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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.

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 Waste Management Rules Docket, 401 M Street, SW., Washington, DC 20460 and at the appropriate EPA Regional Office. Copies may be inspected at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC. 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]

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§§ 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) Pursuant to Section 3006(b) of RCRA, 42 U.S.C. 6926(b), Arkansas has final authorization for the following elements as submitted 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 August 23, 1985, May 29, 1990, November 18, 1991, December 4, 1992 and December 21, 1994.

(b) *State Statutes and Regulations*. (1) The Arkansas 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 Arkansas Statutory Requirements Applicable to the Hazardous Waste Management Program, dated March, 1995.

(ii) EPA Approved Arkansas Regulatory Requirements Applicable to the Hazardous Waste Management Program, dated March, 1995.

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

(i) Arkansas Hazardous Waste Management Act of 1979, as amended, Arkansas Code of 1987 Annotated (A.C.A.), 1993 Replacement, 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 and 8-7-225(b) through 8-7-225(d).

(ii) Arkansas Resource Reclamation Act of 1979, as amended, Arkansas Code of 1987 Annotated (A.C.A.), 1993 Replacement, Sections 8-7-302(3), 8-7-303, 8-7-308(1), and 8-7-308(4).

(iii) Arkansas Department of Pollution Control and Ecology (ADPC&E) Regulation No. 23, Hazardous Waste Management, as amended August 27, 1993, effective September 21, 1993, chapter two, sections 3a(11), 3b, 3c, 4, 6a, 6d through 6m, 7, 8, 12b(7), 12c (except 12(c)(10) and 12(c)(11)), 12d, 12e, 14a, 17; chapter three, sections 19 and 20; chapter five, section 26.

(iv) Arkansas Department of Pollution Control and Ecology, Regulation No. 7, Civil Penalties, May 25, 1984.

(v) Arkansas Department of Pollution Control and Ecology, Regulation No. 8, Administrative Procedures, July 6, 1984.

(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) Arkansas Hazardous Waste Management Act, as amended, Arkansas Code of 1987 Annotated (A.C.A.), 1993 Replacement, Section 8-7-226.

(ii) Arkansas Department of Pollution Control and Ecology Regulation No. 23, Hazardous Waste Management, as amended as amended August 27, 1993, effective September 21, 1993, chapter two, sections 2a(5) (only the second sentence), 2b(11), 3a(10), 11, 16a, and portions of sections 16c and 16d that refer to PCBs; and chapter four, section 23.

(4) *Unauthorized State Provisions:* Arkansas has adopted but is not authorized for the September 1, 1988 (53 FR 33938) and the July 1, 1991 (56 FR 30200) amendments to Parts 264 and 265 addressing liability requirements. Thus, the portions of the Arkansas Hazardous Waste Management code, chapter 2, sections 3a(5) and 3a(6) adopting the September 1, 1988 and the July 1, 1991 amendments are not part of the State's authorized program and are not Federally enforceable.

(5) *Memorandum of Agreement.* The Memorandum of Agreement between EPA Region 6 and the State of Arkansas signed by the EPA Regional Administrator on November 3, 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", 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 Independent Legal Counsel on May 10, 1994 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

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

[60 FR 32112, June 20, 1995]

§§ 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 accordance 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); 403.7222(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); 403.7222(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.

(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

Environmental Protection Agency

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Federal requirement	Federal Register reference	Publication date
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.

§ 272.650 State authorization.

(a) The State of Idaho 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 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 Idaho Department of Health and Welfare, was approved by EPA pursuant to 42 U.S.C. 6926 (b) and (g) and part 271 of this chapter. EPA's initial approval of Idaho's program for the base, HSWA and non-HSWA provisions promulgated as of July 1, 1987, was effective on April 9, 1990 (see 55 FR 11015 dated March 26, 1990). EPA's approval of Idaho's corrective action program for those provisions promulgated as of July 1, 1987 was effective on June 5, 1992 (see 57 FR 11580 dated April 6, 1992).

(b) Idaho is not authorized to implement any other HSWA requirements promulgated after June 30, 1990, in lieu of EPA unless EPA has explicitly indicated its intent to allow such action in a FEDERAL REGISTER notice granting Idaho authorization.

(c) Idaho 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) Idaho 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. Idaho 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 Idaho obtains final authorization for the revised requirements pursuant to section 3006(g), the newly authorized provision will be listed in § 272.651 of this subpart. If Idaho obtains interim authorization for the revised requirements pursuant to section 3006(g), the newly authorized provisions will be listed in § 272.652.

[55 FR 50328, Dec. 6, 1990, as amended at 57 FR 24758, June 11, 1992]

§ 272.651 State-administered program: Final authorization.

Pursuant to section 3006(b) of RCRA, 42 U.S.C. 6926(b): Idaho has final authorization for the following elements submitted to EPA in Idaho's program application for final authorization and approved by EPA effective on April 9, 1990; revision application for final authorization of the corrective action provisions approved by EPA effective on June 5, 1992; and revision application for final authorization and approval by EPA effective on August 10, 1992.

(a) *State Statutes and Regulations.*

(1) The requirements in 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.* 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 may be obtained from the Michie Company, Law Publishers, 1 Town Hall Square, Charlottesville, Virginia 22906-7587. Copies may only be inspected at the U.S. EPA, Office of Solid Waste, The RCRA Docket, room 2427, 401 M Street SW., Washington DC; The Office of Federal Register, 1100 "L" Street NW., room 8401, Washington, DC; U.S. EPA Region 10, 1200 Sixth Avenue, Seattle, WA; and at the Idaho Department of Health and Welfare, Administrative Procedures Section, 1410 N. Hilton, Boise, ID.

(i) Statutory authority is vested in the State of Idaho, Board of Health and Welfare, by the Hazardous Waste Management Act of 1983 (HWMA). This includes the following statutes as contained in Chapter 44 "Hazardous Waste

Management", section 39 of the Idaho Code (I.C.), General Laws of Idaho Annotated, Volume 7A, published in 1985 by the Michie Company, Law Publishers, Charlottesville, Virginia: I.C. 39-4406; 39-4407; 39-4412; 39-4416; 39-4421; and 39-4429 as contained in the 1991 Cumulative Pocket Supplement, Idaho Code, Volume 7A republished in September 1991; by the Michie Company, Law Publishers, Charlottesville, Virginia: I.C. 39-4403; 39-4404; 39-4405; 39-4408; 39-4409; 39-4410(3); 39-4411 [effective until July 1, 1993]; 39-4411 [effective July 1, 1993]; 39-4423; 39-4424; and 39-4429.

(ii) The following are the Idaho Department of Health and Welfare Rules and Regulations, as contained in title 1, chapter 5, "Rules, Regulations and Standards for Hazardous Waste" (hereinafter referred to as the "IDHW Regulations"), in effect as of March 6, 1991, are part of the approved program under RCRA: IDHW Regulations, Sections: 16.01.5000; 16.01.5001; 16.01.5002; 16.01.5003; 16.01.5004; 16.01.5005; 16.01.5006; 16.01.5007; 16.01.5008; 16.01.5009; 16.01.5010; 16.01.5011; 16.01.5012; 16.01.5013; 16.01.5356; and appendix A.

(2) The following statutes are not incorporated herein for enforcement purposes although are part of the authorized state program. These statutes are as contained in chapter 44 "Hazardous Waste Management", section 39 of the Idaho Code (I.C.), General Laws of Idaho Annotated, Volume 7A, published in 1985 by the Michie Company, Law Publishers, Charlottesville, Virginia: I.C. 39-4413 ("Enforcement Procedures"), I.C. 39-4414 ("Remedies") and I.C. 39-4415 ("Violations Constituting Misdemeanors"); and as contained in the 1991 Cumulative Pocket Supplement Idaho Code, Volume 7A republished in September 1991; by the Michie Company, Law Publishers, Charlottesville, Virginia: I.C. 39-4413 ("Enforcement procedures"). The additional statutes are also not incorporated herein for enforcement purposes, although are part of the authorized state program. These statutes are as contained in chapter 3 "Public Writings", Section 9 of the Idaho Code (I.C.), General Laws of Idaho Annotated, Volume 2, published in 1990 by the Michie Company, Law Publishers, Charlottesville,

Virginia: I.C. 9-337 *et seq.*; and as contained in the 1991 Pocket Supplement Idaho Code (I.C.), Volume 2, published in 1991; by the Michie Company, Law Publishers, Charlottesville, Virginia: I.C. 9-337 *et seq.*

(3) The following statutes and regulations concerning routing of hazardous waste shipment are "broader in scope" than the Federal program, and are not incorporated herein for enforcement purposes and are not part of the authorized program, but remain part of the State hazardous waste program requirements. The statutes are as contained in chapter 44 "Hazardous Waste Management", Section 39 of the Idaho Code (I.C.), General Laws of Idaho Annotated, Volume 7A, published in 1985 by the Michie Company, Law Publishers, Charlottesville, Virginia: I.C. 39-4410 (1), (2), (4), (5), and (6); and as contained in the 1991 Cumulative Pocket Supplement, Volume 7A, republished September 1991; by the Michie Company, Law Publishers, Charlottesville, Virginia: I.C. 39-4410 (1), (2), (4), and (5); and the regulations as contained in title 1, chapter 5, "Rules, Regulations and Standards for Hazardous Waste", in effect as of March 6, 1991, hereinafter referred to as "IDHW Regulations" are: IDHW Regulations section 16.01.5500, 01 and 02.

