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specified in Table 1 (except those provisions identified in footnotes 1 and 2 of Table 1) are Federally enforceable in those states that have not adopted state requirements equivalent to 40 CFR part 279, subparts G and H of this chapter requirements and have not been authorized to enforce the state requirements.

**TABLE 1—REGULATIONS ADOPTED NOVEMBER 29, 1985 REGARDING THE BURNING OF USED OIL FOR ENERGY RECOVERY**

[These part 279 provisions will continue to be enforced by EPA]

Former provisions of 40 CFR part 266, subpart E (1992)	Recodified provisions within 40 CFR part 279
Sec. 266.40(a) .....	Sec. 279.60(a)
Sec. 266.40(b) .....	Sec. 279.1 <sup>1</sup>
Sec. 266.40(c) [rebuttable presumption] .....	Sec. 279.63(a), (b) and (c) <sup>2</sup>
Sec. 266.40(d)(1) and (2) .....	Sec. 279.10(b)(2) and (3)
Sec. 266.40(e) .....	Sec. 279.11
	Sec. 279.60(c)
Sec. 266.41(a)(1) and (2) .....	Sec. 279.71
266.41(b)(1) and (2) .....	Sec. 279.61(a)
	279.23(a)
Sec. 266.42(a) .....	Sec. 279.60(a)
Sec. 266.42(b) .....	Sec. 279.70(a)
Sec. 266.42(c) .....	Sec. 279.60(a)
Sec. 266.43(a)(1) .....	Sec. 279.70(a) and (b)(1)
Sec. 266.43(a)(2) .....	Sec. 279.70(b)(2)
Sec. 266.43(b)(1) .....	Sec. 279.72(a)
Sec. 266.43(b)(2) .....	Sec. 279.71
Sec. 266.43(b)(3) .....	Sec. 279.73(a)
Sec. 266.43(b)(4)(i-v) .....	Sec. 279.74(a)
Sec. 266.43(b)(4)(vi) .....	not included
Sec. 266.43(b)(5)(i) and (ii) ...	Sec. 279.75(a)
Sec. 266.43(b)(6)(i) .....	Sec. 279.74(b) and (c)
	279.72(b)
Sec. 266.43(b)(6)(ii) .....	Sec. 279.74(a)
	Sec. 279.75(b)
Sec. 266.44(a) .....	Sec. 279.61(a)
	Sec. 279.23(a)
Sec. 266.44(b) .....	Sec. 279.62(a)
Sec. 266.44(c) .....	Sec. 279.66(a)
Sec. 266.44(d) .....	Sec. 279.72(a)
Sec. 266.44(e) .....	Sec. 279.65(a) and (b)
	Sec. 279.66(b)
	Sec. 279.72(b)

<sup>1</sup> Contains additional new definitions that were not included in the 1985 rule.

<sup>2</sup> Paragraphs (c)(1) and (2) of § 279.63 contain new exemptions from the rebuttable presumption that were not part of the 1985 rule.

(2) In states that have not been authorized for the RCRA base program, all requirements of Part 279 will be Federally enforceable effective March 8, 1993.

[57 FR 41612, Sept. 10, 1992, as amended at 58 FR 26424, May 3, 1993]

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**§ 271.27 Interim authorization-by-rule for the revised Corrective Action Management Unit rule.**

(a) States shall be deemed to have interim authorization pursuant to section 3006(g) of RCRA for the revised Corrective Action Management Unit rule if:

(1) The State has been granted final authorization pursuant to section 3006(b) of RCRA for the regulation entitled "Corrective Action Management Units and Temporary Units," February 16, 1993 and cited in Table 1 in § 271.1; and

(2) The State notifies the Regional Administrator by March 25, 2002 that the State intends to and is able to use the revised Corrective Action Management Unit Standards rule as guidance.

(b) Interim authorization pursuant to this section expires on August 30, 2004 if the State has not submitted an application for final authorization.

[67 FR 3029, Jan. 22, 2002]

**Subpart B [Reserved]**

**PART 272—APPROVED STATE HAZARDOUS WASTE MANAGEMENT PROGRAMS**

**Subpart A—General Provisions**

- Sec. 272.1 Purpose and scope.
- 272.2 Incorporation by reference.
- 272.3–272.49 [Reserved]

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272.50–272.99 [Reserved]

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272.100–272.149 [Reserved]

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- 272.150 [Reserved]
- 272.151 Arizona State-administered program: Final authorization.
- 272.152–272.199 [Reserved]

**Subpart E—Arkansas**

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- 272.201 Arkansas State-administered program: Final authorization.
- 272.202–272.249 [Reserved]

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**Subpart F—California**

272.250–272.299 [Reserved]

**Subpart G—Colorado**

272.300–272.349 [Reserved]

**Subpart H—Connecticut**

272.350–272.399 [Reserved]

**Subpart I—Delaware**

272.400 State authorization.  
272.401 State-administered program: Final authorization.  
272.402–272.449 [Reserved]

**Subpart J—District of Columbia**

272.450–272.499 [Reserved]

**Subpart K—Florida**

272.500 [Reserved]  
272.501 Florida State-administered program: Final authorization.  
272.502–272.549 [Reserved]

**Subpart L—Georgia**

272.550–272.599 [Reserved]

**Subpart M—Hawaii**

272.600–272.649 [Reserved]

**Subpart N—Idaho**

272.650 State authorization.  
272.651 Idaho State-administered program: Final authorization.  
272.652–272.699 [Reserved]

**Subpart O—Illinois**

272.700 State authorization.  
272.701 State-administered program: Final authorization.  
272.702–272.750 [Reserved]

**Subpart P—Indiana**

272.751 Indiana State-administered program: Final authorization.  
272.752–272.799 [Reserved]

**Subpart Q—Iowa**

272.800–272.849 [Reserved]

**Subpart R—Kansas**

272.850–272.899 [Reserved]

**Subpart S—Kentucky**

272.900–272.949 [Reserved]

**Subpart T—Louisiana**

272.950 [Reserved]  
272.951 Louisiana State-administered program: Final authorization.  
272.952–272.999 [Reserved]

**Subpart U—Maine**

272.1000–272.1049 [Reserved]

**Subpart V—Maryland**

272.1050–272.1099 [Reserved]

**Subpart W—Massachusetts**

272.1100–272.1149 [Reserved]

**Subpart X—Michigan**

272.1150 State authorization.  
272.1151 State-administered program: Final authorization.  
272.1152–272.1199 [Reserved]

**Subpart Y—Minnesota**

272.1200 [Reserved]  
272.1201 Minnesota State-administrated program: Final authorization.  
272.1202–272.1249 [Reserved]

**Subpart Z—Mississippi**

272.1250–272.1299 [Reserved]

**Subpart AA—Missouri**

272.1300 State authorization.  
272.1301 State-administered program; Final authorization.  
272.1302–272.1349 [Reserved]

**Subpart BB—Montana**

272.1350 [Reserved]  
272.1351 Montana State-Administered Program: Final Authorization.  
272.1352–272.1399 [Reserved]

**Subpart CC—Nebraska**

272.1400–272.1449 [Reserved]

**Subpart DD—Nevada**

272.1450–272.1499 [Reserved]

**Subpart EE—New Hampshire**

272.1500–272.1549 [Reserved]

**Subpart FF—New Jersey**

272.1550–272.1599 [Reserved]

**Subpart GG—New Mexico**

272.1600 [Reserved]

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272.1601 New Mexico State-administered program: Final authorization.  
272.1602–272.1649 [Reserved]

**Subpart HH—New York**

272.1650 [Reserved]  
272.1651 New York State-administered program: Final authorization.  
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.  
272.1752–272.1799 [Reserved]

**Subpart KK—Ohio**

272.1800 State authorization.  
272.1801 State-administered program; Final authorization.  
272.1802–272.1849 [Reserved]

**Subpart LL—Oklahoma**

272.1850 [Reserved]  
272.1851 Oklahoma State-administered program: Final authorization.  
272.1852–272.1899 [Reserved]

**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]  
272.2101 South Dakota State-administered program: Final authorization.  
272.2102–272.2149 [Reserved]

**Subpart RR—Tennessee**

272.2150–272.2199 [Reserved]

**Subpart SS—Texas**

272.2200 [Reserved]  
272.2201 Texas State-administered program: Final authorization.  
272.2202–272.2249 [Reserved]

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**Subpart TT—Utah**

272.2250 [Reserved]  
272.2251 Utah State-Administered program: Final authorization.  
272.2252–272.2299 [Reserved]

**Subpart UU—Vermont**

272.2300–272.2349 [Reserved]

**Subpart VV—Virginia**

272.2350–272.2399 [Reserved]

**Subpart WW—Washington**

272.2400–272.2449 [Reserved]

**Subpart XX—West Virginia**

272.2450–272.2499 [Reserved]

**Subpart YY—Wisconsin**

272.2500 [Reserved]  
272.2501 Wisconsin State-administered program; final authorization.  
272.2502–272.2549 [Reserved]

**Subpart ZZ—Wyoming**

272.2550 [Reserved]  
272.2551 Wyoming State-administered program: Final authorization.  
272.2552–272.2599 [Reserved]

**Subpart AAA—Guam**

272.2600–272.2649 [Reserved]

**Subpart BBB—Puerto Rico**

272.2650–272.2699 [Reserved]

**Subpart CCC—Virgin Islands**

272.2700–272.2749 [Reserved]

**Subpart DDD—American Samoa**

272.2750–272.2799 [Reserved]

**Subpart EEE—Commonwealth of the Northern Mariana Islands**

272.2800–272.2849 [Reserved]

**APPENDIX A TO PART 272—STATE REQUIREMENTS**

AUTHORITY: Secs. 2002(a), 3006, and 7004(b) of the Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act, as amended, 42 U.S.C. 6912(a), 6926, and 6974(b).

SOURCE: 51 FR 3955, Jan. 31, 1986, unless otherwise noted.

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### Subpart A—General Provisions

#### § 272.1 Purpose and scope.

This part sets forth the applicable State hazardous waste management programs under section 3006(b) of the Resource Conservation and Recovery Act (RCRA), 42 U.S.C. 6926, and 40 CFR 260.10. “State” is defined in 42 U.S.C. 1004(31) as “any of the several States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands.”

[58 FR 3500, Jan. 11, 1993]

#### § 272.2 Incorporation by reference.

Material listed as incorporated by reference in part 272 was approved for incorporation by reference by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Material is incorporated as it exists on the date of the approval, and notice of any change in the material will be published in the FEDERAL REGISTER. Copies may be obtained or inspected at EPA Resource and Conservation Recovery Act (RCRA) Docket Information Center (5305G), 1200 Pennsylvania Ave., NW., Washington, DC 20460 and at the appropriate EPA Regional Office. Copies may be inspected 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/code\\_of\\_federal\\_regulations/ibr\\_locations.html](http://www.archives.gov/federal_register/code_of_federal_regulations/ibr_locations.html). For an informational listing of the State and local requirements incorporated in part 272, see appendix A to this part.

[58 FR 3500, Jan. 11, 1993, as amended at 69 FR 18803, Apr. 9, 2004]

§§ 272.3–272.49 [Reserved]

### Subpart B—Alabama

§§ 272.50–272.99 [Reserved]

### Subpart C—Alaska

§§ 272.100–272.149 [Reserved]

### Subpart D—Arizona

§ 272.150 [Reserved]

#### § 272.151 Arizona State-administered program: Final authorization.

(a) Pursuant to section 3006(b) of RCRA, 42 U.S.C. 6926(b), Arizona has final authorization for the following elements as submitted to EPA in Arizona’s base program application for final authorization which was approved by EPA effective on December 4, 1985. Subsequent program revision applications were approved effective on October 7, 1991, September 11, 1992, January 22, 1993, December 27, 1993, and June 12, 1995.

(b) *State Statutes and Regulations.* (1) The Arizona statutes and regulations cited in this paragraph are incorporated by reference as part of the hazardous waste management program under Subtitle C of RCRA, 42 U.S.C. 6921 *et seq.*

(i) EPA Approved Arizona Statutory Requirements Applicable to the Hazardous Waste Management Program, June 1995.

(ii) EPA Approved Arizona Regulatory Requirements Applicable to the Hazardous Waste Management Program, June 1995.

(2) The following statutes and regulations concerning State enforcement, although not incorporated by reference, are part of the authorized State program:

(i) *Arizona Laws Relating to Environmental Quality*, 1993 edition, reprinted from *Arizona Revised Statutes*, Title 49, Sections 49-141 through 49-144; 49-261 through 49-265; 49-287; 49-923 through 49-926; 49-928; and 49-943.

(ii) *Arizona Administrative Code*, Title 18, Chapter 8, December 31, 1994, Sections R18-8-260.D; R18-8-271.F through R18-8-271.Q; and R-18-8-280.

(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:

(i) *Arizona Laws Relating to Environmental Quality*, 1993 edition, reprinted from *Arizona Revised Statutes*, Title 49, Sections 49–901 through 49–905; 49–922.01; 49–927; 49–929 through 49–942; and 49–944.

(ii) *Arizona Administrative Code*, Title 18, Chapter 8, December 31, 1994, Sections R18–8–261.J; R18–8–261.L; R18–8–269; and R18–8–270.G.

(4) *Memorandum of Agreement*. The Memorandum of Agreement between EPA Region IX and the Arizona Department of Environmental Quality, signed by the EPA Regional Administrator on June 20, 1991, is referenced as part of the authorized hazardous waste management program under Subtitle C of RCRA, 42 U.S.C. 6921 *et seq.*

(5) *Statement of Legal Authority*. “Attorney General’s Statement for Final Authorization”, signed by the Attorney General of Arizona on September 13, 1984, and revisions, supplements and addenda to that Statement dated November 22, 1989, October 31, 1990, August 23, 1993 (two documents), and February 3, 1995, are referenced as part of the authorized hazardous waste management program under Subtitle C of RCRA, 42 U.S.C. 6921 *et seq.*

(6) *Program Description*. The Program Description and any other materials submitted as part of the original application or 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.*

[60 FR 44279, Aug. 25, 1995]

§§ 272.152–272.199 [Reserved]

### Subpart E—Arkansas

§ 272.200 [Reserved]

#### § 272.201 Arkansas State-administered program: Final authorization.

(a) *History of the State of Arkansas authorization*. Pursuant to section 3006(b) of RCRA, 42 U.S.C. 6926(b), the EPA granted Arkansas final authorization for the following elements as sub-

mitted to EPA in Arkansas’ Base program application for final authorization which was approved by EPA effective on January 25, 1985. Subsequent program revision applications were approved effective on May 29, 1990; November 18, 1991; December 4, 1992; December 21, 1994; June 24, 2002; October 15, 2007; August 27, 2010; October 9, 2012; December 1, 2014; December 30, 2014; March 29, 2016, and October 11, 2016, and November 13, 2017.

(b) *Enforcement authority*. The State of Arkansas 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) *Incorporation by reference*. The Arkansas 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. You may obtain copies of the Arkansas statutes that are incorporated by reference in this paragraph from LexisNexis, 9443 Springboro Pike, Miamisburg, Ohio 45342; Phone: (800) 833–9844; website: <http://www.lexisnexis.com/store/us>. Copies of the Arkansas regulations that are incorporated by reference are available from the Arkansas Department of Environmental Quality (ADEQ) website at <http://www.adeq.state.ar.us/regs/default.htm> or the Public Outreach Office, ADEQ, 5301 Northshore Drive, North Little Rock, Arkansas 72118–5317; Phone number: (501) 682–0923. You may inspect a copy at EPA Region 6, RCRA Permits Section (LCR–RP), Land, Chemicals and Redevelopment Division, EPA Region 6, 1201 Elm Street, Suite 500, Dallas, Texas 75270; Phone number: (214) 665–8533 or (214) 665–2760,

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or at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, email [fedreg.legal@nara.gov](mailto:fedreg.legal@nara.gov), or go to: [www.archives.gov/federal-register/cfr/ibr-locations.html](http://www.archives.gov/federal-register/cfr/ibr-locations.html).

(i) The binder entitled “EPA-Approved Arkansas Statutory and Regulatory Requirements Applicable to the Hazardous Waste Management Program”, dated October 2016.

(ii) [Reserved]

(2) *Legal basis.* 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) Arkansas Code of 1987 Annotated (A.C.A.), 2011 Replacement, as amended by the 2015 Supplement, Title 4, Business and Commercial Law, Chapter 75: Section 4-75-601(4) “Trade Secret”.

(ii) Arkansas Code of 1987 Annotated (A.C.A.), 2011 Replacement, as amended by the 2015 Supplement, Title 8, Environmental Law, Chapter 1: Section 8-1-107.

(iii) Arkansas Hazardous Waste Management Act of 1979, as amended, Arkansas Code of 1987 Annotated (A.C.A.), 2011 Replacement, as amended by the 2015 Supplement, Title 8, Environmental Law, Chapter 7, Subchapter 2: Sections 8-7-204 (except 8-7-204(e)(3)(B)), 8-7-205 through 8-7-214, 8-7-217, 8-7-218, 8-7-220, 8-7-222, 8-7-224, 8-7-225(b) through 8-7-225(d), and 8-7-227.

(iv) Arkansas Resource Reclamation Act of 1979, as amended, Arkansas Code of 1987 Annotated (A.C.A.), 2011 Replacement, as amended by the 2015 Supplement, Title 8, Environmental Law, Chapter 7, Subchapter 3: Sections 8-7-302(3), 8-7-303 and 8-7-308.

(vi) Remedial Action Trust Fund Act of 1985, as amended, Arkansas Code of 1987 Annotated (A.C.A.), 2011 Replacement, as amended by the 2015 Supplement, Title 8, Environmental Law, Chapter 7, Subchapter 5: Sections 8-7-503(6) and (7), 8-7-505(3), 8-7-507, 8-7-508, 8-7-511 and 8-7-512.

(vii) Arkansas Freedom of Information Act (FOIA) of 1967, as amended, Arkansas Code of 1987 Annotated (A.C.A.), 2011 Replacement, as amended by the 2015 Supplement, Title 25, State Government, Chapter 19: Sections 25-19-103(1), 25-19-105, 25-19-107.

(viii) Arkansas Pollution Control and Ecology (APC&E) Commission Regulation No. 23, Hazardous Waste Management, as amended September 25, 2015, effective October 18, 2015, Chapter One; Chapter Two, Sections 1, 2, 3(a), 3(b)(3), 4, 260.2, 260.20(c) through (f), 261 Appendix IX, 270.7(h) and (j), 270.10(e)(8), 270.34, 19, Chapter Three, Sections 21 and 22; Chapter Five, Section 28.

(ix) Arkansas Pollution Control and Ecology (APC&E) Commission, Regulation No. 7, Civil Penalties, July 24, 1992.

(x) Arkansas Pollution Control and Ecology (APC&E) Commission, Regulation No. 8, Administrative Procedures, February 12, 2009.

(3) *Related legal provisions.* 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:

(i) Arkansas Hazardous Waste Management Act, as amended, Arkansas Code of 1987 Annotated (A.C.A.), 2011 Replacement, as amended by the 2015 Supplement, Title 8, Environmental Law, Chapter 7, Subchapter 2: Section 8-7-226.

(ii) Arkansas Pollution Control and Ecology (APC&E) Commission Regulation No. 23, Hazardous Waste Management, as amended September 25, 2015, effective October 18, 2015, Chapter Two, Sections 6, 262.13(c), 262.26(d), 263.10(e), 263.13, 264.71(e), and 265.71(e).

(4) *Unauthorized State amendments and provisions.* (i) Arkansas has partially or fully adopted, but is not authorized to implement, the Federal rule listed in the following table. The EPA will continue to implement the Federal HSWA requirements for which Arkansas is not authorized until the State receives specific authorization for those requirements.

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Federal requirement	Federal Register reference	Publication date
HSWA Codification Rule—Delisting (HSWA) (Checklist 17B—amendments to 40 CFR 260.22 only).	50 FR 28702 .....	July 15, 1985.

(ii) The Federal rules listed in the following table are not delegable to States. Arkansas has adopted these provisions and left the authority to the EPA for implementation and enforcement.

Federal requirement	Federal Register reference	Publication date
Imports and Exports of Hazardous Waste: Implementation of OECD Council Decision (HSWA) (Checklist 152).	61 FR 16290 .....	April 12, 1996.
OECD Requirements; Export Shipments of Spent Lead-Acid Batteries (Non-HSWA) (Checklist 222).	75 FR 1236 .....	January 8, 2010.

(5) *Vacated Federal rule.* Arkansas adopted and was authorized for the following Federal rule which has since been vacated by the U.S. Court of Appeals for the District of Columbia Circuit (D.C. Cir. 08–1144; June 27, 2014). As a result, the Arkansas provisions at Reg. 23, 260.10 “Gasification” and 261.4(a)(12)(i) are no longer considered to be part of the State’s authorized program. Consistent with the Court’s vacatur, EPA removed the vacated provisions from the CFR on April 8, 2015.

Federal requirement	Federal Register reference	Publication date
Exclusion of Oil-Bearing Secondary Materials Processed in a Gasification System to Produce Synthesis Gas (Non-HSWA) (Checklist 216—Definition of “Gasification” at 40 CFR 260.10 and amendment to 40 CFR 261.4(a)(12)(i)).	73 FR 57 .....	January 2, 2008.

(6) *Memorandum of Agreement.* The Memorandum of Agreement between EPA Region VI and the State of Arkansas, signed by the Executive Director of the Arkansas Department of Environmental Quality (ADEQ) on June 27, 2012, and by the EPA Regional Administrator on July 10, 2012, is referenced as part of the authorized hazardous waste management program under subtitle C of RCRA, 42 U.S.C. 6921 *et seq.*

(7) *Statement of legal authority.* “Attorney General’s Statement for Final Authorization”, signed by the Attorney General of Arkansas on July 9, 1984 and revisions, supplements, and addenda to that Statement dated September 24, 1987, February 24, 1989, December 11, 1990, May 7, 1992 and by the Inde-

pendent Legal Counsel on May 10, 1994, February 2, 1996, March 3, 1997, July 31, 1997, December 1, 1997, December 12, 2001, July 27, 2006, December 12, 2010, October 1, 2012, and December 7, 2015 are referenced as part of the authorized hazardous waste management program under Subtitle C of RCRA, 42 U.S.C. 6921 *et seq.*

(8) *Program Description.* The Program Description and any other materials submitted as part of the original application or 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.*

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[82 FR 43189, Sept. 14, 2017, as amended at 84 FR 44231, Aug. 23, 2019]

§§ 272.202–272.249 [Reserved]

### Subpart F—California

§§ 272.250–272.299 [Reserved]

### Subpart G—Colorado

§§ 272.300–272.349 [Reserved]

### Subpart H—Connecticut

§§ 272.350–272.399 [Reserved]

### Subpart I—Delaware

§ 272.400 State authorization.

(a) The State of Delaware 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 (RCRA), 42 U.S.C. 6921 *et seq.*, subject to the Hazardous and Solid Waste Act 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 271.9 through 271.17 and 271.21. The State's program, as administered by the Delaware Department of Natural Resources and Environmental Control, was approved by EPA pursuant to 42 U.S.C. 6926(b) and part 271 of this chapter. EPA's approval was effective on June 22, 1984, 48 FR 23837.

(b) Delaware is not authorized to implement any HSWA requirement in lieu of EPA unless EPA has explicitly indicated its intent to do so in a FEDERAL REGISTER notice granting Delaware authorization.

(c) Delaware has primary responsibility for enforcing its hazardous waste program. However, EPA retains the authority to exercise its enforcement authorities, including conducting inspections under section 3007, 42 U.S.C. 6927, and taking enforcement actions under sections 3008, 3013, and 7003, 42 U.S.C. 6928, 6934 and 6973, as well as under other Federal laws and regulations.

(d) Delaware must revise its approved program to adopt new changes to the Federal Subtitle C program in accord-

ance with section 3006(b) of RCRA and 40 CFR part 271, subpart A. Delaware must seek final authorization for all program revisions pursuant to section 3006(b) of RCRA, but, on a temporary basis, may seek interim authorization for revisions required by HSWA pursuant to section 3006(g) of RCRA, 42 U.S.C. 6926(g). If Delaware obtains final authorization for the revised requirements pursuant to section 3006(b) of RCRA, the newly authorized provisions will be listed in § 272.401. If Delaware obtains interim authorization for the revised requirements pursuant to section 3006(g), the newly authorized provisions will be listed in § 272.402.

§ 272.401 State-administered program: Final authorization.

Pursuant to section 3006(b) of RCRA, 42 U.S.C. 6926(b), Delaware has final authorization for the following elements as submitted to EPA in Delaware's program application and approved by EPA.

(a) *State Statutes and Regulations.* (1) The requirements in the Delaware statutes and regulations cited in this paragraph are incorporated by reference and made a part of the hazardous waste management program under Subtitle C of RCRA, 42 U.S.C. 6921 *et seq.* This incorporation by reference was approved by the Director of the Federal Register January 31, 1986.

(i) 7 Delaware Code Annotated sections 6301 through 6307 and 6310 through 6317 (1983 Replacement Volume).

(ii) Delaware Department of Natural Resources and Environmental Control Regulations Governing Hazardous Waste, Parts 260 through 265, 122 and 124, Order Number 83–SW–1, July 28, 1983. (Copies are available from the Delaware Department of Natural Resources and Environmental Control, PO Box 1401, Dover, Delaware 19901.)

(2) The following statutes and regulations, although not incorporated by reference, are part of the authorized State program.

(i) 7 Delaware Code Annotated sections 6308 and 6309 (1974 and Supp. 1983).

(ii) Delaware Administrative Procedures Act, 7 Delaware Code Annotated sections 10101 through 10161 (1974 and Supp. 1983).



(b) *Memorandum of Agreement.* The Memorandum of Agreement between EPA Region III and the Delaware Department of Natural Resources and Environmental Control, signed by the EPA Regional Administrator on December 14, 1983.

(c) *Statement of Legal Authority.* (1) “Attorney General’s Statement for Final Authorization”, signed by the Attorney General of Delaware of July 26, 1983.

(2) Letter from the Attorney General of Delaware to EPA, April 2, 1984.

(d) *Program Description.* The Program Description and any other materials submitted as part of the original application or as supplements thereto.

§§ 272.402–272.449 [Reserved]

### Subpart J—District of Columbia

§§ 272.450–272.499 [Reserved]

### Subpart K—Florida

§ 272.500 [Reserved]

#### § 272.501 Florida State-administered program: Final authorization.

(a) Pursuant to section 3006(b) of RCRA, 42 U.S.C. 6926(b), Florida has final authorization for the following elements as submitted to EPA in Florida’s base program application for final authorizations which was approved by EPA effective on February 12, 1985. Subsequent program revision applications were approved and effective January 30, 1988; October 30, 1988; January 3, 1989; February 12, 1991; April 6, 1992; April 7, 1992; July 20, 1992; January 10, 1994; September 9, 1994; October 17, 1994; December 27, 1994; and June 2, 1997.

(b) *State Statutes and Regulations.* (1) The Florida statutes and regulations cited in this paragraph are incorporated by reference as part of the hazardous waste management program under Subtitle C of RCRA, 42 U.S.C. 6921 *et seq.*

(i) EPA Approved Florida’s Statutory Requirements Applicable to the Hazardous Waste Management Program, dated December 1997.

(ii) EPA Approved Florida’s Regulatory Requirements Applicable to the

Hazardous Waste Management Program, dated December 1997.

(2) The following statutes and regulations concerning State procedures and enforcement, although not incorporated by reference, are part of the authorized State program:

(i) Florida Statutes, 1993, Chapter 119: 119.01; 119.011; 119.0115 through 119.031; 119.041; 119.05; 119.06; 119.07(1), (2), (3)(a)–(j), (3)(k)(1) first sentence, (3)(l)–(u), (4), (5), and (8); 119.072; 119.08(1)(a), (2) and (3); 119.085; 119.09; 119.092; 119.10; and 119.11 through 119.14.

(ii) Florida Statutes, 1993, Chapter 120: 120.53; 120.57; 120.59; 120.68; and 120.69.

(iii) Florida Statutes, 1993, Chapter 403: 403.021(1)–(9); 403.051(1) and (2); 403.061(21); 403.087(1) second and third sentences, (2)–(4), and (8); 403.0875; 403.091; 403.121; 403.131; 403.141(1) and (2); 403.151; 403.161; 403.201(1)–(3); 403.412; 403.702; 403.703(1); 403.704 (except (8), (11), (20)–(23), (25), and (31)); 403.721(1); 403.721(2)–(4) (except (4)(a)); 403.721(5); 403.721(6)(a)–(g), (j), (k); 403.721(7); 403.722(7) and (9)–(11); 403.722(3); 403.724(3)–(6); 403.726 (except 403.726(3)); 403.73; 403.7545; 403.8055; and 403.814.

(iv) Florida Statutes, 1994 Supplement to 1993, Chapter 403: 403.061(14); 403.088; 403.707; 403.722(12); 403.722(3); and 403.727.

(v) Florida Administrative Code, Chapter 62–4, effective July 4, 1995: 62–4.050(1)–(3); 62–4.070(4); and 62–4.070(5).

(vi) Florida Administrative Code, Chapter 62–103, effective October 20, 1996: 62–103.150; and 62–103.155.

(vii) Florida Administrative Code, Chapter 62–730, effective September 7, 1995: 62–730.020(2); 62–730.184; 62–730.200(3); 62–730.220(4); 62–730.220(9); 62–730.231(10); 62–730.240(3); and 62–730.310.

(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 herein for enforcement purposes.

(i) Florida Statutes, 1993, Chapter 403: 403.087(5); 403.201(4) (only the phrase “may require by rule a processing fee for and”); 403.704(8); 403.721(4)(a); 403.7215(1)–(4); 403.722(8); 403.723; 403.724(7); 403.754(1)–(7); 403.767(1)–(3)(c); 403.78 through 403.7893; and 403.7895.

