

effective dates of the State’s authorized provisions are listed in the following Table:

TITLE 6—NEW YORK CODES, RULES AND REGULATIONS (6 NYCRR)

State Citation	Description	Effective date
371.1(c)(7)	Definition of Solid Waste. Documentation of claims for exemption	
373–2.8(a)(3)	Submission of applications.	
373–1.3(d)(3)	Financial Requirements. States and Federal government are exempt from the requirements of this section.	

(ii) The actual State regulatory text authorized by EPA (*i.e.*, without the unauthorized amendments) is available as a separate document, *Addendum to the EPA Approved New York Regulatory Requirements Applicable to the Hazardous Waste Management Program, March 2005*. This document is available from EPA Region 2, EPA Region 2 Library, 290 Broadway, 16th Floor, New York, New York 10007, Phone number: (212) 637–3185.

(5) *Memorandum of Agreement*. The Memorandum of Agreement between EPA Region 2 and the State of New York, signed by the Commissioner of the State of New York Department of Environmental Conservation on July 20, 2001, and by the EPA Regional Administrator on January 16, 2002, although not incorporated by reference, 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 New York in 1985 and revisions, supplements and addenda to that Statement dated August 18, 1988, July 26, 1989, August 15, 1991, October 11, 1991, July 28, 1994, May 30, 1997, February 5, 2001, and April 2, 2004, although not incorporated by reference, 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, although not incorporated by reference, are referenced as part of the authorized hazardous waste management program

under subtitle C of RCRA, 42 U.S.C. 6921 *et seq.*

[72 FR 14047, Mar. 26, 2007]

§§ 272.1652–272.1699 [Reserved]

Subpart II—North Carolina

§§ 272.1700–272.1749 [Reserved]

Subpart JJ—North Dakota

§ 272.1750 [Reserved]

§ 272.1751 North Dakota State-administered program: Final authorization.

(a) Pursuant to section 3006(b) of RCRA, 42 U.S.C. 6926(b), North Dakota has final authorization for the following elements as submitted to EPA in North Dakota’s base program application for final authorization which was approved by EPA effective on October 19, 1984. Subsequent program revision applications were approved effective on August 24, 1990, July 6, 1992, June 6, 1994, March 20, 2000, November 25, 2005, and April 14, 2008.

(b) The State of North 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 North Dakota 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

Environmental Protection Agency

§272.1751

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 North Dakota statutes that are incorporated by reference from the Matthew Bender & Company Inc., P. O. Box 7587, Charlottesville, VA, 22906-7587, phone number: (800) 833-9844. You may obtain copies of the North Dakota regulations that are incorporated by reference in this paragraph from the North Dakota Legislative Counsel, Second Floor, State Capitol, 600 E Boulevard, Bismarck ND 58505, phone: (701) 328-2916. You may inspect a copy at EPA Region 8, from 7 a.m. to 4 p.m., 1595 Wynkoop Street, Denver, CO, 80202, 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>.

(i) The Binder entitled “EPA Approved North Dakota Statutory and Regulatory Requirements Applicable to the Hazardous Waste Management Program”, dated July 2006.

(ii) [Reserved]

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

(i) North Dakota Century Code, 1998 Replacement, Volume 13A, North Dakota Constitution, Article XI: Sections 5 and 6.

(ii) North Dakota Century Code, 2002 Replacement, Volume 4A, Chapter 23-01 “Department of Health” Section 23-01-04.1, (except (6)).

(iii) North Dakota Century Code, Volume 4A, 2002 Replacement, as amended by the 2005 Pocket Supplement. Chapter 23-20.3 “Hazardous Waste”: Sections 23-20.3-01, (except (5) and (6)); 23-20.3-02, (except (1), (9), (11), (12), and (17)); 23-20.3-03; 23-20.3-04; 23-20.3-05(3), (5), (6), and (8); 23-20.3-06; 23-20.3-07; 23-20.3-08; 23-20.3-09; and 23-20.3-10.

(iv) North Dakota Century Code, Volume 4A, 2002 Replacement. Chapter 23-29 “Solid Waste Management”: Section 23-29-04.

(v) North Dakota Century Code, Volume 5, 1991 Replacement. Chapter 28-32 “Administrative Agencies Practice Act”: Section 28-32-21.1.

(vi) North Dakota Century Code, Volume 6, 1996 Replacement. Chapter 32-40 “Environmental Law Enforcement”: Sections 32-40-03; 32-40-04; 32-40-05; 32-40-06; 32-40-07; 32-40-08; 32-40-09; 32-40-10; and 32-40-11.

(vii) North Dakota Century Code, Volume 9A, 2001 Replacement, as amended by the 2003 Pocket Supplement. Chapter 44-04 “Duties, Records, and Meetings”: Sections 44-04-18; 44-04-18.1; 44-04-18.2; 44-04-18.3; 44-04-18.4; 44-04-18.5; 44-04-18.6; 44-04-18.7; 44-04-18.8; 44-04-19; and 44-04-19.1.