(b) Memorandum of Agreement. The Memorandum of Agreement between EPA Region 10 and Idaho Department of Health and Welfare signed by the EPA Regional Administrator on March 25, 1992, 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 Idaho Attorney General's Statement for Final Authorization for the Federal RCRA Program through June 30, 1987, signed by the Attorney General of Idaho on July 5, 1988; letter amending and supplementing the July 5, 1988 Attorney General Statement, signed by the Attorney General of Idaho on July 3, 1989; and Idaho's Revised Attorney General's Statement for Final Authorization for changes to the Federal RCRA Program from July 1, 1987 through June 30, 1990, signed by the Attorney General of Idaho on February 13, 1992, are part of the authorized haz-

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

(d) *Program description.* Program descriptions dated July 1988, and revised November 1991 and any other materials submitted as part of the original application or as supplements thereto are part of the authorized hazardous waste management program under subtitle C of RCRA 42 U.S.C. 6921 *et seq.*

[57 FR 24758, June 11, 1992]

§§ 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 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 Jan-

uary 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, 401 M Street, SW., Washington, DC, or at the Office of Federal Register, 800 North Capital Street, NW., suite 700, Washington, DC.

(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]

§§ 272.702—272.749 [Reserved]

Subpart P—Indiana

§ 272.750 State authorization.

(a) The State of Indiana 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 base program and revisions to that program, as administered initially by the Indiana State Board of Health and later by the Indiana Department of Environmental Management, were approved by EPA pursuant to 42 U.S.C. 6926(b) and part 271 of this chapter. EPA's approval of Indiana's base program was effective on January 31, 1986. EPA's approval of revisions to Indiana's base program were effective on December 31, 1986, and January 19, 1988.

(b) Indiana 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 Indiana authorization.

(c) Indiana 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) Indiana 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. Indiana 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 Indiana obtains final authorization for the revised requirements pursuant to section 3006(b), the newly authorized provisions will be listed in § 272.751 of this subpart. If Indiana obtains interim authorization for the revised requirements pursuant to section 3006(g), the newly authorized provisions will be listed in § 272.752.

[54 FR 34990, Aug. 23, 1989]

§ 272.751 State-administered program: Final authorization.

Pursuant to section 3006(b) of RCRA, 42 U.S.C. 6926(b), Indiana has final authorization for the following elements submitted to EPA in Indiana's base program and base program revision applications for final authorization and approved by EPA effective on January 31, 1986, December 31, 1986, and January 19, 1988.

(a) *State Regulations.* (1) The following Indiana 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.*: Indiana Administrative Code, title 320, articles 4.1-1-3 through 4.1-37-4, 4.1-37-6 through 4.1-39-12, and 4.1-40-1 through 4.1-54-8 (1987 Cumulative Supplement, Volume 2, as supplemented by Indiana Register, Volume 10, Number 8, pages 1563-1690, May 1, 1987). 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 for the Indiana Legislative Services Agency, Administrative Code and Register Division, 302 State House, Indianapolis, Indiana 46204.

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

(i) Indiana Code, title 4, article 21.5, chapters 1 through 4; title 13, article 6, chapter 1, section 6; and title 13, article 7, chapters 1 through 7, 8.5, 10 through

13 (except for chapter 13, Section 2(a)), and 16 (effective July 1, 1987).

(ii) Indiana Administrative Code, title 320, articles 4.1-1-1, 4.1-1-2, 4.1-37-5, and 4.1-39-13 through 4.1-39-21 (1987 Cumulative Supplement, Volume 2, as supplemented by Indiana Register, Volume 10, Number 8, pages 1563-1690, May 1, 1987).

(3) The following statutory provisions of the Indiana Code are broader in scope than the Federal program, are not part of the authorized program, and are not codified herein for enforcement purposes: Indiana Code, title 13, article 7, chapter 8.7 and chapter 13, section 2(a) (effective July 1, 1987).

(b) *Memorandum of Agreement*. The Memorandum of Agreement between EPA Region V and the Indiana Department of Environmental Management, signed by the EPA Regional Administrator on July 18, 1986, is codified as part of the authorized hazardous waste management program under subtitle C of RCRA, 42 U.S.C. 6921 *et seq.*

(c) *Statements of Legal Authority*. The Indiana Attorney General's Statements for final authorization signed by the Attorney General of Indiana on June 28, 1985, August 26, 1986, and June 1, 1987, 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*. Program Descriptions dated August 5, 1985, April 24, 1986, and June 29, 1987, 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.*

(e) *Letter from State Health Commissioner*. The letter from the State Health Commissioner, Indiana Board of Health to the Regional Administrator, EPA Region V dated November 4, 1985, as an addendum to the Indiana Final Authorization Application, is codified as part of the authorized hazardous waste management program under subtitle C of RCRA, 42 U.S.C. 6921 *et seq.*

[54 FR 34990, Aug. 23, 1989]

§§ 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), Louisiana has final authorization for the following elements as submitted to EPA in Louisiana's base program application for final authorizations which was approved by EPA effective on February 7, 1985. Subsequent program revision applications were approved effective on January 29, 1990, October 25, 1991, January 23, 1995, March 8, 1995, January 2, 1996, June 11, 1996 and March 16, 1998.

State Statutes and Regulations

(1) The Louisiana 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 Louisiana Statutory Requirements Applicable to the Hazardous Waste Management Program, dated June, 1997.

(ii) EPA Approved Louisiana Regulatory Requirements Applicable to the Hazardous Waste Management Program, dated June, 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) Louisiana Statutes Annotated, Revised Statutes, 1989, Volume 17B,

Subtitle II of Title 30, Louisiana Environmental Quality Act, 1989: Chapter 2, Sections 2011.A(1)&(2), 2011.B, 2011.C (except 2011.C(1)(a)), 2011.D (introductory paragraph), 2011.D(1)–(3), 2011.D(5)–(9), 2011.D(13)–(15), 2011.D(17)&(18), 2011.D(21) (except 2011.D(21)(e)), 2011.D(22), 2011.E–G, 2012 (except 2012.F(4) and 2012.G), 2013, 2014.A, 2019.A&B, 2020 through 2021, 2023, 2024.B–C, 2025.A–D, 2025.E(2)–(5), 2025.F (introductory paragraph), 2025.F(1)–(4), 2025.G–I, 2026, 2027.C, 2028, 2029, 2033, 2037; Chapter 3, Sections 2054.B(1), 2054.B(2)(a); Chapter 9, sections 2174, 2175, 2180.A (introductory paragraph), 2180.A(2)–(8), 2180.B–C, 2181–2182, 2183.C, 2183.F, 2183.G (except 2183.G(3)), 2183.H, 2186, 2187, 2188.A, 2188.C, 2189, 2190.A–D, 2191.A–C, 2192.A, 2192.B (except 2192.B(4)), 2192.C, 2196, 2199 through 2200, 2203.B–C, 2204.A(2), and 2204.B.

(ii) Louisiana Statutes Annotated, Revised Statutes, 1992 Cumulative Annual Pocket Part, Volume 17B, Subtitle II of Title 30, Louisiana Environmental Quality Act: Chapter 2, section 2011.C(1)(a), 2011.D(21)(e), 2012.F(4), 2012.G, 2018, 2019.C, 2022 (except the first sentence of 2022.A), 2024.A&D, 2025.E(1), 2025.J, 2027.A&B; Chapter 9, sections 2180.A(1), 2183.G(3), 2192.B(4).

(iii) Louisiana Administrative Code, Title 33, Part V, Hazardous Waste and Hazardous Materials, Amendments through June 1995: Chapter 1, sections 101, 107.A–C; Chapter 3, Sections 301.A&B, 311.A, 311.C, 315 (introductory paragraph), 323.B.3; Chapter 5, Section 503; Chapter 7, Sections 703, 705 and 707 through 721.

(iv) Louisiana Administrative Code, Title 33, Part V, Hazardous Waste and Hazardous Materials, Amendments for July 1995–March 1996: Chapter 3, Section 323.B.4.d. & e.

(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, 1989, Volume 17B, Subtitle II of Title 30, Louisiana Environmental Quality Act, 1989: Chapter 2, sections 2014.B–D.

(ii) Louisiana Statutes Annotated, Revised Statutes, 1992 Cumulative Annual Pocket Part, Volume 17B, Subtitle II of Title 30, Louisiana Environmental Quality Act: Sections 2178 and 2197.

(iii) Louisiana Administrative Code, Title 33, Part V, Hazardous Waste and Hazardous Materials, Amendments through June 1995: 327, 1313, and Chapter 51.

(4) Unauthorized State Amendments. 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 § 272.951(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 are available as a separate document, Addendum to the EPA-Approved Louisiana Regulatory and Statutory Requirements Applicable to the Hazardous Waste Management Program, June, 1997. Copies of the document can be obtained from EPA Region 6, 1445 Ross Avenue, Dallas, Texas 75202–2733, Phone number: (214) 665–8533.

