

OKLAHOMA DEPARTMENT OF ENVIRONMENTAL QUALITY
INDEPENDENT LEGAL COUNSEL'S STATEMENT FOR
FINAL AUTHORIZATION FOR
RCRA PROGRAM CLUSTER XVI and XVII

I hereby certify, pursuant to my authority as Independent Legal Counsel 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 Addendum for RCRA Clusters XVI and XVII submitted by the Oklahoma Department of Environmental Quality ("DEQ") on August 18, 2008 ("Program Description") and to meet the requirements of 40 CFR 271, Subpart A.

The specific authorities set forth in the Program Description are contained in statutes or regulations lawfully adopted and in effect on the date of the signing of this statement. The statutory authorities for the State of Oklahoma are documented in the RCRA Statutory Checklist, dated June 30, 2008, included in Appendix A of the Program Description.

The provisions for which the State of Oklahoma is seeking authorization are documented in the RCRA Revision Checklists found in Appendix B of the Program Description. Differences between the Oklahoma provisions and the Federal provisions are noted within the Program Description and in Appendix B. The applicable State laws and regulations may be found in (Appendices C – J, L, and N of the Program Description):

- the Oklahoma Environmental Quality Act (27A O.S. § 1-1-101, *et seq.*, as amended through June 2007);
- those portions of the Oklahoma Environmental Quality Code affecting the State Program (27A O.S. §§ 2-1-101 through 2-3-507, as amended through June 2007);
- the Oklahoma Hazardous Waste Management Act (27A O.S., § 2-7-101, *et seq.*, as amended through June 2007);
- the Oklahoma Environmental Permitting Act (27A O.S. § 2-14-101, *et seq.*, as amended through June 2007);
- the Oklahoma Administrative Procedures Act (75 O.S. § 250, *et seq.*, as amended through June 2007);
- the Oklahoma Open Meetings Act (25 O.S. § 301, *et seq.*, as amended through June 2007);
- the Oklahoma Environmental Crimes Act (21 O.S. § 1230.1, *et seq.*, as amended through June 2007);
- the Oklahoma Open Records Act (51 O.S. § 24A.1, *et seq.*, as amended through June 2007);
- the Hazardous Waste Management regulations found at Title 252, Chapter 205 of the Oklahoma Administrative Code, effective July 1, 2008; and
- the Rules of Practice and Procedure found at Title 252, Chapter 4 of the Oklahoma Administrative Code, effective July 1, 2008.

This certification supplements the certification of July 3, 2006.

As Independent Legal Counsel, I have the authority to represent the DEQ in court on all matters pertaining to the State authorized program, as well as the program revisions represented herein.

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

STATUTORY CERTIFICATION

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 diminishes and interferes with the State's authority to carry out the previously authorized hazardous waste program to meet the requirements of 40 CFR Part 271 Subpart A.

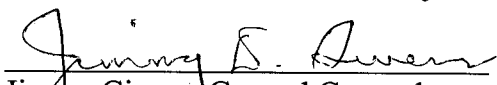
I hereby certify that statutes addressed in previous authorization applications submitted to the Environmental Protection Agency have not been amended, modified, or revised in a way that diminishes and interferes with the State of Oklahoma's authority to carry out its hazardous waste program.

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 diminish and interfere with the authority of the State to implement, administer, or enforce the authorized hazardous waste program.

CERTIFICATION REGARDING JUDICIAL DECISIONS

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


Jimmy Givens, General Counsel
Oklahoma Department of Environmental Quality
August 25, 2008