQ will be transferred in accordance with the requirements of 40 CFR part 2. EPA will notify affected facilities when such information is sent to the DEQ and the DEQ will handle such information consistent with its authorized program.

V. PERMIT ISSUANCE

A. EPA Permitting

Upon authorization of the State program, EPA will suspend issuance of Federal permits, or portions of permits, for hazardous waste treatment, storage, and disposal facilities in Oklahoma for those components of the State program for which the DEQ receives authorization.

Whenever EPA adds new permitting standards for processes not currently covered by Federal regulations, EPA will process and enforce new RCRA permits, or portions of RCRA permits, imposing the new requirements in the State until the DEQ receives final authorization for equivalent and consistent State standards. Upon authorization of the State standards, EPA will suspend issuance of such Federal permits for those authorized State standards in the State and will transfer any pending permit applications, completed permits, or pertinent file information to the DEQ within thirty (30) days of the approval of the State program in conformance with the conditions of this Agreement.

When EPA adds new RCRA permitting standards, the parties will jointly review and revise this MOA and the JPA as appropriate to reflect the DEQ's and EPA's current respective and joint permitting responsibilities.

B. EPA Review of State Permits

While EPA may comment on any permit application or draft permit, EPA's review function will focus primarily on those priority facilities identified by the DEQ and EPA in the annual State grant work plan, as well as on facilities for which the DEQ requests EPA's assistance.

Whether or not EPA commented on the permit application, EPA may comment in writing on any draft permit or proposed permit modification within forty-five (45) days of its receipt. Where EPA indicates in a comment that issuance, modification, re-issuance, termination, or denial of the permit would be inconsistent with the approved State program, EPA shall include in the comment:

- a. a statement of the reasons for the comment (including the section of the State law or regulations that supports the comment); and
- b. the actions that should be taken by the DEQ in order to address the comment (including the conditions that the permit would include if it were issued by EPA).

EPA shall send a copy of its written comments to the permit applicant.

EPA shall withdraw such comments when satisfied that the DEQ has met or refuted EPA's concerns and shall also provide the permit applicant with a copy of such withdrawal.

C. State Permitting

The DEQ is responsible for expeditiously drafting, circulating for public review and comment, issuing, modifying, reissuing, and terminating RCRA permits for those hazardous waste treatment, storage, and disposal facilities subject to the authorized provisions of the State's program, and shall do so in a manner consistent with RCRA as amended by HSWA, this Agreement, the JPA, all applicable Federal requirements, the State's Program Description, the OHWMA, as amended, including rules promulgated there under, the Oklahoma Environmental Quality Act ("OEQA"), 27A O.S. §§ 1-1-101 *et seq.*, and the Oklahoma Administrative Procedures Act ("OAPA"). The DEQ agrees to include as permit conditions all applicable provisions of the OHWMA, the OEQA, and the implementing regulations there under. This agreement also applies to permits issued after final authorization but for which the processing may have begun before final authorization.

The DEQ will issue all RCRA permits in the State, except for the portions of permits dealing with provisions under HSWA for which the state has not yet been authorized; however, EPA agrees to provide technical and administrative assistance as necessary. In regard to EPA permit issuance proceedings pending at the time of the State's final authorization to administer the HSWA provisions, EPA will transfer and provide information, applications, and assistance to the DEQ in accordance with requests by the DEQ.

The DEQ agrees that any compliance schedules contained in permits it issues will require compliance with applicable standards.

The DEQ agrees to consider all comments EPA makes on permit applications and draft permits. The DEQ will satisfy or refute EPA's concerns on a particular permit application, proposed permit modification, or draft permit in writing before issuing the permit or making the modification.

D. Joint Permitting Process

Pursuant to RCRA section 3006(g)(1), and in accordance with RCRA as amended, EPA has the authority to issue or deny permits, or those portions of permits, to facilities in Oklahoma for the requirements and prohibitions in or stemming from those provisions in HSWA for which the State has not been authorized, until the State amends its program to reflect those requirements and prohibitions and receives authorization for those amendments.

In the JPA, EPA and the DEQ have agreed to a joint permitting process that establishes policies and procedures by which each will fulfill their respective and joint permitting responsibilities under RCRA, including the joint processing and enforcement of permits for provisions of HSWA. This joint permitting process is established in accordance with section 3006(c)(4) of RCRA. Both the administrative details of the joint permitting process and the duties and responsibilities of EPA and the DEQ for joint permitting also shall be incorporated into the annual State grant work plan.