State provision	Effective date of authorized provision	Unauthorized state amendments	
		State reference	Effective date
LAC § 109 "Industrial furnace" introductory paragraph	November 20, 1988	LR 18:1375	December 20, 1992.
LAC § 303.K.1 (previously LHW R § 3.2(k)(1))	July 20, 1984	LR 14:790	November 20, 1988.
LAC § 901 (LHW R § 6.1)	March 20, 1984	LR 20:1000	September 20, 1994.
LAC § 1111.B.1.c (previously LHW R § 7.6(b)(1))	March 20, 1984	LR 16:220	March 20, 1990.
LAC § 1113 (previously LHW R § 7.7)	March 20, 1984	LR 16:220	March 20, 1990.
		LR 20:1000	September 20, 1994.
		LR 20:1109	October 20, 1994.
LAC § 2511.B (previously LHW R § 14.6(b))	March 20, 1984	LR 16:1057	December 20, 1990.
LAC § 3105.A	November 21, 1988	LR 18:1256	November 20, 1992.
		LR 18:1375	December 20, 1992.
		LR 20:1000	September 20, 1994.
		LR 16:614	July 20, 1990.
LAC § 3309 (previously LHW R § 18.5)	July 20, 1984	LR 18:723	July 20, 1992.
LAC § 3707.F.1 (previously LHW R 20.4(f)(1))	August 20, 1987	LR 18:723	July 20, 1992.
LAC § 3707.F.2 (previously LHW R 20.4(f)(2))	August 20, 1987	LR 18:723	July 20, 1992.
LAC § 3711.F.1	November 21, 1988	LR 18:723	July 20, 1992.
LAC § 3711.F.2	November 21, 1988	LR 18:723	July 20, 1992.
LAC § 3711.G (previously LHW R 20.4(g))	March 20, 1984	LR 18:723	July 20, 1992.
LAC § 3715.F.1 (previously LHW R § 20.8(f)(1))	March 20, 1984	LR 18:723	July 20, 1992.
LAC § 4141	March 20, 1992	LR 18:1375	December 20, 1992.
LAC § 4307 (previously LHW R § 23.4)	March 20, 1984	LR 21:944	September 20, 1995.
LAC § 4397.B	August 20, 1987	LR 21:266	March 20, 1995.
LAC § 4403.E.1	March 20, 1990	LR 18:723	July 20, 1992.
LAC § 4403.E.2	November 21, 1988	LR 18:723	July 20, 1992.
LAC § 4403.F (previously LHW R § 23.52(f))	March 20, 1984	LR 18:723	July 20, 1992.
LAC § 4407.A.12 (previously LHW R § 23.54(a)(12))	March 20, 1984	LR 13:433	August 20, 1987.
		LR 18:723	July 20, 1992.
LAC § 4407.E.1&2	August 20, 1987	LR 18:723	July 20, 1992.
LAC § 4407.F (previously LHW R § 23.54(f))	March 20, 1984	LR 18:723	July 20, 1992.
LAC § 4503.B introductory paragraph (previously LHW R § 23.102(b))	March 20, 1984	LR 16:1057	December 20, 1990.
LAC § 4513.A	March 20, 1990	LR 18:1375	September 20, 1992.
		LR 20:1000	September 20, 1994.
LAC § 4901.D.3	September 20, 1994	LR 21:266	March 20, 1995.

(5) Memorandum of Agreement. The Memorandum of Agreement between EPA Region 6 and the Louisiana Department of Environmental Quality—Hazardous Waste Division, signed by the EPA Regional Administrator on December 18, 1995, 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 Louisiana on May 10, 1989 and revisions, supplements and addenda to that Statement dated May 13, 1991, May 3, 1994, December 2, 1994, May 31, 1995, July 24, 1995, and November 30, 1995, 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.*

[62 FR 67583, Dec. 29, 1997]

§§ 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 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 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 Crowner Drive, Lansing, Michigan 48913, Phone: (517) 322-1897. Copies may be inspected at: U.S. EPA Headquarters Library, PM 211A, 401 M Street, 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 Office of the Federal Register, 800 North Capitol Street, NW., room 700, Washington, DC.

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

(b) Memorandum of Agreement. The Memorandum of Agreement between

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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]

§ 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 hazardous 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 State authorization.

(a) The State of Montana is authorized to administer and enforce its hazardous waste management program in lieu of the 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 Montana Department of Health and Environmental Services, was approved by EPA pursuant to 42 U.S.C. 6926(b) and part 271 of this chapter. EPA's approval was effective on July 11, 1984, 48 FR 28245.

(b) Montana 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 Montana authorization.

(c) Montana 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 to take 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) Montana 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. Montana 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 Montana obtains final authorization for the revised requirements pursuant to section 3006(b) of RCRA, the newly authorized provisions will be listed in § 272.1351. If Montana obtains interim authorization for the revised requirements pursuant to section 3006(g), the newly authorized provisions will be listed in § 272.1352.

§ 272.1351 State-administered program: Final authorization.

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 program application and any subsequently approved revisions thereto.

(a) *State Statutes and Regulations.* (1) The requirements in the Montana 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 Office of the FEDERAL REGISTER effective January 31, 1986.

(i) Montana Hazardous Waste Act, Montana Code Annotated, sections 75-10-401 through 75-10-413 and 75-10-419 through 75-10-421 (1983).

(ii) Administrative Rules of Montana, Health and Environmental Sciences, sections 16.44.101 through 16.44.911 (1983) and amendments to sections 16.44.104, 16.44.106, 16.44.108, 16.44.109, 16.44.202, 16.44.811, 16.44.817, and 16.44.819 adopted on January 16, 1984.

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

(i) Montana Hazardous Waste Act, Montana Code Annotated, sections 75-10-414 through 75-10-418 (1983).

(ii) Montana Public Records Act, Montana Code Annotated, sections 2-6-101 through 2-6-307 (1983).

(iii) Montana Administrative Procedures Act, Montana Code Annotated, sections 2–4–101 through 2–4–705 (1983).

(b) *Memorandum of Agreement*. The Memorandum of Agreement between EPA Region VIII and the Montana Department of Health and Environmental Services, signed by the EPA Regional Administrator on June 16, 1984.

(c) *Statement of Legal Authority*. Letter from the Attorney General of Montana to EPA, June 7, 1984, with attached Statement of Independent Legal Counsel, dated June 1, 1984.

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

§§ 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), New Mexico has 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 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 and June 13, 1998.

(b) State Statutes and Regulations.

(1) The New Mexico 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 EPA Approved New Mexico Statutory Requirements Applicable to the Hazardous Waste Management Program, dated September 1997.

(ii) The EPA Approved New Mexico Regulatory Requirements Applicable to the Hazardous Waste Management Program, dated September 1997.

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

(i) New Mexico Statutes 1978 Annotated, Inspection of Public Records Act, Chapter 14, Article 2, (1994 Cumulative Supplement), Sections 14–2–1 *et seq.*

(ii) New Mexico Statutes 1978 Annotated, Hazardous Waste Act, Chapter 74, Article 4, (1993 Replacement Pamphlet), Sections 74–4–4 (except 74–4–4C), 74–4–4.1, 74–4–4.2C through 74–4–4.2F, 74–4–4.2G(1), 74–4–4.2H, 74–4–4.2I, 74–4–4.3 (except 74–4–4.3A(2) and 74–4–4.3F), 74–4–4.7B, 74–4–4.7C, 74–4–5, 74–4–7, 74–4–10, 74–4–10.1 (except 74–4–10.1C), 74–4–11 through 74–4–14.

(iii) Title 20, Chapter 4, Part 1, New Mexico Administrative Code (20 NMAC 4.1), effective November 11, 1995, Subpart IX, Section 4.1.901 (except 4.1.901.B.1 through 4.1.901.B.6); and Subpart X, Sections 4.1.1101, 4.1.1105, 4.1.1106, and 4.1.1109.

(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, (1993 Replacement Pamphlet), Sections 74–4–3.3 and 74–4–4.2J.

(4) *Unauthorized State Provisions* (i) The State's adoption of the Federal rules listed below is not approved by EPA and are, therefore, not enforceable:

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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
National Uniform Manifest	49 FR 10490	03/20/84
Recycled Used Oil Management Standards	57 FR 41566: Amendments to 40 CFR Parts 260, 261 and 266. 58 FR 26420: Amendments to 40 CFR Parts 261, 264 and 265.	09/10/92 05/03/93
Revision of Conditional Exemption for Small Scale Treatability Studies ...	59 FR 8362	02/18/94
Letter of Credit Revision	59 FR 29958	06/10/94

(ii) Additionally, New Mexico has adopted but is not authorized to implement the HSWA rules that are listed below in lieu of EPA. The EPA will

continue to enforce the Federal HSWA standards for which New Mexico is not authorized until the State receives specific authorization from EPA.

