§§ 272.1352–272.1399

40 CFR Ch. I (7–1–10 Edition)


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


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

(4) Memorandum of Agreement and Enforcement Agreement. The Memorandum of Agreement between EPA Region 8 and the State of Montana, signed by the State of Montana Department of Environmental Quality on November 30, 1993, and by the EPA Regional Administrator on December 25, 1993, and the Enforcement Agreement between EPA Region 8 and the State of Montana, signed by the State of Montana Department of Environmental Quality on September 1, 2000, and by the EPA Regional Administrator on September 11, 2000, although not incorporated by reference, are referenced as part of the authorized hazardous waste management program under subtitle C of RCRA, 42 U.S.C. 6921 et seq.


(6) Program Description. The Program Description and any other materials submitted as supplements thereto, although not incorporated by reference, are referenced as part of the authorized hazardous waste management program under subtitle C of RCRA, 42 U.S.C. 6921 et seq.

(71 FR 11538, Mar. 8, 2006)

§§ 272.1352–272.1399 [Reserved]

Subpart CC—Nebraska

§§ 272.1400–272.1449 [Reserved]

Subpart DD—Nevada

§§ 272.1450–272.1499 [Reserved]

Subpart EE—New Hampshire

§§ 272.1500–272.1549 [Reserved]

Subpart FF—New Jersey

§§ 272.1550–272.1599 [Reserved]

Subpart GG—New Mexico

§ 272.1600 [Reserved]

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

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

(b) The State of New Mexico has primary responsibility for enforcing its hazardous waste management program. However, EPA retains the authority to exercise its inspection and enforcement authorities in accordance with sections 3007, 3008, 3013, 7003 of RCRA, 42 U.S.C.
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6927, 6928, 6934, 6973, and any other applicable statutory and regulatory provisions, regardless of whether the State has taken its own actions, as well as in accordance with other statutory and regulatory provisions.

(c) State Statutes and Regulations. (1) The New Mexico statutes and regulations cited in paragraph (c)(1)(i) of this section are incorporated by reference as part of the hazardous waste management program under subtitle C of RCRA, 42 U.S.C. 6921 et seq. The Director of the Federal Register approves this incorporation by reference in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. You may obtain copies of the New Mexico regulations that are incorporated by reference in this paragraph from the New Mexico Commission of Public Records, State Records Center and Archives, Administrative Law Division, 1205 Camino Carlos Rey, Santa Fe, NM 87507; Phone number (505) 476–7907; Web site: http://www.nmcpr.state.nm.us/. The statutes are available from ConwayGreene Company, 1400 East 30th Street, Suite #402, Cleveland, OH 44114; Phone number (216) 619–8091; Web site: http://www.conwaygreene.com. You may inspect a copy at EPA Region 6, 1445 Ross Avenue, Dallas, Texas 75202 (Phone number (214) 665–8533), or at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call 202–741–6030, or go to: http://www.archives.gov/federal-register/cfr/ibr-locations.html.


(ii) [Reserved]

(2) The following provisions provide the legal basis for the State’s implementation of the hazardous waste management program, but they are not being incorporated by reference and do not replace Federal authorities:


(ii) New Mexico Statutes 1978 Annotated, Inspection of Public Records Act, Chapter 14, Article 2, (2003 Replacement Pamphlet), Sections 14–2–1 et seq.


(v) Title 20, Chapter 4, Part 1, New Mexico Administrative Code, effective October 1, 2003, unless otherwise indicated: Sections 20.4.1.901 (except 20.4.1.901.B.1 through 20.4.1.901.B.6, and 20.4.1.901.E), 20.4.1.1100 (June 14, 2000), 20.4.1.1104 (June 14, 2000), 20.4.1.1105 (June 14, 2000), and 20.4.1.1107.

(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:


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

<table>
<thead>
<tr>
<th>Federal requirement</th>
<th>FEDERAL REGISTER reference</th>
<th>Publication date</th>
</tr>
</thead>
<tbody>
<tr>
<td>Biennial Report</td>
<td>48 FR 5977</td>
<td>01/28/83</td>
</tr>
<tr>
<td>Permit Rules; Settlement Agreement</td>
<td>48 FR 29611</td>
<td>03/01/83</td>
</tr>
<tr>
<td>Interim Status Standards: Applicability</td>
<td>48 FR 52718</td>
<td>11/28/83</td>
</tr>
<tr>
<td>Chlorinated Aliphatic Hydrocarbon Listing (FO24)</td>
<td>49 FR 5308</td>
<td>02/10/84</td>
</tr>
<tr>
<td>National Uniform Manifest</td>
<td>49 FR 10490</td>
<td>03/20/84</td>
</tr>
<tr>
<td>Recycled Used Oil Management Standards</td>
<td>57 FR 41566: Amendments to 40 CFR Parts 260, 261 and 266</td>
<td>09/10/92</td>
</tr>
</tbody>
</table>
(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 July 25, 2007, is referenced as part of the authorized hazardous waste management program under subtitle C of RCRA, 42 U.S.C. 6921 et seq.


(7) Program Description. The Program Description and any other materials submitted as supplements thereto are referenced as part of the authorized hazardous waste management program under subtitle C of RCRA, 42 U.S.C. 6921 et seq.

§§ 272.1602–272.1649 [Reserved]

Subpart HH—New York

§ 272.1650 [Reserved]

§ 272.1651 New York State-Administered Program: final authorization.

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

(b) The State of New York has primary responsibility for enforcing its hazardous waste management program. However, EPA retains the authority to exercise its inspection and enforcement authorities in accordance with sections 3007, 3008, 3013, 7003 of RCRA, 42 U.S.C. 6927, 6928, 6934, 6973, and any other applicable statutory and regulatory provisions, regardless of whether the State has taken its own actions, as well as in accordance with other statutory and regulatory provisions.

(c) State Statutes and Regulations. (1) The New York regulations cited in paragraph (c)(1)(i) of this section are incorporated by reference as part of the hazardous waste management program under subtitle C of RCRA, 42 U.S.C. 6921 et seq. The Director of Federal Register approves this incorporation by reference in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. You may obtain copies of the New York regulations that are incorporated by reference in this paragraph from West Group, 610 Opperman Drive, Eagan, MN 55123, ATTENTION: D3–10 (Phone #: 1–800–328–9352). You may inspect a copy at EPA Region 2 Library, 290 Broadway, 16th Floor, New York, NY 10007 (Phone number: (212) 637–3185), or at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call 202–741–6030, or go to: http://www.archives.gov/federal-register/cfr/ibr-locations.html.


(2) EPA considered the following statutes and regulations in evaluating...