through 68–52; 68–70 through 68–83; 68–011(A) through 68–011(E); 69–01 through 69–30 (OAC June 30, 1990, as supplemented by 1990–1991 Ohio Monthly Record, pages 70–80 (July 1990)). Copies of the Ohio regulations that are incorporated by reference in this paragraph are available from Banks-Baldwin Law Publishing Company, P.O. Box 1794, University Center, Cleveland, Ohio 44106–8697. Customer Service Department.

(2) The following statutory provisions and regulations concerning State enforcement, although not codified herein for enforcement purposes, are part of the authorized State program:

(i) Ohio Revised Code, title 1, chapter 119, sections: 01 through 06.1, and 07 through 13; Ohio Revised Code, title 1, chapter 149, sections 011, 43, and 44 (Banks-Baldwin, 1990); Ohio Revised Code, title 37, chapter 3734, sections: 01 through 05, 07, 09 through 14.1, 16 through 17, 20 through 22, and 31 through 99 (Banks-Baldwin, 1990).


(3) The following statutory and regulatory provisions are broader in scope than the Federal program, are not part of the authorized program, and are not codified for enforcement purposes.

(i) Ohio Revised Code, Title 37, Chapter 3734, Sections: 06, 08, 18 through 19, and 23 through 30 (Page, 1987).

(ii) Ohio Administrative Code, Volume 4, Chapter 3745, Rules: 50–33 through 50–37, and 53–11(A) through 53–11(C) (OAC June 30, 1988).

(b) Memorandum of Agreement. The Memorandum of Agreement between EPA Region V and the Ohio Environmental Protection Agency signed by the EPA Regional Administrator on March 6, 1989, is codified as part of the authorized hazardous waste management program under Subtitle C of RCRA, 42 U.S.C. 6921 et seq.

(c) Statement of Legal Authority. (1) “Attorney General’s Statement for Final Authorization,” signed by the Attorney General of Ohio on July 1, 1985, and supplements to that Statement dated June 13, 1990, and October 15, 1990, are codified as part of the authorized hazardous waste management program under Subtitle C of RCRA, 42 U.S.C. 6921 et seq.

(2) Supplemental “Attorney General’s Statements for Final Authorization,” and addenda to such Statements signed by the Attorney General of Ohio on December 30, 1988, and February 24, 1989, are codified as part of the authorized hazardous waste management program under Subtitle C of RCRA, 42 U.S.C. 6921 et seq.

(d) Program Description. The Program Description and any other materials submitted as part of the original application or as supplements thereto dated November 8, 1990, and December 11, 1990, are codified as part of the authorized hazardous waste management program under Subtitle C of RCRA, 42 U.S.C. 6921 et seq.

§§ 272.1802–272.1849 [Reserved]

Subpart LL—Oklahoma

§ 272.1850 [Reserved]

§ 272.1851 Oklahoma State-administered program: Final authorization.


(b) The State of Oklahoma has primary responsibility for enforcing its hazardous waste management program. However, EPA retains the authority to exercise its inspection and enforcement authorities in accordance with sections 3007, 3008, 3013, 7003 of RCRA, 42 U.S.C. 6927, 6928, 6934, 6973, and any other applicable statutory and regulatory provisions, regardless of whether the State
has taken its own actions, as well as in accordance with other statutory and regulatory provisions.

(c) State Statutes and Regulations.

(1) The Oklahoma statutes and regulations cited in paragraph (c)(1)(i) of this section are incorporated by reference as part of the hazardous waste management program under subtitle C of RCRA, 42 U.S.C. 6921 et seq. The Director of the Federal Register approves this incorporation by reference in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. You may obtain copies of the Oklahoma regulations that are incorporated by reference in this paragraph from the State’s Office of Administrative Rules, Secretary of State, P.O. Box 53390, Oklahoma City, OK 73152–3390; Phone number: 405–521–4911; Web site: http://www.sos.state.ok.us/oar/oar_welcome.htm. The statutes are available from West Publishing Company, 610 Opperman Drive, P.O. Box 64526, St. Paul, Minnesota 55164–6452; Phone: 1–800–328–4880; Web site: http://west.thomson.com. You may inspect a copy at EPA Region 6, 1445 Ross Avenue, Dallas, Texas 75202 (Phone number (214) 665–8533), or at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call 202–741–6030, or go to: http://www.archives.gov/federal-register/cfr/ibr-locations.html.


(ii) [Reserved]

(2) The following provisions provide the legal basis for the State’s implementation of the hazardous waste management program, but they are not being incorporated by reference and do not replace Federal authorities:

(i) Oklahoma Environmental Crimes Act, as amended through 2007, 21 Oklahoma Statutes (O.S.), Sections 1290.1 et seq.