Federal requirement	Federal Register reference	Publication date
Toxicity	55 FR 40834	10/05/90
Characteristic	56 FR 3978	02/01/91
Hydrocarbon Recovery Operations	56 FR 13406	04/02/91
Toxicity	56 FR 5910	02/13/91
Characteristic Chlorofluorocarbon Refrigerants		
Revisions to the Petroleum Refining Primary and Secondary Oil/Water/ Solids Separation Sludge Listings (F037 and F038).	56 FR 21955	05/13/91
Boilers and Industrial Furnaces; Administrative Stay and Interim Standards for Bevill Residues.	58 FR 59598	11/09/93

(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 December 11, 1996, 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 on 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; and January 12, 1996, 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.*

[63 FR 23224, Apr. 28, 1998]

EFFECTIVE DATE NOTE: At 63 FR 23224, Apr. 28, 1998, §272.1601 was revised, effective July 13, 1998. For the convenience of the user, the superseded text is set forth as follows:

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

(a) Pursuant to Section 3006(b) of RCRA, 42 U.S.C. 6926(b), New Mexico has 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, and January 2, 1996.

(b) *State Statutes and Regulations.* The New Mexico 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.*

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40 CFR Ch. I (7–1–98 Edition)

(i) EPA Approved New Mexico Statutory Requirements Applicable to the Hazardous Waste Management Program, dated April, 1996.

(ii) EPA Approved New Mexico Regulatory Requirements Applicable to the Hazardous Waste Management Program, dated April, 1996.

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

(i) New Mexico Statutes 1978 Annotated, Inspection of Public Records Act, Chapter 14, Article 2, (1994 Cumulative Supplement), Sections 14-2-1 et seq.

(ii) New Mexico Statutes 1978 Annotated, Hazardous Waste Act, Chapter 74, Article 4, (1993 Replacement Pamphlet), Sections 74-4-4 (except 74-4-4C), 74-4-4.1, 74-4-4.2C through 74-4-4.2F, 74-4-4.2G(1), 74-4-4.2H, 74-4-4.2I, 74-

4-4.3 (except 74-4-4.3A(2) and 74-4-4.3F), 74-4-4.7B, 74-4-4.7C, 74-4-5, 74-4-7, 74-4-10, 74-4-10.1 (except 74-4-10.1C), 74-4-11 through 74-4-14.

(iii) Title 20, Chapter 4, Part 1, New Mexico Administrative Code (20 NMAC 4.1), effective September, 23, 1994, Subpart IX, Section 902 (except 902.B.1 through 902.B.6); and Subpart XI, Sections 1101, 1105, and 1106.

(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, (1993 Replacement Pamphlet), Sections 74-4-3.3 and 74-4-4.2J.

(4) *Unauthorized State Provisions:* The State's adoption of the Federal rules listed below is not approved by EPA and are, 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
National Uniform Manifest	49 FR 10490	03/20/84
Recycled Used Oil	57 FR 41566: Amendments to 40 CFR Parts 260, 261 and 266.	09/10/92
Management Standards	58 FR 26420: Amendments to 40 CFR Parts 261, 264 and 265.	05/03/93

Additionally, New Mexico has adopted but is not authorized to implement the HSWA rules that are listed below in lieu of EPA. EPA will continue to enforce the Federal HSWA

standards for which New Mexico is not authorized until the State receives specific authorization from EPA.

Federal requirement	Federal Register reference	Publication date
Toxicity Characteristic;	55 FR 40834	10/05/90
Hydrocarbon Recovery	56 FR 3978	02/01/91
Operations	56 FR 13406	04/02/91
Toxicity Characteristic; Chlorofluorocarbon Refrigerants	56 FR 5910	02/13/91
Revisions to the Petroleum Refining Primary and Secondary Oil/Water/Solids Separation Sludge Listings (F037 and F038).	56 FR 21955	05/13/91

(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 December 18, 1995 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 on 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, and August 24, 1995, 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.

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§§ 272.1602—272.1649 [Reserved]

Subpart HH—New York

§§ 272.1650—272.1699 [Reserved]

Subpart II—North Carolina

§§ 272.1700—272.1749 [Reserved]

Subpart JJ—North Dakota

§§ 272.1750—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 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) Pursuant to section 3006(b) of RCRA, 42 U.S.C. 6926(b), the EPA granted Oklahoma final authorization for Base program effective 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, March 14, 1997 and July 14, 1998.

(b) *State Statutes and Regulations.* (1) The Oklahoma 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 EPA Approved Oklahoma Statutory Requirements Applicable to the Hazardous Waste Management Program, August 1997.

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(ii) The EPA Approved Oklahoma Regulatory Requirements Applicable to the Hazardous Waste Management Program, August 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) Oklahoma Hazardous Waste Management Act, as amended, 27A Oklahoma Statute (O.S.) 1997 Edition, effective August 30, 1996, Sections 2-2-104, 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), 2-7-110(A), 2-7-113.1, 2-7-115, 2-7-116(A), 2-7-116(G), 2-7-116(H)(1), 2-7-123, 2-7-126, 2-7-129, 2-7-130, 2-7-131 and 2-7-133.

(ii) The Oklahoma Administrative Code (OAC), Title 252, Chapter 200, 1996 Edition, effective July 1, 1996: Subchapter 1, Section 252:200-1-1(b); Subchapter 11, Section 252:200-11-2; and Subchapter 13, Sections 252:200-13-1 and 252:200-13-3.

(iii) The May 15, 1997 issue of the Oklahoma Register (14 Ok Reg 1609 and 1611), effective June 2, 1997: Subchapter 3, Section 252:200-3-2(1).

(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) Oklahoma Hazardous Waste Management Act, as amended, 27A Oklahoma Statute (O.S.) 1997 Edition, effective August 30, 1996, Sections 2-7-119 and 2-7-121.

(ii) The Oklahoma Administrative Code (OAC), Title 252, Chapter 200, 1996 Edition, effective July 1, 1996: Subchapter 8; Subchapter 13, Section 252:200-13-4; Subchapter 17; and 252:200 Appendices.

(4) Unauthorized State Provisions: The State's adoption of the Federal rules listed below, while incorporated by reference at paragraph (b)(1) of this Section, is not approved by EPA and are, therefore, not enforceable:

Federal requirement	FEDERAL REGISTER Reference	Publication date
Delisting	50 FR 28702: Amendments to 260.22(a) through 260.22(e).....	07/15/85
Toxicity	55 FR 40834	10/05/90
Characteristics	56 FR 3978	02/01/91
Hydrocarbon Recovery Operations	56 FR 13406	04/02/91
Toxicity Characteristics; Chlorofluorocarbon Refrigerants	56 FR 5910	02/13/91
Administrative Stay for K069 Listing	56 FR 19951	05/01/91
Amendments to Interim Status Standards for Downgradient Ground-water Monitoring Well Locations	56 FR 66365	12/23/91
Administrative Stay for the Requirement that Existing Drip Pads Be Impermeable	57 FR 5859	02/18/92

(5) *Memorandum of Agreement.* The Memorandum of Agreement between EPA Region VI and the State of Oklahoma signed by the EPA Regional Administrator on September 20, 1996, 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 Oklahoma on 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; and March 4, 1996, 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.*

[63 FR 23676, Apr. 30, 1998]

EFFECTIVE DATE NOTE: At 63 FR 23676, Apr. 30, 1998, §272.1851 was revised, effective July

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14, 1998. For the convenience of the user, the superseded text is set forth as follows:

§ 272.1851 Oklahoma State-Administered Program: Final Authorization.

(a) Pursuant to section 3006(b) of RCRA, 42 U.S.C. 6926(b), Oklahoma has 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, and November 19, 1991.

(b) *State Statutes and Regulations.* (1) the Oklahoma 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 Oklahoma Statutory Requirements Applicable to the Hazardous Waste Management Program, September, 1993.

(ii) EPA Approved Oklahoma Regulatory Requirements Applicable to the Hazardous Waste Management Program, September, 1993.

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

(i) Oklahoma Controlled Industrial Waste Disposal Act, 63 O.S. 1991, Sections 1-2001.1, 1-2003, 1-2003.1, 1-2004 (except 1-2004(19) through 1-2004(21) and 1-2004(27) through 1-2004(34)), 1-2004.1, 1-2004.2, 1-2005, 1-2005.1, 1-2005.3, 1-2006, 1-2006.1(A), 1-2007, 1-2008(A), 1-2008(G), 1-2008(H)(1), 1-2009.1(B), 1-2011, 1-2012, 1-2012.1, 1-2013, and 1-2013.1.

(ii) Industrial Waste Management Regulations, Chapter 270, Title 310 The Oklahoma Administrative Code, December 31, 1991: Subchapter 3, Section 310:270-3-2(1); Subchapter 11, Sections 310:270-11-1(a)(6), 310:270-11-1(e), 310:270-11-2; Subchapter 13, 310:270-13-1, and 310:270-13-3.

(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) Oklahoma Controlled Industrial Waste Disposal Act, 69 O.S. 1991, Sections 1-2005.2 and 1-2005.3A.

(ii) Industrial Waste Regulations, Chapter 270, Title 310 The Oklahoma Administrative Code, December 31, 1991: Subchapter 11, Sections 310:270-11-1(c) portion addressing application fees, 310:270-11-1(d) portion addressing

application fees; Subchapter 13, Section 310:270-13-4; and Subchapter 17.

