Environmental Protection Agency


(b) The State of Texas 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 Texas 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. 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 Texas regulations that are incorporated by reference in this paragraph are available from West Publishing Company, 620 Opperman Drive, P.O. Box 64526, Saint Paul, MN 55164-6526; Phone: 1-800-328-4880; Web site: http://west.thomson.com.


(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) Texas Health and Safety Code (THSC) Annotated, (Vernon, 2001): Chapter 361, The Texas Solid Waste Disposal Act, sections 361.002, 361.016, 361.017, 361.018, 361.024(e), 361.032, 361.033, 361.036, 361.037(a), 361.061, 361.063, 361.064, 361.066(b), 361.067, 361.068(a), 361.069 first two sentences, 361.078, 361.079, 361.080(a), 361.082(b), 361.082(c) (except second sentence), 361.082(e), 361.083, 361.084 (except 361.084(a) and (c)), 361.084(c) (except the phrase “insertion”), 361.084(d), 361.084(e), 361.085, 361.085(b), 361.085(c) (except the phrase “Except as provided in Subsection (e)”), 361.089, 361.090, 361.095(b), 361.095(c), 361.096, 361.097, 361.098(a) (except the phrase “Except as provided in Subsections (b) and (c)”,), 361.099(a), 361.100, 361.101, 361.102(a) (except the phrase “Except as provided in Subsections (b) and (c)”), 361.103 through 361.108, 361.109(a), 361.301, 361.321(a) and (b), 361.321(c) (except the phrase “Exception as provided by Section 361.322(a)”), 361.321(d), and 361.321(e) (except the phrase “Exception as provided by Section 361.322(e)”) ; Chapter 371, Texas Oil Collection, Management, and Recycling Act, sections 371.002(b) and (c), 371.024(a), 371.024(c) and (d), 371.026(a) and (b), 371.028, and 371.043(b).