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(ii) Florida Administrative Code, Chapter 62-4, effective July 4, 1995: 17-4.050(4)(k), (n)-(p), (r) and (s)-(x); 62-4.050(5)-(7).

(iii) Florida Administrative Code, Chapter 62-730, effective September 7, 1995: 62-730.170(2) and (3); 62-730.180(10);

62-730.290 (only the phrase “and submittal of the appropriate permit modification fee”).

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

Federal requirement	FEDERAL REGISTER reference	Publication date
HSWA Codification Rule: Corrective Action (Checklist 17 L)	50 FR 28702 .....	7/15/85
HSWA Codification Rule 2: Corrective Action Beyond Facility Boundary (Checklist 44 B); Corrective Action for Injection Wells (Checklist 44 C); and Permit Modification (Checklist 44 D).	52 FR 45788 .....	12/1/87
Burning of Hazardous Waste in Boilers and Industrial Furnaces (Checklist 85).	56 FR 7134 .....	2/12/91
Burning of Hazardous Waste in Boilers and Industrial Furnaces; Corrections and Technical Amendments I (Checklist 94).	56 FR 32688 .....	7/1/91
Burning of Hazardous Waste in Boilers and Industrial Furnaces; Technical Amendments II (Checklist 96).	56 FR 42504 .....	8/27/91
Coke Ovens Administrative Stay (Checklist 98) .....	56 FR 43874 .....	9/5/91
Recycled Coke By-Product Exclusion (Checklist 105) .....	57 FR 27880 .....	6/22/92
Burning Hazardous Waste in Boilers and Industrial Furnaces; Technical Amendment III (Checklist 111).	57 FR 38558 .....	8/25/92
Recycled Used Oil Management Standards (Checklist 112)	57 FR 41566: Amendments to 40 CFR Parts 260, 261, and 266.	9/10/92
Burning of Hazardous Waste in Boilers and Industrial Furnaces; Technical Amendment IV (Checklist 114).	57 FR 44999 .....	9/30/92
Corrective Action Management Units and Temporary Units (Checklist 121).	58 FR 8658 .....	2/16/93
Recycled Used Oil Management Standards; Technical Amendments and Corrections I (Checklist 122).	58 FR 26420: Amendments to 40 CFR Parts 261, 264, and 265.	5/3/93

(5) Memorandum of Agreement. The Memorandum of Agreement between EPA Region IV and the Florida Department of Environmental Protection, signed by the EPA Regional Administrator on October 23, 1993, as amended on November 28, 1994, and on December 9, 1994, 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” certifications signed by the General Counsel of Florida on June 21, 1984; March 12, 1987; June 16, 1988; February 21, 1989; May 30, 1989; June 13, 1990; May 28, 1991; October 9, 1991; July 14, 1992; September 24, 1993; December 20, 1993; February 27, 1994; January 25, 1996; and May 20, 1996, is referenced as part of the authorized hazardous waste management program under Subtitle C of RCRA, 42 U.S.C. 6921.

(7) Program Description. The Program Description and any other materials submitted as part of the original

application, or 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.*

[63 FR 2898, Jan. 20, 1998]

**§§ 272.502–272.549 [Reserved]**

**Subpart L—Georgia**

**§§ 272.550–272.599 [Reserved]**

**Subpart M—Hawaii**

**§§ 272.600–272.649 [Reserved]**

**Subpart N—Idaho**

SOURCE: 55 FR 50328, Dec. 6, 1990, unless otherwise noted.

**§ 272.651 Idaho State-Administered Program: Final Authorization.**

(a) Pursuant to section 3006(b) of RCRA, 42 U.S.C. 6926(b), Idaho has final

authorization for the following elements as submitted to the EPA in Idaho's base program application for final authorization which was approved by the EPA effective on April 9, 1990. Subsequent program revision applications were approved by the EPA effective on June 5, 1992, August 10, 1992, June 11, 1995, January 19, 1999, July 1, 2002, March 10, 2004, July 22, 2005, February 26, 2007, December 23, 2008, and July 11, 2012.

(b) The State of Idaho has primary responsibility for enforcing its hazardous waste management program. However, the 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 Idaho statutes and regulations cited in this paragraph are incorporated by reference as part of the hazardous waste management program under subtitle C of RCRA, 42 U.S.C. 6921 *et seq.*

(i) The binder entitled "EPA-Approved Idaho Statutory and Regulatory Requirements Applicable to the Hazardous Waste Management Program", dated July 2012.

(ii) [Reserved]

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

(i) Idaho Code containing the General Laws of Idaho Annotated, Title 39, Chapter 44, "Hazardous Waste Management", published in 2002 by the Michie Company, Law Publishers, Charlottesville, Virginia: sections 39-4401; 39-4402; 39-4404; 39-4405 with exception of 39-4405(9); 39-4406; 39-4407; 39-4408(4); 39-4409(2) except first sentence; 39-4409(3); 39-4409(4) only first sentence; 39-4410; 39-4411(1); 39-4411(3); 39-4411(6); 39-4412; 39-4413; 39-4414; 39-4415; 39-4416; 39-4417; 39-4418; 39-4419; 39-4420; 39-4421; 39-4422; 39-4423(3); and 39-4426.

(ii) Idaho Code containing the General Laws of Idaho Annotated, Title 39, Chapter 58, "Hazardous Waste Facility Siting Act", published in 2002 by the Michie Company, Law Publishers, Charlottesville, Virginia: sections 39-5801; 39-5802; 39-5804; 39-5805; 39-5806; 39-5807; 39-5809; 39-5810; 39-5811; 39-5812; 39-5813(2); 39-5814; 39-5816; 39-5817; and 39-5818(1).

(iii) Idaho Code containing the General Laws of Idaho Annotated, Volume 2, Title 9, Chapter 3, "Public Writings", published in 2010 by the Michie Company, Law Publishers, Charlottesville, Virginia: sections 9-337 *et seq.*; 9-338; 9-339; 9-340A; 9-340B; 9-340C; 9-340D; 9-340E; 9-340F; 9-340G; 9-340H; 9-341; 9-342A; 9-343; and 9-344.

(iv) Idaho Department of Environmental Quality Rules and Regulations, Idaho Administrative Code, IDAPA 58, Title 1, Chapter 5, "Rules and Standards for Hazardous Waste", published in April 2011: sections 58.01.05.000; 58.01.05.356.02; 58.01.05.356.03; 58.01.05.356.04; 58.01.05.356.05; 58.01.05.800; 58.01.05.850; 58.01.05.996; 58.01.05.997; and 58.01.05.999.

(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) Idaho Code containing the General Laws of Idaho Annotated, Title 39, Chapter 44, "Hazardous Waste Management", published in 2002 by the Michie Company, Law Publishers, Charlottesville, Virginia: sections 39-4403(6); 39-4403(14); 39-4403(17) only the second and third sentences; 39-4405(9); 39-4409(1) only the fourth and fifth sentences; 39-4409(7); 39-4423(2); 39-4427B; 39-4427C; 39-4427D; 39-4428; 39-4429; 39-4430; 39-4431; and 39-4432.

(ii) 2010 Cumulative Pocket Supplement to the Idaho Code (I.C.), containing, Title 39, Chapters 44 "Hazardous Waste Management", published in 2010 by the Michie Company, Law Publishers, Charlottesville, Virginia: section 39-4427.

(iii) Idaho Code containing the General Laws of Idaho Annotated, Title 39, Chapter 58, "Hazardous Waste Siting Act", published in 2002 by the Michie

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Company, Law Publishers Charlottesville, Virginia: section 39-5813(3).

(iv) Idaho Department of Environmental Quality Rules and Regulations, Idaho Administrative Code, IDAPA 58, Title 1, Chapter 5, “Rules and Standards for Hazardous Waste”, published in April 2011: sections 58.01.05.011 only the fourth sentence; 58.01.05.355; 58.01.05.500; and 58.01.05.900.

(4) *Memorandum of Agreement*. The Memorandum of Agreement between the EPA Region 10 and the State of Idaho (IDEQ), signed by the EPA Regional Administrator on August 1, 2001, 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.*

(5) *Statement of Legal Authority*. The “Attorney General’s Statement for Final Authorization,” signed by the Attorney General of Idaho on July 5, 1988, and revisions, supplements and addenda to that Statement, dated July 3, 1989, February 13, 1992, December 29, 1994, September 16, 1996, October 3, 1997, April 6, 2001, September 11, 2002, September 22, 2004, June 13, 2006, September 29, 2006, June 23, 2008, and October 14, 2011, including clarification letter dated July 12, 2012, 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.*

(6) *Program Description*. The Program Description and any other materials submitted as part of the original application or 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.*

[77 FR 59761, Oct. 1, 2012]

§§ 272.652–272.699 [Reserved]

### Subpart O—Illinois

#### § 272.700 State authorization.

(a) The State of Illinois 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.

6921 *et seq.* subject to the Hazardous and Solid Waste Amendments of 1984 (HSWA), (Public Law 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 base program and revisions to that program, as administered by the Illinois Environmental Protection Agency, were approved by EPA pursuant to 42 U.S.C. 6926(b) and 40 CFR part 271. EPA’s approval of Illinois’ base program was effective on January 31, 1986. EPA’s approval of revisions to Illinois’ base program were effective on March 5, 1988, April 30, 1990 and June 3, 1991.

(b) Illinois is authorized to implement only those HSWA requirements addressed in 40 CFR 272.701 and codified herein.

(c) Illinois has primary responsibility for enforcing its hazardous waste program. However, EPA retains the authority to exercise its enforcement authorities under Sections 3007, 3008, 3013, and 7003 of RCRA, 42 U.S.C. 6927, 6928, 6934, and 6973, as well as under other Federal laws and regulations.

(d) Illinois must revise its approved program to adopt new changes to the Federal Subtitle C program in accordance with Section 3006(b) of RCRA and 40 CFR part 271, subpart A. Illinois must seek final authorization for all program revisions pursuant to Section 3006(b) of RCRA but, on a temporary basis, may seek interim authorization for revisions required by HSWA pursuant to section 3006(g) of RCRA, 42 U.S.C. 6926(g). If Illinois obtains final authorization for the revised requirements pursuant to Section 3006(g), the newly authorized provisions will be listed in § 272.701 of this subpart. If Illinois obtains interim authorization for the revised requirements pursuant to Section 3006(g), the newly authorized provisions will be listed in § 272.702.

[54 FR 37651, Sept. 12, 1989, as amended at 57 FR 3723, Jan. 31, 1992; 57 FR 45576, Oct. 2, 1992]

#### § 272.701 State-administered program: Final authorization.

Pursuant to section 3006(b) of RCRA, 42 U.S.C. 6926(b), Illinois has final authorization for the following elements

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submitted to EPA in Illinois; base program and program revision applications for final authorization and approved by EPA effective on January 31, 1986, March 5, 1988, April 30, 1990 and June 3, 1991.

(a) *State Statutes and Regulations.* (1) The following Illinois regulations and statutes are incorporated by reference with the approval of the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51 as part of the hazardous waste management program under Subtitle C of RCRA, 42 U.S.C. 6921 *et seq.*

(i) Illinois Administrative Code, Title 35, Part 702, Sections 702.101–702.104, 702.110–702.187; Part 703, Sections 703.100–703.126, 703.140–703.246; Part 709, Sections 709.102–709.105, 709.201, 709.301, 709.302, 709.401, 709.501–709.603; Part 720, Sections 720.101–720.122, Part 720 Appendix A; Part 721, Sections 721.101–721.133, Part 721 Appendices A, B, C, G, H, I, J, Z; Part 722, Sections 722.110–722.151, Part 722 Appendix A; Part 723, Sections 723.110–723.131; Part 724, Sections 724.101–724.321, 724.326–724.351, 724.354–724.451, Part 724 Appendices A, D, E; Part 725, Sections 725.101–725.248, 725.270–725.530, Part 725 Appendices A, C, D, E; Part 726, Sections 726.120–726.180; Part 728; and Part 729, Sections 729.100–729.321; (Illinois Administrative Code, January 1, 1985, as amended January 1, 1986, January 1, 1987, and January 1, 1988).

Copies of the Illinois regulations that are incorporated by reference in this paragraph are available from the Secretary of State, Administrative Code Division, 288 Centennial Building, Springfield, Illinois 62756. Copies may be inspected at U.S. EPA headquarters, 1200 Pennsylvania Ave., NW., Washington, DC, 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/code\\_of\\_federal\\_regulations/ibr\\_locations.html](http://www.archives.gov/federal_register/code_of_federal_regulations/ibr_locations.html).

(ii) [Reserved]

(2) The following statutes and regulations concerning State enforcement and procedures, although not codified herein, are part of the authorized State program:

(i) Illinois Revised Statutes, chapter 111½, sections 1001 through 1003.52; sections 1003.54 through 1005.1; sections 1007 through 1007.1; section 1020(c); sections 1020.1 through 1022.3; sections 1022.5 through 1022.6; sections 1030 through 1034; and section 1039 parts a, d, g, k.

(ii) Illinois Administrative Code, Title 35 Part 700, Sections 700.101–700.504; Part 702 Sections 702.105–702.109; Part 705, Section 705.101–705.212; Part 720, Sections 720.140–720.141; and Title 2, Part 1826, Sections 1826.101–1826.503, Section 1826 Appendices A and B. (Illinois Administrative Code, January 1, 1985, as amended January 1, 1986, January 1, 1987, and January 1, 1988).

(b) *Memorandum of Agreement.* The Memorandum of Agreement between EPA-Region V and the Illinois Environmental Protection Agency, signed by the EPA Regional Administrator on January 26, 1990, is 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.* The Illinois Attorney General's Statements for final authorization signed by the Attorney General of Illinois on June 4, 1985, July 15, 1986, May 26, 1988, and February 23, 1990 are part of the authorized hazardous waste management program under Subtitle C of RCRA, 42 U.S.C. 6921 *et seq.*

(d) *Program Description.* Program Descriptions dated July 26, 1985, August 7, 1986, November 29, 1988, and May 18, 1990, and any other materials submitted as part of, or as supplements to, the original application or revision applications are codified as part of the authorized hazardous waste management program under Subtitle C of RCRA, 42 U.S.C. 6921 *et seq.*

[54 FR 37651, Sept. 12, 1989, as amended at 57 FR 3723, Jan. 31, 1992; 57 FR 45576, Oct. 2, 1992; 69 FR 18803, Apr. 9, 2004]

§§ 272.702–272.750 [Reserved]

### Subpart P—Indiana

#### § 272.751 Indiana state-administered program: Final authorization.

(a) Pursuant to section 3006(b) of RCRA, 42 U.S.C. 6926(b), Indiana has final authorization for the following

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elements as submitted to EPA in Indiana's base program application for final authorization which was approved by EPA effective on January 31, 1986. Subsequent program revision applications were approved effective on December 31, 1986, January 19, 1988, September 11, 1989, September 23, 1991 (two separate revisions), September 27, 1991, September 30, 1991, October 21, 1996, November 30, 1999, and January 4, 2001.

(b) *State statutes and regulations.* (1) The Indiana statutes and regulations cited in this paragraph 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 was approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a). Copies of the Indiana regulations that are incorporated by reference in this paragraph are available from the Indiana Legislative Services Agency, Administrative Code and Register Division, 302 State House, Indianapolis, Indiana 46204.

(i) The EPA approved Authorized Indiana Statutory Requirements Applicable to the Hazardous Waste Management Program, dated March 2001.

(ii) The EPA approved Indiana Regulatory Requirements Applicable to the Hazardous Waste Management Program, dated March 2001.

(2) The following statutes and regulations concerning State procedures and enforcement, although not incor-

porated by reference, are part of the authorized State program:

(i) Annotated Indiana Code, 1998 edition, Title 13, Article 4-21.5, 5-14-3-2, 13-11-2, 13-14-2-2, 13-14-9, 13-14-10, 13-15-2, 13-19-1, 13-19-2, 13-20, 13-22-1, 13-22-3, 13-22-5 through 13-22-14, 13-23, 13-30, and 23-1-16.

(ii) Indiana Administrative Code, as amended, 1996 edition, certified October 24, 1995, 2000 cumulative supplement, certified November 30, 1999, sections 329 IAC 3.1-1-1 through 3.1-1-6; 3.1-1-8 through 3.1-1-14; 3.1-2-1 through 3.1-2-16; 3.1-3-1 through 3.1-3-9; 3.1-4-2 through 3.1-4-26; 3.1-13-5; 3.1-13-8 through 3.1-13-17; 3.1-14-2; 3.1-14-3; and 13-1-3 through 13-1-6.

(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: Indiana Administrative Code as amended, 1996 edition, certified October 24, 1995, 2000 cumulative supplement, certified November 30, 1999, sections 329 IAC 3.1-6-3; and 3.1-8-4.

(4) *Unauthorized State provisions:* Although the Federal rules listed in the following table have been adopted by the State and have been included in the materials incorporated by reference in paragraph (b)(1) of this section, EPA has not authorized the State for these rules at this time. While they may be enforceable under State law, they are not enforceable under RCRA:

Federal requirement	FEDERAL REGISTER reference	Publication date
1. Hazardous Waste Management System; Testing and Monitoring Activities (Checklist 158).	62 FR 32452 .....	June 13, 1997.
2. Kraft Mill Stream Stripper Condensate Exclusion (Checklist 164) .....	63 FR 18504 .....	April 15, 1998.
3. Recycled Used Oil Management Standards; Technical Correction and Clarification (Checklist 166) as amended (Checklist 166.1).	63 FR 24963 .....	May 6, 1998.
4. Bevill Exclusion Revisions and Clarification (Checklist 167E) .....	63 FR 37780 .....	July 14, 1998.
5. Exclusion of Recycled Wood Preserving Wastewaters (Checklist 167F)	63 FR 28556 .....	May 26, 1998.
6. Hazardous Waste Combustors Revised Standards (Checklist 168) .....	63 FR 33782 .....	June 19, 1998.
7. Universal Waste Rule; Technical Amendment (Checklist 176) .....	63 FR 71225 .....	December 24, 1998.

(i) Additionally Indiana has adopted but is not authorized to implement the HSWA rules that are listed the following table. EPA will continue to im-

plement the Federal HSWA requirements for which Indiana is not authorized until the State receives specific authorization for those requirements:

Federal requirement	FEDERAL REGISTER reference	Publication date
1. HSWA Codification Rule 2; Corrective Action for Injection Wells (Checklist 44C).	52 FR 45788 .....	December 1, 1987.

Federal requirement	FEDERAL REGISTER reference	Publication date
2. Burning of Hazardous Waste in Boilers and Industrial Furnaces (Checklist 85).	56 FR 7134 .....	February 21, 1991.
3. Burning of Hazardous Waste in Boilers and Industrial Furnaces; Corrections and Technical Amendments (Checklist 94).	56 FR 32688 .....	July 17, 1991.
4. Burning of Hazardous Waste in Boilers and Industrial Furnaces; Technical Amendments II (Checklist 96).	56 FR 42504 .....	August 27, 1991.
5. Burning of Hazardous Waste in Boilers and Industrial Furnaces; Technical Amendment III (Checklist 111).	57 FR 38558 .....	August 25, 1992.
6. Burning of Hazardous Waste in Boilers and Industrial Furnaces; Technical Amendment IV (Checklist 114).	57 FR 44999 .....	September 30, 1992.
7. Requirements for Preparation, Adoption, and Submittal of Implementation Plans (Checklist 125).	58 FR 38816 .....	July 20, 1993.
8. Burning of Hazardous Waste in Boilers and Industrial Furnaces (Checklist 127).	58 FR 59598 .....	November 9, 1993.
9. Land Disposal Restrictions-Phase IV: Treatment Standards for Wood Preserving Wastes, Paperwork Reduction and Streamlining, Exemptions from RCRA for Certain Processed Materials; and Miscellaneous Hazardous Waste Provisions (Checklist 157).	62 FR 25998 .....	May 12, 1997.
10. Hazardous Waste Management System; Carbamate Production, Identification and Listing of Hazardous Waste; Land Disposal Restrictions (Checklist 159).	62 FR 32974 .....	June 17, 1997.
11. Land Disposal Restrictions-Phase III—Emergency Extension of the K088 National Capacity Variance (Checklist 160).	62 FR 37694 .....	July 14, 1997.
12. Second Emergency Revision of the Land Disposal Restrictions (LDR) Treatment Standards for Listed Hazardous Wastes from Carbamate Production (Checklist 161).	62 FR 45568 .....	August 28, 1997.
13. Organic Air Emission Standards for Tanks, Surface Impoundments, and Containers; Clarification and Technical Amendment (Checklist 163).	62 FR 64636 .....	December 8, 1997.
14. Land Disposal Restrictions-Phase IV: Treatment Standards for Metal Wastes and Mineral Processing Wastes (Checklist 167A), Hazardous Soils Treatment Standards and Exclusions (Checklist 167B), and Corrections (Checklist 167C) as amended (Checklist 167C.1).	63 FR 28556 .....	May 26, 1998.
15. Petroleum Refining Process (Checklist 169) as amended (Checklist 169.1).	63 FR 31266 .....	June 8, 1998.
16. Land Disposal Restrictions-Phase IV (Checklist 170) .....	63 FR 42110 .....	August 6, 1998.
17. Emergency Revisions of the Land Disposal Restrictions Treatment Standards (Checklist 171).	63 FR 54356 .....	October 9, 1998.
18. Emergency Revision of the Land Disposal Restrictions Treatment Standards (Checklist 172).	63 FR 46332 .....	August 31, 1998.
19. Land Disposal Restrictions Treatment Standards (Spent Potliners) (Checklist 173).	63 FR 47409 .....	September 4, 1998.
	63 FR 48124 .....	September 9, 1998.
	63 FR 51254 .....	September 24, 1998.

(ii) Some regulations listed in the table in paragraph (b)(4)(i) of this section are predominantly HSWA authority but contain provisions that are not HSWA authority. EPA will not enforce these non-HSWA provisions. The affected rules are as follows:

(A) Burning of Hazardous Waste in Boilers and Industrial Furnaces (BIF), including BIF (February 21, 1991);

(B) Corrections and Technical Amendments I (July 17, 1991);

(C) Technical Amendments II (August 27, 1991);

(D) Technical Amendments III (August 25, 1992);

(E) Amendment IV (September 30, 1992);

(F) Requirements for Preparation, Adoption, and Submittal of Implementation Plans (July 20, 1993); and

(G) BIF (November 9, 1993).

(iii) EPA will not enforce BIF rules for Sludge Dryers, Infrared Incinerators, Plasma Arc Incinerators, and Carbon Regeneration Units, until Indiana is authorized for these rules. Petroleum Refining Process (August 6, 1998, as amended October 9, 1998) 40 CFR 261.3, 261.4, and 261.6 are non-HSWA provisions. Standards Applicable to Owners and Operators of Closed/Closing Facilities (October 22, 1998) 40 CFR 264.90(e), 265.110(c), 265.118(c)(4), 265.121 (except § 265.121(a)(2)), 270.1, 270.14(a), and 270.28 are non-HSWA provisions. Hazardous Remediation Waste Management Requirements (HWIR Media) (November 30, 1998) 40 CFR 261.4(g), 264.1(j)(1–13), 264.73(b)(17), 270.2, 270.11(d), 270.68, 270.73(a), and 270.79 through 270.230 (40 CFR part 270, subpart H) except § 270.230(e)(1) are non-

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HSWA provisions. Until Indiana becomes authorized for these rules, EPA will not enforce the non-HSWA provisions.

(5) *Memorandum of Agreement.* The Memorandum of Agreement between EPA Region 5 and the Indiana Department of Environmental Management, signed by the Commissioner of the IDEM on February 14, 1996 and acknowledged by the EPA Regional Administrator in the FEDERAL REGISTER noticed signed on July 29, 1996, August 2, 1999, and December 14, 2000, 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 Indiana on June 28, 1985 and revisions, supplements and addenda to that Statement dated August 26, 1986, June 1, 1987, December 15, 1987, March 25, 1988, July 22, 1988, December 15, 1989, May 29, 1996, March 24, 1997, and January 31, 2000 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 part of the original application or 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.*

[66 FR 53728, Oct. 24, 2001]

§§ 272.752–272.799 [Reserved]

### Subpart Q—Iowa

§§ 272.800–272.849 [Reserved]

### Subpart R—Kansas

§§ 272.850–272.899 [Reserved]

### Subpart S—Kentucky

§§ 272.900–272.949 [Reserved]

### Subpart T—Louisiana

§ 272.950 [Reserved]

#### § 272.951 Louisiana State-administered program: Final authorization.

(a) Pursuant to section 3006(b) of RCRA, 42 U.S.C. 6926(b), the EPA granted Louisiana final authorization for the following elements as submitted to EPA in Louisiana’s base program application for final authorization which was approved by EPA effective on February 7, 1985. Subsequent program revision applications were approved effective on January 29, 1990, October 25, 1991 as corrected October 15, 1991; January 23, 1995 as corrected April 11, 1995; March 8, 1995; January 2, 1996; June 11, 1996, March 16, 1998, December 22, 1998, October 25, 1999, November 1, 1999, April 28, 2000, March 5, 2001, February 9, 2004, August 9, 2005, January 12, 2007, October 15, 2007, July 20, 2009, October 4, 2010, August 23, 2011, August 27, 2012, September 11, 2012, November 25, 2013, November 13, 2015 and December 20, 2016.

(b) The State of Louisiana 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 Louisiana 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 Louisiana regulations that are incorporated by reference in this paragraph from the Office of the State Register, P.O. Box 94095, Baton Rouge, LA 70804-9095; Phone number: (225) 342-5015; website: <https://www.doa.la.gov/Pages/osr/Index.aspx>. The statutes are available from West Publishing Company, 610 Opperman Drive, P.O. Box 64526, St. Paul, Minnesota 55164 0526; Phone: 1-800-328-4880; website: <http://west.thomson.com>. You may inspect a copy at EPA Region 6, RCRA Permits Section (LCR-RP), Land, Chemicals and Redevelopment Division, EPA Region 6, 1201 Elm Street, Suite 500, Dallas, Texas 75270, (Phone number (214) 665-8533 or (214) 665-2760), or at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, email [fedreg.legal@nara.gov](mailto:fedreg.legal@nara.gov), or go to: [www.archives.gov/federal-register/cfr/ibr-locations.html](http://www.archives.gov/federal-register/cfr/ibr-locations.html).

(i) The binder entitled “EPA-Approved Louisiana Statutory and Regulatory Requirements Applicable to the Hazardous Waste Management Program,” dated November, 2015.

(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) Louisiana Statutes Annotated, Revised Statutes, 2000 Main Volume (effective August 15, 1999), Volume 17B, Subtitle II of Title 30, Louisiana Environmental Quality Act, 2000: Chapter 1, Section 2002; Chapter 2, Sections 2013, 2014.2, 2020, 2021, 2022.1(B), 2024, 2026 through 2029, 2033.A–D; Chapter 2–A, Section 2050.8; Chapter 9, Sections 2172, 2174, 2175, 2181, 2183.1.B, 2183.2, 2184.B, 2187, 2188.A and C, 2189.A and B, 2190.A–D, 2191.A–C, 2192, 2193, 2196, 2200, 2203.B and C, 2204.A(2), A(3) and B; Chapter 13, Sections 2294(6), 2295.C; Chapter 16, Section 2369.

(ii) Louisiana Statutes Annotated, Revised Statutes, 2014 (effective August 1, 2013) Cumulative Annual Pocket Part, Volume 17B, Subtitle II of Title 30, Louisiana Environmental Quality Act: Chapter 2, 2011.A(1), 2011.B and C (except 2011.C(1)(b)), 2011.D (except 2011.D(4), (10)–(12), (16), (19), (20), (23) and (25)), 2011.E–G, 2012, 2014.A (except 2014.A.3), 2017, 2019.A–C, 2022.A (except the first sentence of 2022.A(1)), 2022.B and C, 2023 (except 2023.A(2) and phrase “Except as otherwise provided in this Subsection,” in 2023.A(1)), 2025 (except 2025.D, .F(3), .H and .K); Chapter 3, Sections 2054.B(1), 2054.B(2)(a); Chapter 9, Sections 2180.A–C, 2183.C, and .F–H, 2186.A–C, 2199; Chapter 18, Section 2417.A.

(iii) Louisiana Administrative Code, Title 33, Part I, Office of The Secretary Part I, Subpart 1: Departmental Administrative Procedures: Chapter 5, Sections 501.A, effective October 20, 2007, 501.B, effective October 20, 2005, 502, effective September 20, 2008, and 503 through 511, effective October 20, 2005; Chapter 7, Section 705, effective October 20, 2006; Chapter 19, Sections 1901 through 1909, effective November 20, 2010; Chapter 23, Sections 2303 through 2309, effective October 20, 2009.

(iv) Louisiana Administrative Code, Title 33, Part V, Hazardous Waste and Hazardous Materials, Louisiana Hazardous Waste Regulations, dated September 2014, unless otherwise specified: Chapter 1, Sections 101, 107.A.–C; Chapter 3, Sections 301, 311.A, 311.C, 315 introductory paragraph, 323.B.3; 323.B.4.d and e; Chapter 5, Section, 503; Chapter 7, Sections 703, 705, 707, 709 through 721; and Chapter 22, Sections 2201.A, 2201.E, 2201.F.

(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:

(i) Louisiana Statutes Annotated, Revised Statutes, 2000 Main Volume (effective August 15, 1999), Volume 17B, Subtitle II of Title 30, Louisiana Environmental Quality Act, 2000: Chapter 9, Sections 2178 and 2197.

(ii) Louisiana Statutes Annotated, Revised Statutes, 2014 (effective August 1, 2013) Cumulative Annual Pocket Part, Volume 17B, Subtitle II of Title

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30, Louisiana Environmental Quality Act: Chapter 2, Sections 2014.B and D.

