

Environmental Protection Agency

§ 256.04

§ 256.02 Scope of the State solid waste management plan.

(a)(1) The State plan shall address all solid waste in the State that poses potential adverse effects on health or the environment or provides opportunity for resource conservation or resource recovery. The plan shall consider:

- (i) Hazardous wastes;
- (ii) Residential, commercial and institutional solid waste;
- (iii) Wastewater treatment sludge;
- (iv) Pollution control residuals;
- (v) Industrial wastes;
- (vi) Mining wastes;
- (vii) Agricultural wastes;
- (viii) Water treatment sludge; and
- (ix) Septic tank pumpings.

(2) The State plan shall consider the following aspects of solid waste management:

- (i) Resource conservation;
- (ii) Source separation;
- (iii) Collection;
- (iv) Transportation;
- (v) Storage;
- (vi) Transfer;
- (vii) Processing (including resource recovery);
- (viii) Treatment; and
- (ix) Disposal.

(b) The State Plan shall establish and justify priorities and timing for actions. These priorities shall be based on the current level of solid waste management planning and implementation within the State, the extent of the solid waste management problem, the health, environmental and economic impacts of the problem, and the resources and management approaches available.

(c) The State plan shall set forth an orderly and manageable process for achieving the objectives of the Act and meeting the requirements of these guidelines. This process shall describe as specifically as possible the activities to be undertaken, including detailed schedules and milestones.

(d) The State plan shall cover a minimum of a five year time period from the date submitted to EPA for approval.

(e) The State plan shall identify existing State legal authority for solid waste management and shall identify modifications to regulations necessary

to meet the requirements of these guidelines.

§ 256.03 State plan submission, adoption, and revision.

(a) To be considered for approval, the State plan shall be submitted to EPA within a reasonable time after final promulgation of these guidelines.

(b) Prior to submission to EPA, the plan shall be adopted by the State pursuant to State administrative procedures.

(c) The plan shall be developed in accord with public participation procedures required by Subpart G of this part.

(d) The plan shall contain procedures for revision. The State plan shall be revised by the State, after notice and public hearings, when the Administrator, by regulation, or the State determines, that:

(1) The State plan is not in compliance with the requirements of these guidelines;

(2) Information has become available which demonstrates the inadequacy of the plan; or

(3) Such revision is otherwise necessary.

(e) The State plan shall be reviewed by the State and, where necessary, revised and readopted not less frequently than every three years.

(f) States which are developing a complete State plan may submit the portion of the plan designed to satisfy the requirements of §256.26 prior to submission of the complete plan.

[44 FR 45079, July 31, 1979, as amended at 46 FR 47051, Sept. 23, 1981]

§ 256.04 State plan approval, financial assistance.

(a) The Administrator shall, within six months after a State plan has been submitted for approval, approve or disapprove the plan. The Administrator shall approve a plan if he determines that:

(1) It meets the requirements of these guidelines which address sections 4003(1), (2), (3), and (5), and

(2) It contains provisions for revision pursuant to §256.03.

(b) The Administrator shall review approved plans from time to time, and