(4) *Unauthorized State Provisions:* The State's adoption of the Federal rules listed below, while incorporated by reference at 40 CFR 272.1851(a), is not approved by EPA and are, therefore, not enforceable:

Federal requirement	Federal Register reference	Publication date
Liability Requirements	53 FR 33938	09/01/88
Delay of Closure Period for Hazardous Waste Management Facilities.	54 FR 33376	08/14/89
Mining Waste Exclusion I	54 FR 36592	09/01/89
Testing and Monitoring Activities.	54 FR 40260	09/29/89
Mining Waste Exclusion II	55 FR 2322	01/23/90
Modification of F019 Listing.	55 FR 5340	02/14/90
Testing and Monitoring Activities; Technical Corrections.	55 FR 8948	03/09/90
Criteria for Listing Toxic Wastes; Technical Amendment.	55 FR 18726	05/04/90
Land Disposal Restrictions for Third Scheduled Wastes (Non-HSWA).	55 FR 22520	06/01/90

Additionally, Oklahoma is not yet authorized to implement any HSWA requirements in lieu of EPA. EPA will continue to enforce the Federal HSWA standards until the State receives specific HSWA authorization from EPA.

(5) *Memorandum of Agreement.* The Memorandum of Agreement between EPA Region VI and the State of Oklahoma signed by the EPA Regional Administrator on March 22, 1991, 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 Oklahoma on 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 14, 1990), November 20, 1989, and September 16, 1990, 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 dated 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.*

[58 FR 52681, Oct. 12, 1993]

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§§ 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—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) Pursuant to section 3006(b) of RCRA, 42 U.S.C. 6926(b), Texas has final authorization for the following elements as submitted to EPA in Texas' base program application for final authorizations 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 and December 3, 1997.

(b) *State Statutes and Regulations.* (1) The Texas 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 Texas Statutory Requirements Applicable to the Hazardous Waste Management Program, December 1996.

(ii) EPA Approved Texas Regulatory Requirements Applicable to the Hazardous Waste Management Program, December 1996.

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

(i) The Texas Solid Waste Disposal Act, Texas Health and Safety Code (THSC) Annotated, (Vernon, 1992), effective September 1, 1991: Chapter 361, sections 361.002, 361.016 through 361.018, 361.024, 361.032, 361.033, 361.036, 361.037(a), 361.061, 361.063, 361.064, 361.066(b), 361.067 through 361.076, 361.078, 361.079, 361.080(a), 361.082(b), 361.082(c) (first sentence only), 361.082(e), 361.083, 361.084 (except the phrase “, or evidence of * * * waste management”), 361.085 (c)–(j), 361.088 (a)–(c), 361.089, 361.090, 361.095 (b)–(f), 361.096, 361.097, 361.098(a) (except the phrase “Except as provided in Subsections (b) and (c),”), 361.099(a), 361.100, 361.101, 361.102(a) (except the phrases “Except as provided by Subsections (b) and (c)” and “and the Texas Air Control Board”), 361.103 through 361.108, 361.109(a), 361.221 (except 361.221 (c) & (e)), 361.222 (except 361.222 (d)–(u)), 361.223 (a)–(c), 361.224 (a) & (b), 361.225 through 361.229, 361.301, 361.303, 361.321 (a) & (b), 361.321(c) (except the phrase “Except as provided by Section 361.222(a)”), 361.321(d), 361.321(e) (except the phrase “Except as provided by Section 361.222(e)”).

(ii) Texas Water Code (TWC), Texas Codes Annotated (Vernon, 1992), effective September 1, 1985, as amended: Chapter 5, sections 5.103, 5.104, 5.105; Chapter 26, section 26.011; and Chapter 27, section 27.019.

(iii) Texas Administrative Code (TAC), Title 30, Environmental Quality, 1994, as amended, effective through January 1, 1994: Chapter 281, sections 281.1, 281.2 (except 281.2(10)), 281.3 (a) & (b), 281.5, 281.17 (d)–(f), 281.18(a), 281.19, 281.20, 281.21 (a)–(d), 281.22 through 281.24; Chapter 305, sections 305.29 (b) & (c), 305.64 (d) & (f), 305.66(c), 305.66 (e)–(l), 305.91 through 305.95, 305.97 through

305.103, 305.105, 305.123, 305.125 (1) & (3), 305.125(20), 305.127(1)(B)(i), 305.127(4) (A) & (C), 305.127(6), 305.401 (a) & (b), 305.401 (d)–(h); and Chapter 335, sections 335.2(b), 335.206, 335.391 through 335.393.

(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) The Texas Solid Waste Disposal Act, Texas Health and Safety Code (THSC) Annotated, (Vernon, 1992), effective September 1, 1991: Chapter 361, sections 361.131 through 361.140.

(ii) Texas Administrative Code (TAC), Title 30, Environmental Quality, 1994, as amended, effective through January 1, 1994: Chapter 305, sections 305.27, 305.53, 305.64(b)(4); and Chapter 335, sections 335.321 through 335.332 Appendices I and II.

(4) *Unauthorized State Provisions:* The State's adoption of the Federal rule addressing liability coverage (September 1, 1988), while adopted at 335.112(a) and 335.152(a) and incorporated by reference at § 272.2201(b)(1), is not approved by EPA and is, therefore, not enforceable.

(5) *Unauthorized State Amendments.* The following authorized provisions of the State 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 § 272.2201(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 are available as a separate document, Addendum to the EPA-Approved Texas Regulatory and Statutory Requirements Applicable to the Hazardous Waste Management Program, December 1996. Copies of the document can be obtained from U.S. EPA Region 6, Grants and Authorization Section, RCRA Programs Branch, U.S. EPA Region 6, First Interstate Bank Tower at Fountain Place, 1445 Ross Avenue, Suite 1200, Dallas, TX 75202.

State provision	Effective date of authorized provision	Unauthorized state amendments	
		Texas register reference	Effective date
335.2(c)	Nov. 7, 1991	18 TexReg 2799	05/12/93
		18 TexReg 8218	11/23/93
335.6(a)	July 29, 1992	18 TexReg 2799	5/12/93
335.6(c) introductory paragraph	July 29, 1992	17 TexReg 8010	11/27/92
335.6(g)	July 29, 1992	18 TexReg 3814	6/28/93
335.10(b)(22)	July 27, 1988	17 TexReg 8010	11/27/92
335.41(c)	May 28, 1986	18 TexReg 8218	11/23/93
335.43(b) introductory paragraph	July 14, 1987	17 TexReg 6065	11/7/91
335.45(b)	Sept. 1, 1986	17 TexReg 5017	7/29/92
335.111(a)	July 14, 1987	18 TexReg 8218	11/23/93
335.204(a)(1)	May 28, 1986	16 TexReg 6065	11/7/91
335.204(b)(1)	May 28, 1986	16 TexReg 6065	11/7/91
335.204(b)(6)	May 28, 1986	16 TexReg 6065	11/7/91
335.204(c)(1)	May 28, 1986	16 TexReg 6065	11/7/91
335.204(d)(1)	May 28, 1986	16 TexReg 6065	11/7/91
335.204(e)(6)	May 28, 1986	16 TexReg 6065	11/7/91

(6) *Memorandum of Agreement.* The Memorandum of Agreement between EPA Region VI and the Texas Natural Resources Conservation Commission (TNRCC) signed by the EPA Regional Administrator on September 24, 1992, 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, and January 7, 1994 are referenced as part of the authorized hazardous

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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.*

[62 FR 49169, Sept. 19, 1997]

§§ 272.2202—272.2249 [Reserved]

Subpart TT—Utah

§§ 272.2250—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.

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, and April 24, 1992.

STATE STATUTES AND REGULATIONS

(a) The Wisconsin 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.*

(1) EPA Approved Wisconsin Statutory Requirements Applicable to the Hazardous Waste Management Program, (dated August 9, 1993).

(2) EPA Approved Wisconsin Regulatory Requirements Applicable to the Hazardous Waste Management Program (dated August 9, 1993).

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

(1) Wisconsin Statutes, Volume 1, §§ 19.21; 19.31; 19.32(2) and (5); 19.35(3) and (4); 19.36; 19.37(1) and (2); Wisconsin Statutes, Volume 3, §§ 144.69–144.72; 144.73–144.74; 144.76(2) and (3); Wisconsin Statutes Volume 4, §§ 227.07; 227.09; 227.14; 227.51; and Wisconsin Statutes, Volume 5, § 803.09 (1985–86).

(2) Wisconsin Administrative Code, Volume 1, § NR: 2.19; 2.195(1); and 2.195(5) (effective April 1, 1984); Wisconsin Administrative Code, Volume 12, § NR: 680.06(12) (effective March 1, 1991).

[58 FR 49200, Sept. 22, 1993]

§§ 272.2502—272.2549

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§§ 272.2502—272.2549 [Reserved]

West Washington, 7th Floor, Phoenix, Arizona 85007-2808.

Subpart ZZ—Wyoming

§§ 272.2550—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

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

ARKANSAS

The statutory provisions include:

Arkansas Hazardous Waste Management Act, as amended, Arkansas Code of 1987 Annotated (A.C.A.), 1993 Replacement, 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), as published by The Michie Company, Law Publishers, 1 Town Hall Square, Charlottesville, Virginia 22906-7587.