(iii) Louisiana Administrative Code, Title 33, Part I, Office of The Secretary Part I, Subpart 1: Departmental Administrative Procedures: Chapter 19, Section 1911, effective November 20, 2010.

(iv) Louisiana Administrative Code, Title 33, Part V, Hazardous Waste And Hazardous Materials, Louisiana Hazardous Waste Regulations, dated September 2014, unless otherwise specified:

Chapter 1, Section, 108.G.5; Chapter 3, Section 327; Chapter 11, Sections 1101.G and 1109.E.7.f ; Chapter 13, Section 1313; Chapter 51.

(4) *Unauthorized State Amendments.* (i) Louisiana has adopted but is not authorized to implement the HSWA rules that are listed in the Table in lieu of the EPA. The EPA will enforce the Federal HSWA standards for which Louisiana is not authorized until the State receives specific authorization from EPA.

Federal requirement	Federal Register reference	Publication date
Exports of Hazardous Waste (HSWA) .....	51 FR 28664 .....	August 8, 1986.
HSWA Codification Rule 2: Post-Closure Permits (HSWA) .....	52 FR 45788 .....	December 1, 1987.
Imports and Exports of Hazardous Waste: Implementation of OECD Council Decision (HSWA).	61 FR 16290 .....	April 12, 1996.

(ii)(A) The following authorized provisions of the Louisiana regulations include amendments published in the Louisiana Register 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 Louisiana hazardous waste regulations incorporated by reference at paragraph (c)(1)(i) of this section, EPA will enforce the State provisions that are actually authorized by EPA. The effective dates of the State's authorized provisions are listed in the following Table.

State provision	Effective date of authorized provision
LAC 1111.B.1.c .....	March 20, 1984.
LAC 1113 .....	March 20, 1984.
LAC 4407.A.12 .....	March 20, 1984.

(B) 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 Louisiana Regulatory and Statutory Requirements Applicable to the Hazardous Waste Management Program, dated November 2015. Copies of the document can be obtained from U.S. EPA Region 6, RCRA Permits Section (LCR-RP), Land, Chemicals and Redevelopment Division, EPA Region 6, 1201 Elm Street, Suite 500, Dallas, Texas 75270 or Louisiana Department of Environmental Quality, 602 N. Fifth Street, Baton Rouge, Louisiana 70884-2178.

(5) *Vacated Federal Rules.* Louisiana adopted and was authorized for the following Federal rules which have since been vacated by the U.S. Court of Appeals for the District of Columbia Circuit (D.C. Cir. No. 98-1379 and 08-1144, respectively; June 27, 2014):

Federal requirement	Federal Register reference	Publication date
Hazardous Waste Combustors; Revised Standards (HSWA) (Checklist 168—40 CFR 261.4(a)(16) and 261.38 only).	63 FR 33782 .....	June 19, 1998.
Exclusion of Oil-Bearing Secondary Materials Processed in a Gasification System to Produce Synthesis Gas (Checklist 216—Definition of "Gasification" at 40 CFR 260.10 and amendment to 40 CFR 261.4(a)(12)(i)).	73 FR 57 .....	January 2, 2008.
Withdrawal of the Emission Comparable Fuel Exclusion under RCRA (Checklist 224—amendments to 40 CFR 261.4(a)(16) and 261.38).	7 FR 33712 .....	June 15, 2010.

(6) *Memorandum of Agreement.* The Memorandum of Agreement between

EPA Region 6 and the State of Louisiana, signed by the Secretary of the

State of Louisiana Department of Environmental Quality (LDEQ) on October 30, 2014 and the EPA Regional Administrator on August 21, 2015 is referenced as part of the authorized hazardous waste management program under subtitle C of RCRA, 42 U.S.C. 6921 *et seq.*

(7) *Statement of Legal Authority.* “Attorney General’s Statement for Final Authorization”, signed by the Attorney General of Louisiana on December, 13, 1996 and revisions, supplements and addenda to that Statement dated January 13, 1998, January 13, 1999, January 27, 1999, August 19, 1999, August 29, 2000, October 17, 2001, February 25, 2003, October 20, 2004, December 19, 2005, September 5, 2006, October 9, 2008, January 14, 2010, April 18, 2012, and June 11, 2014 are referenced as part of the authorized hazardous waste management program under subtitle C of RCRA, 42 U.S.C. 6921 *et seq.*

(8) *Program Description.* The Program Description and any other materials submitted as part of the original application or 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.*

[81 FR 72734, Oct. 21, 2016, as amended at 84 FR 44231, Aug. 23, 2019]

§§ 272.952–272.999 [Reserved]

**Subpart U—Maine**

§§ 272.1000–272.1049 [Reserved]

**Subpart V—Maryland**

§§ 272.1050–272.1099 [Reserved]

**Subpart W—Massachusetts**

§§ 272.1100–272.1149 [Reserved]

**Subpart X—Michigan**

§ 272.1150 **State authorization.**

(a) The State of Michigan 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. 6921 *et seq.* subject to the Haz-

ardous and Solid Waste Amendments of 1984 (HSWA) (Public Law 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 Michigan Department of Natural Resources, was approved by EPA pursuant to 42 U.S.C. 6926(b) and part 271 of this chapter. EPA’s approval of Michigan’s base program was effective on October 30, 1986 (see 51 FR 36804). EPA’s approval of the revisions to Michigan’s base program was effective on January 23, 1990 (see 54 FR 48608) and RCRA Cluster III authorization effective June 24, 1991 (see 56 FR 18517).

(b) Michigan is authorized to implement certain HSWA requirements in lieu of EPA. EPA has explicitly indicated its intent to allow such action in a FEDERAL REGISTER notice granting Michigan authorization and RCRA Cluster III authorization effective June 24, 1991 (see 56 FR 18517).

(c) Michigan has primary responsibility for enforcing its hazardous waste program. However, EPA retains the authority to exercise its enforcement authorities under sections 3007, 3008, 3013, and 7003 of RCRA, 42 U.S.C. 6927, 6928, 6934, and 6973, as well as under other Federal laws and regulations.

(d) Michigan must revise its approved program to adopt new changes to the Federal Subtitle C program in accordance with section 3006(b) of RCRA and 40 CFR part 271, subpart A. Michigan must seek final authorization for all program revisions, pursuant to section 3006(b) of RCRA but, on a temporary basis, may seek interim authorization for revisions required by HSWA, pursuant to section 3006(g) of RCRA, 42 U.S.C. 6926(g). If Michigan obtains final authorization for the revised requirements pursuant to section 3006(g), the newly authorized provisions will be listed in §272.1151 of this subpart. If Michigan obtains interim authorization for the revised requirements pursuant to section 3006(g), the newly authorized provisions will be listed in §272.1152.

[54 FR 7421, Feb. 21, 1989, as amended at 55 FR 18112, May 1, 1990; 57 FR 3724, Jan. 31, 1992]

**§ 272.1151 State-administered program: Final authorization.**

Pursuant to section 3006(b) of RCRA, 42 U.S.C. 6926(b), Michigan has final authorization for the following elements submitted to EPA in Michigan's base program and program revision applications for final authorization and approved by EPA effective on October 30, 1986 (see 51 FR 36804), January 23, 1990 (see 54 FR 46808), and RCRA Cluster III authorization effective June 24, 1991 (see 56 FR 18517).

## (a) State Statutes and Regulations.

(1) The requirements in the Michigan statutes and regulations cited in this paragraph are incorporated by reference and codified as part of the hazardous waste management program under Subtitle C of RCRA, 42 U.S.C. 6921 *et seq.* This incorporation, by reference, was approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a).

(i) Michigan Compiled Laws Annotated, §§ 299.501–506, 299.521–522, 299.532–535, 299.537, and 299.539–541 (P.A. 64 of 1979 as amended by P.A. 486 of 1982, effective March 30, 1983). Copies of the State laws incorporated by reference in this paragraph are available from West Publishing Co., 50 West Kellogg Boulevard, P.O. Box 64526, St. Paul, Minnesota 55164-0526.

(ii) Michigan Administrative Code, Rules 299.9101–9206(3)(g), 299.9206(4)–9208(1), 299.9208(3)–9209(1), 9209(4)–9209(6), 299.9210(2)–9211(1)(a), 299.9211(1)(c)–9212(4), 299.9212(6)–9212(7), 299.9212(8)(b)–9213(1)(a), 299.9213(1)(c), 299.9213(2)–9214(6)(b), 299.9215–9217, 299.9220, 299.9222, 299.9224–9225, 299.9301–9304(1)(b), 299.9304(1)(d)–299.9401(5), 299.9402, 299.9404(1) introductory text, 299.9404(1)(b)–9405, 299.9407–9408(1), 299.9409–9410, 299.9501–9504(1) introductory text, 299.9504(1)(b)–9506, 299.9508–9508(1)(g), 299.9508(1)(i)–9521(1)(b), 299.9521(2)–9522, 299.9601–9611(2)(a), 299.9611(3)–9623(1)(b), 299.9623(3)–9710, 299.9801–9804, 299.11001–11008 (1985 Annual Michigan Administrative Code Supplement, as supplemented by the April 1988 Michigan Register, pages 3–107, and the January 1989 Michigan Register, pages 1–27). Copies of the Michigan regulations that are incorporated by reference in this paragraph are available from the Department of

Management and Budget's Publication Office, 7461 Crouner Drive, Lansing, Michigan 48913, Phone: (517) 322-1897. Copies may be inspected at: U.S. EPA Headquarters Library, PM 211A, 401 M St., SW., Washington, DC 20460. Phone: (202) 382-5926; U.S. EPA, Region V, Waste, Pesticides and Toxics Division, Program Management Branch, 7th floor, 77 West Jackson Boulevard, Chicago, IL. Phone: Ms. Judy Feigler, (312) 886-4179; and 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/code\\_of\\_federal\\_regulations/ibr\\_locations.html](http://www.archives.gov/federal_register/code_of_federal_regulations/ibr_locations.html).

(2) The following statutes and regulations, although not codified herein for enforcement purposes, are part of the authorized State program.

(i) Michigan Compiled Laws Annotated, § 24.201–328 (P.A. 306 of 1969, effective July 1, 1970), §§ 299.507, 299.514–520, 299.523–528, 299.544, and 299.546–548 (P.A. 64 of 1979 as amended by P.A. 486 of 1982, effective March 30, 1983).

(ii) Michigan Administrative Code Rules 299.9521(1)(c), 299.11101–11107 (1985 Annual Michigan Administrative Code Supplement, as supplemented by the April, 1988 Michigan Register, pages 3–107).

(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 herein for enforcement purposes.

(i) Michigan Compiled Laws Annotated, §§ 299.508–513, 299.529, 299.531, and 299.542–543 (P.A. 64 of 1979 as amended by P.A. 486 of 1982).

(ii) Michigan Administrative Code Rules 299.9208(2), 299.9209 (2) and (3), 299.9210(1), 299.9211(1)(b), 299.9212 (5) and (8)(a), 299.9213(1) (b) and (d), 299.9214(6)(c), 299.9218–9219, 299.9221, 299.9223, 299.9226, 299.9304(1)(c), 299.9401(6), 299.9403, 299.9404(1)(a), 299.9406, 299.9408 (2) and (3), 299.9411–9412, 299.9504(1)(a), 299.9507, 299.9508(1)(h), 299.9523, 299.9611(2) (b) and (c), 299.9623(2), 299.9711, 299.9901–9906 (1985 Michigan Administrative Code Annual Supplement, as supplemented by the April 1988 Michigan Register,

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pages 3–107, and the January 1989 Michigan Register, pages 1–27).

(b) *Memorandum of Agreement.* The Memorandum of Agreement between EPA—Region V and the Michigan Department of Natural Resources, signed by the EPA Regional Administrator on February 7, 1991, 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.* The Michigan Attorney General’s Statements for final authorization signed by the Attorney General of Michigan on October 25, 1985, and supplements to that Statement dated June 3, 1986, September 19, 1986, September 7, 1988, and July 31, 1990, 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 dated June 30, 1984, and the supplements thereto dated June 30, 1986, September 12, 1988, and July 31, 1990, are codified as part of the authorized hazardous waste management program under subtitle C of RCRA, U.S.C. 6921 *et seq.*

[54 FR 7421, Feb. 21, 1989, as amended at 55 FR 18113, May 1, 1990; 57 FR 3725, Jan. 31, 1992; 62 FR 1834, Jan. 14, 1997; 69 FR 18803, Apr. 9, 2004]

**§§ 272.1152–272.1199 [Reserved]**

**Subpart Y—Minnesota**

**§ 272.1200 [Reserved]**

**§ 272.1201 Minnesota State-administered program; Final authorization.**

Pursuant to section 3006(b) of RCRA, 42 U.S.C. 6926(b), Minnesota has final authorization for the following elements as submitted to EPA in Minnesota’s base program and revision application for final authorization as approved by EPA effective on February 11, 1985. Subsequent program revision applications were approved effective on September 18, 1987, June 23, 1989, August 14, 1990, August 23, 1991, May 18, 1992, May 17, 1993, and March 21, 1994.

(a) *State statutes and regulations.* (1) The Minnesota statutes and regulations cited in appendix A are incorporated by reference as part of the haz-

ardous waste management program under subtitle C of RCRA, 42 U.S.C. 6921 *et seq.*

(i) EPA Approved Minnesota Statutory Requirements Applicable to the Hazardous Waste Management Program, dated April 5, 1994.

(ii) EPA Approved Minnesota Regulatory Requirements Applicable to the Hazardous Waste Management Program, dated April 5, 1994.

(2) The following statutes and regulations concerning State enforcement, although not incorporated by reference for enforcement purposes, are part of the authorized State program: Minnesota Statutes, Chapters 14.02–14.56; 115.07 Subdivisions 1 and 3; 115.071, 116.091; 116.11, and 116B.09 (June 1992 edition).

(b) [Reserved]

[59 FR 45987, Sept. 6, 1994]

**§§ 272.1202–272.1249 [Reserved]**

**Subpart Z—Mississippi**

**§§ 272.1250–272.1299 [Reserved]**

**Subpart AA—Missouri**

**§ 272.1300 State authorization.**

(a) The State of Missouri 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. 6921 *et seq.*, subject to the Hazardous and Solid Waste Amendments of 1984 (HSWA), (Pub. L. 98–616, Nov. 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 Missouri Department of Natural Resources was approved by EPA pursuant to 42 U.S.C. 6926(b) and part 271 of this Chapter. EPA’s approval was effective on December 4, 1985 (50 FR 47740, November 20, 1985).

(b) Missouri is not authorized to implement any HSWA requirements in lieu of EPA unless EPA has explicitly indicated its intent to allow such action in a FEDERAL REGISTER notice granting Missouri authorization.

(c) Missouri has primary responsibility for enforcing its hazardous waste program. However, EPA retains the authority to exercise its enforcement authorities under sections 3007, 3008, 3013, and 7003 of RCRA, 42 U.S.C. 6927, 6928, 6934, and 6973, as well as under other Federal laws and regulations.

(d) Missouri must revise its approved program to adopt new changes to the Federal Subtitle C program in accordance with section 3006(b) of RCRA and 40 CFR part 271, subpart A. Missouri must seek final authorization for all program revisions pursuant to section 3006(b) of RCRA, but, on a temporary basis, may seek interim authorization for revisions required by HSWA pursuant to section 3006(g) of RCRA, 42 U.S.C. 6926(g). If Missouri obtains final authorization for the revised requirements pursuant to section 3006(g), the newly authorized provisions will be listed in § 272.1301 of this subpart. If Missouri obtains interim authorization for the revised requirements pursuant to section 3006(g), the newly authorized provision will be listed in § 227.1302.

[54 FR 8193, Feb. 27, 1989]

**§ 272.1301 State-administered program; Final authorization.**

Pursuant to section 3006(b) of RCRA, 42 U.S.C. 6926(b), Missouri has final authorization for the following elements as submitted to EPA in Missouri's program application for final authorization which was approved on November 20, 1985. Subsequent program revision applications were approved on February 27, 1989, and March 12, 1992. Copies may be obtained from the Hazardous Waste Program, Missouri Department of Natural Resources, P.O. Box 176, Jefferson City, Missouri 65102.

(a) *State statutes and regulations.* (1) The Missouri statutes and regulations cited in this paragraph are incorporated by reference as part of the hazardous waste management program under subtitle C of RCRA, 42 U.S.C. 6921 *et seq.*

(i) Missouri Statutory Requirements Applicable to the Hazardous Waste Management Program, 1990.

(ii) Missouri Regulatory Requirements Applicable to the Hazardous Waste Management Program, December 31, 1990.

(2) The following statutes and regulations, although not incorporated by reference for enforcement purposes, are part of the authorized State program. The statutory provisions include: 260.360(4), 260.360(20)–260.377, 260.393–260.394, 260.400, 260.410–260.420, 260.425–260.430. The regulatory provisions include 3.260(1)(A)24–3.260(1)(A)25, 3.260(1)(B)–3.260(1)(D), 4.261(2)(D)3, 5.262(2)(B)2, 5.262(2)(C)2, 5.262(2)(D)1, 6.263(2)(A)10.D–6.263(2)(A)10.I, 6.263(2)(D)3, 7.264(2)(B)1, 7.265(2)(B), 7.266(2)(E)–7.266(2)(E)3, 7.268(2)(A)1, 7.268(2)(A)3, 7.268(2)(E), 7.270(2)(B)12–7.270(2)(B)13, 7.270(2)(B)18, 7.270(2)(C)1.D, 7.270(2)(C)3, 7.270(2)(D)4.

(3) The following statutory and regulatory provisions are broader in scope than the Federal program, and are not part of the authorized State program. The statutory provisions include: 260.360(13), 260.379, 260.380–1.(10), 260.385(1), 260.390(8), 260.391, 260.395–1–260.295–5, 260.395–7.(5)–260.395–7.(6), 260.396, 260.405, 260.423–260.424, 260.431–260.434. The regulatory provisions include: 3.260(1)(A)21, 4.261(2)(A)6–4.261(2)(D)2, 5.262(2)(I), 6.263(2)(A)3–6.263(2)(A)4, 7.264(2)(P), 7.266(2)(C)–7.266(2)(D), 7.266(2)(E)4–7.266(2)(G), 7.270(2)(B)7–7.270(2)(B)8, 7.270(2)(B)10, 7.270(2)(C)1.A, 7.270(2)(H).

(b) *Memorandum of Agreement.* The Memorandum of Agreement between EPA Region VII and the Missouri Department of Natural Resources, signed by the EPA Regional Administrator on August 30, 1988, and the subsequent Agreement signed on August 31, 1992 are referenced 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 Missouri on June 27, 1985, is codified as part of the authorized hazardous waste management program under Subtitle C of RCRA, 42 U.S.C. 6921 *et seq.*

(2) “Attorney General’s Statement for Final Authorization of Changes to the Federal RCRA Program,” signed by the delegated Assistant Attorney General of Missouri on December 1, 1987, and the subsequent Statement signed on February 28, 1992, are referenced 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 are codified as part of the authorized hazardous waste management program under Subtitle C of RCRA, 42 U.S.C. 6921 *et seq.*

[54 FR 8193, Feb. 27, 1989, as amended at 58 FR 3500, Jan. 11, 1993]

§§ 272.1302–272.1349 [Reserved]

**Subpart BB—Montana**

§ 272.1350 [Reserved]

**§ 272.1351 Montana State-Administered Program: Final Authorization.**

(a) Pursuant to section 3006(b) of RCRA, 42 U.S.C. 6926(b), Montana has final authorization for the following elements as submitted to EPA in Montana’s base program application for final authorization which was approved by EPA effective on July 25, 1984. Subsequent program revision applications were approved effective on, March 21, 1994, December 24, 1996, December 26, 2000 and November 29, 2005.

(b) The State of Montana 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 Montana 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 Montana regulations that are incorporated by reference in this paragraph are available from the Mon-

tana Secretary of State, Administrative Rules Bureau, P.O. Box 202801, Helena, MT 59620–2801 (Phone: 406–444–2055). You may inspect a copy at EPA Region 8, from 7 a.m. to 4 p.m., 999 18th Street, Suite 300, Denver, Colorado 80202–2466, 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 Montana Regulatory Requirements Applicable to the Hazardous Waste Management Program”, dated November 2005.

(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) Montana Code Annotated (MCA) 2005, Title 2, “Government Structure and Administration”: Chapter 3, “Public Participation in Governmental Operations”, sections 2–3–102 introductory paragraph through 2–3–102(2), 2–3–103(1), 2–3–104, 2–3–105, 2–3–111, 2–3–112, 2–3–221, 2–3–301; Chapter 4, “Administrative Procedure Act”, sections 2–4–103, 2–4–315; Chapter 6, “Public Records”, sections 2–6–101 *et seq.*; Chapter 15, “Executive Branch Officers and Agencies”, sections 2–15–3501 and 2–15–3502.

(ii) Montana Code Annotated (MCA) 2005, Title 25, “Civil Procedure”: Chapter 20, “Rules of Civil Procedure”, Rule 24(a).

(iii) Montana Code Annotated (MCA) 2005, Title 27, “Civil Liability, Remedies, and Limitations”: Chapter 30, “Nuisances”, section 27–30–204.

(iv) Montana Code Annotated (MCA) 2005, Title 30, “Trade and Commerce”: Chapter 14, “Unfair Trade Practices and Consumer Protection”, sections 30–14–402 *et seq.*

(v) Montana Code Annotated (MCA) 2005, Title 75, “Environmental Protection”: Chapter 10, “Waste and Litter Control”, sections 75–10–107, 75–10–402(3), 75–10–403, 75–10–404(1) introductory paragraph and (1)(a), 75–10–404(1)(e), 75–10–404(2), 75–10–405 (except 75–10–405(1)(i), (1)(j) and (2)(a)), 75–10–406, 75–10–408, 75–10–409, 75–10–410, 75–10–411, 75–10–413, 75–10–414, 75–10–415, 75–10–

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416, 75-10-417, 75-10-418, 75-10-419, 75-10-420, 75-10-421, 75-10-422, 75-10-424, 75-10-425, 75-10-426, 75-10-427, 75-10-441 and 75-10-442; Chapter 20, “Major Facility Siting”.

(vi) Administrative Rules of Montana (ARM), effective April 1, 2005, Title 17, “Environmental Quality”: Chapter 53, Hazardous Waste, sections 17.53.104, 17.53.201, 17.53.202, 17.53.206, 17.53.207, 17.53.208, 17.53.212, 17.53.213, 17.53.214, 17.53.215, 17.53.1202(5)(m), 17.53.1202(6).

(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) Montana Code Annotated (MCA) 2005, Title 75, “Environmental Protection”: Chapter 10, “Waste and Litter Control”, sections 75-10-405(1)(i) & (j), 75-10-405(2)(a), 75-10-431, 75-10-432, 75-10-433, 75-10-434.

(ii) Administrative Rules of Montana (ARM), effective April 1, 2005, Title 17, “Environmental Quality”, Chapter 53, Hazardous Waste, sections 17.53.112, 17.53.113, 17.53.703, and 17.53.1202(5)(1), and (17).

(4) *Memorandum of Agreement and Enforcement Agreement*. The Memorandum of Agreement between EPA Region 8 and the State of Montana, signed by the State of Montana Department of Environmental Quality on November 30, 1993, and by the EPA Regional Administrator on December 25, 1993, and the Enforcement Agreement between EPA Region 8 and the State of Montana, signed by the State of Montana Department of Environmental Quality on September 1, 2000, and by the EPA Regional Administrator on September 11, 2000, 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.*

(5) *Statement of Legal Authority*. “Independent Legal Counsel Statement”, accompanied by an Attorney General concurrence letter signed by the Attorney General of Montana on December 27, 1983 as amended June 7, 1984 and revisions, supplements and addenda to that Statement accompanied by Attorney General concurrence letters dated September 23, 1993, March 28,

1995, June 29, 1995, and April 4, 2005 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.*

(6) *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.*

[71 FR 11538, Mar. 8, 2006]

§§ 272.1352–272.1399 [Reserved]

### Subpart CC—Nebraska

§§ 272.1400–272.1449 [Reserved]

### Subpart DD—Nevada

§§ 272.1450–272.1499 [Reserved]

### Subpart EE—New Hampshire

§§ 272.1500–272.1549 [Reserved]

### Subpart FF—New Jersey

§§ 272.1550–272.1599 [Reserved]

### Subpart GG—New Mexico

§ 272.1600 [Reserved]

### § 272.1601 New Mexico State-Administered Program: Final Authorization.

(a) Pursuant to section 3006(b) of RCRA, 42 U.S.C. 6926(b), the EPA granted New Mexico final authorization for the following elements as submitted to EPA in New Mexico’s base program application for final authorization which was approved by EPA effective on January 25, 1985. Subsequent program revision applications were approved effective on April 10, 1990, July 25, 1990, December 4, 1992, August 23, 1994, December 21, 1994, July 10, 1995, January 2, 1996, March 10, 1997, October 9, 2001, October 16, 2007, May 26, 2009, and December 27, 2010.

(b) The State of New Mexico has primary responsibility for enforcing its hazardous waste management program. However, EPA retains the authority to



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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 New Mexico 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 New Mexico regulations that are incorporated by reference in this paragraph from the New Mexico Commission of Public Records, State Records Center and Archives, Administrative Law Division, 1205 Camino Carlos Rey, Santa Fe, NM 87507. The statutes are available from Conway Greene Company, 1400 East 30th Street, Suite #402, Cleveland, OH 44114. You may inspect a copy at EPA Region 6, RCRA Permits Section (LCR-RP), Land, Chemicals and Redevelopment Division, EPA Region 6, 1201 Elm Street, Suite 500, Dallas, Texas 75270, (Phone number (214) 665-8533 or (214) 665-2760), or at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, email [fedreg.legal@nara.gov](mailto:fedreg.legal@nara.gov), or go to: [www.archives.gov/federal-register/cfr/ibr-locations.html](http://www.archives.gov/federal-register/cfr/ibr-locations.html).

(i) The binder entitled “EPA-Approved New Mexico Statutory and Regulatory Requirements Applicable to the Hazardous Waste Management Program” dated December 2010.

(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) New Mexico Rules Annotated, Rules of Civil Procedure for the District Courts, Article 4, (1995), Section 1-024.

(ii) New Mexico Statutes 1978 Annotated, Inspection of Public Records Act, Chapter 14, Article 2, (2009 Cumulative Supplement), Sections 14-2-1 *et seq.*

(iii) New Mexico Statutes 1978 Annotated, Hazardous Waste Act, Chapter 74, Article 4, (2000 Replacement Pamphlet), Sections 74-4-4.1, 74-4-4.7.B and .C, 74-4-5, 74-4-7, 74-4-10.1 (except 74-4-10.1.C), and 74-4-14.

(iv) New Mexico Statutes 1978 Annotated, Hazardous Waste Act, Chapter 74, Article 4, (2009 Cumulative Supplement), Sections 74-4-4, 74-4-4.2.C through 74-4-4.2.F, 74-4-4.2.G(1), 74-4-4.2.H, 74-4-4.2.I, 74-4-4.3 (except 74-4-4.3.A(2) and 74-4-4.3.F), 74-4-10, 74-4-11 through 74-4-13.

(v) Title 20, Chapter 4, Part 1, New Mexico Administrative Code, effective March 1, 2009, unless otherwise indicated: Sections 20.4.1.901 (except 20.4.1.901.B.1 through 20.4.1.901.B.7, and 20.4.1.901.E), 20.4.1.1100 (June 14, 2000), 20.4.1.1104 (June 14, 2000), 20.4.1.1105 (June 14, 2000), and 20.4.1.1107 (October 1, 2003).

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

(ii) New Mexico Statutes 1978 Annotated, Hazardous Waste Act, Chapter 74, Article 4, (2000 Replacement Pamphlet), Section 74-4-3.3.

(iii) New Mexico Statutes 1978 Annotated, Hazardous Waste Act, Chapter 74, Article 4, (2009 Cumulative Supplement), Sections 74-4-4.2.J and 74-4-4.2.K.

(4) *Unauthorized State Amendments.*

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

Federal requirement	FEDERAL REGISTER reference	Publication date
Biennial Report .....	48 FR 3977 .....	01/28/83
Permit Rules; Settlement Agreement .....	48 FR 39611 .....	09/01/83
Interim Status Standards; Applicability .....	48 FR 52718 .....	11/22/83
Chlorinated Aliphatic Hydrocarbon Listing (F024) .....	49 FR 5308 .....	02/10/84

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Federal requirement	FEDERAL REGISTER reference	Publication date
National Uniform Manifest .....	49 FR 10490 .....	03/20/84
National Performance Track Program .....	69 FR 21737 .....	04/24/04
	69 FR 62217 .....	10/24/04
Performance Track provisions addressed in the Burden Reduction Initiative Rule.	71 FR 16862 .....	04/04/06

(ii) In the New Mexico’s Program Revision Application package for RCRA Clusters XIII through XVIII, the State indicates that it is seeking authorization for breaking and crushing of universal waste lamps under the universal waste program, in order to reduce their volume to facilitate management or transport to destination facilities (see 75 FR 65432, Oct. 25, 2010). However, EPA did not authorize the breaking and crushing of universal waste lamps. The Agency needs further analysis to determine if the breaking and crushing of universal waste lamps will be authorized as part of the State’s authorized program. Therefore, in this codification notice EPA has determined to exclude the lamp crushing provisions from this codification.