(ii) Oklahoma Open Meetings Act, as amended through 2007, 25 Oklahoma Statutes (O.S.), Sections 301 et seq.


(iv) Oklahoma Open Records Act, as amended through 2007, 51 Oklahoma Statutes (O.S.), Sections 24A.1 et seq.

(v) Oklahoma Administrative Procedures Act, as amended through 2007, 75 Oklahoma Statutes (O.S.), Sections 250 et seq.

(vi) The Oklahoma Administrative Code (OAC), Title 252, Chapter 205, Hazardous Waste Management, effective July 1, 2008: Subchapter 1, Sections 252:205–1–1(b), 252:205–1–3(a) and (b), 252:205–1–4(a)–(d); Subchapter 3, Sections 252:205–3–2(a) introductory paragraph, 252:205–3–2(a)(1) and 252:205–3–2(a)(3); Subchapter 11, Section 252:205–11–3.

(3) The following statutory and regulatory provisions are broader in scope than the Federal program, are not part of the authorized program, and are not incorporated by reference:


(4) Unauthorized State Amendments. The State’s adoption of the Federal rules listed in the following table is not
§272.1851 Oklahoma State-administered program: Final authorization.


(b) The State of Oklahoma has primary responsibility for enforcing its hazardous waste management program. However, EPA retains the authority to exercise its inspection and enforcement authorities in accordance with sections 3007, 3008, 3013, 7003 of RCRA, 42 U.S.C. 6927, 6928, 6934, and 6973, and any other applicable statutory and regulatory provisions, regardless of whether the State has taken its own actions, as well as in accordance with other statutory and regulatory provisions.

(c) State Statutes and Regulations. (1) The Oklahoma statutes and regulations cited in paragraph (c)(1)(i) of this section are incorporated by reference as part of the hazardous waste management program under subtitle C of RCRA, 42 U.S.C. 6921 et seq. The Director of the Federal Register approves this incorporation by reference in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. You may obtain copies of the Oklahoma regulations that are incorporated by reference in this paragraph from the State’s Office of Administrative Rules, Secretary of State, P.O. Box 53390, Oklahoma City, OK 73152-5390; Phone number: 405-521-4511; Web site: www.sos.state.ok.us/oar/oar__welcome.htm. The statutes are available from West Publishing Company, 610 Opperman Drive, P.O. Box 64526, St. Paul, Minnesota 55164-6452; Phone: 612-251-5400.

(75 FR 36549, June 28, 2010)

Effective Date Note: At 77 FR 29234, May 17, 2012, §272.1851 was revised, effective July 16, 2012. For the convenience of the user, the revised text is set forth as follows:

(5) Memorandum of Agreement. The Memorandum of Agreement between EPA Region 6 and the State of Oklahoma, signed by the EPA Regional Administrator on November 11, 2009, is referenced as part of the authorized hazardous waste management program under subtitle C of RCRA, 42 U.S.C. 6921 et seq.


(7) Program Description. The Program Description and any other materials submitted as supplements thereto are referenced as part of the authorized hazardous waste management program under subtitle C of RCRA, 42 U.S.C. 6921 et seq.
Environmental Protection Agency

§272.1851

1–800–328–4880; Web site: http://west.thomson.com. You may inspect a copy at EPA Region 6, 1445 Ross Avenue, Dallas, Texas 75202 (Phone number (214) 665–6533), or at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call 202–741–6030, or go to: http://www.archives.gov/federal-register/cfr/ibr-locations.html.


(ii) [Reserved]

(ii) The following provisions provide the legal basis for the State’s implementation of the hazardous waste management program, but they are not being incorporated by reference and do not replace Federal authorities:

(i) Oklahoma Environmental Crimes Act, as amended through July 1, 2009, 21 Oklahoma Statutes (O.S.), Sections 301 et seq.

(ii) Oklahoma Open Meetings Act, as amended through July 1, 2009, 25 Oklahoma Statutes (O.S.), Sections 301 et seq.


(iv) Oklahoma Open Records Act, as amended through July 1, 2009, 51 Oklahoma Statutes (O.S.), Sections 24A.1 et seq.

(v) Oklahoma Administrative Procedures Act, as amended through July 1, 2009, 75 Oklahoma Statutes (O.S.), Sections 250 et seq.

(vi) The Oklahoma Administrative Code (OAC), Title 252, Chapter 205, Hazardous Waste Management, effective July 1, 2009: Subchapter 1, Sections 252:205–1–1(b), 252:205–1–3(a) and (b), 252:205–1–4(a)–(d); Subchapter 3, Sections 252:205–3–2(a) introductory paragraph, 252:205–3–2(a)(1) and 252:205–3–2(a)(3); Subchapter 11, Section 252:205–11–3.