(viii) North Dakota Administrative Code (NDAC), Article 33-24, Hazardous Waste Management, as amended through December 1, 2003: sections 33-24-01-15; 33-24-01-16; 33-24-06-05, (except .1.c); 33-24-06-06.2 and .3; 33-24-06-09; 33-24-06-15, (except introductory paragraph through 1.a); 33-24-07-03.4; 33-24-07-04 through 33-24-07-14; and 33-24-07-25 through 33-24-07-27.

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

(i) North Dakota Century Code, 2002 Replacement, Volume 4A, Chapter 23-01: “Department of Health”, “Rule-making Authority and Procedure” Section 23-01-04.1(6).

(ii) North Dakota Century Code, Volume 4A, 2002 Replacement, as amended by the 2005 Pocket Supplement. Chapter 23-20.3 “Hazardous Waste”: Sections 23-20.3-02 (1); 23-20.3-05.1; 23-20.3-05.2; and 23-20.3-05.3.

(iii) North Dakota Administrative Code (NDAC), Article 33-24, “Hazardous Waste Management”, as amended through December 1, 2003, sections 33-24-04-02.3, 33-24-06-14.3.a(4) and 33-24-06-21.

(iv) North Dakota’s hazardous waste regulations set forth additional transporter requirements including permit requirements at 33-24-04-02. The transporter permit requirements are broader in scope than the federal program.

(4) *Unauthorized State Amendments.* (i) The authorized provisions at sections

§§ 272.1752–272.1799

40 CFR Ch. I (7–1–10 Edition)

of the NDAC Article 33:24, as amended through December 1, 2003 include amendments that are not approved by EPA. Such unauthorized amendments are not part of the State’s authorized program and are, therefore, not federally enforceable. Thus, notwithstanding the language in the North Dakota hazardous waste regulations incorporated by reference at paragraph (c)(1)(i) of this section, EPA will enforce the State regulations that are actually authorized by EPA. The effective dates of the State’s authorized provisions are listed in the following table.

NORTH DAKOTA ADMINISTRATIVE CODE (NDAC),
ARTICLE 33–24

State citation	Description	Effective date
33–24–02–07.4 introductory paragraph.	Residues of Hazardous Waste in Empty Containers.	10/1/86
33–24–03–12.2	Accumulation Time	1/1/84
33–24–05–421	Applicability of Definitions.	12/1/91
33–24–06–17.2.y(8).	Contents of Permit Application.	1/1/84

(ii) The actual State regulatory text authorized by EPA (i.e., without the unauthorized amendments) is available as a separate document, *Addendum to the EPA Approved North Dakota Statutory and Regulatory Requirements Applicable to the Hazardous Waste Management Program, July 2006*. This document is available from EPA Region 8, from 9 a.m. to 4 p.m., 1595 Wynkoop Street, Denver, Colorado 80202.

(5) *Memorandum of Agreement*. The Memorandum of Agreement between EPA Region 8 and the State of North Dakota, signed by the State of North Dakota State Department of Health on June 6, 2003, and by the EPA Regional Administrator on August 29, 2003, although not incorporated by reference, 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: Hazardous Waste Management Program” signed by the Attorney General of North Dakota on June 8, 1984, and revisions, supplements, and addenda to that Statement dated February 22, 1989, February

11, 1994, October 13, 1999, April 23, 2004, and August 19, 2004, although not incorporated by reference, 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, although not incorporated by reference, are referenced as part of the authorized hazardous waste management program under subtitle C of RCRA, 42 U.S.C. 6921, *et seq.*

[73 FR 8615, Feb. 14, 2008]

§§ 272.1752–272.1799 [Reserved]

Subpart KK—Ohio

§ 272.1800 State authorization.

(a) The State of Ohio is authorized to administer and enforce a hazardous waste management program in lieu of the Federal program under subtitle C of the Resource Conservation and Recovery Act of 1976 (RCRA), 42 U.S.C. 6291 *et seq.*, subject to the Hazardous and Solid Waste Amendments of 1984 (HSWA) (Pub. L. 98–616, November 8, 1984), 42 U.S.C. 6926 (c) and (g). The Federal program for which a State may receive authorization is defined in 40 CFR part 271. The State’s program, as administered by the Ohio Environmental Protection Agency, was approved by EPA pursuant to 42 U.S.C. 6926(b) and part 271 of this chapter. EPA’s approval of Ohio’s base RCRA program was effective on June 30, 1989 (see 54 FR 27173). EPA’s approval of revisions to Ohio’s base program was effective on June 7, 1991 (see 56 FR 14203) and August 19, 1991 (see 56 FR 28088).

(b) Ohio is authorized to implement certain HSWA requirements in lieu of EPA. EPA has explicitly indicated its intent to allow much action in a FEDERAL REGISTER notice granting Ohio authorization on June 7, 1991 (see 56 FR 14203) and August 19, 1991 (see 56 FR 28088).

(c) Ohio has primary responsibility for enforcing its hazardous waste program. However, EPA retains the authority to exercise its enforcement authorities under Section 3007, 3008, 3013, and 7003 of RCRA, 42 U.S.C. 6927, 6928,