(5) *Memorandum of Agreement.* The Memorandum of Agreement between EPA Region 6 and the State of New Mexico, signed by the EPA Regional Administrator on October 12, 2010, 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 Mexico January 1985, and revisions, supplements and addenda to that Statement dated April 13, 1988; September 14, 1988; July 19, 1989; July 23, 1992; February 14, 1994; July 18, 1994; July 20, 1994; August 11, 1994; November 28, 1994; August 24, 1995; January 12, 1996; June 14, 2000, August 3, 2006, September 15, 2008, and March 18, 2009, 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.*

[77 FR 3156, Jan. 23, 2012, as amended at 84 FR 44231, Aug. 23, 2019]

**§§ 272.1602–272.1649 [Reserved]**

**Subpart HH—New York**

**§ 272.1650 [Reserved]**

**§ 272.1651 New York State-administered program: Final authorization.**

(a) *New York State authorization.* Pursuant to section 3006(b) of RCRA, 42 U.S.C. 6926(b), New York has final authorization for the following elements as submitted to EPA in New York’s base program application for final authorization which was approved by EPA effective on May 29, 1986. Subsequent program revision applications were approved effective on July 3, 1989, May 7, 1990, October 29, 1991, May 22, 1992, August 28, 1995, October 14, 1997, January 15, 2002, March 14, 2005, August 31, 2009, January 12, 2010, and May 10, 2013.

(b) *Authorization enforcement.* The State of New York 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) Statutes and regulations that are incorporated by reference.* The New York 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 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 New York regulations that are incorporated by reference in this paragraph from West Publishing Company, 610 Opperman Drive, P.O. Box 64526, Eagan, MN 55164-0526; Phone: 1-800-328-4880; website: <http://west.thomson.com>. You may inspect a copy at EPA Region 2, 290 Broadway, 22nd Floor, New York, NY 10007 (Phone number: (212) 637-3703), 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 New York Regulatory Requirements Applicable to the Hazardous Waste Management Program”, dated May 2013.

(ii) [Reserved]

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

(i) Environmental Conservation Laws (ECL), 1997 Replacement Volume, as revised by the 2004 Cumulative Pocket Part: Sections 1-0303(18), 3-0301(1) (introductory paragraph); 3-0301(1)(a), (b), (m), (o), (w), (x) and (cc); 3-0301(2) introductory paragraph; 3-0301(2)(a), (b), (d) through (j), (l), (m), (q) and (z); 3-0301(4); 19-0301(1) (except 19-0301(c), (e) and (f)); 19-0303(1) through (3); 19-0304; 23-2305; 23-2307; 27-0105; 27-0701; 27-0703; 27-0705; 27-0707 (except 27-0707(2-c)); 27-0711; 27-0900 through 27-0908; 27-0909 (except 27-0909(5)); 27-0910 through 27-0922; 27-1105; 70-0101; 70-0103; 70-0105 (except 70-0105(3) and 70-0105(6)); 70-0107(1) and (2); 70-0107(3) introductory paragraph; 70-0107(3)(1); 70-0109; 70-0113; 70-0115 (except (2)(c) and (d)); 70-0117 (except 70-0117(5) through (7); 70-0119; 70-0121; 71-0301; 71-1719; 71-2705; 71-2707; 71-2709 through 71-2715; 71-2717; 71-2720; and 71-2727.

(ii) McKinney’s Consolidated Laws of New York, Book 1, Executive Law (EL), Article 6: Section 102.

(iii) McKinney’s Consolidated Laws of New York, Book 46, Public Officers

Law (POL), as amended through 2004: Sections 87 and 89.

(iv) McKinney’s Consolidated Laws of New York, Book 7B, Civil Practice Law and Rules (CPLR), as amended through 2004: Sections 1013, 6301; 6311; and 6313.

(v) Electronic Signatures and Records Act (ESRA) State Technology Law (STL), Article 3, as amended effective August 17, 2009: Sections 305 and 306.

(vi) Title 6, New York Codes, Rules and Regulations (6 NYCRR), Volume A-2A, as amended effective through September 5, 2006: Sections 372.1(f); 373-1.1(f) and (g); 373-1.4(b); 373-1.4(d) through (f); 373-1.6(c); 621.1 through 621.4; 621.5 (except (d)(5), (d)(6)(i), (d)(7)(i)(a), (d)(7)(i)(c) and (d)(9)); 621.6 (except (b), (d)(4) and (d)(5)); 621.7; 621.8; 621.9 (except (a)(5), (c)(2) and (e)(2)); 621.10; 621.11 (except (d)); 621.12 through 621.15; and 621.16 (except (b), (d) and (e)).

(vii) Title 9, New York Codes, Rules and Regulations (9 NYCRR), Part 540, Electronics Signature and Records Act, as amended effective May 7, 2003: Sections 540.1 through 540.6.

(3) *Statutes and regulations that are broader in scope.* 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) Environmental Conservation Laws (ECL), 1997 Replacement Volume, as revised by the 2004 Cumulative Pocket Part: Sections 27-0301; 27-0303; 27-0305; 27-0307; 27-0909(5); 27-0923; 27-0925 and 27-0926.

(ii) Environmental Conservation Laws (ECL), 1997 Replacement Volume, as revised by the 2006 Cumulative Pocket Part: Section 27-1109(6).

(iii) The following New York provisions are broader in scope because the State implements a Household Hazardous Waste program, whereas the Federal program excludes household waste from regulation as hazardous waste at 40 CFR 261.4(b)(1): Title 6, New York Codes, Rules and Regulations (6 NYCRR), as amended effective through September 5, 2006: Sections 370.2(b)(92) “Household hazardous waste”;

370.2(b)(93) “Household hazardous waste collection facility”; and 373-4.

(iv) At 371.4(c), New York retains K064, K065, K066, K090 and K091 as hazardous wastes while EPA has removed them from the table at 40 CFR 261.32 and no longer regulates them as hazardous wastes (64 FR 56469; October 20, 1999).

(v) In the following provisions of New York’s hazardous waste regulations, the State cross-references Part 364 “Waste Transporter Permits” requirements, which sets forth transporter requirements regarding permit and financial liability requirements: 372.2(b)(5)(ii), 372.3(a)(1), 372.3(a)(4), 372.3(b)(6)(iv), 372.3(d)(3), 373-2.5(b)(3)(ii)(d) and (e), 373-1.7(h)(3), 373-3.5(b)(3)(ii)(d) and (e), 374-3.4(a)(2), and Appendix 30 Instructions for Generators/Item 8. These provisions referencing the Part 364 transporter permit and financial liability requirements are broader in scope than the Federal program.

(vi) New York did not adopt an analog to 40 CFR 261.4(g) that excludes certain dredged materials from the State definition of hazardous waste. Instead, the State subjects these materials to full regulation as hazardous wastes.

(vii) New York State regulations do not incorporate the Mineral Processing Secondary Materials Exclusion at 40 CFR 261.4(a)(17) and the related changes affecting 40 CFR 261.2(c)(3) and (c)(4)/Table, and 40 CFR 261.2(e)(1)(iii). Since New York did not adopt the exclusion at 40 CFR 261.4(a)(17) the State has a broader in scope program because the effect is to include materials that are not considered solid waste by EPA.

(viii) The following New York provisions are broader in scope because they include requirements associated with the regulation of PCB waste as a state-only hazardous waste: 371.4(e), 372.1(e)(9), 373-1.1(d)(1)(x), 374-2.2(a)(9), 374-2.2(b) Table 1 and Footnote 2, 374-2.5(e)(4), 374-2.6(d)(4), 374-2.7(d)(4), 376.1(g)(1)(i), and 376.4(f). PCB wastes are regulated under the Federal Toxic Substances Control Act (TSCA) at 40 CFR part 761 rather than under the Federal RCRA program.

(ix) The New York provision at 373-1.4(c) is broader in scope because it includes siting certificate requirements

which are not part of the Federal program.

(x) The New York provision at 373-2.15(a)(2) is broader in scope because it subjects incinerators to not just limited portions of the State’s Air regulations in the same manner as the Federal rules, but entire programs including air program-specific permits and registrations.

(xi) The New York provisions at 374-2.5(a)(2) and 374-2.6(a)(2) cross-reference 360-14.1(a)(4), which sets forth transfer facility and processor/re-refiner requirements for these types of facilities co-located at hazardous waste management facilities. These provisions referencing the Part 360 requirements are broader in scope than the Federal program because section 360-14.1(a)(4) may require used oil transfer facilities and processors/re-refiners managing non-hazardous used oil to be subject to State-only Part 360 provisions including permit requirements. The Federal program does not have an analogous permitting requirement for these types of facilities.

(4) *Vacated Federal rule.* New York provisions at 371.1(e)(1)(xvi) and 371.4(i) are no longer considered to be part of New York’s authorized program because the equivalent federal requirements were vacated by a federal court. The Federal Requirements ((Hazardous Waste Combustors; Revised Standards (HSWA) (40 CFR 261.4(a)(16) and 261.38 only) were published on June 19, 1998. The New York regulations were authorized on January 11, 2005 (effective March 14, 2005). The State’s authorized program was subsequently codified in 40 CFR part 272 on March 26, 2007 (effective May 25, 2007). However, the corresponding Federal rules were later vacated by the U.S. Court of Appeals for the District of Columbia Circuit (D.C. Cir. No. 98-1379; June 27, 2014). Consistent with the Court’s vacatur, EPA issued a new final rule removing 40 CFR 261.4(a)(16) and 261.38 from the Federal CFR (published on April 8, 2015)

(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, April 2, 2004, June 13, 2008 (including three certifications), August 17, 2009, and May 22, 2012, 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.*

[83 FR 18439, Apr. 27, 2018]

§§ 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 the EPA in North Dakota’s base program application for final authorization which was approved by the 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, April 14, 2008, and April 30, 2019.

(b) The State of North Dakota has primary responsibility for enforcing its hazardous waste management program. However, the 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 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. You may obtain copies of the North Dakota provisions that are incorporated by reference in this paragraph from North Dakota Legislative Council, Second Floor, State Capitol, 600 E Boulevard Ave., Bismarck, North Dakota 58505, phone (701) 328–2916. You may inspect a copy at EPA Region 8, 1595 Wynkoop Street, Denver, Colorado, phone number (303) 312–6231, or at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, email [fedreg.legal@nara.gov](mailto:fedreg.legal@nara.gov), or go to: [www.archives.gov/federal-register/cfr/ibr-locations](http://www.archives.gov/federal-register/cfr/ibr-locations).

(i) “EPA-Approved North Dakota Statutory and Regulatory Requirements Applicable to the Hazardous Waste Management Program,” dated April 2019.

(ii) [Reserved]

(2) The 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 (NDCC), Volume 13A, 2012 Replacement, North Dakota Constitution, Article XI: Sections 5 and 6.

(ii) NDCC, Volume 4A, 2017 Cumulative Supplement. Chapter 23.1–01 “Department of Environmental Quality,” Sections 23.1–01–04 and 23.1–01–11;

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Chapter 23.1-04 “Hazardous Waste Management,” Sections 23.1-04-01(1) through (4), 23.1-04-02 introductory paragraph, (2), (3) through (8), (12) through (15), and (17); 23.1-04-03; 23.1-04-05; 23.1-04-08(3), (4), and (6); 23.1-04-12 through 23.1-04-16; and Chapter 23.1-08 “Solid Waste Management and Land Protection,” Section 23.1-08-03.

(iii) NDCC, Volume 5, 2012 Replacement. Chapter 28-32 “Administrative Agencies Practice Act,” Sections 28-32-16 and 28-32-21.1.

(v) NDCC, Volume 6, 2012 Replacement. Chapter 32-40 “Environmental Law Enforcement,” Sections 32-40-03 through 32-40-11.

(vi) NDCC, Volume 9A, 2012 Replacement, as amended by the 2017 Pocket Supplement. Chapter 44-04 “Duties, records and meetings,” Sections 44-04-18 through 19.1.

(vii) North Dakota Administrative Code (NDAC), Article 33.1-24, Hazardous Waste Management, as amended effective January 1, 2019. Sections 33.1-24-01-15; 33.1-24-01-16; 33.1-24-06-05, except .2.c; 33.1-24-06-06.2; 33.1-24-06-09; 33.1-24-06-15.1.6 through .3.b; 33.1-24-07-03.4; 33.1-24-07-04 through 33.1-24-07-14; 33.1-24-07-25 through 33.1-24-07-27; and 33.1-24-07-40 through 33.1-24-07-54.

(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) NDCC, 2017 Cumulative Supplement, Volume 4A, Chapter 23.1-01 “Department of Environmental Quality,” Section 23.1-01-05.

(ii) North Dakota Century Code, Volume 4A, 2017 Cumulative Supplement. Chapter 23.1-04 “Hazardous Waste Management,” Sections 23.1-04-02(1); and 23.1-04-09 through 23.1-04-11.

(iii) North Dakota Administrative Code, Article 33.1-24, “Hazardous Waste Management,” as amended effective January 1, 2019, Sections 33.1-24-03-03.4; 33.1-24-04-02.3; 33.1-24-05-02 second sentence; 33.1-24-06-14.3.a(4); and 33.1-24-06-21.

(iv) North Dakota’s hazardous waste regulations set forth additional transporter requirements including permit requirements at 33.1-24-04-02. The transporter permit requirements are

broader in scope than the Federal program.

(4) Unauthorized State amendments and provisions:

(i) North Dakota has partially or fully adopted, but is not authorized to implement, the Federal rule published in the FEDERAL REGISTER on October 22, 1998, Standards Applicable to Owners and Operators of Closed and Closing Hazardous Waste Management Facilities: Post-Closure Permit Requirement and Closure Process; Final Rule (HSWA/non-HSWA). The EPA will continue to implement the Federal HSWA requirements for which North Dakota is not authorized until the State receives specific authorization for those requirements.

(ii) The Federal rules listed in the following table are not delegable to states. North Dakota has adopted these provisions and left the authority to the EPA for implementation and enforcement.

(iii) North Dakota has adopted the following Federal provisions from the *Revisions to the Definition of Solid Waste Rule*, published January 13, 2015, which have since been vacated by the U.S. Court of Appeals for the District of Columbia Circuit in *Am. Petroleum Inst. v. EPA*, 862 F.3d 50 (D.C. Cir. 2017) and *Am. Petroleum Inst. v. EPA*, No. 09-1038 (D.C. Cir. Mar. 6, 2018) (vacating both the Factor 4 Legitimacy Test and the Verified Recycler Exclusion aspects of the 2015 DSW Rule): One criterion in the determination of whether recycling is legitimate at 40 CFR 260.43(a)(4); the verified recycler exclusion, which allowed generators to send their hazardous secondary materials to certain reclaimers at 40 CFR 261.4(1)(24); and the associated provisions at 40 CFR 260.30(d) and 260.31(d), which address the criteria in the variance determination for exceptions to the classification of hazardous secondary materials as a solid waste.

(5) Memorandum of Agreement: The Memorandum of Agreement between the EPA Region 8 and the State of North Dakota, signed by the EPA Region 8 Regional Administrator on December 5, 2018 and the Director of the North Dakota Department of Environmental Quality on December 4, 2018, 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, 1984, October 13, 1999, April 23, 2004, August 19, 2004, December 5, 2016, and September 29, 2018, 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.*

[84 FR 67877, Dec. 12, 2019]

§§ 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, 6934, and 6973, as well as under other Federal laws and regulations.

(d) Ohio must revise its approved program to adopt new changes to the Federal Subtitle C program, in accordance with section 3006(b) of RCRA and 40 CFR part 271, subpart A. Ohio must seek final authorization for all program revisions pursuant to section 3006(b) of RCRA but, on a temporary basis, may seek interim authorization for revisions required by HSWA pursuant to section 3006(b) of RCRA, 42 U.S.C. 6926(g). If Ohio obtains final authorization for the revised requirements pursuant to section 3006(b), the newly authorized provisions will be listed in 272.1801 of this subpart. If Ohio in the future obtains interim authorization for the revised requirements pursuant to section 3006(g), the newly authorized provisions will be listed in § 272.1802.

[54 FR 27173, June 28, 1989, as amended at 57 FR 4162, Feb. 4, 1992]

**§ 272.1801 State-administered program: Final authorization.**

Pursuant to section 3006(b) of RCRA, 42 U.S.C. 6926(b): Ohio has final authorization for the following elements submitted to EPA in Ohio’s program application for final authorization and approved by EPA effective on June 30, 1989 (see 54 FR 27173), June 7, 1991 (see 56 FR 14203) and August 19, 1991 (see 56 FR 28088).

(a) *State Statutes and Regulations.* (1) The following Ohio regulations are incorporated by reference and codified as part of the hazardous waste management program under subtitle C of RCRA, 42 U.S.C. 6921 *et seq.* This incorporation by reference was approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a). Ohio Administrative Code, volume 4, chapter

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3745, rules: 49-031; 50-01; 50-03; 50-10; 50-11; 50-31 through 50-32; 50-40 through 50-44(C)(3)(j); 50-44(C)(4) through 50-44(C)(4)(k); 50-44(C)(5) through 50-44(C)(5)(i); 50-44(C)(6) through 50-44(C)(7)(j); 50-44(C)(8) through 51-03(C)(2)(b)(ii); 51-03 (D) and (E); 51-04 through 51-05; 51-06(A)(1) through 51-06(A)(3)(g); 51-06(B) through 52-20(F); 52-20 Appendix I through 52-34(F); 52-40 through 52-44; 52-50 through 53-10; 53-11(D) through 53-20(H); 53-21 through 54-99; 55-02 through 55-99; 56-20 through 56-31; 56-33 (A) and (B); 56-50 through 56-60; 56-70 through 56-83; 57-01 through 57-14(B); 57-14(E); 57-15 through 57-18; 57-40 through 58-40; 58-42; 58-43 through 58-44; 58-45(A) through 58-45(E); 58-45(G); 58-46; 58-50 through 58-54; 58-60 through 65-01(C); 65-01(E); 65-10 through 68-14(C); 68-14(F); 68-15 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 1974, 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).

(ii) Ohio Administrative Code, volume 4, chapter 3745, rules: 49-031, 50-21 through 50-30, and 51-03(F) (OAC June 30, 1990, as supplemented by 1990-1991 Ohio Monthly Record, pages 70-80 (July, 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.*

[54 FR 27173, June 28, 1989, as amended at 57 FR 4162, Feb. 4, 1992]

§§ 272.1802-272.1849 [Reserved]

## Subpart LL—Oklahoma

§ 272.1850 [Reserved]

§ 272.1851 **Oklahoma State-Administered program: Final authorization.**

(a) *History of the State of Oklahoma authorization.* Pursuant to section 3006(b) of RCRA, 42 U.S.C. 6926(b), the



EPA granted Oklahoma final authorization for the following elements as submitted to EPA in Oklahoma's base program application for final authorization which was approved by EPA effective on January 10, 1985. Subsequent program revision applications were approved effective on June 18, 1990, November 27, 1990, June 3, 1991, November 19, 1991, November 29, 1993, December 21, 1994, April 27, 1995, December 23, 1996 (as corrected effective March 14, 1997), July 14, 1998 and November 23, 1998, February 8, 1999, May 30, 2000, July 10, 2000, March 5, 2001, June 9, 2003, April 6, 2009, June 6, 2011, May 14, 2012, July 29, 2013, October 28, 2014, September 11, 2017, and March 13, 2019.

(b) *Enforcement authority.* 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) Incorporation by reference.* 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 (c)(1) 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; website: <https://www.sos.ok.gov/oar/Default.aspx>. The statutes are available from Thomson Reuters, 610 Opperman Drive, Eagan, Minnesota 55123; Phone: 1-888-728-7677; website: <http://legalsolutions.thomsonreuters.com>. You may inspect a copy at EPA Region 6, 1201 Elm Street, Suite 500, Dallas, Texas 75270 (Phone number (214) 665-8533), or at the Na-

tional Archives and Records Administration (NARA). For information on the availability of this material at NARA, email [fedreg.legal@nara.gov](mailto:fedreg.legal@nara.gov), or go to: <http://www.archives.gov/federal-register/cfr/ibr-locations.html>.

(i) The compilation entitled "EPA-Approved Oklahoma Statutory and Regulatory Requirements Applicable to the Hazardous Waste Management Program", March 2019. Only those provisions that have been authorized by EPA are incorporated by reference. Those provisions are listed in appendix A to this part.

(ii) [Reserved]

(2) *Legal basis.* 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 August 26, 2016, 21 Oklahoma Statutes (O.S.), Sections 1230.1 *et seq.*

(ii) Oklahoma Open Meeting Act, as amended through August 26, 2016, 25 Oklahoma Statutes (O.S.), Sections 301 *et seq.*

(iii) Oklahoma Statutes (O.S.), Title 27A, "Environment and Natural Resources", as amended through August 26, 2016: Chapter 1, "Oklahoma Environmental Quality Act", Sections 1-1-101 *et seq.*; Chapter 2, "Oklahoma Environmental Quality Code", Sections 2-2-101, 2-2-104, 2-2-201, 2-3-101(F)(1), 2-3-104, 2-3-202, and 2-3-501 through 2-3-504; "Oklahoma Hazardous Waste Management Act", Sections 2-7-102, 2-7-104, 2-7-105 (except 2-7-105(27), 2-7-105(29) and 2-7-105(34)), 2-7-106, 2-7-107, 2-7-108(B)(2), 2-7-109, 2-7-110(A), 2-7-111(C)(2)(b) and (c), 2-7-111(C)(3), 2-7-113.1, 2-7-114, 2-7-115, 2-7-116(A), 2-7-116(G), 2-7-116(I)(1), 2-7-117, 2-7-123 (except 2-7-123(F), 2-7-126, and 2-7-129 through 2-7-133; "Oklahoma Uniform Environmental Permitting Act", Sections 2-14-101 *et seq.*

(iv) Oklahoma Open Records Act, as amended through August 26, 2016, 51 Oklahoma Statutes (O.S.), Sections 24A.1 *et seq.*

(v) Oklahoma Administrative Procedures Act, as amended through August

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26, 2016, 75 Oklahoma Statutes (O.S.), Sections 250 *et seq.*

(vi) The Oklahoma Administrative Code (OAC), Title 252, Chapter 205, Hazardous Waste Management, effective September 15, 2017 (2016 Edition, as amended by the 2017 Supplement): Subchapter 1, Sections 252:205-1-1(b), 252:205-1-3(a) and (b), 252:205-1-4(a) through (d); Subchapter 3, Sections 252:205-3-2(a) introductory paragraph, (a)(1), and (a)(3); Subchapter 11, Section 252:205-11-3.

(3) *Related legal provisions.* 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:

(i) Oklahoma Hazardous Waste Management Act, as amended, 27A Oklahoma Statutes (O.S.) as amended through August 26, 2016, Sections 2-7-119, 2-7-121, 2-7-121.1, and 2-7-134.

(ii) The Oklahoma Administrative Code (OAC), Title 252, Chapter 205, effective September 15, 2017 (2016 Edition, as amended by the 2017 Supplement):

Subchapter 1, Sections 252:205-1-1(c)(2) and (3), 252:205-1-2 “RRSIA”, 252:205-1-2 “Reuse”, 252:205-1-2 “Speculative accumulation”, 252:205-1-2 “Transfer facility”, 252:205-1-2 “Transfer station”, 252:205-1-4(e); Subchapter 5, Section 252:205-5-1(4); Subchapter 15; Subchapter 17; Subchapter 21; Subchapter 23; and 252:205 Appendices B, C and D.

(4) *Unauthorized State Amendments.* (i) Oklahoma has adopted, but is not authorized to implement, the Federal rules that are listed in the table in this paragraph (c)(4)(i). The EPA will continue to implement the Federal Hazardous and Solid Waste Act Amendments of 1984 (HSWA) requirements for which Oklahoma is not authorized until the State receives specific authorization for those requirements. The EPA will not enforce the non-HSWA Federal rules although they may be enforceable under State law. For those Federal rules that contain both HSWA and non-HSWA requirements, the EPA will enforce only the HSWA portions of the rules.

TABLE 1 TO PARAGRAPH (c)(4)(i)

Federal requirement	Federal Register reference	Publication date
Listing of Spent Pickle Liquor (K062), (Correction 2) (Non-HSWA) (Rule 26.2) .....	55 FR 28697	8/3/87
Land Disposal Restrictions for Third Third Scheduled Wastes (40 CFR 261.33(c) only) (Non-HSWA) (Rule 78N).	55 FR 22520	6/1/90
Toxicity Characteristics; Hydrocarbon Recovery Operations (HSWA) (Checklist 80) ...	55 FR 40834	10/5/90
	56 FR 3978	2/1/91
	56 FR 13406	4/2/91
Toxicity Characteristics; Chlorofluorocarbon Refrigerants (HSWA) (Checklist 84) .....	56 FR 5910	2/13/91
Administrative Stay for K069 Listing (Non-HSWA) (Checklist 88) .....	56 FR 19951	5/1/91
Amendments to Interim Status Standards for Downgradient Ground-water Monitoring Well Locations (Non-HSWA) (Checklist 99).	56 FR 66365	12/23/91
Hazardous Waste Management System; Testing and Monitoring Activities, Land Disposal Restrictions Correction (Non-HSWA) (Rule 126.1).	59 FR 47980	9/19/94
Hazardous Waste Management System; Carbamate Production Identification and Listing of Hazardous Waste; Correction (Non-HSWA) (Rule 140.2).	60 FR 25619	5/12/95
Removal of Legally Obsolete Rules (HSWA/Non-HSWA) (Checklist 144) .....	60 FR 33912	6/29/95
Inorganic Chemical Manufacturing Wastes; Land Disposal Restrictions for Newly Identified Wastes; Correction (HSWA/Non-HSWA) (Rule 195.1).	67 FR 17119	4/9/02
Methods Innovation: SW-846 (HSWA/Non-HSWA) (Checklist 208) .....	70 FR 34538	6/14/05
	70 FR 44150	8/1/05
Definition of Solid Waste (Non-HSWA) (Checklist 233) .....	80 FR 1694	1/13/15

(ii) The Federal rules listed in the table in this paragraph (c)(4)(ii) are not delegable to States. Oklahoma has excluded the rules from its incorporation

by reference of the Federal regulations. EPA retains its authority for the implementation and enforcement of these rules.

TABLE 2 TO PARAGRAPH (c)(4)(ii)

Federal requirement	Federal Register reference	Publication date
Imports and Exports of Hazardous Waste: Implementation of OECD Council Decision (HSWA) (Checklist 152).	61 FR 16290	April 12, 1996.
OECD Requirements; Export Shipments of Spent Lead-Acid Batteries (Non-HSWA) (Checklist 222).	75 FR 1236	January 8, 2010.

(5) *Terminated Federal program.* Oklahoma adopted and was authorized for the following Federal program as amended, which has since been terminated by the U.S. EPA:

TABLE 3 TO PARAGRAPH (c)(5)

Federal requirement	Federal Register reference	Publication date
National Environmental Performance Track Program (Checklist 204) .. National Environmental Performance Track Program; Corrections (Rule 204.1).	69 FR 21737 69 FR 62217	April 22, 2004. October 25, 2004.
Burden Reduction Initiative (Checklist 213); amendments to the following provisions regarding Performance Track: 40 CFR 260.10, 264.15, 264.174, 264.195, 264.1101, 265.15, 265.174, 265.195, 265.201, 265.1101, 270.42(l) and Item O.1 of Appendix I to 270.42..	71 FR 16862	April 4, 2006.

(6) *Memorandum of Agreement.* The Memorandum of Agreement between EPA Region 6 and the State of Oklahoma, signed by the EPA Regional Administrator on May 15, 2013, is referenced as part of the authorized hazardous waste management program under subtitle C of RCRA, 42 U.S.C. 6921, *et seq.*

(7) *Statement of Legal Authority.* “Attorney General’s Statement for Final Authorization”, signed by the Attorney General of Oklahoma January 20, 1984 and revisions, supplements, and addenda to that Statement dated January 14, 1988 (as amended July 20, 1989); December 22, 1988 (as amended June 7, 1989 and August 13, 1990); November 20, 1989; November 16, 1990; November 6, 1992; June 24, 1994; December 8, 1994; March 4, 1996; April 15, 1997; February 6, 1998, December 2, 1998, October 15, 1999, May 31, 2000, October 15, 2001, June 27, 2003, March 1, 2005, July 12, 2005, July 03, 2006, August 25, 2008, December 23, 2009, October 11, 2010, October 31, 2011, July 27, 2012, July 1, 2013, June 22, 2015, and March 22, 2017 are referenced as part of the authorized hazardous waste management program under subtitle C of RCRA, 42 U.S.C. 6921 *et seq.*

(8) *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.*

[85 FR 6813, Feb. 6, 2020]

§§ 272.1852–272.1899 [Reserved]

**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]

§ 272.2101 **South Dakota State-administered program: Final authorization.**

(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, March 8, 2006, August 8, 2012 and August 23, 2016.

(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.* 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. You may obtain copies of the South Dakota regulations that are incorporated by reference in this paragraph from South Dakota Legislative Research Council, 3rd Floor, State Capitol, 500 East Capitol Avenue, Pierre, South Dakota 57501, (Phone: (605) 773-3251). You may inspect a copy at EPA Region 8, 1595 Wynkoop Street, Denver, Colorado, phone number (303) 312-6231, 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 South Dakota Regulatory Requirements Applicable to the Hazardous Waste Management Program", dated February 2016.

(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) South Dakota Codified Laws (SDCL), as amended, 2013 Revision, Title 1, State Affairs and Government: Chapter 1-26, Administrative Procedures and Rules, sections 1-26-1(1), 1-26-1(4), 1-26-1(8) introductory paragraph, 1-26-1(8)(a), 1-26-2, 1-26-6.6, 1-26-16 through 1-26-19, 1-26-19.1, 1-26-19.2, 1-26-21, 1-26-27, 1-26-29, 1-26-30, 1-26-30.1, 1-26-30.2, 1-26-30.4, 1-26-31, 1-26-31.1, 1-26-31.2, 1-26-31.4, 1-26-35 and 1-26-36; Chapter 1-27, Public Records and Files, sections 1-27-1, 1-27-3, 1-27-9(2) and 1-27-28, 1-27-31; Chapter 1-32, Executive Reorganization, section 1-32-1(1); Chapter 1-40, Department of Natural Resources, sections 1-40-4.1, 1-40-24, 1-40-31 and 1-40-34.