(3) The following statutory and regulatory provisions are broader in scope than the Federal program, are not part of the authorized program, and are not incorporated by reference:


(4) Unauthorized State Amendments. The State’s adoption of the Federal rules listed in the following table is not approved by the EPA and are, therefore, not enforceable:

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<thead>
<tr>
<th>Federal requirement</th>
<th>Federal Register reference</th>
<th>Publication date</th>
</tr>
</thead>
<tbody>
<tr>
<td>Toxicity Characteristics; Hydrocarbon Recovery Operations</td>
<td>55 FR 40834</td>
<td>10/5/90</td>
</tr>
<tr>
<td></td>
<td>56 FR 3978</td>
<td>2/1/91</td>
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<td></td>
<td>56 FR 13406</td>
<td>4/23/91</td>
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<tr>
<td>Toxicity Characteristics; Chlorofluorocarbon Refrigerants</td>
<td>56 FR 5910</td>
<td>2/13/91</td>
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<tr>
<td>Administrative Stay for K069 Listing</td>
<td>56 FR 19951</td>
<td>5/1/91</td>
</tr>
<tr>
<td>Amendments to Interim Status Standards for Downgradient Groundwater Monitoring Well Locations</td>
<td>56 FR 66365</td>
<td>12/23/91</td>
</tr>
<tr>
<td>Removal of Legally Obsolete Rules</td>
<td>60 FR 33912</td>
<td>6/28/95</td>
</tr>
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<td>70 FR 34538</td>
<td>6/14/05</td>
</tr>
<tr>
<td></td>
<td>70 FR 44150</td>
<td>8/1/05</td>
</tr>
</tbody>
</table>

(5) Memorandum of Agreement. The Memorandum of Agreement between EPA Region 6 and the State of Oklahoma, signed by the EPA Regional Administrator on March 11, 2011, is referenced as part of the authorized hazardous waste management program under subtitle C of RCRA, 42 U.S.C. 6921 et seq.

(6) Statement of Legal Authority. “Attorney General’s Statement for Final Authorization”, signed by the Attorney General of Oklahoma January 20, 1984 and revisions,
§§ 272.1852–272.1899

Subpart MM—Oregon

§§ 272.1900–272.1949 [Reserved]

Subpart NN—Pennsylvania

§§ 272.1950–272.1999 [Reserved]

Subpart OO—Rhode Island

§§ 272.2000–272.2049 [Reserved]

Subpart PP—South Carolina

§§ 272.2050–272.2099 [Reserved]

Subpart QQ—South Dakota

§ 272.2100 [Reserved]


(a) Pursuant to section 3006(b) of RCRA, 42 U.S.C. 6926(b), South Dakota has final authorization for the following elements as submitted to EPA in South Dakota’s base program application for final authorization which was approved by EPA effective on November 2, 1984. Subsequent program revision applications were approved effective on June 17, 1991, November 8, 1993, March 11, 1994, September 23, 1996, June 8, 2000, May 24, 2004 and March 8, 2006.

(b) The State of South Dakota has primary responsibility for enforcing its hazardous waste management program. However, EPA retains the authority to exercise its inspection and enforcement authorities in accordance with sections 3007, 3008, 3013, 7003 of RCRA, 42 U.S.C. 6927, 6928, 6934, 6973, and any other applicable statutory and regulatory provisions, regardless of whether the State has taken its own actions, as well as in accordance with other statutory and regulatory provisions.

(c) State Statutes and Regulations. (1) The South Dakota regulations cited in paragraph (c)(1)(i) of this section are incorporated by reference as part of the hazardous waste management program under subtitle C of RCRA, 42 U.S.C. 6921 et seq.

§§ 272.1852–272.1899 [Reserved]

(7) Program Description. The Program Description and any other materials submitted as supplements thereto are referenced as part of the authorized hazardous waste management program under subtitle C of RCRA, 42 U.S.C. 6921 et seq.

(7) Program Description. The Program Description and any other materials submitted as supplements thereto are referenced as part of the authorized hazardous waste management program under subtitle C of RCRA, 42 U.S.C. 6921 et seq. This incorporation by reference is approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Copies of the South Dakota regulations that are incorporated by reference in this paragraph are available from the South Dakota Legislative Research Council, 3rd Floor, State Capitol, 500 East Capitol Avenue, Pierre, SD 57501, (Phone: 605–773–3231).


(ii) [Reserved]

(2) EPA considered the following statutes and regulations in evaluating the State program but is not incorporating them herein for enforcement purposes:


(ii) SDCL, as amended, effective July 1, 2004, Title 15, Civil Procedure: Chapter 15–6, Rules of Procedure in Circuit Courts, section 15–6–24(a)–(c).