The regulatory provisions include:

Arkansas Department of Pollution Control and Ecology Regulation No. 23, Hazardous Waste Management, as amended August 27, 1993, effective September 21, 1993, chapter one; chapter two, sections 2a (except the second sentence of 2a(5)), 2b (except 2b(11)), 2c, 3a (except 3a(10), 3a(11) and 3a(13)), 5, 6 introductory paragraph, 6b, 6c, 9, 10, 12 introductory paragraph, 12a, 12b (except 12b(7) and 12b(8)), 12c(10), 12c(11), 13a introductory paragraph, 13a(1) through 13a(7), 13a(11), 14 introductory paragraph, 14b, 15, 16 introductory paragraph, 16b, 16c introductory paragraph, 16c(1) (except the phrase 'or the letters "PCB" for PCB shipments' in 16c(1)(e)), 16c(2) through 16c(6), 16c(7) (except the second and third sentences), 16c(8) through 16c(12), 16d(1) (except the phrase "(including PCBs and PCB contaminated wastes)" in the first sentence), 16d(1)(a) through 16d(1)(d), 16d(1)(e) (except the phrase 'or "PCBs"' in the first sentence), and 16d(1)(f) through 16e. Copies of the Arkansas regulations can be obtained from the Arkansas Register, Secretary of State, State Capitol Building, Little Rock, Arkansas 72201.

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.

LOUISIANA

The statutory provisions include:

Louisiana Statutes Annotated, Revised Statutes, 1989, Volume 17B, Subtitle II of Title 30, Louisiana Environmental Quality Act, 1989: Chapter 1, sections 2002, 2003, 2004 introductory paragraph, 2004(1)-(8), 2004(10), 2004(13), 2004(14) introductory paragraph, 2004(14)(a)&(e), 2004(15); Chapter 9, sections 2172, 2173 (except 2173(2), 2173(9) and 2173(11) introductory paragraph), 2183.A,B,D&E, 2183.I, 2188.B, 2201, 2202, 2203.A, 2204.A(1) and 2204.C.

Louisiana Statutes Annotated, Revised Statutes, 1992 Cumulative Annual Pocket Part, Volume 17B, Subtitle II of Title 30, Louisiana Environmental Quality Act: Chapter 1, Section 2004(9); Chapter 2, Section 2022.A first sentence, Chapter 8, Section 2153(1); Chapter 9, Sections 2173(2) and 2173(11); 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, P.O. Box 64526, St. Paul, Minnesota 55164-0526.

The regulatory provisions include:

Louisiana Administrative Code, Title 33, Part V, Hazardous Waste and Hazardous Materials, Amendments through June 1995: Chapter 1, Sections 103, 105 introductory paragraph, 105.A-C, 105.D.2-.12, 105.D.13 (except the phrase "except as * * * process hazardous waste"), 105.D.14-.17, 105.D.18 (except the phrase "except as * * * process hazardous waste"), 105.D.19-.32, 105.D.33 (except

105.D.33.c), 105.D.34, 105.D.35, 105.D.37-.42, 105.D.43 (except 105.D.43.f), 105.D.45-.47, 105.E through 105.I, 105.J.1, 105.K, 105.L; 109 Definitions (except for "Carbon Regeneration Unit", "Commercial Boiler", "Commercial Industrial Furnace", "Consignee", "Containment Building", "Designated Facility", "EPA Acknowledgement of Consent", Item 7 of "Hazardous Waste", Item 2 of "Incinerator", Item 12 of "Industrial Furnace", "Infrared Incinerator", the phrase "containment building" in "Miscellaneous Unit", "Partial Closure", the phrase "and that is not a containment building" in "Pile", "Plasma Arc Incinerator", "Primary Exporter", "Receiving Country", "Sludge Dryer", "Solid Waste", "Transit Country" and "Waste Reduction"), 111; Chapter 3, Sections 303, 305.B-E, 307, 309 (except 309.L.3.b), 311.B&E, 313, 315.A-D, 317, 319, 321 (except 321.C.2.i), 322, 323.A, 323.B introductory paragraph, 323.B.1, 323.B.2 (except 323.B.2.e), 323.B.4, 325 and 329; Chapter 5, Sections 501, 505, 507 through 513, 515 (except for 515.25), 516, 517 (except 517.V), 519, 520, 521 through 532, 533 (except 533.B), 534 and 536; Chapter 7, Section 701; Chapter 9, Sections 901 through 923; Chapter 11, Sections 1101 (except 1101.B&F), 1103 introductory paragraph, 1103.B (except the phrase "For the purposes of compliance with LAC 33:V.Chapter 22, or"), 1105, 1107 (except 1107.A.4 and 1107.D.5), 1108, 1109 (except 1109.E.1.d, E.8 and E.9), 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, 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-D, 1113, 1115 through 1121; Chapter 13, Sections 1301 through 1305, 1307.A introductory paragraph (except last sentence), 1307.B, 1307.C (except last sentence), 1307.D, 1307.E (except the phrase "and, for exports, an EPA Acknowledgement of Consent" at 1307.E.2), 1307.F (except the phrase "and, for exports, an EPA Acknowledgement of Consent" at 1307.F.2), 1307.G (except 1307.G.4), 1307.H, 1309, 1311, 1315 through 1323; Chapter 15, Sections 1501 through 1517, 1519 (except 1519.B.8 and 1519.D), 1521 through 1527, 1529 (except 1529.B.12-.19), 1531; Chapter 17, Sections 1701 through 1745; Chapter 19, Sections 1901 (except 1901.C&D), 1903, 1905.A-G, 1907, 1909.A-C, 1911, 1913, 1915.A-C, 1917 and 1919; Chapter 21, Sections 2101 (except 2101.D), 2103 through 2117; Chapter 23, Sections 2301, 2303 (except 2303.K), 2304 through 2309, 2311 (except the phrase "the waste and the pile satisfy all applicable requirements of LAC 33:V.Chapter 22, and" at 2311.A), 2313, 2315 and 2317; Chapter 25, Sections 2501, 2503.A through 2503.J, 2503.K (except 2503.K.1.o), 2503.L-N, 2504 through 2509,

2511.A introductory paragraph (except the phrase “the waste and landfill meet all applicable requirements of LAC 33:V.Chapter 22, and”), 2511.A.2 (except the phrase “or LAC 33:V.4321 for interim status facilities”), 2511.B, 2513 through 2517, 2519 (except 2519.F), 2521 (except 2521.B.2) and 2523; Chapter 26, Sections 2601, 2602 and 2603 (except 2603.F.1); Chapter 27, Sections 2701, 2703 (except for 2703.I&.J), 2705 through 2713, 2715 introductory paragraph (except the phrase “the waste and the treatment zone meet all applicable requirements of LAC 33:V.Chapter 22, and”), 2715.A&.B, 2717 through 2723; Chapter 29, Sections 2901, 2903 (except 2903.I), 2904 through 2911, 2913 introductory paragraph (except the phrase “the waste and impoundment satisfy all applicable requirements of LAC 33:V.Chapter 22, and”), 2913.A.1, 2913.A.2 (except the phrase “or for interim status facilities”), 2915 and 2917; Chapter 31, Sections 3101, 3103, 3105 (except 3105.D), 3107 through 3121; Chapter 32, sections 3201 through 3207; Chapter 33, Sections 3301, 3303 (except 3303.C&.D), 3305 through 3313, 3315 (except for 3315.K), 3317 through 3322, 3323 (except the phrase “or its successor agency” at 3323.D) and 3325; Chapter 35, Sections 3501 through 3505, 3507 (except the phrase “1803, 1911” at 3507.C), 3509 through 3527; Chapter 37, Sections 3701, 3703, 3705 (except the last sentence of 3705.D), 3707.A–F, 3707.G (except the phrase “and financial test and guarantee, except that the financial test and guarantee may not be combined” in the second sentence), 3707.H, 3707.I (except the phrase “, and for facilities subject to LAC 33:V.3525 * * * LAC 33:V.3525.B.2”, and the two occurrences of the phrase “or that the owner or operator has failed * * * LAC 33:V.3525”), 3709 through 3713, 3715 (except 3715.F.8), 3717 through 3719; Chapter 40, Sections 4001 through 4025, 4027 (except 4027.C), 4029 through 4093; Chapter 41, Sections 4101, 4103, 4105 introductory paragraph, 4105.A, 4105.B (introductory paragraph), 4105.B.1 introductory paragraph (except the phrase “except that”), 4105.B.1 (except 4105.B.1.a&.b), 4105.B.2, 4105.B.4–14, 4105.C, 4105.E, 4107 through 4113, 4115.A (except the reference “22.”), 4115.B, 4137, 4139.A.1, 4139.A.2 (except 4139.A.2.b&.c), 4139.B.1, 4139.B.4, 4143, 4145; Chapter 43, Sections 4301 (except the last sentence of 4301.E), 4302, 4303 through 4305, 4307 through 4335, 4337 through 4349, 4351 through 4355, 4357 (except 4357.B.8–14), 4359 through 4365, 4367 through 4375, 4377 (except 4377.B.4), 4379 (except the phrase “and LAC 33:V.4705” at 4379.C), 4381 through 4395, 4397, 4399 (except 4399.A.6.i), 4401, 4403 (except for the phrase “and after receiving the certification required under LAC 33:V.4393.B.2 for facilities subject to LAC 33:V.4393” and the two occurrences of the phrase “or that the owner or operator has failed * * * LAC 33:V.4393” in 4403.H), 4405 through 4411, 4413, 4417 through 4429, 4431 through 4445, 4447