(ii) SDCL, as amended, 2013 Revision, Title 15, Civil Procedure: Chapter 15-6, Rules of Procedure in Circuit Courts, section 15-6-24(a)-(c).

(iii) SDCL, as amended, 2013 Revision, Title 19, Evidence: Chapter 19-13, Privileges, sections 19-13-2(1), 19-13-2(5), 19-13-3, 19-13-20 and 19-13-22.

(iv) SDCL, as amended, 2013 Revision, Title 21, Judicial Remedies: Chapter 21-8, Injunction, section 21-8-1.

(v) SDCL, as amended, 2013 Revision, Title 22, Crimes: Chapter 22-6, Authorized Punishments, sections 22-6-1 introductory paragraph and 22-6-1(7).

(vi) SDCL, as amended, 2013 Revision, Title 23, Law Enforcement: Chapter 23-5, Criminal Identification, sections 23-5-1, 23-5-10(1), 23-5-10(3), 23-5-10(4) and 23-5-11 first sentence; Chapter 23-6, Criminal Statistics, section 23-6-4.

(vii) SDCL, as amended, 2013 Revision, Title 34, Public Health and Safety: Chapter 34-21, Radiation and Uranium Resources Exposure Control, section 34-21-2(7).

(viii) SDCL, as amended, 2013 Revision, Title 34A, Environmental Protection: Chapter 34A-6, Solid Waste Disposal, section 34A-6-1.3(17); Chapter 34A-10, Remedies for Protection of Environment, sections 34A-10-1, 34A-10-2, 34A-10-5, 34A-10-11, 34A-10-14 and 34A-10-16, Chapter 34A-11, Hazardous Waste Management, sections 34A-11-1, 34A-11-2 through 34A-11-4, 34A-11-5, 34A-11-8 through 34A-11-12, 34A-11-13 through 34A-11-16, 34A-11-17 through 34A-11-19, 34A-11-21 and 34A-11-22; Chapter 34A-12, Regulated Substance Discharges, sections 34A-12-1(8), 34A-12-4, 34A-12-6,

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34A–12–8 through 34A–12–13, 34A–12–13.1 and 34A–12–14.

(ix) SDCL, as amended, 2013 Revision, Title 37, Trade Regulation, Chapter 37–29, Uniform Trade Secrets Act, section 37–29–1(4).

(x) Administrative Rules of South Dakota (ARSD), Article 74:08, Administrative Fees, effective October 10, 2013; Chapter 74:08:01, Fees for Records Reproduction, sections 74:08:01:01 through 74:08:01:07.

(3) The following statutory 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) SDCL, as amended, 2013 Revision, Title 34A, Environmental Protection, Chapter 34A–11, Hazardous Waste Management, sections 34A–11–12.1, 34A–11–16.1, 34A–11–25 and 34A–11–26.

(ii) [Reserved]

(4) *Unauthorized state amendments.* (i) South Dakota has adopted but is not authorized for the following federal final rules:

(A) Removal of Legally Obsolete Rules (HSWA/non-HSWA) [60 FR 33912, 06/29/95];

(B) Imports and Exports of Hazardous Waste: Implementation of OECD Council Division (HSWA—Not delegable to States) [61 FR 16290, 04/12/96];

(C) Clarification of Standards for Hazard Waste Land Disposal Restriction Treatment Variances (HSWA) [62 FR 64504, 12/05/97];

(D) Hazardous Waste Combustors; Revised Standards (Non-HSWA—Vacated by the U.S. Court of Appeals for the District of Columbia Circuit (D.C. Cir. No. 98–1379 and 98–1379; June 27, 2014) [63 FR 33782, 6/19/98];

(E) Vacatur of Organobromide Production Waste Listings (HSWA) [65 FR 14472, 03/17/00];

(F) National Environmental Performance Track Program (Non-HSWA—terminated by EPA (74 FR 22741, 5/14/09)) [69 FR 21737, 4/22/04; as amended by 69 FR 62217, 10/25/04 and 71 FR 16862, 4/4/06];

(G) Exclusion of Oil-Bearing Secondary Materials Processed in a Gasification System to Produce Synthesis Gas (Non-HSWA—Vacated by the U.S. Court of Appeals for the District of Columbia Circuit (D.C. Cir. No. 98–1379

and 98–1379; June 27, 2014) [73 FR 52, 1/2/08];

(H) Revisions to the Definition of Solid Waste (Non-HSWA) [73 FR 64668, 10/30/08];

(I) OECD Requirements; Export Shipments of Spent Lead Acid Batteries (Non-HSWA—Not delegable to States) [75 FR 1236, 1/8/10]; and

(J) Withdrawal of the Emission Comparable Fuel Exclusion (Non-HSWA—Vacated by the U.S. Court of Appeals for the District of Columbia Circuit (D.C. Cir. No. 98–1379 and 98–1379; June 27, 2014) [75 FR 33712, 6/15/10].

(ii) Those federal rules written under RCRA provisions that predate HSWA (non-HSWA) which the State has adopted, but for which it is not authorized, are not federally enforceable. In contrast, EPA will continue to enforce the Federal HSWA standards for which South Dakota is not authorized until the State receives specific authorization from the EPA.

(5) *Memorandum of Agreement.* The Memorandum of Agreement between EPA Region 8 and the State of South Dakota, signed by the Secretary of the South Dakota Department of Natural Resources on December 14, 2015, and by the EPA Regional Administrator on February 18, 2016, 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 South Dakota on May 24, 1984, and revisions, supplements and addenda to that Statement dated January 14, 1991, September 11, 1992, September 25, 1992, April 1, 1993, September 24, 1993, December 29, 1994, September 5, 1995, October 23, 1997, October 27, 1997, October 28, 1997, November 5, 1999, June 26, 2000, June 18, 2002, October 19, 2004, May 11, 2009 and May 5, 2015, 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,

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are referenced as part of the authorized hazardous waste management program under subtitle C of RCRA, 42 U.S.C. 6921 *et seq.*

[81 FR 41227, June 24, 2016]

§§ 272.2102–272.2149 [Reserved]

### Subpart RR—Tennessee

§§ 272.2150–272.2199 [Reserved]

### Subpart SS—Texas

§ 272.2200 [Reserved]

§ 272.2201 **Texas State-administered program: Final authorization.**

(a) *History of the State of Texas authorization.* Pursuant to section 3006(b) of RCRA, 42 U.S.C. 6926(b), the EPA granted Texas final authorization for the following elements as submitted to EPA in Texas' Base program application for final authorization which was approved by EPA effective on December 26, 1984. Subsequent program revision applications were approved effective on October 4, 1985, February 17, 1987, March 15, 1990, July 23, 1990, October 21, 1991, December 4, 1992, June 27, 1994, November 26, 1997, December 3, 1997, October 18, 1999, November 15, 1999, September 11, 2000, June 14, 2005, December 29, 2008, July 13, 2009, May 6, 2011, May 7, 2012, January 9, 2013, November 3, 2014, December 21, 2015, February 26, 2016, and April 10, 2020.

(b) *Enforcement authority.* 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) Incorporation by reference.* 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. You may obtain copies of the Texas statutes and regulations that are incorporated by reference in this paragraph from Thomson Reuters, 610 Opperman Drive, Eagan, MN 55123; Phone: 1-888-728-7677; website: <http://legalsolutions.thomsonreuters.com>. You may inspect a copy at EPA Region 6, 1201 Elm Street, Suite 500, Dallas, Texas 75270, Phone number: (214) 665-8533, or at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, email [fedreg.legal@nara.gov](mailto:fedreg.legal@nara.gov), or go to: <http://www.archives.gov/federal-register/cfr/ibr-locations.html>.

(i) “EPA-Approved Texas Statutory and Regulatory Requirements Applicable to the Hazardous Waste Management Program”, dated December 2015.

(ii) [Reserved]

(2) *Legal basis.* 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, 2010, as amended by the 2015 Cumulative Annual Pocket Part, effective September 1, 2015); Chapter 361, The Texas Solid Waste Disposal Act (TSWDA), sections 361.002, 361.016, 361.017, 361.018, 361.0215(b)(2) and (b)(3), 361.023, 361.024, 361.029, 361.032, 361.033, 361.035, 361.036, 361.037(a), 361.061, 361.063, 361.0635, 361.064, 361.0641, 361.066(b) and (c), 361.0666, 361.067, 361.068, 361.069, 361.078, 361.079, 361.0791, 361.080, 361.081, 361.082 (except 361.082(a) and (f)), 361.083, 361.0833, 361.084, 361.085, 361.0861(c), 361.0871(b), 361.088, 361.0885, 361.089 (2015 Cumulative Annual Pocket Part), 361.090, 361.095(b) through (f), 361.096, 361.097, 361.098, 361.099(a), 361.100, 361.101, 361.102 through 361.109, 361.113, 361.114, 361.116, 361.271 (2015 Cumulative Annual Pocket Part), 361.272 through 361.275, 361.278, 361.301, 361.321(a) and (b), 361.321(c) (except the phrase “Except as provided by Section 361.322(a)”), 361.321(d), 361.321(e) (except the phrase

“Except as provided by Section 361.322(e)”), 361.451, 361.501 through 361.506, and 361.509(a) introductory paragraph, (a)(11), (b), (c) introductory paragraph, and (c)(2); Chapter 371, Texas Used Oil Collection, Management, and Recycling Act, sections 371.0025(b) and (c), 371.024(a), (c) and (d), 371.026(a) and (b), and 371.028.

(ii) Texas Water Code (TWC), as amended effective September 1, 2015: Chapter 5, sections 5.102 through 5.105, 5.112, 5.177, 5.351, 5.501 through 5.505, 5.509 through 5.512, 5.515, and 5.551 through 5.557; Chapter 7, sections 7.031, 7.032, 7.051(a), 7.052(a), 7.052(c) and (d), 7.053 through 7.062, 7.064 through 7.069, 7.075, 7.101, 7.102, 7.104, 7.105, 7.107, 7.110, 7.162, 7.163, 7.176, 7.187(a), 7.189, 7.190, 7.252(1), 7.351, 7.353; Chapter 26, sections 26.001(13), 26.011, 26.020 through 26.022, 26.039, and 26.341 through 26.367; and Chapter 27, sections 27.003, 27.017(a), 27.018(a)—(d), and 27.019.

(iii) Texas Government Code as amended effective September 1, 2015, section 311.027.

(iv) Texas Rules of Civil Procedure, as amended effective September 1, 2015, Rule 60.

(v) Texas Administrative Code (TAC), Title 30, Environmental Quality, 2015, as amended, effective through December 31, 2014:

(A) Chapter 10; Chapter 39, sections 39.5(g) and (h), 39.11, 39.13 (except (10)), 39.103 (except (f) and (h)), 39.105, 39.107, 39.109, 39.403(b)(1), 39.405(f)(1), 39.411 (except (b)(4)(B), (b)(10), (b)(11), and (b)(13)), 39.413 (except (10)), 39.420 (except (c) and (d)), 39.503 (except the reference to 39.405(h) in (d) introductory paragraph, and (g)), and 39.801 through 39.810;

(B) Chapter 50, sections 50.13, 50.19, 50.39, 50.113 (except (d)), 50.117(f), 50.119, 50.133, and 50.139;

(C) Chapter 55, sections 55.25(a) and (b), 55.27 (except (b)), 55.152(a)(3), 55.152(b), 55.154, 55.156 (except (d)—(g)), 55.201 (except as applicable to contested case hearings), and 55.211 (except as applicable to contested case hearings);

(D) Chapter 70, section 70.10;

(E) Chapter 281, sections 281.1 (except the clause “except as provided by . . . Prioritization Process”), 281.2 introductory paragraph and (4), 281.3(a) and (b), 281.5 (except the clause “Except as

provided by . . . Discharge Permits”) and the phrases “subsurface area drip dispersal systems” and “radioactive material” in the introductory paragraph), 281.17(d) (except the references to radioactive material licenses), 281.17(e) and (f), 281.18(a) (except for the sentence “For applications for radioactive . . . within thirty days.”), 281.19(a) (except the last sentence), 281.19(b) (except the phrase “Except as provided in subsection (c) of this section.”), 281.20, 281.21(a) (except “and 32” and the phrase “and the Texas Radiation Control Act.”), 281.21(b), 281.21(c) (except the phrase “radioactive materials,” in 281.21(c)(2)), 281.21(d), 281.22(a) (except the phrase “For applications for radioactive . . . to deny the license.”), 281.22(b) (except the phrase “or an injection well,” in the first sentence and the phrase “For underground injection wells . . . the same facility or activity.”), 281.23(a), and 281.24;

(F) Chapter 305, sections, 305.29, 305.30, 305.64(d) and (f), 305.66(c), 305.66(e) (except for the last sentence), 305.66(f) through (1), 305.123 (except the phrases “and 32” and “and 401”), 305.125(1) and (3), 305.125(20), 305.127(1)(B)(i), 305.127(4)(A) and (C), 305.127 (6), 305.401 (except the text “§ 55.21 of this title (relating to Requests for Contested Case Hearings, Public Comment)” at (b), and 305.401(c)); and

(G) Chapter 335, sections 335.2(b), 335.43(b), 335.206, 335.391 through 335.393.

(3) *Related legal provisions.* The following statutory and regulatory provisions are broader in scope than the Federal program, and are not incorporated by reference:

(i) Texas Health and Safety Code (THSC) Annotated, (Vernon, 2010): Chapter 361, The Texas Solid Waste Disposal Act (TSWDA), sections 361.131 through 361.140; Chapter 371, Texas Used Oil Collection, Management, and Recycling Act, sections 371.021, 371.022, 371.024(e), 371.0245, 371.0246, 371.025, and 371.026(c).

(ii) Texas Administrative Code (TAC), Title 30, Environmental Quality, 2015, as amended, effective through December 31, 2014: Chapter 305, sections 305.53, 305.64(b)(4), and 305.69(b)(1)(A) (as

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it relates to the Application Fee); Chapter 335, sections 335.321 through 335.332, Appendices I and II, and 335.401 through 335.412.

(4) *Unauthorized State amendments and provisions.* (i) The following authorized provisions of the Texas regulations include amendments published in the Texas Register 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 Texas hazardous waste regulations incorporated by reference at paragraph

(c)(1)(i) of this section, EPA will enforce the State provisions that are actually authorized by EPA. The effective dates of the State's authorized provisions are listed in the Table below. 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 Texas Regulatory and Statutory Requirements Applicable to the Hazardous Waste Management Program, December, 2015*. Copies of the document can be obtained from EPA Region 6, 1201 Elm Street, Suite 500, Dallas, Texas 75270.

TABLE 1 TO PARAGRAPH (c)(4)(i)

State provision (December 31, 2014)	Effective date of authorized provision	Unauthorized State amendments	
		Texas Register reference	Effective date
335.6(a) .....	7/29/92	18 TexReg 2799 .....	5/12/93
		22 TexReg 12060 .....	12/15/97
		23 TexReg 10878 .....	10/19/98
335.6(c) introductory paragraph .....	7/29/92	17 TexReg 8010 .....	11/27/92
		20 TexReg 2709 .....	4/24/95
		20 TexReg 3722 .....	5/30/95
		21 TexReg 1425 .....	3/1/96
		21 TexReg 2400 .....	3/6/96
		22 TexReg 12060 .....	12/15/97
		23 TexReg 10878 .....	10/19/98
		26 TexReg 9135 .....	11/15/01
335.6(g) .....	7/29/92	18 TexReg 3814 .....	6/28/93
		22 TexReg 12060 .....	12/15/97
		23 TexReg 10878 .....	10/19/98
335.24(b) introductory paragraph .....	3/1/96	21 TexReg 10983 .....	11/20/96
		23 TexReg 10878 .....	10/19/98
		38 TexReg 970 .....	2/21/13
335.24(c) introductory paragraph .....	3/1/96	21 TexReg 10983 .....	11/20/96
		23 TexReg 10878 .....	10/19/98
		38 TexReg 970 .....	2/21/13
335.45(b) .....	9/1/86	17 TexReg 5017 .....	7/29/92
335.204(a)(1) .....	5/28/86	16 TexReg 6065 .....	11/7/91
335.204(b)(1) .....	5/28/86	16 TexReg 6065 .....	11/7/91
335.204(b)(6) .....	5/28/86	16 TexReg 6065 .....	11/7/91
335.204(c)(1) .....	5/28/86	16 TexReg 6065 .....	11/7/91
335.204(d)(1) .....	5/28/86	16 TexReg 6065 .....	11/7/91
335.204(e)(6) .....	5/28/86	16 TexReg 6065 .....	11/7/91

(ii) Texas has partially or fully adopted, but is not authorized to implement, the Federal rules that are listed in the following table. The EPA will continue to implement the Federal HSWA requirements for which Texas is not authorized until the State receives specific authorization for those re-

quirements. The EPA will not enforce the non-HSWA Federal rules although they may be enforceable under State law. For those Federal rules that contain both HSWA and non-HSWA requirements, the EPA will enforce only the HSWA portions of the rules.



TABLE 2 TO PARAGRAPH (c)(4)(ii)

Federal requirement	Federal Register reference	Publication date
Clarification of Standards for Hazardous Waste LDR Treatment Variances (HSWA) (Checklist 162).	62 FR 64504 .....	December 5, 1997.
Organobromine Production Wastes; Petroleum Refining Wastes; Identification and Listing of Hazardous Waste; Land Disposal Restrictions (HSWA) (Checklist 187).	64 FR 36365 .....	June 8, 2000.
Zinc Fertilizers Made from Recycled Hazardous Secondary Materials (HSWA and Non-HSWA) (Checklist 200).	67 FR 48393 .....	July 24, 2002.

(iii) The Federal rules listed in the table below are not delegable to States. Texas has adopted these provisions and left the authority to the EPA for implementation and enforcement.

TABLE 3 TO PARAGRAPH (c)(4)(iii)

Federal requirement	Federal Register reference	Publication date
Imports and Exports of Hazardous Waste: Implementation of OECD Council Decision (HSWA) (Checklist 152).	61 FR 16290 .....	April 12, 1996.
OECD Requirements; Export Shipments of Spent Lead-Acid Batteries (Non-HSWA) (Checklist 222).	75 FR 1236 .....	January 8, 2010.

(iv) Texas has chosen not to adopt, and is not authorized to implement, the following optional Federal rules:

TABLE 4 TO PARAGRAPH (c)(4)(iv)

Federal requirement	Federal Register reference	Publication date
NESHAPS Second Technical Correction, Vacatur (Non-HSWA) (Checklist Rule 188.1).	66 FR 24270 .....	May 14, 2001.
Storage, Treatment, Transportation and Disposal of Mixed Waste (Non-HSWA) (Checklist 191).	66 FR 27218 .....	May 16, 2001.
Inorganic Chemical Manufacturing Waste Identification and Listing (HSWA/Non-HSWA) (Checklist Rule 195.1).	67 FR 17119 .....	April 9, 2002.
Land Disposal Restrictions: National Treatment Variance to Designate New Treatment Subcategories for Radioactively Contaminated Cadmium, Mercury-Containing Batteries and Silver-Containing Batteries (HSWA) (Checklist 201).	67 FR 62618 .....	October 7, 2002.
NESHAP: Surface Coating of Automobiles and Light-Duty Trucks (Non-HSWA) (Checklist 205).	69 FR 22601 .....	April 26, 2004.
Revisions to the Definition of Solid Waste (Non-HSWA) (Checklist 219).	73 FR 64668 .....	October 30, 2008.
Expansion of RCRA Comparable Fuel Exclusion (Non-HSWA) (Checklist 221).	73 FR 77954 .....	December 19, 2008.
Withdrawal of the Emission Comparable Fuel Exclusion (Non-HSWA) (Checklist 224).	75 FR 33712 .....	June 15, 2010.
Removal of Saccharin and Its Salts from the Lists of Hazardous Constituents (Non-HSWA) (Checklist Rule 225).	75 FR 78918 .....	December 17, 2010.

(5) *Vacated Federal rules.* Texas adopted and was authorized for the Federal rules listed in the Table below which have since been vacated by the U.S. Court of Appeals for the District of Columbia Circuit (D.C. Cir. No. 98–1379 and 08–1144, respectively; June 27, 2014). The effect of the vacatures on Texas is

that the previously authorized comparable fuels and gasification rules from the State program are no longer be considered part of the Federally authorized program. Thus, EPA may bring enforcement actions under RCRA Section 3008 at facilities that do not

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comply with the RCRA hazardous waste regulations.

TABLE 5 TO PARAGRAPH (c)(5)

Federal requirement	Federal Register reference	Publication date
Hazardous Waste Combustors; Revised Standards (HWA) (Checklist 168—40 CFR 261.4(a)(16) and 261.38 only).	63 FR 33782 .....	June 19, 1998.
Exclusion of Oil-Bearing Secondary Materials Processed in a Gasification System to Produce Synthesis Gas (Checklist 216—Definition of “Gasification” at 40 CFR 260.10 and amendment to 40 CFR 261.4(a)(12)(i)).	73 FR 57 .....	January 2, 2008.

(6) *Memorandum of Agreement.* The Memorandum of Agreement between EPA Region 6 and the State of Texas was signed by the Executive Director of the Texas Commission on Environmental Quality (TCEQ) on December 20, 2011, and by the EPA Regional Administrator on February 17, 2012. The 2012 Memorandum of Agreement was re-certified by the Executive Director of the TCEQ on March 26, 2015, and the EPA Regional Administrator on September 30, 2015, and is referenced as part of the authorized hazardous waste management program under subtitle C of RCRA, 42 U.S.C. 6921 *et seq.*

(7) *Statement of legal authority.* “Attorney General’s Statement for Final Authorization”, signed by the Attorney General of Texas on May 22, 1984 and revisions, supplements, and addenda to that Statement dated November 21, 1986, July 21, 1988, December 4, 1989, April 11, 1990, July 31, 1991, February 25, 1992, November 30, 1992, March 8, 1993, January 7, 1994, August 9, 1996, October 16, 1996, as amended February 7, 1997, March 11, 1997, January 5, 1999, November 2, 1999, March 1, 2002, July 16, 2008, December 6, 2011, February 12, 2013, and June 10, 2016] are referenced as part of the authorized hazardous waste management program under Subtitle C of RCRA, 42 U.S.C. 6921 *et seq.*

(8) *Program Description.* The Program Description and any other materials submitted as part of the original application or 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.*

[85 FR 20190, Apr. 10, 2020]

§§ 272.2202–272.2249 [Reserved]

**Subpart TT—Utah**

**§ 272.2251 Utah State-Administered program: Final authorization.**

(a) Pursuant to section 3006(b) of RCRA, 42 U.S.C. 6926(b), Utah has Final authorization for the following elements as submitted to EPA in Utah’s base program application for Final authorization which was approved by EPA effective on October 24, 1984. Subsequent program revision applications were approved effective on March 7, 1989; July 22, 1991; July 14, 1992; April 13, 1993; December 13, 1994; July 21, 1997; and March 15, 1999.

(b) *State statutes and regulations.* (1) The Utah regulations cited in this paragraph 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 was 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 Utah regulations that are incorporated by reference in this paragraph are available from the Utah Department of Environmental Quality, 288 North 1460 West, Salt Lake City, Utah 84114-4880, Phone (801) 538-6776.

(i) The EPA Approved Utah Regulatory Requirements Applicable to the Hazardous Waste Management Program, dated March 1999.

(ii) [Reserved]

(2) The following statutes and regulations concerning State procedures and enforcement, although not incorporated by reference, are part of the authorized State program:

(i) Utah Code Annotated, Volume 3A, 1998 Replacement and 1999 Supplement, Title 19: Sections 19-1-306(2), 19-1-306(3), 19-6-102 introductory paragraph, 19-6-102(1) & (2), 19-6-102(6)-(9), 19-6-102(11), 19-6-102(13)-(21), 19-6-102.1, 19-6-103, 19-6-104(1) except (1)(j), 19-6-105(1) introductory paragraph, 19-6-105(1)(a)-(f), 19-6-105(1)(i) & (j), 19-6-105(2), 19-6-106, 19-6-107, 19-6-109, 19-6-111, 19-6-112, 19-6-113(1) through (4), 19-6-113(6), 19-6-114, 19-6-115, and 19-6-116.

(ii) Utah Code Annotated, Volume 6D, 1997 Replacement and 1999 Supplement, Title 63: Sections 63-2-103 through 63-2-105, 63-2-201 through 63-2-203 (except 63-2-203(10)), 63-2-204, 63-2-205, 63-2-301 through 63-2-308, 63-2-401 through 63-2-405, and 63-2-802.

(iii) Utah Code Annotated, Volume 3, 1953 as amended 1987, Title 26, Chapter 14: Section 26-14-8.

(iv) Utah Administrative Code revised as of January 3, 1989: R450-3.1.1(b) & (c) and R450-3-2.4(b).

(v) Utah Administrative Code revised as of February 15, 1996: Sections R315-2-14, R315-3-3(i)(1)&(3), R315-3-11(a), (b) & (f), R315-3-16(b), R315-3-23(b)(1) & (2), R315-3-23(c) & (d), R315-3-24(a) through R315-3-29, and R315-3-34.

(vi) Utah Administrative Code revised as of May 15, 1996: Section R315-15-1.1(j) & (k).

(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:

(i) Utah Code Annotated, Volume 3A, 1998 Replacement and 1999 Supplement,

Title 19: Sections 19-6-105(3), 19-6-113(5), 19-6-118, 19-6-120, and 19-6-121.

(ii) Utah Administrative Code revised as of February 15, 1996. EPA considers Utah's listing of all P999 and some F999 wastes (specifically: nerve, military, and chemical agents) as more stringent than the Federal rule. To the extent that unused chemical agents, as produced, exhibit a hazardous waste reactivity characteristic, they are considered hazardous waste and, thus, are regulated under Federal rule. Utah's listing of these wastes enhances the degree of regulatory control regarding these wastes. EPA also considers Utah's rule as broader-in-scope than the federal rule for those F999 process wastes which do not exhibit a characteristic for hazardous waste and would not be regulated under Federal rule. R315-2-10(e)(1), 315-2-11(e) introductory paragraph and R315-2-11(e)(1) are broader-in-scope regarding these wastes.

(iii) Utah Administrative Code, as of May 15, 1996: R315-15-7.1(d), R315-15-10, R315-15-11 with respect to used oil transfer and off-specification used oil burning facilities, and R315-15-12 through R315-15-15 except R315-15-13.5(d).

(4) *Unauthorized State provisions:* (i) Although the Federal rules listed in the following table have been adopted by the State and have been included in the materials incorporated by reference in paragraph (b)(1) of this Section, EPA has not authorized the State for these rules at this time. While they may be enforceable under State law, they are not enforceable under RCRA:

Federal requirement	FEDERAL REGISTER reference	Publication date
Standards for Generators of Hazardous Waste; Manifest Renewal (Revision Checklist 58).	53 FR 45089	11/8/88
Removal of Legally Obsolete Rules (Non-HSWA provisions) (Revision Checklist 144).	60 FR 33912	6/29/95
Testing and Monitoring Activities Amendment III (Revision Checklist 158) .....	62 FR 32452	6/13/97

(ii) Additionally Utah has adopted but is not authorized to implement the HSWA rules that are listed below in lieu of EPA. EPA will continue to im-

plement the Federal HSWA requirements for which Utah is not authorized until the State receives specific authorization for those requirements.

Federal requirement	FEDERAL REGISTER reference	Publication date
Removal of Legally Obsolete Rules (HSWA provisions) (Revision Checklist 144)	60 FR 33912	6/29/95

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Federal requirement	FEDERAL REGISTER reference	Publication date
Land Disposal Restrictions Phase III—Decharacterized Wastewaters, Carbamate Wastes, and Spent Potliners (Revision Checklist 151).	61 FR 15566; 61 FR 15660; 61 FR 19117; 61 FR 33680; 61 FR 36419; 61 FR 43924; 62 FR 7502	4/8/96; 4/8/96; 4/30/96; 6/28/96; 7/10/96; 8/26/96; 2/19/97
Organic Air Emission Standards for Tanks, Surface Impoundments, and Containers—formerly Revision Checklist 138 (Rule 154.1).	59 FR 62896	12/6/94
Land Disposal Restrictions Phase III—Emergency Extension of the K088 Capacity Variance (Revision Checklist 155).	62 FR 1992	1/14/97
Land Disposal Restrictions—Phase IV (Revision Checklist 157) .....	62 FR 25998	5/12/97
Carbamate Production, Identification and Listing of Hazardous Waste; Land Disposal Restrictions (Conformance With the Carbamate Vacatur) (Revision Checklist 159).	62 FR 32974	6/17/97

(5) *Unauthorized State amendments.* The following authorized provisions of the Utah regulations include amendments published in the *Utah State Bulletin* 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 Utah hazardous waste regulations incorporated by reference at § 272.2251(b)(1), EPA will only enforce the authorized State provisions with

the effective dates indicated in the table below. The actual State regulatory text authorized by EPA for the listed provisions is available as a separate document, Addendum to the EPA-Approved Utah Regulatory Requirements Applicable to the Hazardous Waste Management Program, March 1999. Copies of the document can be obtained from U.S. EPA Region VIII, 999 18th St., Suite 500, Denver, Colorado 80202-2466, phone (303) 312-6139.

State provision	State reference	Unauthorized State amendments	
		State reference	Effective date
R315-2-1(b)(2)(ii) .....	9/24/86 .....	DAR 12647 .....	5/29/92
R315-7-11.3(b) .....	1/3/89 .....	DAR 12652 .....	5/29/92
R315-7-12.6(g) .....	Base .....	DAR 09632 .....	1/3/89

At R315-3-23(f)(3)(iv), Utah's analog to 40 CFR 270.33(b)(3)(iv), the State has a printing error in its regulations. The State will fix this error in its next rule making. For the codification, the authorized version of the provision will also be included in the Addendum to the EPA-Approved Utah Regulatory Requirements Applicable to the Hazardous Waste Management Program, March 1999.