The details of the joint permitting process, as contained in the JPA and the annual State grant work plan, shall be reviewed and revised as often as necessary, but no less often than annually, to assure their continued appropriateness.

Upon authorization of the DEQ for any of the provisions of HSWA, the specifics of the Joint Permitting Agreement as set out in the JPA and the annual State grant work plan shall be amended, as needed, to reflect the authorization. Amendment of this Memorandum of Agreement or the execution of a separate Memorandum of Agreement may be required for authorization of any of the provisions of HSWA.

VI. PERMIT ADMINISTRATION

Upon receiving final authorization to administer provisions of HSWA, the DEQ will administer the RCRA permits or portions of permits EPA has issued to facilities in the State. Subject to the terms of this Memorandum of Agreement, the DEQ will be responsible for enforcing the terms and conditions of the Federal permits while they remain in force. Upon request by the DEQ, EPA will coordinate with and assist the DEQ in issuing, administering, and enforcing RCRA permits issued by EPA and permit applications being processed by EPA prior to the date the State receives final authorization for the HSWA provisions.

VII. COMPLIANCE MONITORING AND ENFORCEMENT

A. EPA

Generally, EPA may conduct inspections or take enforcement action upon request by the State, upon issues raised by Regional or National priorities, or upon determining that the State has not taken timely and appropriate enforcement action; however, nothing in this Agreement shall restrict EPA's right to inspect any hazardous waste generator, transporter, or facility, or bring enforcement action pursuant to section 3008 of RCRA against any person believed to be in violation of the State or Federal hazardous waste program or believed to have a release of hazardous waste or constituents. Before conducting an inspection of a generator, transporter, or facility, EPA will normally give the DEQ at least seven (7) days notice of the intent to inspect in accordance with 40 CFR 271.8(b)(3)(i) and allow the DEQ the opportunity to accompany EPA during the inspection. Additionally, EPA will normally give the DEQ a reasonable opportunity to conduct a compliance evaluation inspection in accordance with 40 CFR 271.8(b)(5). If the DEQ performs a compliance inspection and submits a report and relevant data to EPA prior to an inspection by EPA, then EPA, at its discretion, will determine whether to conduct its own inspection. In case of an imminent and substantial risk to human health and the environment, the EPA may shorten or waive the notice period, but every effort shall be made to notify the DEQ as soon as possible of any EPA action in the State.

EPA agrees to make available to the DEQ copies of any reports and data resulting from compliance inspections conducted by EPA within a reasonable time after completion of the inspections. In the event that EPA performs an inspection and refers enforcement to the DEQ, EPA agrees, subject to the availability of appropriated funds and EPA's budget priorities, to assist the DEQ by providing relevant witnesses and/or technical assistance.

The frequency of EPA oversight and training inspections will be specified in the annual State grant work plan. EPA will negotiate with the DEQ the number or percentage of the DEQ's compliance inspections on which EPA will accompany the DEQ.

EPA may take enforcement action against any person determined to be in violation of RCRA in accordance with section 3008. In the case of a violation of any requirement of Subtitle C of RCRA where such violation occurs in the State of Oklahoma which is authorized to carry out a hazardous waste program under section 3006 of RCRA, the EPA shall give notice to the DEQ prior to issuing an order or commencing a civil action under section 3008. EPA also maintains authority to issue orders and bring actions under sections 3008, 3013 and 7003 of RCRA and any other applicable federal statute.

B. State

The DEQ agrees to carry out a timely and effective program for monitoring compliance by generators, transporters, and facilities with applicable program requirements (see 40 CFR 271.15). As part of this program, the DEQ will conduct compliance inspections to assess compliance with generator and transporter standards (including manifest requirements), facility standards, permit requirements, compliance schedules, and all other program requirements. Compliance monitoring activities and priorities will be specified in the State/EPA Enforcement MOU and the annual State grant work plan and shall be consistent with all applicable Federal requirements and with the State's Program Description.

Inspections of Federal facilities shall be conducted in accordance with the State/EPA RCRA Enforcement MOU.

The DEQ agrees to take timely and appropriate enforcement action as defined in the State/EPA RCRA Enforcement MOU against all persons in violation of generator and transporter standards (including manifest requirements), facility standards, permit requirements, compliance schedules, and all other program requirements, including violations detected by DEQ or Federal compliance inspections. The DEQ will maintain procedures for receiving and ensuring proper consideration of information about violations submitted by the public. The DEQ agrees to provide EPA with copies of reports on data resulting from any compliance inspection and subsequent enforcement actions when EPA requests such copies. The DEQ agrees to retain all records for at least three (3) years unless there is an enforcement action pending, in which case the DEQ will retain all records related to the pending enforcement action until such action is resolved.