through 4455, 4457.A, 4457.B (except the first occurrence of 4457.B.2), 4459 (except the phrase “the waste and impoundment satisfy all applicable requirements of LAC 33:V.Chapter 22.” at 4459.A), 4461, 4462 (except 4462.H), 4463 through 4470, 4471 (except the phrase “the waste and pile satisfy all applicable requirements of LAC 33:V.Chapter 22 and”), 4472 through 4476, 4477 through 4493, 4495 through 4499, 4501 (except 4501.D.3), 4502, 4503 (except the phrase “and landfill meet all applicable requirements of LAC 33:V.Chapter 22, and the waste” at 4503.A introductory paragraph), 4505 through 4509, 4511 introductory paragraph, 4511.A–D, 4511.E (except the two occurrences of the reference “and F”), 4512, 4513 through 4522, 4523 (except the phrase “and LAC 33:V.Chapter 30 * * * LAC 33:V.109” at the end of the paragraph), 4525 through 4534, 4535 through 4547, 4549 through 4559, 4561 through 4589, 4591 through 4601; Chapter 49, Sections 4901.A through 4901.F, 4901.G (except the entries for EPA Hazardous Waste Numbers K042 and 151 in Table 6), 4903 through 4907, Appendices A through D.

Louisiana Administrative Code, Title 33, Part V, Hazardous Waste and Hazardous Materials, Amendments for July 1995–March 1996: Chapter 1, Sections 109 “Designated facility”, 109 “Partial Closure”, 109 “Solid Waste”; Chapter 3, Sections 305.A, 309.L.3.b, 321.C.2.i, 323.B.2.e, 323.B.4.c, Chapter 5, Section 533.B; Chapter 7, Section 706; Chapter 11, Section 1101.B; Chapter 25, Section 2521.B.2; Chapter 26, Section 2603.F.1; Chapter 28, Sections 2801 through 2809; Chapter 41, Sections 4115.C, 4139.B.2&.3; Chapter 49, Sections 4901.G Table 6 (entries for EPA Hazardous Waste Numbers K042 and 151 only), Appendix A (entry for 2,6-Toluenedine only) and Appendix B (paragraphs 8.2 and 8.2.5 through 8.2.5.4).

Copies of the Louisiana regulations that are incorporated by reference are available from Office of the State Register, P.O. Box 94095, Baton Rouge, LA 70804-9095.

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: 260.350–260.360(3), 260.360(5)–260.360(12), 260.360(14)–

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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).

NEW MEXICO

The statutory provisions include:

New Mexico Statutes 1978 Annotated, Hazardous Waste Act, Chapter 74, Article 4 (1993 Replacement Pamphlet), Sections 74-4-2, 74-4-3 (except 74-4-3L, 74-4-3O and 74-4-3R), 74-4-3.1, 74-4-4.2A, 74-4-4.2B, 74-4-4.2G introductory paragraph, 74-4-4.2G(2), 74-4-4.3F, 74-4-4.7 (except 74-4-4.7B and 74-4-4.7C), 74-4-9 and 74-4-10.1C, as published by the Michie Company, Law Publishers, 1 Town Hall Square, Charlottesville, Virginia 22906-7587.

The regulatory provisions include:

Title 20, Chapter 4, Part 1, New Mexico Annotated Code (20 NMAC 4.1), effective November 11, 1995, Subpart I, Sections 4.1.101 and 4.1.102; Subpart II, Section 4.1.200; Subpart III, Sections 4.1.300 and 4.1.301; Subpart IV, Sections 4.1.400 and 4.1.401; Subpart V, Sections 4.1.500 and 4.1.501; Subpart VI, Sections 4.1.600 and 4.1.601; Subpart VII, Section 4.1.700; Subpart VIII, Section 4.1.800; Subpart IX, Sections 4.1.900, 4.1.901.B.1 through 4.1.901.B.6; and Subpart X, Section 4.1.1103. Copies of the New Mexico regulations can be obtained from the New Mexico Commission of Public Records, State Records Center and Archives, State Rules Division, 404 Montezuma Avenue, Santa Fe, NM 87501-2502.

OKLAHOMA

The statutory provisions include:

Oklahoma Hazardous Waste Management Act, as amended, 27A Oklahoma Statute (O.S.) 1997 Edition, effective August 30, 1996, 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) (except the last sentence and the phrase "recycling" in the first sentence), 2-7-111(C)(2)(a) (except the phrase "Except as provided in subparagraph b of this paragraph" and the word "recycling" in the first sentence), 2-7-111(D), 2-7-111(E) (except the word "recycling" in the first sentence), 2-7-112, 2-7-116(B) through 2-7-116(F),

2-7-116(H)(2), 2-7-118(A), 2-7-124, 2-7-125 and 2-7-127.

Copies of the Oklahoma 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:

The Oklahoma Administrative Code (OAC), Title 252, Chapter 200, effective July 1, 1996: Subchapter 1, Sections 252:200-1-1(a) and 252:200-1-2; Subchapter 3, Sections 252:200-3-1, 252:200-3-5, 252:200-3-6; Subchapter 5, Sections 252:200-5-3, 252:200-5-5; Subchapter 7, Sections 252:200-7-1 through 252:200-7-4; Subchapter 9 (except 252:200-9-2, 252:200-9-6 and 252:200-9-7); Subchapter 11, Sections 252:200-11-1 (except the phrases "or off-site recycling" and "(TSDRs)"), 252:200-11-3(a) (except the word "recycling"), 252:200-11-3(b) through 252:200-11-3(d), 252:200-11-4(a)(l) (except the phrases "Except as otherwise provided in this Section" and "or recycling"), 252:200-11-4(a)(5) (except the phrase "For the purposes of this section"), 252:200-11-4(b) through 252:200-11-4(e); and Subchapter 13, Sections 252:200-13-2 introductory paragraph, 252:200-13-2(1) and 252:200-13-2(2) first sentence.

The May 15, 1997 issue of the Oklahoma Register (14 Ok Reg 1609 and 1611), effective June 2, 1997: Subchapter 3, Sections 252:200-3-2 (except 252:200-3-2(1)&(11)) and 252:200-3-4; Subchapter 5, Sections 252:200-5-1, 252:200-5-4 and 252:200-5-6; and Subchapter 9, Section 252:200-9-2.

Copies of the Oklahoma regulations that are incorporated by reference can be obtained from The Oklahoma Register, Office of Administrative Rules, Secretary of State, 101 State Capitol, Oklahoma City, Oklahoma 73105.

TEXAS

The statutory provisions include:

The Texas Solid Waste Disposal Act, Texas Health and Safety Code (THSC) Annotated, (Vernon, 1992), effective September 1, 1991: Chapter 361, sections 361.001, 361.003 (except 361.003(4), (5), (22), (30), (38), and (44)), 361.066(a), 361.077, 361.082(a), 361.082(f), 361.086, 361.087, 361.093, 361.094, 361.095(a), 361.099(b), and 361.110.

Copies of the Texas 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:

Texas Administrative Code (TAC), Title 30, Environmental Quality, 1994, as amended, effective through January 1, 1994: Chapter 281, section 281.3(c); Chapter 305, 305.1(a), 305.2 (except the definitions for "by-pass", "Class I sludge management facility", "component", "continuous discharge", "CWA", "daily average concentration", "daily average flow", "direct discharge", "discharge