(6) *Memorandum of Agreement.* The Memorandum of Agreement between EPA Region VIII and the Utah Department of Environmental Quality, signed by the EPA Regional Administrator on October 4, 1994, is referenced as part of the authorized hazardous waste management program under subtitle C of RCRA, 42 U.S.C. 6921 *et seq.*

(7) *Statement of legal authority.* "Attorney General's Statement for Final Authorization", signed by the Attorney General of Utah on January 16, 1984, and revisions, supplements and addenda to that Statement dated October 29, 1986, March 6, 1991, September 17, 1991, September 223, 1992, November 19, 1993, March 16, 1994, March 20, 1995, November 13, 1997, and March 2, 1999, are referenced as part of the authorized hazardous waste management program under subtitle C of RCRA, 42 U.S.C. 6921 *et seq.*

(8) *Program description.* The Program description and any other materials submitted as part of the original application or as supplements thereto are referenced as part of the authorized hazardous waste management program

**§§ 272.2252–272.2299**

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

[66 FR 58971, Nov. 26, 2002]

**§§ 272.2252–272.2299 [Reserved]**

**Subpart UU—Vermont**

**§§ 272.2300–272.2349 [Reserved]**

**Subpart VV—Virginia**

**§§ 272.2350–272.2399 [Reserved]**

**Subpart WW—Washington**

**§§ 272.2400–272.2449 [Reserved]**

**Subpart XX—West Virginia**

**§§ 272.2450–272.2499 [Reserved]**

**Subpart YY—Wisconsin**

**§ 272.2500 [Reserved]**

**§ 272.2501 Wisconsin State-administered program: Final authorization.**

(a) Pursuant to section 3006(b) of RCRA, 42 U.S.C. 6926(b), Wisconsin has final authorization for the following elements as submitted to EPA in Wisconsin's base program application for final authorization which was approved by EPA effective on January 31, 1986. Subsequent program revision applications were approved effective on June 6, 1989, January 22, 1990, April 24, 1992, August 2, 1993, October 4, 1994, October 4, 1999, June 26, 2002, April 15, 2009, and April 17, 2009.

(b) The State of Wisconsin 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, and 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 Wisconsin regulations referenced in paragraph (c)(1)(i) of this section are incorporated by reference as part of the hazardous waste manage-

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ment program under subtitle C of RCRA, 42 U.S.C. 6921 *et seq.* (See § 272.2). 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 Wisconsin regulations (Wisconsin Administrative Code) that are incorporated by reference in this paragraph from: Reference Bureau, One East Main Street, Suite 200, Madison, Wisconsin 53701–2037. You may inspect a copy at EPA Region 5, from 8 a.m. to 4 p.m., 77 West Jackson Boulevard, Chicago, Illinois, 60604, or at the National Archives and Records Administration (NARA). For more 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 Wisconsin Department of Natural Resources Regulatory and Statutory Requirements Applicable to the Hazardous Waste Program,” May 2009. Only those provisions that have been authorized by EPA are incorporated by reference. These regulatory provisions are listed in Appendix A to Part 272.

(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: Wisconsin Statutes, Sections 13.93(2m)(b)7, 19.21, 19.31, 19.32(2) and (5), 19.35(3) and (4), 19.36, 19.37(1) and (2), 23.32(1), 101.055, 141.05(47), 227.14, 227.51, 283.01(7) and (12), 283.11, 283.21(2), 283.31, 283.33, 287.07(1m)(a) and (am), 287.15, 287.18, 287.189, 289.22(1m) and (2), 289.25–289.28, 289.30(3), 289.33(6), 289.34, 289.41(1)(a),(b), (c) and (m), (3)(a)(5), (4) and (5)(d), (6) and (7), 289.61–289.68, 289.91–289.97, 291.01(7), (17), and (21), 291.05 (1)–(7), 291.11, 291.15, 291.21, 291.23, 291.25, 291.25(4), 291.37, 291.85–291.97, 291.97(1), 292, 292.11, 295.01(2)(c), 299.45(1)(a), 803.09 and 985.05. Copies of the Wisconsin Statutes are available from: Legislative Reference Bureau, One East Main Street, Suite 200, Madison, Wisconsin 53701–2037.

(3) The following statutory and regulatory provisions are broader in scope than the Federal program, are not part

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of the authorized program, and are not incorporated by reference:

(i) The Wisconsin Administrative Code, 2006/2007 Edition, Sections NR 665.0071(1)(b)6, 666.900–666.905, 666.909, 666.910, 670.007, and 670.427, chapter NR 670 Appendix II: Hazardous Waste Fee Table, and section NR 673.08.

(ii) [Reserved]

(4) Memorandum of Agreement. The Memorandum of Agreement between EPA Region 5 and the State of Wisconsin (WDNR), signed by the EPA Regional Administrator on October 23, 2008, is referenced as part of the authorized hazardous waste management program under subtitle C of RCRA, 42 U.S.C. 6921 *et seq.*

(5) Statement of Legal Authority. “Attorney General’s Statement for Final Authorization,” signed by the Attorney General of Wisconsin on July 23, 1985, and revisions, supplements and addenda to that Statement dated December 27, 1985, June 30, 1987, July 22, 1987, March 29, 1988, December 10, 1991, February 25, 1994, April 27, 1999, September 18, 2000, and October 31, 2007 are referenced as part of the authorized hazardous waste management program under subtitle C of RCRA, 42 U.S.C. 6921 *et seq.*

(6) 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.*

[76 FR 26619, May 9, 2011]

§§ 272.2502–272.2549 [Reserved]

### Subpart ZZ—Wyoming

§ 272.2550 [Reserved]

#### § 272.2551 Wyoming State-administered program: Final authorization.

(a) Pursuant to section 3006(b) of RCRA, 42 U.S.C. 6926(b), Wyoming has final authorization for the following elements as submitted to the EPA in Wyoming’s base program application for final authorization which was approved by the EPA effective on October 18, 1995. Subsequent program revision applications were approved effective on August 6, 2001 and August 23, 2016.

(b) The State of Wyoming has primary responsibility for enforcing its hazardous waste management program. However, the 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 Wyoming 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. You may obtain copies of the Wyoming regulations that are incorporated by reference in this paragraph from Wyoming Secretary of State’s Office, The Capitol Building, Room B–10, 200 West 24th Street, Cheyenne, Wyoming 82002–0020, (Phone: 307–777–5407). You may inspect a copy at the EPA Region 8, 1595 Wynkoop Street, Denver, Colorado, phone number (303) 312–6231, 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 Wyoming Regulatory Requirements Applicable to the Hazardous Waste Management Program”, dated March, 2016.

(ii) [Reserved]

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

(i) Wyoming Statutes Annotated (W.S.), as amended, 2015 Edition, Title 16, City, County, State, and Local Powers: Chapter 1, Intergovernmental Cooperation, section 16–1–101; Chapter 3, Administrative Procedure, sections 16–3–101(b)(vi), 16–3–103(h), 16–3–107(k); Chapter 4, Uniform Municipal Fiscal

Procedures, Public Records, Documents and Meetings, sections 16–4–201, 16–4–203(d)(i), 16–4–203(d)(v).

(ii) W.S., as amended, 2015 Edition, Title 35, Public Health and Safety: Chapter 11, Environmental Quality, Article 1, General Provisions, sections 35–11–102, 35–11–103(a), 35–11–103(d)(i), 35–11–103(d)(ii), 35–103(d)(vii), 35–11–104 through 35–11–106, 35–11–108 through 35–11–115; Article 5, Solid Waste Management, sections 35–11–501 through 35–11–503 (except 35–11–503(b) and (c)), 35–11–504 through 35–11–506, 35–11–508, 35–11–509, 35–11–514, 35–11–516, 35–11–518 through 35–11–520; Article 9, Penalties, sections 35–11–901(a), (j), and (k); Article 11, Miscellaneous Provisions, sections 35–11–1101, 35–11–1105(d), 35–11–1106(a)(iv); Article 16, Voluntary Remediation of Contaminated Sites, section 35–11–1607(e).

(iii) Wyoming Rules of Civil Procedure, as amended, Rule 24.

(iv) Wyoming Hazardous Waste Management Rules, Chapter 1, General Provisions: Sections 1(a) through (d); 2(c) and (d); 124 (except 124(a)(v)); 260(b)(ii); and 270(o) through 270(q).

(v) Wyoming Department of Environmental Quality, Rules of Practice and Procedure, as amended February 14, 1994, Chapter III.

(3) The following statutory 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) W.S., as amended, 2015 Edition, Title 35, Public Health and Safety: Chapter 11, Environmental Quality, Article 5, Solid Waste Management, section 35–11–517; Chapter 12, Industrial Development and Siting, sections 35–12–101, *et seq.*

(ii) Wyoming Hazardous Waste Management Rules, Chapter 1, General Provisions: Sections 264(e)(i) [with respect to the Wyoming Voluntary Remediation Program only]; 264(e)(ii); and 270(n).

(iii) [Reserved]

(4) *Unauthorized state amendments.* (i) Wyoming has adopted but is not authorized for the following Federal final rules:

(A) Imports and Exports of Hazardous Waste: Implementation of OECD Coun-

cil Division [61 FR 16290, 04/12/96] (HSWA—Not delegable to States);

(B) Hazardous Waste Combustors; Revised Standards [63 FR 33782, 6/19/98] (Non-HSWA—Vacated by the U.S. Court of Appeals for the District of Columbia Circuit (D.C. Cir. No. 98–1379 and 08–1144; June 27, 2014);

(C) Exclusion of Oil-Bearing Secondary Materials Processed in a Gasification System to Produce Synthesis Gas [73 FR 52, 1/2/08] (Non-HSWA—Vacated by the U.S. Court of Appeals for the District of Columbia Circuit (D.C. Cir. No. 98–1379 and 08–1144; June 27, 2014);

(D) OECD Requirements; Export Shipments of Spent Lead Acid Batteries [75 FR 1236, 1/8/10] (Non-HSWA—Not delegable to States);

(E) Withdrawal of the Emission Comparable Fuel Exclusion [75 FR 33712, 6/15/10] (Non-HSWA—Vacated by the U.S. Court of Appeals for the District of Columbia Circuit (D.C. Cir. No. 98–1379 and 08–1144; June 27, 2014); and

(F) Revisions to the Definition of Solid Waste [73 FR 64668, 10/30/08].

(ii) Those Federal rules written under RCRA provisions that predate HSWA (non-HSWA) which the State has adopted, but for which it is not authorized, are not federally enforceable. In contrast, the EPA will continue to enforce the Federal HSWA standards for which Wyoming is not authorized until the State receives specific authorization from EPA.

(5) *Memorandum of Agreement.* The Memorandum of Agreement between the EPA, Region 8 and the State of Wyoming, signed by the State of Wyoming Department of Environmental Quality on July 19, 2012, and by the EPA Regional Administrator on July 27, 2012, 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 Wyoming on July 14, 1995, and revisions, supplements and addenda to that Statement dated December 9, 1997 and May 11, 2015, although

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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.*

[81 FR 41234, June 24, 2016]

### Subpart AAA—Guam

§§ 272.2600–272.2649 [Reserved]

### Subpart BBB—Puerto Rico

§§ 272.2650–272.2699 [Reserved]

### Subpart CCC—Virgin Islands

§§ 272.2700–272.2749 [Reserved]

### Subpart DDD—American Samoa

§§ 272.2750–272.2799 [Reserved]

### Subpart EEE—Commonwealth of the Northern Mariana Islands

§§ 272.2800–272.2849 [Reserved]

## APPENDIX A TO PART 272—STATE REQUIREMENTS

The following is an informational listing of the State and local requirements incorporated in part 272 of the Code of Federal Regulations:

### ARIZONA

The statutory provisions include:

*Arizona Laws Relating to Environmental Quality*, 1993 edition, reprinted from *Arizona Revised Statutes*, Title 49, Sections 49-921 and 49-922. Copies of the Arizona statutes can be obtained from the State Bar of Arizona, 111 West Munroe, Suite 1800, Phoenix, Arizona 85003-1742.

The regulatory provisions include:

*Arizona Administrative Code*, Title 18, Chapter 8, December 31, 1994, Sections R18-8-260.A through R18-8-260.C, R18-8-260.E through R18-8-260.H; R18-8-261.A through R18-8-261.I; R18-8-261.K; R18-8-262; R18-8-263; R18-8-264;

R18-8-265; R18-8-266; R18-8-268; R18-8-270.A through R18-8-270.F; R18-8-270.H through R18-8-270.Q; and R18-8-271.A through R18-8-271.E. Copies of the Arizona regulations can be obtained from the Arizona Secretary of State, Publications, Notary, Charitable Solicitation & Telemarketing Division, 1700 West Washington, 7th Floor, Phoenix, Arizona 85007-2808.

### ARKANSAS

The statutory provisions include:

Arkansas Hazardous Waste Management Act of 1979, as amended, Arkansas Code of 1987 Annotated (A.C.A.), 2011 Replacement, as amended by the 2015 Supplement, Title 8, Environmental Law, Chapter 7, Subchapter 2: Sections 8-7-202, 8-7-203, 8-7-215, 8-7-216, 8-7-219, 8-7-221, 8-7-223 and 8-7-225(a).

Arkansas Code of 1987 Annotated (A.C.A.), 2011 Replacement, as amended by the 2015 Supplement, Title 8, Environmental Law, Chapter 10, Subchapter 3: Section 8-10-301(d).

Copies of the Arkansas statutes that are incorporated by reference are available from LexisNexis, 9443 Springboro Pike, Miamisburg, Ohio 45342; Phone: (800) 833-9844; Web site: <http://www.lexisnexis.com/store/us>.

The regulatory provisions include:

Arkansas Pollution Control and Ecology (APC&E) Commission Regulation No. 23, Hazardous Waste Management, as amended September 25, 2015 effective October 18, 2015. Please note that the 2015 APC&E Commission Regulation No. 23, is the most recent version of the Arkansas authorized hazardous waste regulations. For a few provisions, the authorized versions are found in the APC&E Commission Regulation 23, effective January 21, 1996, March 23, 2006, June 13, 2010, or August 12, 2012. Arkansas made subsequent changes to these provisions but these changes have not been authorized by EPA. The provisions from the January 21, 1996, March 23, 2006, June 13, 2010, or August 12, 2012 regulations are noted below.

Chapter Two, Sections 3(b) introductory paragraph; 3(b)(2); 3(b)(4); Section 260—Hazardous Waste Management System—General—260.1; 260.3; 260.10 (except the definitions of “consolidation”, “gasification”, and the phrase “a written permit issued by the Arkansas Highway and Transportation Department authorizing a person to transport hazardous waste (Hazardous Waste Transportation Permit), or” in the definition for “permit”; 260.11; 260.20 (except 260.20(c) through (f); 260.21; 260.23; 260.30 through 260.33; 260.40; and 260.41.

Section 261—Identification and Listing of Hazardous Waste—261.1; 261.2; 261.3; 261.4(a) (except the phrase “gasification (as defined in §260.10 of this Regulation),” in 261.4(a)(12)(i); 261.4(b) through (h); 261.5; 261.6 (except (a)(5)); 261.7 through 261.11; 261.20 through 261.24; 261.30 through 261.33; 261.35;



261.39 through 261.41; and Appendices I, VII, and VIII.

Section 262—Standards Applicable to Generators of Hazardous Waste—262.10 (except 262.10(d)); 262.11; 262.12; 262.13 (except 262.13(c)); 262.20; 262.22 through 262.25; 262.26 (except 262.26(d)); 262.27; 262.30; 262.31 through 262.35; 262.40; 262.41 (except 262.41(e) and (f)); 262.41(e) (except references to PCBs) (January 21, 1996); 262.42; 262.43; 262.50 through 262.58; 262.60 (except 262.60(e)); 262.70; 262.200 through 262.216; and Appendix I.

Section 263—Standards Applicable to Transporters of Hazardous Waste—263.10 (except 263.10(d) and (e)); 263.11; 263.12; 263.20 (except 263.20(g)(4)); 263.21; 263.22; 263.25; 263.30; and 263.31.

Section 264—Standards for Owners and Operators of Hazardous Waste Treatment, Storage, and Disposal Facilities—264.1; 264.3; 264.4; 264.10; 264.11; 264.12 (except 264.12(a)(2)); 264.13 through 264.19; 264.20(a) through (c); 264.30 through 264.35; 264.37; 264.50 through 264.56; 264.70; 264.71 (except 264.71(a)(3), (d), and (e)); 264.72 through 264.74; 264.75; 264.76(a); 264.77; 264.90 through 264.101; 264.110 through 264.120; 264.140; 264.141 (except the definition of “captive insurance” at 264.141(f)); 264.142; 264.143 (except the last sentence of 264.143(e)(1)); 264.144; 264.145 (except the last sentence of 264.145(e)(1)); 264.146; 264.147 (except the last sentences of 264.147(a)(1)(i) and 264.147(b)(1)(ii)); 264.148; 264.151; 264.170 through 264.179; 264.190 through 264.200; 264.220 through 264.223; 264.226 through 264.232; 264.250 through 264.254; 264.256 through 264.259; 264.270 through 264.273; 264.276; 264.278 through 264.283; 264.300 through 264.304; 264.309; 264.310; 264.312(a); 264.313; 264.314; 264.314(a)(4) (June 13, 2010); 264.315 through 264.317; 264.340 through 264.345; 264.347; 264.351; 264.550 through 264.555; 264.570 through 264.575; 264.600 through 264.603; 264.1030 through 264.1036; 264.1050 through 264.1065; 264.1080 through 264.1090; 264.1100 through 264.1102; 264.1200 through 264.1202; and Appendices I, IV, V, and IX.

Section 265—Interim Status Standards for Owners and Operators of Hazardous Waste Treatment, Storage, and Disposal Facilities—265.1; 265.4; 265.10; 265.11; 265.12 (except 265.12(a)(2)); 265.13 through 265.19; 265.30 through 265.35; 265.37; 265.50 through 265.56; 265.70; 265.71 (except 265.71(a)(3), (d), and (e)); 265.72 through 265.75; 265.76(a); 265.77; 265.90 through 265.94; 265.110 through 265.121; 265.140; 265.141 (except the definition of “captive insurance” at 265.141(f)); 265.142; 265.143 (except the last sentence of 265.143(d)(1)); 265.144; 265.145; 265.146; 265.147 (except the last sentences of 265.147(a)(1) and 265.147(b)(1)); 265.148; 265.170 through 265.174; 265.176 through 265.178; 265.190 through 265.202; 265.220 through 265.226; 265.228 through 265.231; 265.250 through 265.260; 265.270; 265.272; 265.273; 265.276; 265.278 through 265.282; 265.300

through 265.304; 265.309; 265.310; 265.312(a); 265.313; 265.314; 265.314(a)(4) (March 23, 2006); 265.315; 265.316; 265.340; 265.341; 265.345; 265.347; 265.351; 265.352; 265.370; 265.373; 265.375; 265.377; 265.381 through 265.383; 265.400 through 265.406; 265.430; 265.440 through 265.445; 265.1030 through 265.1035; 265.1050 through 265.1064; 265.1080 through 265.1090; 265.1100 through 265.1102; 265.1200 through 265.1202; Appendix I; and Appendices III through VI.

Section 266—Standards for the Management of Specific Hazardous Wastes and Specific Types of Hazardous Waste Management Facilities—266.20 through 266.23; 266.70(a); 266.70(b) introductory paragraph through (b)(2) (August 12, 2012); 266.70(c) and (d); 266.80 (except items 6 and 7 to the 266.80(a) table); 266.100 through 266.112; 266.200 through 266.206; 266.210; 266.220; 266.225; 266.230; 266.235; 266.240; 266.245; 266.250; 266.255; 266.260; 266.305; 266.310; 266.315; 266.320; 266.325; 266.330; 266.335; 266.340; 266.345; 266.350; 266.355; 266.360; and Appendices I through XIII.

Section 267—Standards for Owners and Operators of Hazardous Waste Facilities Operating Under a Standardized Permit—267.1 through 267.3; 267.10 through 267.18; 267.30 through 267.36; 267.50 through 267.58; 267.70 through 267.76; 267.90; 267.101; 267.110 through 267.113; 267.115 through 267.117; 267.140 through 267.143; 267.147 through 267.151; 267.170 through 267.177; 267.190 through 267.204; and 267.1100 through 267.1108.

Section 268—Land Disposal Restrictions—268.1; 268.2 through 268.4, 268.7; 268.9; 268.13; 268.14; 268.20, 268.30 through 268.39; 268.40 (except 268.40(e)(1)—(4) and 268.40(i)); 268.41; 268.42 (except 268.42(b)); 268.43; 268.45; 268.46; 268.48 through 268.50; and Appendices III, IV, VI through IX and XI.

Section 270—Administered Permit Programs: The Hazardous Waste Permit Program—270.1 through 270.6; 270.7 (except 270.7(h) and (j)); 270.10 (except 270.10(e)(8)); 270.11 through 270.33; 270.40; 270.41; 270.42; 270.42 Appendix I; 270.43; 270.50; 270.51; 270.60 through 270.68; 270.70 through 270.73; 270.79; 270.80; 270.85; 270.90; 270.95; 270.100; 270.105; 270.110; 270.115; 270.120; 270.125; 270.130; 270.135; 270.140; 270.145; 270.150; 270.155; 270.160; 270.165; 270.170; 270.175; 270.180; 270.185; 270.190; 270.195; 270.200; 270.205; 270.210; 270.215; 270.220; 270.225; 270.230; 270.235; 270.250; 270.255; 270.260; 270.270; 270.275; 270.280; 270.290; 270.300; 270.305; 270.310; 270.315; and 270.320.

Section 273—Standards for Universal Waste Management—273.1 through 273.4; 273.5 (except 273.5(b)(3)); 273.6; 273.8 through 273.20; 273.30 through 273.40; 273.50 through 273.56; 273.60; 273.61; 273.62; 273.70 (except 273.70(d)); 273.80; and 273.81.

Section 279—Standards for the Management of Used Oil—279.1; 279.10; 279.11; 279.12; 279.20 through 279.24; 279.30 through 279.32; 279.40 through 279.47; 279.50 through 279.67; 279.70 through 279.75; 279.80; 279.81; and 279.82(a).

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Copies of the Arkansas regulations that are incorporated by reference are available from the Arkansas Department of Environmental Quality Web site at <http://www.adeg.state.ar.us/regs/default.htm> or the Public Outreach Office, ADEQ, 5301 Northshore Drive, North Little Rock, Arkansas 72118-5317, Phone: (501) 682-0923.

### FLORIDA

The statutory provisions include:

Florida Statutes, 1991, Chapter 1: 1.01 (1) and (2).

Florida Statutes, 1993, Chapter 403: 403.031 introductory paragraph; 403.031 (2)-(7); 403.087(1) first sentence, and (6); 403.201(4) (except the phrase "may require by rule a processing fee for and"); 403.703 introductory paragraph; 403.703 (2)-(6), (8)-(28), (30)-(34), (36), and (40), (42)-(44); 403.7045(1) introductory paragraph, (1) (a), (b) and (d); 403.7045(2) introductory paragraph; 403.7045(2) (a)-(c); 403.7045(3) introductory paragraph; 403.7045(3) (a)-(c); 403.72(2); 403.721(1); 403.722 (1)-(6); 403.7221; 403.724(1) (except the phrase "or corrective action"); 403.724(2); 403.728; 403.74 (1), (3)-(5); 403.751(1) (except (d) & (e)); and (2).

Florida Statutes, 1994 Supplement to 1993, Chapter 403: 403.031(1); 403.703(1); 403.7222 (1) and (2); 403.74(2).

Florida Statutes, 1993, Chapter 404: 404.031(13).

Copies of the Florida Statutes that are incorporated by reference are available from the Florida Department of State, Division of Elections, Bureau of Administrative Code, Weekly and Laws, The Elliot Building, 401 South Monroe Street, Tallahassee, Florida 32399-0250.

The regulatory provisions include:

The Florida Administrative Code, Chapter 62-4, effective July 4, 1995: 62-4.070(2); 62-4.080; and 62-4.100.

The Florida Administrative Code, Chapter 62-730, effective September 7, 1995: 62-730.001; 62-730.020 (1), (3), and (4); 62-730.021; 62-730.030; 62-730.140; 62-730.150; 62-730.160; 62-730.161; 62-730.170(1); 62-730.171; 62-730.180 (1)-(5), (7), and (8); 62-730.181; 62-730.183; 62-730.185; 62-730.200 (except (3)); 62-730.210; 62-730.220 (1), (2), (3), (5)-(8), (10), and (11); 62-730.231 (except (10)); 62-730.240 (1) and (2); 62-730.250; 62-730.260; 62-730.270(1) (except (1)(b)(4) and (1)(c)(3)), (2), and (3); 62-730.280; 62-730.290 (except the phrase "and submittal of the appropriate permit modification fee" at subparagraph (3)); 62-730.300; 62-730.320; 62-730.330; and 62-730.900.

Copies of the Florida Administrative Code are available from the Florida Department of State, Division of Elections, Bureau of Administrative Code, Weekly and Laws, The Elliot Building, 401 South Monroe Street, Tallahassee, Florida 32399-0250.

### IDAHO

(a) The statutory provisions include:

Idaho Code containing the General Laws of Idaho Annotated, Title 39, Chapter 44, "Hazardous Waste Management", published in 2002 by the Michie Company, Law Publishers: sections 39-4403 except for 39-4403(6), 39-4403(14), and the second and third sentences of 39-4403(17); 39-4408(1); 39-4408(2); 39-4408(3); 39-4409(1) except the fourth and fifth sentences; 39-4409(2) only first sentence; 39-4409(4) except the first sentence; 39-4409(5); 39-4409(6); 39-4409(8); 39-4411(2); 39-4411(4); 39-4411(5); 39-4423(1); and 39-4424.

Idaho Code containing the General Laws of Idaho Annotated, Title 39, Chapter 58, "Hazardous Waste Facility Siting Act", published in 2002 by the Michie Company, Law Publishers: sections 39-5803; 39-5808; 39-5813(1); and 39-5818(2).

Copies of the Idaho statutes that are incorporated by reference are available from Michie Company, Law Publishers, 1 Town Hall Square, Charlottesville, VA 22906-7587.

(b) The regulatory provisions include:

Idaho Department of Environmental Quality Rules and Regulations, Idaho Administrative Code, IDAPA 58, Title 1, Chapter 5, "Rules and Standards for Hazardous Waste", published in April 2011: sections 58.01.05.001; 58.01.05.002; 58.01.05.003; 58.01.05.004; 58.01.05.005; 58.01.05.006; 58.01.05.007; 58.01.05.008; 58.01.05.009; 58.01.05.010; 58.01.05.011 with the exception of the fourth sentence; 58.01.05.012; 58.01.05.013; 58.01.05.015; 58.01.05.016; 58.01.05.017; 58.01.05.018; 58.01.05.356.01; and 58.01.05.998.

### INDIANA

The statutory provisions include:

Annotated Indiana Code, 1998 edition, Title 13, Sections 13-14-1, 13-14-7, 13-14-8, 13-19-3, 13-22-2, and 13-22-4.

Copies of the Indiana statutes that are incorporated by reference are available from West Publishing Company, 610 Opperman Drive, P.O. Box 64526, St. Paul, Minnesota 55164-0526.

The regulatory provisions include:

Indiana Administrative Code, 1996 edition, 2000 cumulative supplement, Title 329, Article 3.1, Sections 3.1-1-7, 3.1-4-1, 3.1-5-1, 3.1-5-2, 3.1-5-3, 3.1-5-4, 3.1-5-5, 3.1-5-6, 3.1-6-1, 3.1-6-2, 3.1-7-1, 3.1-7-2, 3.1-7-3, 3.1-7-4, 3.1-7-5, 3.1-7-6, 3.1-7-7, 3.1-7-8, 3.1-7-9, 3.1-7-10, 3.1-7-11, 3.1-7-12, 3.1-7-13, 3.1-7-14, 3.1-7-15, 3.1-7-16, 3.1-8-1, 3.1-9-1, 3.1-9-2, 3.1-9-3, 3.1-10-1, 3.1-10-2(1 through 3), 3.1-10-2(5 through 22), 3.1-11-1, 3.1-11-2, 3.1-12-1, 3.1-13-1, 3.1-13-2(1 through 3), 3.1-13-2(5 through 15), 3.1-13-3, 3.1-13-4, 3.1-13-5, 3.1-13-6, 3.1-13-7, 3.1-13-8, 3.1-13-9, 3.1-13-10, 3.1-13-11, 3.1-13-12, 3.1-13-13, 3.1-13-14, 3.1-13-15, 3.1-13-16, 3.1-13-17, 3.1-14-1, 3.1-14-2, 3.1-14-3, 3.1-14-4, 3.1-14-5, 3.1-14-6, 3.1-14-7, 3.1-14-8, 3.1-14-9, 3.1-14-10, 3.1-14-11, 3.1-14-12, 3.1-14-13, 3.1-14-14, 3.1-14-15, 3.1-14-16, 3.1-

14–17, 3.1–14–18, 3.1–14–19, 3.1–14–20, 3.1–14–21, 3.1–14–22, 3.1–14–23, 3.1–14–24, 3.1–14–25, 3.1–14–26, 3.1–14–27, 3.1–14–28, 3.1–14–29, 3.1–14–30, 3.1–14–31, 3.1–14–32, 3.1–14–33, 3.1–14–34, 3.1–14–35, 3.1–14–36, 3.1–14–37, 3.1–14–38, 3.1–14–39, 3.1–14–40, 3.1–15–1, 3.1–15–2, 3.1–15–3, 3.1–15–4, 3.1–15–5, 3.1–15–6, 3.1–15–7, 3.1–15–8, 3.1–15–9, 3.1–15–10, 3.1–16–1, 13–1–1, 13–1–2, 13–2–1, 13–2–2, 13–2–3, 13–2–4, 13–2–5, 13–2–6, 13–2–7, 13–2–8, 13–2–9, 13–2–10, 13–2–11, 13–2–12, 13–2–13, 13–2–14, 13–2–15, 13–2–16, 13–2–17, 13–2–18, 13–2–19, 13–2–20, 13–2–21, 13–2–22, 13–2–23, 13–2–24, 13–2–25, 13–2–26, 13–2–27, 13–3–1, 13–3–2, 13–3–3, 13–4–1, 13–4–2, 13–4–3, 13–4–4, 13–4–5, 13–5–1, 13–5–2, 13–5–3, 13–6–1, 13–6–2, 13–6–3, 13–6–4, 13–6–5, 13–6–6, 13–6–7, 13–6–8, 13–7–1, 13–7–2, 13–7–3, 13–7–4, 13–7–5, 13–7–6, 13–7–7, 13–7–8, 13–7–9, 13–7–10, 13–8–1, 13–8–2, 13–8–3, 13–8–4, 13–8–5, 13–8–6, 13–8–7, 13–8–8, 13–9–1, 13–9–2, 13–9–3, 13–9–4, 13–9–5, 13–9–6, 13–10–1, 13–10–2, 13–10–3.