VIII. AVAILABILITY OF INFORMATION (section 3006(f))

A. General

Section 3006(f) of RCRA requires an authorized State to provide for the public availability of information obtained by the State regarding facilities and sites for treatment, storage, and disposal of hazardous waste. Such information must be available to the public in substantially the same manner, and to the same degree, as would be the case if the Administrator were carrying out these RCRA provisions in the State.

B. Requests for Information

1. Pursuant to the Federal Freedom of Information Act ("FOIA"), 5 U.S.C. 552(a)(2), the DEQ and EPA agree to make certain materials routinely available to the public without a formal FOIA request. Examples of these materials are final opinions or orders in case adjudications, regulations, statements of Agency policy, and administrative staff manuals affecting the public. In addition, records prepared for routine public distribution will also be made available. Examples of such records are press releases, copies of speeches, pamphlets, and educational materials.
2. The DEQ and EPA agree to make reasonable efforts to assist a requestor in identifying records (including electronic records) being sought, and to help the requestor formulate his or her request.
3. If a request for information is denied, the DEQ and EPA agree to provide the requestor the basis for the denial and notification of judicial and administrative procedures, including statutes of limitation.
4. A reduction or waiver of fees will be considered in connection with each request from a representative of the press or other communication medium, or from a public interest group. The DEQ and EPA agree to reduce or waive the fee as authorized by applicable law if they determine that a reduction or waiver of the fee is in the public interest because furnishing the information can be considered as primarily benefiting the general public.
5. The DEQ and EPA agree to make the fullest possible disclosure of records to the public, in accordance with 40 CFR 271.17 and subject to any of the exemptions under 40 CFR part 2, which have been incorporated by reference by the DEQ.

C. Confidentiality of Business Information

If a claim of confidentiality is asserted and cannot be resolved in the time period provided for an agency response to a request, the DEQ and EPA agree to notify the requestor of the confidentiality claim within the maximum 20-day time limit provided for an agency response. In addition, the requestor will be told that the request was denied in order to resolve the business confidentiality claim.

D. Oversight

1. The DEQ and EPA agree to keep a log of denials of requests for information (or a file containing copies of denial letters sent to requestors), which will be made available to the other upon request.
2. The DEQ and EPA agree to keep each other fully informed of any proposed modifications to their basic statutory or regulatory authority, their forms, procedures, or priorities, as applied to section 3006(f) (relating to Availability of information in authorized State hazardous waste programs).

IX. CORRECTIVE ACTION**A. DEQ Role**

The DEQ will conduct the RCRA Corrective Action Program in a manner that promotes rapid achievement of cleanups while protecting human health and the environment. Specifically, the DEQ will, to the extent practicable:

1. Embrace flexible, practical, results-based approaches that focus on control of human exposure and contaminated groundwater migration in the short term, with final cleanup being the long term goal;
2. Provide ready public access to information and meaningful opportunities for public involvement in the cleanup process;
3. Foster a culture of innovation, creativity, communication, and technical expertise, focused on accelerating cleanups and meeting program goals; and
4. Carefully consider key program guidance (and any updates) in conducting the RCRA Corrective Action Program.

B. EPA Role

EPA will assist the State with all aspects of the cleanup program and support its efforts to conduct faster, focused, and more flexible RCRA cleanups.

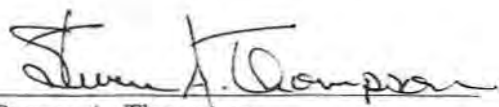
X. REGULATION OF RADIOACTIVE MIXED WASTES

The DEQ will regulate the hazardous waste component of mixed waste as a hazardous waste pursuant to the OHWMA and the Federal RCRA.

XI. APPROVAL

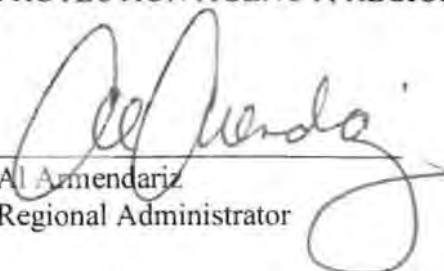
OKLAHOMA DEPARTMENT OF
ENVIRONMENTAL QUALITY

Date: 1-31-11


Steven A. Thompson
Executive Director

UNITED STATES ENVIRONMENTAL
PROTECTION AGENCY, REGION 6

Date: 3-11-2011


Al Armendariz
Regional Administrator