

US EPA ARCHIVE DOCUMENT

ATTORNEY STATEMENT
FOR FINAL AUTHORIZATION FOR CHANGES
TO THE FEDERAL HAZARDOUS WASTE PROGRAM
FROM JULY 2009 THROUGH JUNE 2010
RCRA CLUSTER XX

I hereby certify, pursuant to my authority as Independent Legal Counsel for the Oklahoma Department of Environmental Quality 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 the DEQ and finally authorized by EPA on January 10, 1985 and the Program Description Addendum(s) approved by EPA on the publication dates set forth at 74 F.R. 5994, 5995, and 75 F.R. 36546 through 36550, the Program Description Addendum for RCRA Cluster XVIII and RCRA Cluster XIX which are pending, and RCRA Cluster XX submitted herewith, and to meet the requirements of 40 C.F.R. Part 271, Subpart A. The specific authorities provided are contained in statutes or regulations lawfully adopted at the time this Attorney Statement is signed and which are in effect now.

The Oklahoma Hazardous Waste Management Act was not amended during the 2010 or 2011 legislative sessions. In my opinion, statutes relied on in previously approved authorization applications have not been amended, modified or revised by statute or judicial decision in a way that diminishes and interferes with the authority to carry out the previously authorized hazardous waste program to meet the requirements of 40 C.F.R. Part 271, Subpart A.

The DEQ adopted applicable federal hazardous waste regulations as amended through July 1, 2010. The regulatory amendment implementing this adoption by reference will have an effective date of July 1, 2011.

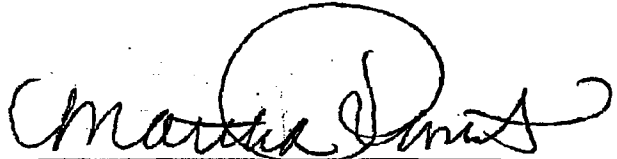
The provisions for which the State of Oklahoma is seeking authorization are documented in the *Regulatory Documentation For Federal Provisions For Which The State Of Oklahoma Is Seeking*

Authorization, Federal Final Rules Published Between July 1, 2009 Through June 30, 2010, RCRA CLUSTER XX, prepared on April 22, 2011.

This certification supplements my and/or my predecessors certification(s) submitted as a part of the previous authorizations described at 74 F.R. 5994, 5995, and 75 F.R. 36546 through 36550, and in the Attorney Statement submitted with the applications for RCRA Cluster XVII and RCRA Cluster XIX. The approved authorizations included statements of legal authority for the General Counsel of the DEQ to prepare these certifications in lieu of the State Attorney General as set forth in 40 CFR 271.7. There have been no changes to State or Federal law or our regulations that have diminished the authority of the General Counsel of the DEQ as Independent Legal Counsel to represent the DEQ in court on all matters pertaining to the State program.

The DEQ incorporates the Federal Regulations by reference and there have been no changes in State or Federal laws or regulations that have diminished the DEQ's ability to adopt the Federal regulations by reference as set forth in the authorizations set forth at 74 F.R. 5994, 5995, and 75 F.R. 36546 through 36550 and the application for RCRA Cluster XVIII and RCRA Cluster XIX. The Federal hazardous waste regulations are adopted by reference by the DEQ at OAC 252:205, Subchapter 3. The DEQ does not adopt Federal regulations prospectively.

Date: 10-31-11


Martha Penisten
General Counsel