Copies of the Indiana regulations that are incorporated by reference are available from Indiana Legislative Services Agency, Administrative Code and Register Division, Legislative Information Center, 302 State House, Indianapolis, Indiana 46204.

#### LOUISIANA

The statutory provisions include:

Louisiana Statutes Annotated, Revised Statutes, 2000 Main Volume (effective August 15, 1999), Volume 17B, Subtitle II of Title 30, Louisiana Environmental Quality Act, 2000: Chapter 2, Section 2022.1(A); Chapter 8, Section 2153(1); Chapter 9, Sections 2173 (except 2173(9)), 2183.1.A, 2184.A, 2188.B, 2189.C, 2202, 2203.A, 2204.A(1) and C; Chapter 13, Sections 2295.A and B.

Louisiana Statutes Annotated, Revised Statutes, 2014 (effective August 1, 2013) Cumulative Annual Pocket Part, Volume 17B, Subtitle II of Title 30, Louisiana Environmental Quality Act: Chapter 1, Sections 2003, 2004 introductory paragraph, 2004(2)–(4), 2004(7)–(10), 2004(13), 2004(14) (except 2004(14)(b)–(d)), 2004(15), 2004(18); Chapter 2, Section 2022.A(1), first sentence; Chapter 9, Sections 2183.A, B, D, E, and I; Chapter 18, Section 2417.E(5).

Copies of the Louisiana statutes that are incorporated by reference are available from West Publishing Company, 610 Opperman Drive, Eagan, Minnesota 55123; Phone: 1–800–328–4880; Web site: <http://west.thomson.com>.

The regulatory provisions include:

Louisiana Administrative Code, Title 33, Part V, Hazardous Waste and Hazardous Materials, Louisiana Hazardous Waste Regulations, Part V, Subpart 1: Department of Environmental Quality—Hazardous Waste, dated September 2014. Please note that for some provisions, the authorized version is found in the LAC, Title 33, Part V, dated September 2011, December 31, 2009 or June 1995.

Chapter 1—General Provisions And Definitions, Sections 103; 105 (except the phrase “,

gasification (as defined in LAC 33:V.109)” in 105.D.1.1.i, 105.D.1.q, and 105.P); 108 (except 108.G.5); 109 (except “Batch tank”, “Competent Authorities”, “Concerned Countries”, “Continuous flow tank”, “Country of Export”, “Country of Import”, “Country of Transit”, “EPA Acknowledgement of Consent”, “Exporter”, “Exporting Country”, “Gasification”, “Importer”, “Importing Country”, “OECD”, “Organization for Economic Cooperation and Development (OECD) Area”, “Primary Exporter”, “Receiving Country”, “Recognized Trader”, “Recovery Facility”, “Recovery Operations”, “Transboundary Movement”, “Transit Country”); 110 (except 110.G.1 and reserved provisions); 111;

Chapter 3—General Conditions for Treatment, Storage, and Disposal Facility Permits, Sections 303; 305 (except 305.F and .G); 307; 309; 311 (except 311.A and .C); 313; 315.A–.D; 317; 319; 321.A (except the phrase “and in accordance with LAC 33.I.Chapter 15”); 321.B and .C; 322 (except 322.D.1.g); 323 (except 323.B.3, .B.4.d and .e); 325; 329;

Chapter 5—Permit Application Contents, Sections 501; 505 through 516; 517 (except the following phrases in 517.V: “or 2271, or a determination made under LAC 33:V.2273,” and, “or a determination”); 519 through 528; 529 (except 529.E); 530 through 536; 537 (except 537.B.2.f and .B.2.i); 540 through 699;

Chapter 7—Administrative Procedures for Treatment, Storage, and Disposal Facility Permits, Sections 701; 706; 708;

Chapter 11—Generators, Sections 1101 (except 1101.B and .G); 1103; 1105; 1107 (except reserved provision); 1109 (except 1109.E.1 introductory paragraph, .E.1.a.ii, .E.1.a.iv, .E.1.b, .E.1.c, .E.7.f, and reserved provision); 1109.E.1 introductory paragraph (September 2011); 1109.E.1.a.ii (December 31, 2009); 1109.E.1.a.iv, .E.1.b, and .E.1.c (September 2011); 1111.A; 1111.B.1 introductory paragraph (except the phrase “to a treatment, storage, or disposal facility within the United States”); 1111.B.1.a.–.c; 1111.B.1.d (except the phrase “within the United States”); 1111.B.1.e (except the phrase “within the United States”); 1111.B.1.f.–.h; 1111.B.2 (except the phrase “for a period of at least three years from the date of the report” and the third and fourth sentences); 1111.C–.E; 1113; 1121; 1199 Appendix A;

Chapter 13—Transporters, Sections 1301 (except 1301.F); 1303; 1305; 1307.A introductory paragraph (except the third sentence); 1307.B; 1307.C (except the last sentence); 1307.D; 1307.E (except the phrase “and, for exports, an EPA Acknowledgment of Consent” at .E.2); 1307.F (except the phrase “and, for exports, an EPA Acknowledgment of Consent” at 1307.F.2); 1307.G (except 1307.G.4); 1307.H; 1309; 1311; 1315 through 1323;

Chapter 15—Treatment, Storage, and Disposal Facilities, Sections 1501 (except reserved provision); 1503 through 1529; 1531 (except 1531.B); 1533; 1535;

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Chapter 17—Air Emission Standards, Sections 1701 through 1799; Appendix Table 1;

Chapter 18—Containment Buildings, Sections 1801; 1802; 1803 (except 1803.B.2);

Chapter 19—Tanks, Sections 1901 (December 31, 2009); 1903; 1905; 1907.A–D; 1907.E (December 31, 2009); 1907.F–I; 1909.A–C; 1911 through 1921;

Chapter 20—Integration With Maximum Achievable Control Technology (MACT), Section 2001;

Chapter 21—Containers, Sections 2101 through 2119;

Chapter 22—Prohibitions On Land Disposal, Sections 2201.B–D; 2201.G (except 2201.G.3); 2201.H; 2201.I; 2203.A (except “Cone of Influence”, “Confining Zone”, “Formation”, “Injection Interval”, “Injection Zone”, “Mechanical Integrity”, “Transmissive Fault or Fracture”, “Treatment”, “Underground Source of Drinking Water”); 2203.B; 2205 (except the phrase “or a determination made under LAC 33:V.2273,” in 2205.D); 2207; 2208; 2209 (except the phrase “or a determination made under LAC 33:V.2273,” in 2209.D.1); 2211; 2213; 2215; 2216 (except the phrase “or 2271” in 2216.E.2); 2218 (except the phrase “or 2271” in 2218.B.2); 2219; 2221.D–F; 2223; 2227 (except 2227.B), 2230, 2231.G–M, 2233, 2236, 2237, 2245.A–I.; 2246; 2247 (except 2247.G and .H); 2299 Appendix (except Tables 4 and 12);

Chapter 23—Waste Piles, Sections 2301 through 2313; 2315 (except the word “either” at the end of 2315.B introductory paragraph; the word “or” at the end of 2315.B.1; and 2315.B.2); 2317;

Chapter 24—Hazardous Waste Munitions And Explosives Storage, Sections 2401 through 2405;

Chapter 25—Landfills, Sections 2501 through 2523;

Chapter 26—Corrective Action Management Units And Temporary Units, Sections 2601 through 2607;

Chapter 27—Land Treatment, Sections 2701 through 2723;

Chapter 28—Drip Pads, Sections 2801 through 2807; 2809 (except the word “either” at the end of 2809.B introductory paragraph; the word “or” at the end of 2809.B.1; and 2809.B.2);

Chapter 29—Surface Impoundments, Sections 2901 through 2909; 2911 (except the word “either” at end of 2911.B introductory paragraph and 2911.B.1); 2913 through 2919;

Chapter 30—Hazardous Waste Burned In Boilers And Industrial Furnaces, Sections 3001 through 3007; 3009 (except reserved provision); 3011 through 3025; 3099 Appendices A through L;

Chapter 31—Incinerators, Sections 3101 through 3121;

Chapter 32—Miscellaneous Units, Sections 3201; 3203; 3205; 3207 (except 3207.C.2);

Chapter 33—Groundwater Protection, Sections 3301 through 3321; 3322 (except 3322.D); 3323; 3325;

Chapter 35—Closure and Post-Closure, Sections 3501 through 3505; 3507 (except 3507.B); 3509 through 3519; 3521 (except 3521.A.3); 3523 through 3527;

Chapter 37—Financial Requirements, Sections 3701 through 3719;

Chapter 38—Universal Wastes, Sections 3801 through 3811; 3813 (except “Mercury-containing Lamp”); 3815 through 3833; 3835 (except the phrase “, other than to those OECD countries . . . requirements of LAC 33:V.Chapter 11.Subchapter B),” at 3835.A introductory paragraph); 3837 through 3855; 3857 (except the phrase “, other than to those OECD countries . . . requirements of LAC 33:V.Chapter 11.Subchapter B),” at 3857.A introductory paragraph); 3859 through 3869; 3871 (except the phrase “other than to those OECD countries . . . requirements of LAC 33:V.Chapter 11.Subchapter B)” at 3871.A introductory paragraph); 3873 through 3877; 3879 (except 3879.B); 3881; 3883;

Chapter 40—Used Oil, Sections 4001 through 4093;

Chapter 41—Recyclable Materials, Sections 4101; 4105 (except.A.1.a.i and ii, and .A.4); 4139; 4141; 4143 (except the word “and” at the end of 4143.B.4; and 4143.B.5); 4145;

Chapter 42—Conditional Exemption for Low-Level Mixed Waste Storage and Disposal, Sections 4201 through 4243;

Chapter 43—Interim Status, Sections 4301.A; 4301.B (June 1995); 4301.B; 4301.C (June 1995); 4301.C –I; 4302 through 4371; 4373 (except the last two sentences “The administrative authority . . . as demonstrated in accordance with LAC 33:I.Chapter 13.” in 4373.K.1); 4375; 4377; 4379 (except 4379.B); 4381 through 4387; 4389 (except 4389.C); 4391 through 4397; 4399 (except 4399.A.6.i); 4401 through 4413; 4417 through 4435; 4437 (except 4437.E.1, 4437.E.2, and 4437.J); 4437.E.1 and .E.2 (December 31, 2009); 4438 through 4456; 4457.A (except 4457.A.2); 4457.B (except the phrase: “If the owner or operator . . . he must” in the introductory paragraph); 4457.C; 4459 through 4474; 4475 (except the word “either” at the end of 4475.B introductory paragraph; the word “or” at the end of 4475.B.1; and 4475.B.2); 4476 through 4499; 4501 (except 4501.D.3); 4502 through 4703; 4705 (except the word “either” at the end of 4705.B introductory paragraph; the word “or” at the end of 4705.B.1; and 4705.B.2); 4707 through 4739;

Chapter 49—Lists Of Hazardous Wastes, Sections 4901; 4903; 4907; 4911 through 4915; 4999 Appendices C through E;

Chapter 53—Military Munitions, Sections 5301 through 5311;

Louisiana Administrative Code, Title 33, Part VII, Solid Waste, as amended through June 2011; Sections 301.A.2.a and 315.J.

Copies of the Louisiana Administrative Code as published by the Office of the State

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Register, P. O. Box 94095, Baton Rouge, LA 70804-9095; Phone: (225) 342-5015; Web site: <http://doa.louisiana.gov/osr/lac/lac.htm>.

Copies of the Montana regulations that are incorporated by reference are available from the Montana Secretary of State, Administrative Rules Bureau, P.O. Box 202801, Helena, MT 59620-2801 (Phone: 406-444-2055).

**MINNESOTA**

The statutory provisions include: Minnesota Statutes, June 1992 edition, Chapters 13.03; 13.05 Subdivision 9; 13.08; 13.37; 15.17; 15.171; 115.061; 115A.03; 116.06; 116.07 Subdivisions 4, 4a, 4b, 5 and 8; 116.075; 116.081 Subdivisions 1 and 3; and 116.14.

The regulatory provisions include: Minnesota Rules, June 1992 edition, 7001.0010; 7001.0020(B); 7001.0030-7001.0150(3)(C); 7001.0150(3)(E)-7001.0200; 7001.0500-7001.0730(2); 7001.0730(4); 7045.0020-7045.0143; 7045.0205-7045.0270(6); 7045.0275-7045.0310; 7045.0351-7045.0685; 7045.0692-7045.0695; 7045.1300-7045.1380 (June 1992 edition).

**MISSOURI**

The statutory provisions include: 260.360-260.360(3), 260.360(5)-260.360(12), 260.360(14)-260.360(19), 260.380-1.-260.380-1.(9), 260.380-2., 260.385(2)-260.390(7), 260.390(9), 260.395-6.-260.395-7.(4), 260.395-7.(7)-260.395-18.

The regulatory provisions include: 3.260-3.260(1)(A)20, 3.260(1)(A)22-3.260(1)(A)23, 3.260(2), 4.261-4.261(2)(A)5, 5.262-5.262(2)(B)1., 5.262(2)(B)3.-5.262(2)(C)1., 5.262(2)(C)2.A.-5.262(2)(D), 5.262(2)(D)2.-5.262(2)(H), 6.263-6.263(2)(A)2., 6.263(2)(A)5.-6.263(2)(A)10.C, 6.263(2)(B)-6.263(2)(D)2., 7.264-7.264(2)(A)2., 7.264(2)(B)2.-7.264(2)(O), 7.264(2)(X), 7.265-7.265(2)(A), 7.265(2)(E)-7.265(2)(K), 7.266-7.266(2), 7.268-7.268(2), 7.268(2)(A), 7.268(2)(A)4.-7.268(2)(C), 7.270-7.270(2)(B)6., 7.270(2)(B)9., 7.270(2)(B)11., 7.270(2)(B)14.-7.270(2)(B)17., 7.270(2)(C)-7.270(2)(C)1., 7.270(2)(C)1.B.-7.270(2)(C)1.C., 7.270(2)(C)2.-7.270(2)(C)2.C., 7.270(2)(C)2.E., 7.270(2)(D)-7.270(2)(D)3., 7.270(2)(E)-7.270(2)(G).

**MONTANA**

The regulatory provisions include: Administrative Rules of Montana, Title 17, Environmental Quality, Chapter 53, Hazardous Waste, effective April 1, 2005, sections 17.53.101, 17.53.102, 17.53.105, 17.53.107, 17.53.111(1), 17.53.111(2), (except the phrase "or to pay the fee required by ARM 17.53.111" in the introductory paragraph), 17.53.111(3) (except the phrase "and the generator fee required by ARM 17.53.113" at 17.53.111(3)(a)), 17.53.301 (except the phrase "and for which a registration fee is assessed" at 17.53.301(2)(q)), 17.53.401, 17.53.402, 17.53.403, 17.53.501, 17.53.502, 17.53.601, 17.53.602, 17.53.603, 17.53.604, 17.53.701, 17.53.702, 17.53.704, 17.53.706, 17.53.707, 17.53.708, 17.53.801, 17.53.802, 17.53.803, 17.53.901, 17.53.902, 17.53.903, 17.53.1001, 17.53.1002, 17.53.1003, 17.53.1004, 17.53.1101, 17.53.1102, 17.53.1201, 17.53.1202 (except 17.53.1202(5)(1), (5)(m), (6) and (17)), 17.53.1203, 17.53.1301, 17.53.1302, 17.53.1303, 17.53.1401, and 17.53.1402.

**NEW MEXICO**

The statutory provisions include:

New Mexico Statutes 1978 Annotated, Hazardous Waste Act, Chapter 74, Article 4 (2000 Replacement Pamphlet). Please note that for a few provisions the version found in the 2009 Cumulative Supplement to NMSA 74-4 is the approved version of the statutes.

Chapter 74, Article 4, Sections 74-4-2, 74-4-3 (except 74-4-3.A, 74-4-3.N, and 74-4-3.R) (2009 Cumulative Supplement), 74-4-3.1, 74-4-4.2.A and 74-4-4.2.B (2009 Cumulative Supplement), 74-4-4.2.G introductory paragraph (2009 Cumulative Supplement), 74-4-4.2.G(2) (2009 Cumulative Supplement), 74-4-4.3.F (2009 Cumulative Supplement), 74-4-4.7 (except 74-4-4.7.B and 74-4-4.7.C), 74-4-9, and 74-4-10.1.C, as published by Conway Greene Company, 1400 East 30th Street, Suite #402, Cleveland, OH 44114; Phone: (216) 619-8091; Web site: <http://www.conwaygreene.com/nmsu/lpext.dll?f=templates&fn=main-h.htm&t=2.0>.

The regulatory provisions include:

Title 20, Chapter 4, Part 1, New Mexico Annotated Code, effective March 1, 2009, unless otherwise indicated, Sections 20.4.100, 20.4.1.101, 20.4.1.200, 20.4.1.300, 20.4.1.301, 20.4.1.400, 20.4.1.401, 20.4.1.500, 20.4.1.501, 20.4.1.600, 20.4.1.601, 20.4.1.700, 20.4.1.701, 20.4.1.702, 20.4.1.800, 20.4.801, 20.4.1.900, 20.4.1.901.B.1 through 20.4.1.901.B.7, 20.4.1.901.E, 20.4.1.902, 20.4.1.1000, 20.4.1.1001 introductory paragraph, 20.4.1.1001.A(2), 20.4.1.1001.B, 20.4.1.1002, 20.4.1.1003, 20.4.1.1102 (June 14, 2000), and 20.4.1103 (October 1, 2003). Copies of the New Mexico regulations can be obtained from the New Mexico Commission of Public Records, State Records Center and Archives, Administrative Law Division, 1205 Camino Carlos Rey, Santa Fe, NM 87507; Phone: (505) 476-7907; Web site: <http://www.nmcpr.state.nm.us/nmac/titles.htm>.

**NEW YORK**

The regulatory provisions include:

Title 6, New York Codes, Rules and Regulations (6 NYCRR), Chapter IV, Quality Services, Subchapter B, Solid Wastes (Volumes A-2 and A-2A), as amended effective through September 5, 2006.

Please note: For a few regulations, the authorized regulation is an earlier version of the New York State regulation. For these regulations, EPA authorized the version of the regulations that appear in the Official Compilation of Codes, Rules and Regulations dated January 31, 1992. New York State made later changes to these regulations but these changes have not been authorized by EPA.

The regulations where the authorized regulation is an earlier version of the regulation are noted below by inclusion in parentheses of January 31, 1992 after the regulatory citations.

Part 360, Subpart 360-14—Used Oil: Sections 360-14.1(b)(7) and 360-14.1(b)(8).

Part 370—Hazardous Waste Management System—General: Sections 370.1(a) (except (a)(3)); 370.1(b) through (d); 370.1(e) (except (e)(9)); 370.1(f); 370.2(a); 370.2(b)(1) through (b)(15) “battery”; 370.2(b)(15) “bedrock”, (January 31, 1992); 370.2(b)(17) through (b)(91); 370.2(b)(94) through (b)(125); 370.2(b)(127) through (b)(137); 370.2(b)(139) through (b)(221); 370.3 (except 370.3(c)); 370.4; 370.5 (except (b)).

Part 371—Identification and Listing of Hazardous Waste: Sections 371.1(a) through (c); 371.1(d) (except (d)(1)(ii)(c)); 371.1(e) (except 371.1(e)(1)(xvi) and (e)(2)(vi)(b)(21)); 371.1(f)(1) through (7); 371.1(f)(8) (except the phrase “or such mixing occurs at a facility regulated under Subpart 373-4 or permitted under Part 373 of this Title”); 371.1(f)(9) and (f)(10); 371.1(g)(1) (except (g)(1)(ii)(c) and (g)(1)(v)); 371.1(g)(2) through (4); 371.1(h) through (j); 371.2; 371.3; 371.4(a) and (b); 371.4(c) (except K064, K065, K066, K090 and K091 entries); 371.4(d) and (f).

Part 372—Hazardous Waste Manifest System and Related Standards for Generators, Transporters and Facilities: Sections 372.1(a) through (d); 372.1(e)(2)(ii)(c) (January 31, 1992); 372.1(e)(2)(iii)(c) (January 31, 1992); 372.1(e)(3) through (e)(8); 372.1(g) and (h); 372.2 (except (b)(5)(ii) and (b)(9)); 372.3 (except (a)(1), (a)(4), (a)(7)(i), (a)(8), (b)(3), (b)(5)(ii), (b)(6)(iv), (b)(7)(i)(d), (c)(4) and (d)(3)); 372.5 (except (h) and (i)); 372.6; 372.7(a) and (b); 372.7(c) (except (c)(1)(ii)); and 372.7(d).

Part 373, Subpart 373-1—Hazardous Waste Treatment, Storage and Disposal Facility Permitting Requirements: Sections 373-1.1(a) through (c), 373-1.1(d) (except (d)(1)(iii)(b), (d)(1)(iii)(c)(6), (d)(1)(iii)(d), (d)(1)(iv)(a) and (b), (d)(1)(x), (d)(1)(xvi), and (d)(1)(xviii)); 373-1.1(e); 373-1.1(h) and (i); 373-1.2; 373-1.3; 373-1.4(a); 373-1.4(g) and (h); 373-1.5(a) (except (a)(2)(xviii)); 373-1.5(b) and (c); 373-1.5(d) through (p) (except reserved paragraphs); 373-1.6 (except (c)); 373-1.7 through 373-1.11.

Part 373, Subpart 373-2—Final Status Standards for Owners and Operators of Hazardous Waste Treatment, Storage and Disposal Facilities: Sections 373-2.1 through 373-2.4; 373-2.5(a); 373-2.5(b) (except (b)(1)(i)(c), (b)(3)(ii)(d) and (b)(3)(ii)(e)); 373-2.5(c) through (g); 373-2.6 through 373-2.11; 373-2.12 (except 373-2.12(a)(1) and (d)); 373-2.12(a)(1) (January 31, 1992); 373-2.13; 373-2.14; 373-2.15 (except (a)(2)); 373-2.19 (except (e)(1)(ii)); 373-2.23; 373-2.24; and 373-2.27 through 373-2.31.

Part 373, Subpart 373-3—Interim Status Standards Regulations for Owners and Operators of Hazardous Waste Facilities: Sections 373-3.1 (except 373-3.1(a)(4)); 373-3.2 through 373-3.4; 373-3.5 (except 373-3.5(b)(1)(i)(c),

(b)(3)(ii)(d) and (b)(3)(ii)(e)); 373-3.6 through 373-3.18; 373-3.23; and 373-3.27 through 373-3.31.

Part 374, Subpart 374-1—Standards for the Management of Specific Hazardous Wastes and Specific Types of Hazardous Waste Management Facilities: Sections 374-1.1; 374-1.3; 374-1.6 (except (a)(2)(iii)); 374-1.7; 374-1.8 (except reserved sections); 374-1.9; and 374-1.13.

Part 374, Subpart 374-2—Standards for the Management of Used Oil: Sections 374-2.1 (except (a)(2) “Adjacent towns or cities”, (a)(4) “Contract”, (a)(10) “On-premises oil changing operation”, (a)(14) “Retail”, (a)(15) “Retail establishment”, (a)(16) “Service establishment”, (a)(18) “Total halogens”, (a)(19) “Underground used oil tank”, and (a)(27) “Used oil tank system”); 374-2.2; 374-2.3 (except (c)(3) through (c)(6), and (f)); 374-2.4; 374-2.5 (except (a)(2) and (e)(4)); 374-2.6 (except (a)(2) and (d)(4)); 374-2.7 (except (d)(4), (e)(5) and (e)(6)); 374-2.8; and 374-2.9.

Part 374, Subpart 374-3—Standards for Universal Waste: Sections 374-3.1 (except (f) and (g)); 374-3.2; 374-3.3; 374-3.4 (except (a)(2)); and 374-3.5 through 374-3.7.

Part 376—Land Disposal Restrictions: Sections 376.1 (except (a)(5), (a)(9), (e), (f), and (g)(1)(ii)(b)); 376.2; 376.3 (except (b)(4) and (d)(2)); 376.4 (except (c)(2), (e)(1)-(7), and (f)); and 376.5.

Appendices: Appendices 19 through 25; Appendices 27 through 30; Appendix 33; Appendix 37; Appendix 38; Appendices 40 through 49; and Appendices 51 through 55.

Copies of the New York regulations that are incorporated by reference are available from West Publishing Company, 610 Opperman Drive, P.O. Box 64526, Eagan, MN 55134-0526; Phone: 1-800-328-4880; website: <http://west.thomson.com>.

#### NORTH DAKOTA

(a) The statutory provisions include: North Dakota Century Code (NDCC), Volume 4A, 2017 Cumulative Supplement. Chapter 23.1-04 “Hazardous Waste Management,” Sections 23.1-04-08(1), (2), (5), and (7). Copies of the North Dakota statutes that are incorporated by reference are available from Matthew Bender & Company Inc., 701 E Water Street, Charlottesville, VA 22902-5389, phone number: (800) 833-9844.

(b) The regulatory provisions include: North Dakota Administrative Code (NDAC), Article 33.1-24, as revised January 1, 2019, except reserved provisions.

Chapter 33.1-24-01—General provisions: Sections 33.1-24-01-01 through 33.1-24-01-04, 33.1-24-01-05, except .2.k and .7.a; 33.1-24-01-06 through 33.1-24-01-09, 33.1-24-01-10, except .4.f; 33.1-24-01-11 through 33.1-24-01-14; 33.1-24-01-17 and 33.1-24-01-18; and 33.1-24-01-19, except .1.d.

Chapter 33.1-24-02—Identification and Listing of Hazardous Waste: Sections 33.1-24-02-01 through 33.1-24-02-03; 33.1-24-02-04, except

.1.y; 33.1-24-02-05; 33.1-24-02-06, except .1.e; 33.1-24-02-07 through 33.1-24-02-10; 33.1-24-02-11, except the phrase “or a miniflash continuously closed cup tester, using the test method specified in American Society for Testing and Material D6450-99 (incorporated by reference in section 33.1-24-01-05)” in paragraph .1.a; 33.1-24-02-12 through 33.1-24-02-19; 33.1-24-02-25 through 33.1-24-02-27; 33.1-24-02-33 through 33.1-24-02-42; 33.1-24-02-50 through 33.1-24-02-70; 33.1-24-02-120 through 33.1-24-02-129; 33.1-24-02-170 through 33.1-24-02-175; 33.1-24-02-180 through 33.1-24-02-194; 33.1-24-02-200 through 33.1-24-02-209; and Appendices I, IV, and V.

Chapter 33.1-24-03—Standards for Generators: Sections 33.1-24-03-01, except .4; 33.1-24-03-02; 33.1-24-03-03.1 and .2; 33.1-24-03-03.3 except the phrase “and a transporter permit”; 33.1-24-03-04 through 33.1-24-03-24; 33.1-24-03-30; 33.1-24-03-40; 33.1-24-03-60 through 33.1-24-03-77; and Appendix I.

Chapter 33.1-24-04—Standards for Transporters: Sections 33.1-24-04-01, except .4 and Note following paragraph .3.b; 33.1-24-04-02.1, except the phrase “, a transporter permit, and a registration certificate”; 33.1-24-04-02.2, except the phrases “and a registration certificate, or a transporter permit,” in the first sentence, and “and issue a registration certificate” in the second sentence; and 33.1-24-04-03 through 33.1-24-04-08.

