

§ 271.22

publication in paragraph (b)(3) of this section.

(5) To be eligible to use the procedure in this paragraph (h), a State must be authorized for the provisions which the rule listed in Table 1 to this section amends.

TABLE 1 TO § 271.21

Title of regulation	Promulgation date	FEDERAL REGISTER reference
Land Disposal Restrictions Phase II—the Universal Treatment Standards in §§ 268.40 and 268.48 of this chapter only.	Sept. 19, 1994	59 FR 47982
Office of Resource Conservation and Recovery Testing and Monitoring Activities, Methods Innovation Rule.	July 14, 2005	70 FR 34538, June 14, 2005
Process Vent and Equipment Leak Organic Air Emission Standards for Owners and Operators of Hazardous Waste Treatment, Storage, and Disposal Facilities.	July 14, 2005	70 FR 34538, June 14, 2005
Burning of hazardous waste in boilers and industrial furnaces.	July 14, 2005	70 FR 34538, June 14, 2005
Air Emissions Standards for Tanks, Surface Impoundments, and Containers.	July 14, 2005	70 FR 34538, June 14, 2005

[48 FR 14248, Apr. 1, 1983, as amended at 51 FR 7542, Mar. 4, 1986; 51 FR 33722, Sept. 22, 1986; 63 FR 65947, Nov. 30, 1998; 70 FR 34591, June 14, 2005; 71 FR 40280, July 14, 2006; 74 FR 30231, June 25, 2009]

§ 271.22 Criteria for withdrawing approval of State programs.

(a) The Administrator may withdraw program approval when a State program no longer complies with the requirements of this subpart, and the State fails to take corrective action. Such circumstances include the following:

(1) When the State's legal authority no longer meets the requirements of this part, including:

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(i) Failure of the State to promulgate or enact new authorities when necessary; or

(ii) Action by a State legislature or court striking down or limiting State authorities.

(2) When the operation of the State program fails to comply with the requirements of this part, including:

(i) Failure to exercise control over activities required to be regulated under this part, including failure to issue permits;

(ii) Repeated issuance of permits which do not conform to the requirements of this part; or

(iii) Failure to comply with the public participation requirements of this part.

(3) When the State's enforcement program fails to comply with the requirements of this part, including:

(i) Failure to act on violations of permits or other program requirements;

(ii) Failure to seek adequate enforcement penalties or to collect administrative fines when imposed; or

(iii) Failure to inspect and monitor activities subject to regulation.

(4) When the State program fails to comply with the terms of the Memorandum of Agreement required under § 271.8.

§ 271.23 Procedures for withdrawing approval of State programs.

(a) A State with a program approved under this part may voluntarily transfer program responsibilities required by Federal law to EPA by taking the following actions, or in such other manner as may be agreed upon with the Administrator.

(1) The State shall give the Administrator 180 days notice of the proposed transfer and shall submit a plan for the orderly transfer of all relevant program information not in the possession of EPA (such as permits, permit files, compliance files, reports, permit applications) which are necessary for EPA to administer the program.