monitoring report", "effluent limitation", "Environmental Protection Agency", "facility mailing list", "functionally equivalent component", "indirect discharger", "injection well permit", "National Pollution Discharge Elimination System", "new discharger", "new source", "outfall", "primary industry category", "process wastewater", "publicly owned treatment works", "recommencing discharger", "regional administrator", "schedule of compliance", "severe property damage", "sewage sludge", "Texas pollution discharge elimination system", "toxic pollutant", "treatment works treating domestic sewage", "variance", and "wetlands"), 305.29 (a) & (d), 305.41, 305.42, 305.43(b), 305.44, 305.45, 305.47, 305.50(1), 305.50(2) (except the last two sentences), 305.50 (3)–(8), 305.50 (13) & (14), 305.51, 305.61, 305.62, 305.63 (except the last sentence of 305.63(3) and 306.63(7)), 305.64(a), 305.64(b) (except 305.64(b) (4) & (5)), 305.64(c), 305.64(e), 305.64(g), 305.66(a) (except 305.66(a) (7) & (8)), 305.66(d), 305.67, 305.69, 305.121, 305.122 (b) & (c), 305.124, 305.125 (except 305.125 (1), (3), and (20)), 305.127 introductory paragraph, 305.127(1)(B)(iii), 305.127(1) (E) & (F), 305.127 (2) & (3), 305.127(4)(B), 305.127(5)(C), 305.128, 305.141 through 305.145, 305.146 introductory paragraph, 305.146(1), 305.171 through 305.174, 305.181 through 305.184, 305.191 through 305.194, 305.401(c), 305.571 through 305.573; Chapter 335, sections 335.1 (except the definitions for "activities associated with the exploration, development, and protection of oil or gas, or geothermal resources", "class 1 wastes", "class 2 wastes", "class 3 wastes", "contaminant", "contaminated medium/media", "control", "decontaminate", "essentially insoluble", "hazardous industrial waste", "hazardous substance", "industrial solid waste", "remediation", "remove", "shipment", "spill", and "treatment"), 335.2(a), 335.2 (c)–(g), 335.2 (i)–(k), 335.4, 335.5, 335.6 (except the last sentence of 335.6(d)), 335.7, 335.8(a) (3) & (4), 335.10(a) (except 335.10(a) (2) & (5)), 335.10(b), 335.10(c) (except "the United States customs official,"), 335.10 (d)–(f), 335.11, 335.12 (except 335.12(a)(5)), 335.13(a) (except for "or until the generator * * * by the initial transporter"), 335.13 (c)–(g), 335.14, 335.15 introductory paragraph, 335.15(1), 335.17 through 335.23, 335.24 (a)–(f), 335.29, 335.30, 335.41 (a)–(h), 335.43 through 335.45, 335.47 (except for the second sentence in 335.47(c)(3)), 335.61 (a)–(e), 335.63 through 335.68, 335.69 (a)–(h), 335.70 through 335.74, 335.76, 335.77, 335.78 (except 335.78(d)(2)), 335.91 through 335.94, 335.111, 335.112(a) introductory paragraph, 335.112(a) (1)–(6), 335.112(a)(7) (except the phrase "(as amended through July 1, 1991)";), 335.112(a) (8)–(14), 335.112(a)(15) (except the phrase "(as amended through July 17, 1991)";), 335.112(a)(16), 335.112(a) (18)–(20), 335.112(b), 335.113, 335.114(a), 335.115 through 335.127, 335.151 through 335.153, 335.154(a) (except the phrase "TWC hazardous waste code

and" in 335.154(a)(3)), 335.155 through 335.178, 335.201(a) introductory paragraph, 335.201(a) (1) & (2), 335.201(c), 335.202 (except the definitions for "active geologic processes", "area subject to active shoreline erosion", "areas of direct drainage", "commercial hazardous waste management facility", "critical habitat of an endangered species", "erosion", "public water system", and "residence"), 335.203, 335.204(a) (1)–(5), 335.204(b) (1)–(6), 335.204(c) (1)–(5), 335.204(d) (1)–(5), 335.204(e) introductory paragraph, 335.204(e)(1) introductory paragraph (except the phrase "Except as provided in subparagraphs (A) and (B) of this paragraph," and the word "event" at the end of the paragraph), 335.204(e) (2)–(7), 335.204(f), 335.205 (a), (b), and (i), 335.211 through 335.223, 335.224 introductory paragraph, 335.224 (1)–(6), 335.224(7) first sentence, 335.224 (8)–(15), 335.225 through 335.251, 335.361 through 335.367, 335.431, and 335.504.

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

WISCONSIN

The statutory provisions include: Wisconsin Statutes, Volume 3, Sections: 144.01; 144.43–433; 144.44 (except 144.44(4)(a)); 144.441(1)–(2); 144.441(3) (b), (f), and (g); 144.441(4) (a) and (c)–(g); 144.441(6); 144.442(1), (4)–(11); 144.443; 144.444; 144.60–144.63; and 144.64 (2)–(3) (except for 144.64(2)(e)(1)).

The regulatory provisions include: Wisconsin Administrative Code, Volume 12, §NR 600.01–600.04(2); 600.06; 600.3–600.11; 605.02; 605.04–605.11; Appendix II, III, IV and V; 610.01–610.09(2); 615.01–615.13(2)(b); 620.01; 620.04–620.10(3); 620.14; 625.04(4); 625.05(1)–625.07(7)(c)12; 625.12(1) and (2); 630.02; 630.04–630.40(3)(c); 635.02; 635.05–635.16(17)(d); 635.17(1), (2) and (3); 640.02; 640.06(2)(b); 640.09–640.22(22); 645.04–645.14; 645.17(1)(a)(1)–645.17(1)(a)3.e; 650; 655.02; 655.05–655.13(13); 660.02; 660.08–660.20(2); 665.02; 665.05(1)–665.10(2); 670.06–670.11(2)(d)3; 675.01–675.30(6); 680.01–680.51(5); 685.02; 685.05–685.08(13)(b).

[58 FR 3500, Jan. 11, 1993, as amended at 58 FR 49200, Sept. 22, 1993; 58 FR 52676, 52679, 52682, Oct. 12, 1993; 59 FR 45987, Sept. 6, 1994; 59 FR 52920, Oct. 20, 1994; 60 FR 32112, June 20, 1994; 60 FR 32115, June 20, 1995; 60 FR 44280, Aug. 25, 1995; 61 FR 49269, Sept. 19, 1996; 62 FR 49170, Sept. 19, 1997; 62 FR 67584, Dec. 29, 1997; 63 FR 2899, Jan. 20, 1998; 63 FR 23225, Apr. 28, 1998; 63 FR 23677, Apr. 30, 1998]

EFFECTIVE DATE NOTE: At 63 FR 23225, Apr. 28, 1998, Appendix A to part 272 was amended by revising the listing for "New Mexico", effective July 13, 1998. At 63 FR 23677, Apr. 30, 1998, Appendix A was amended by revising the listing for "Oklahoma", effective July 14, 1998. For the convenience of the user, the superseded text is set forth as follows:

APPENDIX A TO PART 272—STATE
REQUIREMENTS

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NEW MEXICO

The statutory provisions include:

New Mexico Statutes 1978 Annotated, Hazardous Waste Act, Chapter 74, Article 4 (1993 Replacement Pamphlet), Sections 74-4-2, 74-4-3 (except 74-4-3L, 74-4-3O and 74-4-3R), 74-4-3.1, 74-4-4.2A, 74-4-4.2B, 74-4-4.2G introductory paragraph, 74-4-4.2G(2), 74-4-4.3F, 74-4-4.7 (except 74-4-4.7B and 74-4-4.7C), 74-4-9 and 74-4-10.1C, as published by the Michie Company, Law Publishers, 1 Town Hall Square, Charlottesville, Virginia 22906-7587.

The regulatory provisions include:

Title 20, Chapter 4, Part 1, New Mexico Annotated Code (20 NMAC 4.1), Subparts I through Subpart VIII; Subpart IX, Sections 901, 902.B.1 through 902.B.6; and Subpart XI, Section 1103. Copies of the New Mexico regulations can be obtained from the New Mexico Commission of Public Records, State Records Center and Archives, State Rules Division, 404 Montezuma, Santa Fe, NM 87501.

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OKLAHOMA

The statutory provisions include:

Oklahoma Controlled Industrial Waste Disposal Act, 63, O.S. 1991, Sections 1-2002, 1-2006.1 (except 1-2006.1(A)), 1-2008(B) through 1-2008(F), 1-2008(H)(2), 1-2008(H)(3), 1-2009, 1-2009.1 (except 1-2009.1(B)(2)), 1-2010, 1-2012.3, 1-2014(A), 1-2014(B) (except the last sentence), 1-2014(C)(2), 1-2014(D), 1-2014(E) and 1-2014.2.

Copies of the Oklahoma statutes that are incorporated by reference are available from West Publishing Company, 50 West Kellogg Boulevard, P.O. Box 64526, St. Paul, Minnesota 55164-0526.

The regulatory provisions include:

Industrial Waste Management Regulations, Chapter 270, Title 310 *The Oklahoma Administrative Code*, December 31, 1991: Subchapter 1, Section 310:270-1-2 (excluding definitions for "Annulus", "Cone of influence", "Fresh water" and "Maximum total pressure gradient"); Subchapter 3, Sections 310:270-3-1 (excluding the phrase "and the Underground Injection Control Program, as amended through July 1, 1990), 310:270-3-2 introductory paragraph, 310:270-3-2(4) through 310:270-3-2(12), 310:270-3-4(a), 310:270-3-5 (excluding the phrase "40 CFR 144.3, 40 CFR 146.3, or"), 310:270-3-6; Subchapter 5 (except 310:270-5-2); Subchapter 7; Subchapter 9 (except 310:270-9-6 and 310:270-9-7); Subchapter 11, Sections 310:270-11-1(a), 310:270-11-1(a)(1) first sentence, 310:270-11-1(a)(2), 310:270-11-1(a)(3),

310:270-11-1(b), 310:270-11-1(c) introductory paragraph (except the phrase "the application fee and"), 310:270-11-1(c)(1) through 310:270-11-1(c)(3), 310:270-11-1(d) introductory paragraph (except the phrase "the application fee and"), 310:270-11-1(d)(1), 310:270-11-1(d)(2) (except the references "144, 146,"), 310:270-11-1(f), 310:270-11-3, 310:270-11-4(a) through 310:270-11-4(e); and Subchapter 13, Sections 310:270-13-2 introductory paragraph, 310:270-13-2(1) and 310:270-13-2(2) first sentence.

Copies of the Oklahoma regulations that are incorporated by reference can be obtained from The Oklahoma Register, Office of Administrative Rules, Secretary of State, 101 State Capitol, Oklahoma City, Oklahoma 73105.

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PART 273—STANDARDS FOR
UNIVERSAL WASTE MANAGEMENT

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