Chapter 33.1-24-05—Standards for Treatment, Storage, and Disposal Facilities and for the Management of Specific Hazardous Waste and Specific Types of Hazardous Waste Management Facilities: Sections 33.1-24-05-01; 33.1-24-05-02, except the second sentence; 33.1-24-05-03, except 33.1-24-05-03.1; 33.1-24-05-04 through 33.1-24-05-10; 33.1-24-05-15 through 33.1-24-05-20; 33.1-24-05-26 through 33.1-24-05-31; 33.1-24-05-37; 33.1-24-05-38, except .1.c and .4; 33.1-24-05-39 through 33.1-24-05-44; 33.1-24-05-47 through 33.1-24-05-69; 33.1-24-05-74 through 33.1-24-05-81; 33.1-24-05-89 through 33.1-24-05-98; 33.1-24-05-103 through 33.1-24-05-115; 33.1-24-05-118 through 33.1-24-05-128; 33.1-24-05-130 through 33.1-24-05-138; 33.1-24-05-144 through 33.1-24-05-151; 33.1-24-05-160 through 33.1-24-05-170; 33.1-24-05-176 through 33.1-24-05-188; 33.1-24-05-201 through 33.1-24-05-204; 33.1-24-05-230, except .2.c; 33.1-24-05-235, except .1/Table entries (6) and (7); 33.1-24-05-250 through 33.1-24-05-253; 33.1-24-05-256; 33.1-24-05-258; 33.1-24-05-265; 33.1-24-05-266; 33.1-24-05-270 through 33.1-24-05-281; 33.1-24-05-282, except .2; 33.1-24-05-283; 33.1-24-05-284.8 through .13; 33.1-24-05-285; 33.1-24-05-286; 33.1-24-05-288 through 33.1-24-05-290; 33.1-24-05-300 through 33.1-24-05-303; 33.1-24-05-400 through 33.1-24-05-406; 33.1-24-05-420 through 33.1-24-05-435; 33.1-24-05-450 through 33.1-24-05-460; 33.1-24-05-475 through 33.1-24-05-477; 33.1-24-05-501 through 33.1-24-05-506; 33.1-24-05-525 through 33.1-24-05-537; 33.1-24-05-550 through 33.1-24-05-555; 33.1-24-05-600; 33.1-24-05-610 through 33.1-24-05-612; 33.1-24-05-620

through 33.1-24-05-624; 33.1-24-05-630 through 33.1-24-05-632; 33.1-24-05-640 through 33.1-24-05-647; 33.1-24-05-650 through 33.1-24-05-667; 33.1-24-05-670 through 33.1-24-05-675; 33.1-24-05-680; 33.1-24-05-681; 33.1-24-05-701 through 33.1-24-05-705; 33.1-24-05-708 through 33.1-24-05-720; 33.1-24-05-730 through 33.1-24-05-740; 33.1-24-05-750 through 33.1-24-05-756; 33.1-24-05-760 through 33.1-24-05-762; 33.1-24-05-770, except .4; 33.1-24-05-780; 33.1-24-05-781; 33.1-24-05-800 through 33.1-24-05-802; 33.1-24-05-820 through 33.1-24-05-826; 33.1-24-05-850; 33.1-24-05-855 through 33.1-24-05-857; 33.1-24-05-860; 33.1-24-05-865; 33.1-24-05-866; 33.1-24-05-870; 33.1-24-05-875; 33.1-24-05-880; 33.1-24-05-885; 33.1-24-05-890; 33.1-24-05-895 through 33.1-24-05-900; 33.1-24-05-905; 33.1-24-05-910; 33.1-24-05-915; 33.1-24-05-916; 33.1-24-05-950; 33.1-24-05-951; 33.1-24-05-960; 33.1-24-05-961; 33.1-24-05-963 through 33.1-24-05-968; 33.1-24-05-980 through 33.1-24-05-986; 33.1-24-05-990 through 33.1-24-05-998; 33.1-24-05-1010 through 33.1-24-05-1016; 33.1-24-05-1020; 33.1-24-05-1031; 33.1-24-05-1040 through 33.1-24-05-1043; 33.1-24-05-1045 through 33.1-24-05-1047; 33.1-24-05-1060 through 33.1-24-05-1063; 33.1-24-05-1067; 33.1-24-05-1068; 33.1-24-05-1071; 33.1-24-05-1080 through 33.1-24-05-1087; 33.1-24-05-1100 through 33.1-24-05-1114; 33.1-24-05-1130 through 33.1-24-05-1138; and Appendices I through VIII, X through XIII, XV through XXIV, and XXVI through XXIX.

Chapter 33.1-24-06—Permits: Sections 33.1-24-06-01; 33.1-24-06-02, 33.1-24-06-03, except Note following paragraph .1.a.(2); 33.1-24-06-04; 33.1-24-06-05.2.c; 33.1-24-06-06.1; 33-24-06-07; 33.1-24-06-08; 33.1-24-06-10 through 33.1-24-06-13; 33.1-24-06-14, except .3.a.(4); 33.1-24-06-15 introductory paragraph through .1.a; 33.1-24-06-16.5 through .7; 33.1-24-06-17 through 33.1-24-06-20; 33.1-24-06-30 through 33.1-24-06-35; 33.1-24-06-45; 33.1-24-06-48; 33.1-24-06-52; 33.1-24-06-56; 33.1-24-06-57; 33.1-24-06-62; 33.1-24-06-65; 33.1-24-06-70; 33.1-24-06-73; 33.1-24-06-76; 33.1-24-06-80; 33.1-24-06-85; 33.1-24-06-100; and Appendix I to Section 33.1-24-06-14.

Chapter 33.1-24-07—Permitting Procedures: Sections 33.1-24-07-01; 33.1-24-07-02; and 33.1-24-07-03, except .4.

Copies of the North Dakota regulations that are incorporated by reference are available from North Dakota Legislative Counsel, Second Floor, State Capitol, 600 E Boulevard, Bismarck, North Dakota 58505, phone number: (701) 328-2916.

#### OKLAHOMA

The statutory provisions include:

Oklahoma Hazardous Waste Management Act, as amended, 27A Oklahoma Statutes (O.S.) 2011 Main Volume and where indicated, amendments through August 26, 2016 as published in the 2017 Cumulative Annual Pocket Part, Sections 2-7-103, 2-7-108(A), 2-7-108(B)(1), 2-7-108(B)(3), 2-7-108(C), 2-7-110(B), 2-7-110(C), 2-7-111(A), 2-7-111(B), 2-7-111(C)(1), 2-7-111(C)(2)(a), 2-7-111(D), 2-7-111(E), 2-7-112,

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2-7-116(B) through 2-7-116(F) (2017 Pocket Part), 2-7-116(I)(2) (2017 Pocket Part), 2-7-118 (2017 Pocket Part), 2-7-124, 2-7-125, 2-7-127, and 2-10-301(G), as published by Thomson Reuters, 610 Opperman Drive, Eagan, Minnesota 55123; Phone: 1-888-728-7677; website: <http://legalsolutions.thomsonreuters.com>.

The regulatory provisions include:

The Oklahoma Administrative Code (OAC), Title 252, Chapter 205, effective September 15, 2017 (2016 Edition, as amended by the 2017 Supplement); Subchapter 1, Sections 252:205-1-1(a), 252:205-1-1(c) introductory paragraph, 252:205-1-1(c)(1), 252:205-1-2 introductory paragraph, 252:205-1-2 "OHWMA", 252:205-1-2 "Post-closure permit", 252:205-1-3(c); Subchapter 3, Sections 252:205-3-1 introductory paragraph, 252:205-3-1(1), 252:205-3-2(a)(2), 252:205-3-2(b), 252:205-3-2(c) (2017 Supplement), 252:205-3-2(d) through (n), 252:205-3-4 through 252:205-3-6; Subchapter 5, Sections 252:205-5-1 (except 252:205-5-1(4)), 252:205-5-2 through 252:205-5-5; Subchapter 7, Sections 252:205-7-2, 252:205-7-4 (except the phrase "or in accordance with 252:205-15-1(d)"); Subchapter 9, Sections 252:205-9-1 through 252:205-9-4; Subchapter 11, Sections 252:205-11-1(a) (except the word "recycling"), 252:205-11-1(b) through (e), 252:205-11-2; and Subchapter 13, Sections 252:205-13-1(a) through (e), as published by the State's Office of Administrative Rules, Secretary of State, P.O. Box 53390, Oklahoma City, OK 73152-3390; Phone number: 405-521-4911; website: <https://www.sos.ok.gov/oar/Default.aspx>.

### SOUTH DAKOTA

The regulatory provisions include:

Administrative Rules of South Dakota, Article 74:28, Hazardous Waste, effective October 10, 2013, sections 74:28:21:01, 74:28:21:02, 74:28:21:03, 74:28:22:01, 74:28:23:01, 74:28:24:01, 74:28:25:01 through 74:28:25:05, 74:28:26:01, 74:28:27:01, 74:28:28:01 through 74:28:28:05, 74:28:29:01, 74:28:30:01 and 74:28:33:01; Article 74:36, Air Pollution Control Program, as of June 25, 2013, section 74:36:11:01.

Copies of the South Dakota regulations that are incorporated by reference are available from South Dakota Legislative Research Council, 3rd Floor, State Capitol, 500 East Capitol Avenue, Pierre, South Dakota 57501, (Phone: (605) 773-3251).

### TEXAS

The statutory provisions include:

Texas Health and Safety Code (THSC) Annotated, (Vernon, 2010): Chapter 361, The Texas Solid Waste Disposal Act, sections 361.003 (except (3), (19), (27), (35), and (39)), 361.019(a), 361.0235, 361.066(a), 361.082(a) and (f), 361.086, 361.087, 361.0871(a), 361.094, 361.095(a), 361.099(b), and 361.110; Chapter 371, The Texas Used Oil Collection, Management, and Recycling Act, sections 371.003, 371.024(b), 371.026(d), and 371.041.

Copies of the Texas statutes that are incorporated by reference are available from Thomson Reuters, 610 Opperman Drive, Eagan, MN 55123; Phone: 1-888-728-7677; website: <http://legalsolutions.thomsonreuters.com>.

The regulatory provisions include:

Texas Administrative Code (TAC), Title 30, Environmental Quality, 2015, as amended, effective through December 31, 2014, and where indicated, amendments effective January 8, 2015, as published in the Texas Register on January 2, 2015 (40 TexReg 77); based on the proposed rule published August 22, 2014 (39 TexReg 6376). Please note that for some provisions, the authorized versions are found in the TAC, Title 30, Environmental Quality, as amended effective January 1, 1994, January 1, 1997, December 31, 1999, December 31, 2001, or December 31, 2012. Texas made subsequent changes to these provisions but these changes have not been authorized by EPA. Where the provisions are taken from regulations other than those effective December 31, 2014, notations are made below.

Chapter 3, Section 3.2(25) "Person"; Chapter 20, Section 20.15; Chapter 35, Section 35.402(e); Chapter 37, Sections 37.1 through 37.81, 37.100 through 37.161, 37.200 through 37.281, 37.301 through 37.381, 37.400 through 37.411, 37.501 through 37.551, 37.601 through 37.671, and 37.6001 through 37.6041; Chapter 281, Section 281.3(c);

Chapter 305, Subchapter A—General Provisions, Sections 305.1(a) (except the reference to Chapter 401, relative to Radioactive Materials); 305.2 introductory paragraph (except the references to THSC sections 401.003 and 401.004, relative to Radioactive Materials and the reference to TWC 32.002); 305.2(1), (6), (11), (12), (14), (15), (19), (20), (24), (26), (27), (28), (31), (40), (41), and (42); 305.3;

Chapter 305, Subchapter C—Application for Permit or Post-Closure Order, Sections 305.41 (except the reference to Chapter 401, relative to Radioactive Materials and the reference to TWC Chapter 32); 305.42(a), (b), (d), and (f); 305.43(b); 305.44 (except (d)); 305.45 (except (a)(7)(I) and (J)); 305.47; 305.50(a) introductory paragraph through (a)(3) (except the last two sentences in 305.50(a)(2)); 305.50(a)(4) (December 31, 2012); 305.50(a)(5) through (a)(8); 305.50(a)(13) through (a)(16); 305.50(b); 305.51;

Chapter 305, Subchapter D—Amendments, Renewals, Transfers, Corrections, Revocation, and Suspension of Permits, Sections 305.61; 305.62(a) (except the phrase in the first sentence "§305.70 of this title . . . Solid Waste Class I Modifications" and the fifth sentence "If the permittee requests a modification of a municipal solid waste permit . . . §305.70 of this title."); 305.62(b); 305.62(c) introductory paragraph (except the phrase "other than . . . subsection (i) of this section"); 305.62(c)(1); 305.62(c)(2) introductory paragraph; 305.62(c)(2)(A) (except the phrase "except for Texas Pollutant Discharge



Elimination System (TPDES permits.); 305.62(c)(2)(B) (except the phrase “except for TPDES permits.”); 305.62(d) (except (d)(6)); 305.62(e) through (h); 305.63(a) (except the last sentence of (a)(3), and (a)(7)); 305.64(a); 305.64(b) (except (b)(4) and (b)(5)); 305.64(c) and (e); 305.64(g); 305.65; 305.66(a) (except (a)(7) through (a)(9)); 305.66(d); 305.67(a) and (b); 305.69(a); 305.69(b) (except the phrases “Additional Contents of Application for an Injection Well Permit” and “Waste Containing Radioactive Materials; and Application Fee” at (b)(1)(A)); 305.69(c); 305.69(d) (except (d)(7)); 305.69(e) through (h); 305.69(i)(3) and (i)(4); 305.69(j); 305.69(k) (except (k) A.8 through A.10);

Chapter 305, Subchapter F—Permit Characteristics and Conditions, Sections 305.121 (except the phrases “radioactive material disposal” and “subsurface area drip dispersal systems”); 305.122 (except (e)); 305.124; 305.125 introductory paragraph; 305.125(2) and (4); 305.125(5) (except the second sentence); 305.125(6) through (8); 305.125(9) (except (9)(C)); 305.125(10) (except the phrases “and 32” and “and 401.603”); 305.125(11) (except the phrase “as otherwise required by Chapter 336 of this title” relative to Radioactive Substances in (11)(B)); 305.125(12) through (19), and (21); 305.127 introductory paragraph; 305.127(1)(B)(iii); 305.127(1)(E) and (F); 305.127(2); 305.127(3)(A) (except the last two sentences); 305.127(3)(B) and (C); 305.127(4)(B); 305.127(5)(C); 305.128;

Chapter 305, Subchapter G—Additional Conditions for Hazardous and Industrial Solid Waste Storage, Processing, or Disposal Permits, Sections 305.141 through 305.145; 305.150;

Chapter 305, Subchapter I—Hazardous Waste Incinerator Permits, Sections 305.171 through 305.176;

Chapter 305, Subchapter J—Permits for Land Treatment Demonstrations Using Field Tests or Laboratory Analyses, Sections 305.181 through 305.184;

Chapter 305, Subchapter K—Research, Development, and Demonstration Permits, Sections 305.191 through 305.194;

Chapter 305, Subchapter L—Groundwater Compliance Plan, Section 305.401(c);

Chapter 305, Subchapter Q—Permits for Boilers and Industrial Furnaces Burning Hazardous Waste, Sections 305.571 through 305.573;

Chapter 305, Subchapter R—Resource Conservation and Recovery Act Standard Permits For Storage And Treatment Units, Sections 305.650 through 305.661;

Chapter 324, Subchapter A—Used Oil Recycling, Sections 324.1; 324.2 (except 324.2(2)); 324.3 (except 324.3(5)); 324.4; 324.6; 324.7; 324.11 through 324.16; 324.21; 324.22(d)(3);

Chapter 335, Subchapter A—Industrial Solid Waste and Municipal Hazardous Waste in General, Sections 335.1 introductory paragraph through (4), (6) through (12), (16)

through (19), (23), (24), (26) through (30), (33), (35) through (38), (40) through (47), (48) (except for the phrase “or is used for neutralizing the pH of non-hazardous industrial solid waste”), (49), (50), (51), (53) through (58), (60) through (64), (66), (67), (70) through (79), (81) through (115) (except the phrase “solid waste or” at (89), (91), (92), (94), (95), and (100)), (117) (except the phrase “solid waste or”), (118), (119), (123) through (128) (except the phrase “solid waste or” at (124)), (130), (132) through (136), (138) through (140)(A)(iii), (140)(A)(iv) introductory paragraph (except the last sentence), (140)(B) through (G) (except the phrase “Except for materials described in subparagraph (H) of this paragraph.” at (D) and (G) introductory paragraphs.), (140)(I) and (J), (141), (142), (144) through (154) (except the phrase “solid waste or” at (147), (150) and (152)), (155) through (159) (except the phrase “or industrial solid” at (155), (158), and (159)), (161) through (170) (except the phrase “solid waste or” at (164)), (171) (except the phrase “or industrial solid” at (171)(B)), (172) through (174), and (175) (except the phrase “solid waste or”) (40 TexReg 77, effective January 8, 2015); 335.2 (except (b), (d), (h), (k) and (n)); 335.4; 335.5 (except (d)); 335.6(a); 335.6(b) (January 1, 1997); 335.6(c); 335.6(d) (except the last sentence) (January 1, 1994); 335.6(e) (January 1, 1994); 335.6(f) and (g); 335.6(h) (except the third sentence); 335.6(i) and (j); 335.7; 335.8(a)(1) and (2); 335.9(a) (except (a)(2) and (3)); 335.9(a)(2) and (3) (January 1, 1997); 335.9(b) (January 1, 1994); 335.10(a) and (b); 335.11(a); 335.12(a); 335.13(a) (January 1, 1997); 335.13(c) and (d) (January 1, 1994); 335.13(e) and (f) (January 1, 1997); 335.13(g) (January 1, 1994); 335.13(k); 335.14; 335.15 introductory paragraph (January 1, 1994); 335.15(1); 335.15(3) (except two references to “Class 1 Waste” at introductory paragraph); 335.17(a); 335.18(a); 335.19 (except 335.19(d)); 335.20 through 335.23(1); 335.23(2) (January 1, 1994); 335.24(a) through (f); 335.24(m) and (n); 335.29 through 335.31;

Chapter 335, Subchapter B—Hazardous Waste Management General Provisions, Sections 335.41(a) through (c); 335.41(d) introductory paragraph and (d)(2) through (d)(4); 335.41(d)(1) (December 31, 2001); 335.41(e) through (j); 335.43(a); 335.44; 335.45; 335.47 (except (b) and second sentence in (c)(3)); 335.47(b) (December 31, 1999);

Chapter 335, Subchapter C—Standards Applicable to Generators of Hazardous Waste, Sections 335.61 (except (f)); 335.62; 335.63; 335.65 through 335.68; 335.69 (except “and (n)” in (a) introductory paragraph, (i), and (n)); 335.70; 335.71; 335.73 through 335.75; 335.76 (except (h)); 335.77; 335.78(a); 335.78(b) (January 1, 1997); 335.78(c); 335.78(d) (except (d)(2)); 335.78(e) introductory paragraph (January 1, 1997); 335.78(e)(1) and (2); 335.78(f) (except 335.78(f)(2)); 335.78(f)(2) (January 1, 1997); 335.78(g) (except (g)(2)); 335.78(g)(2) (January 1, 1997); 335.78(h) through (j); 335.79;

Chapter 335, Subchapter D—Standards Applicable to Transporters of Hazardous Waste, Sections 335.91 (except (e)); 335.92; 335.93 (except (e)); 335.93(e) (December 31, 1999); 335.94;

Chapter 335, Subchapter E—Interim Standards for Owners and Operators of Hazardous Waste Treatment, Storage, or Disposal Facilities, Sections 335.111; 335.112 (except (a)(17)); 335.113; 335.115 through 335.128;

Chapter 335, Subchapter F—Permitting Standards for Owners and Operators of Hazardous Waste Treatment, Storage, or Disposal Facilities, Sections 335.151 through 335.153; 335.155 (except 335.155(1)); 335.155(1) (40 TexReg 77, effective January 8, 2015 (August 22, 2014 proposed rule (39 TexReg 6376))); 335.156 through 335.179;

Chapter 335, Subchapter G—Location Standards for Hazardous Waste Storage, Processing, or Disposal, Sections 335.201(a) (except (a)(3)); 335.201(c); 335.202 introductory paragraph; 335.202(2), (4), (9) through (11), (13), and (15) through (18); 335.203; 335.204(a) introductory paragraph through (a)(5); 335.204(b)(1) through (6); 335.204(c)(1) through (5); 335.204(d)(1) through (5); 335.204(e) introductory paragraph; 335.204(e)(1) introductory paragraph (except the phrase “Except as . . . (B) of this paragraph,” and the word “event” at the end of the paragraph); 335.204(e)(2) through (e)(7); 335.204(f); 335.205(a) introductory paragraph through (a)(2) and (e);

Chapter 335, Subchapter H—Standards for the Management of Specific Wastes and Specific Types of Facilities, Sections 335.211(a) (40 TexReg 77, effective January 8, 2015); 335.211(b) and (c); 335.212 through 335.214; 335.221 through 335.225; 335.241 (except (b)(4)); 335.251; 335.261 (except (b) introductory paragraph, (b)(6), (b)(15) and (e)); 335.261(b) introductory paragraph, (b)(6), and (b)(15) (40 TexReg 77, effective January 8, 2015 (August 22, 2014 proposed rule (39 TexReg 6376))); 335.271; 335.272;

Chapter 335, Subchapter O—Land Disposal Restrictions, Section 335.431 (except (c)(1); 335.431(c)(1) (39 TexReg 6376, effective August 22, 2014 (August 22, 2014 proposed rule (39 TexReg 6376)));

Chapter 335, Subchapter R—Waste Classification, Sections 335.504 (except 335.504(1)); 335.504(1) (40 TexReg 77, effective January 8, 2015 (August 22, 2014 proposed rule (39 TexReg 6376)));

Chapter 335, Subchapter U, Standards For Owners And Operators Of Hazardous Waste Facilities Operating Under A Standard Permit, Sections 601 and 602.

Copies of the Texas regulations that are incorporated by reference are available from Thomson Reuters, 610 Opperman Drive, Eagan, MN 55123; Phone: 1-888-728-7677; website: <http://legalsolutions.thomsonreuters.com>.

#### UTAH

The regulatory provisions include:

Utah Administrative Code effective February 15, 1996: Sections R315-1 except R315-1-1(a), R315-1-1(f)&(h) and R315-1-2(a); R315-2 except R315-2-3(d)(2), R315-2-5, R315-2-6, R315-2-10(e)&(f), R315-2-11(e)&(f), R315-2-17, and R315-2-25(d); R315-3 except R315-3-1(b)&(c), R315-3-3(b)(3), R315-3-3(i)(1)-(3), R315-3-3(n)(8)(iv), R315-3-11(a)&(b), R315-3-11(f), R315-3-13(a)(4), R 315-3-16(b), R315-3-23(b)(1)&(2), R315-3-23(c)&(d), R315-3-24 through R315-3-29, R315-3-34 and R315-3-36; R315-4 through R315-7, except R315-7-8.1(c)(12)(iv), R315-7-18.9(d)(2)(i)(A) phrase “given the specific site conditions and the nature and extent of contamination”; R315-8 except R315-8-1(e)(10)(iv), R315-8-6.1(a)(3), R315-8-6.12(b), R315-8-11.2(e) phrase “given the specific site conditions and the nature and extent of contamination”, R315-8-14.10(b); R315-9; R315-14 except R315-14-3, R315-14-4, and R315-14-7; R315-16 except R315-16-1.1(a)(4), R315-16-1.6, R 315-16-1.7(c), R315-16-1.7(g), R315-16-1.7(1)(4), R315-16-2.4(d), R315-16-2.5(e), R315-16-2.12, R315-16-3.4(d), R351-16-3.5(e), R315-16-3.6(c)(2) word “lamp”, R315-16-3.10(a)(2) word “lamp”, R315-16-3.10(b)(2) word “lamp”, R315-16-3.12, R315-16-5.1(a); R315-50 except R315-50-9, R315-50-10, R315-50-12, and R315-50-13.

Utah Administrative Code revised as of May 15, 1996: Section R315-15, except R315-15-1.1(j)&(k), R315-15-1.3(b), R315-15-2.1(a)(1)&(4), R315-15-2.3(c)(1), R315-15-2.3(d), R315-15-2.4(a), R315-15-2.4(d)&(e), R315-15-3.1(b), R315-15-3.2(a), R315-15-4.6(f), R315-15-5.1(c), R315-15-5.5(e), R315-15-6.5(e), R315-15-7.1(d), R315-15-8.3, R315-15-9, R315-15-10, R315-15-11 with respect to used oil transfer and off-specification used oil burning facilities, R315-15-12, R315-15-13.5(a)-(c) &(e), R315-15-14, and R315-15-15.

Utah Administrative Code revised as of October 16, 1997: R315-2-3(d)(2), R315-2-10(e), R315-8-6.12(b), R315-8-14.10(b), R315-15-1.3(b), R315-15-2.1(a)(1)&(4), R315-15-2.3(c)(1), R315-15-2.3(d), R315-15-2.4(a), R315-15-2.4(d)&(e), R315-15-3.1(b), R315-15-3.2(a), R315-15-4.6(f), R315-15-5.5(e), R315-15-6.5(e), R315-15-8.3, and R315-15-9.

Utah Administrative Code revised as of February 20, 1998: R315-1-1(a), R315-1-2(a), R315-2-5, R315-2-6, R315-2-10(f), R315-2-11(e), R315-2-11(f), R315-2-17, R315-3-3(b)(3), R315-13-1, R315-14-7, R315-16-5.1(a), R315-50-9, R315-50-10, and R315-50-12.

Copies of the Utah regulations that are incorporated by reference are available from the Utah Department of Environmental Quality, 288 North 1460 West, Salt Lake City, Utah 84114-4880, Phone (801) 538-6776.

#### WISCONSIN

The regulatory provisions include:

The Wisconsin Administrative Code, 2006/2007 Edition, sections NR 660.01, 660.02, 660.07, 660.10, 660.11, 660.20-660.23, 660.30-660.33, 660.40, 660.41, 661.01-661.04, 661.06-661.11, 661.20-661.24,

661.30–661.33, 661.35 and 661.38 and chapter NR 661 Appendix I, II, III, VII and VIII, sections NR 662.010–662.012, 662.020, 662.022, 662.023, 662.027, 662.030–662.034, 662.040–662.043, 662.050–662.058, 662.060, 662.070, 662.080–662.087, 662.089, 662.190–662.194, 662.220, 663.10–663.13, 663.20–663.22, 663.30, 663.31, 664.0001, 664.0003, 664.0004, 664.0010–664.0019, 664.0025, 664.0030–664.0035, 664.0037, 664.0050–664.0056, 664.0070–664.0077, 664.0090–664.0101, 664.0110–664.0120, 664.0140–664.0148, 664.0151, 664.0170–664.0179, 664.0190–664.0200, 664.0220–664.0223, 664.0226–664.0232, 664.0250–664.0259, 664.0270, 664.0300–664.0304, 664.0309, 664.0310, 664.0312–664.0317, 664.0340–664.0345, 664.0347, 664.0351, 664.0550–664.0555, 664.0570–664.0575, 664.0600–664.0603, 664.1030–664.1036, 664.1050–664.1065, 664.1080–664.1090, 664.1100–664.1102 and 664.1200–664.1202, chapter NR 664 Appendix I, IV, V and IX, sections NR 665.0001, 665.0004, 665.0010–665.0019, 665.0030–665.0035, 665.0037, 665.0050–665.0056, 665.0070–665.0077 (excluding 665.0071(1)(b)6), 665.0090–665.0094, 665.0110–665.0121, 665.0140–665.0148, 665.0170–665.0174, 665.0176–665.0178, 665.0190–665.0200, 665.0202, 665.0220–665.0226, 665.0228–665.0231, 665.0250–665.0260, 665.0270, 665.0300–665.0304, 665.0309, 665.0310, 665.0312–665.0316, 665.0340, 665.0341, 665.0345, 665.0347, 665.0351, 665.0352, 665.0370, 665.0373, 665.0375, 665.0377, 665.0381–665.0383, 665.0400–665.0406, 665.0430, 665.0440–665.0445, 665.1030–665.1035, 665.1050–665.1064, 665.1080–665.1090, 665.1100–665.1102 and 665.1200–665.1202, chapter NR 665 Appendix I, III, IV, V and VI, sections NR 666.020–666.023, 666.070, 666.080, 666.100–666.112, 666.200–666.206, 666.210, 666.220, 666.225, 666.230, 666.235, 666.240, 666.245, 666.250, 666.255, 666.260, 666.305, 666.310, 666.315, 666.320, 666.325, 666.330, 666.335, 666.340, 666.345, 666.350, 666.355, 666.360, chapter NR 666 Appendix I–IX and XI–XIII, sections NR 668.01–668.07, 668.09, 668.14, 668.30–668.46 and 668.48–668.50, chapter NR 668 Appendix III, IV, VI–IX and XI, sections NR 670.001, 670.002, 670.004, 670.005, 670.010–670.019, 670.021–670.033, 670.040–670.043, 670.050, 670.051, 670.061, 670.062, 670.065, 670.066, 670.068, 670.070–670.073, 670.079, 670.235, 670.401, 670.403–670.406, 670.408–670.412, 670.415, 670.417, and 670.431–670.433, chapter NR 670 Appendix I, sections NR 673.01–673.05, 673.09–673.20, 673.30–673.40, 673.50–673.56, 673.60–673.62, 673.70, 673.80, 673.81, 679.01, 679.10–679.12, 679.20–679.24, 679.30–679.32, 679.40–679.47, 679.50–679.67, 679.70–679.75, and 679.80–679.82.

Copies of the Wisconsin regulations that are incorporated by reference can be obtained from: Legislative Reference Bureau, One East Main Street, Suite 200, Madison, Wisconsin 53701–2037.

## WYOMING

The regulatory provisions include:

Wyoming Hazardous Waste Management Rules, as amended effective March 18, 2015, Chapter 1, General Provisions: Sections 2(a) and (b); 3; 4; 124(a)(v); 260 (except 260(b)(ii)); 261; 262; 263; 264(a) through 264(d), 264(e)(i)

(except the citation “W.S. 35–11–1607” and the phrase “or a signed remedy agreement pursuant to W.S. 35–11–1607” in the first sentence), 264(e)(iii)(A) and (B), 264(f) through 264(m); 265; 266; 267; 268; 270(a) through 270(m); 273; and 279.

Copies of the Wyoming regulations that are incorporated by reference are available from Wyoming Secretary of State’s Office, The Capitol Building, Room B–10, 200 West 24th Street, Cheyenne, Wyoming 82002–0020, (Phone: (307) 777–5407).

[58 FR 3500, Jan. 11, 1993]

EDITORIAL NOTE: For FEDERAL REGISTER citations affecting appendix A to part 272, see the List of CFR Sections Affected, which appears in the Finding Aids section of the printed volume and at [www.govinfo.gov](http://www.govinfo.gov).

## PART 273—STANDARDS FOR UNIVERSAL WASTE MANAGEMENT

### Subpart A—General

- Sec.
- 273.1 Scope.
- 273.2 Applicability—batteries.
- 273.3 Applicability—pesticides.
- 273.4 Applicability—Mercury-containing equipment.
- 273.5 Applicability—lamps.
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