Environmental Protection Agency

§ 272.951

(E) Amendment IV (September 30, 1992);
(F) Requirements for Preparation, Adoption, and Submittal of Implementation Plans (July 20, 1993); and
(G) BIF (November 9, 1993).

(iii) EPA will not enforce BIF rules for Sludge Dryers, Infrared Incinerators, Plasma Arc Incinerators, and Carbon Regeneration Units, until Indiana is authorized for these rules. Petroleum Refining Process (August 6, 1998, as amended October 9, 1998) 40 CFR 261.3, 261.4, and 261.6 are non-HSWA provisions. Standards Applicable to Owners and Operators of Closed/Closing Facilities (October 22, 1998) 40 CFR 264.90(e), 265.110(c), 265.118(c)(4), 265.121 (except §265.121(a)(2)), 270.1, 270.14(a), and 270.28 are non-HSWA provisions. Hazardous Remediation Waste Management Requirements (HWIR Media) (November 30, 1998) 40 CFR 261.4(g), 261.1(j)(1-13), 264.73(b)(17), 270.2, 270.11(d), 270.68, 270.73(a), and 270.79 through 270.230 (40 CFR part 270, subpart H) except §270.230(e)(1) are non-HSWA provisions. Until Indiana becomes authorized for these rules, EPA will not enforce the non-HSWA provisions.

(5) Memorandum of Agreement. The Memorandum of Agreement between EPA Region 5 and the Indiana Department of Environmental Management, signed by the Commissioner of the IDEM on February 14, 1996 and acknowledged by the EPA Regional Administrator in the Federal Register noticed signed on July 29, 1996, August 2, 1999, and December 14, 2000, is referenced as part of the authorized hazardous waste management program under subtitle C of RCRA, 42 U.S.C. 6921 et seq.


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

[66 FR 53728, Oct. 24, 2001]

§§ 272.752-272.799 [Reserved]

Subpart Q—Iowa

§§ 272.800-272.849 [Reserved]

Subpart R—Kansas

§§ 272.850-272.899 [Reserved]

Subpart S—Kentucky

§§ 272.900-272.949 [Reserved]

Subpart T—Louisiana

§ 272.950 [Reserved]

§ 272.951 Louisiana state-administered program: Final authorization.


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

(c) State statutes and regulations. (1) The Louisiana statutes and regulations cited in paragraph (c)(1)(i) of this section are incorporated by reference as part of the hazardous waste management program under subtitle C of RCRA, 42 U.S.C. 6921 et seq. The Director of the Federal Register approves this incorporation by reference in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. You may obtain copies of the Louisiana regulations that are incorporated by reference in this paragraph from the Office of the State Register, P.O. Box 94095, Baton Rouge, LA 70804–9095; Phone number: (225) 342–5015; Web site: http://doa.louisiana.gov/osr/lac/lac.htm. The statutes are available from West Publishing/Company, 610 Opperman Drive, P.O. Box 64526, St. Paul, Minnesota 55164 0526; Phone: 1–800–328–4880; Web site: http://west.thomson.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:


(iii) Louisiana Administrative Code, Title 33, Part I, Office of The Secretary Part I, Subpart 1: Departmental Administrative Procedures: Chapter 5, Sections 501 through 511, effective October 20, 2005; Chapter 7, Sections 703, effective March 20, 2004; Chapter 19, Sections 1901 through 1911, effective October 20, 2005; Chapter 23, Sections 2303 through 2309, effective May 20, 2003.


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

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


(iii) Louisiana Administrative Code, Title 33, Part V, Hazardous Waste And
Environmental Protection Agency § 272.951

Hazardous Materials, Louisiana Hazardous Waste Regulations, revised as of December 31, 2006: Chapter 1, Section 108.G.5; Chapter 3, Section 327; Chapter 11, Sections 1101.G and 1109.E.7.f.; Chapter 13, Section 1313; Chapter 51.

(4) Unauthorized State Amendments. (i) The State's adoption of the Non-HSWA Federal rule listed in the following Table is not approved by the EPA and is, therefore, not enforceable. Louisiana has also adopted but is not authorized to implement the HSWA rules that are listed in the Table in lieu of the EPA. The EPA will enforce the Federal HSWA standards for which Louisiana is not authorized until the State receives specific authorization from EPA.

<table>
<thead>
<tr>
<th>Federal requirement</th>
<th>Federal Register reference</th>
<th>Publication date</th>
</tr>
</thead>
</table>

(ii) Louisiana adopted the changes made by the August 5, 2005 Federal final rule addressing Mercury Containing Equipment (70 FR 45508) and, at the same time, made changes conforming to the addition of Consumer Electronics as a state universal waste. These changes were made as part of the same state amendment effective December 20, 2005. As noted in the table above, Louisiana is not authorized for the August 5, 2005 Federal final rule, however, EPA does recognize Consumer Electronics as part of the State’s approved program.

(iii) The following authorized provisions of the Louisiana regulations include amendments published in the Louisiana Register that are not approved by EPA. Such unauthorized amendments are not part of the State’s authorized program and are, therefore, not federally enforceable. Thus, notwithstanding the language in the Louisiana hazardous waste regulations incorporated by reference at paragraph (c)(1)(i) of this section, EPA will enforce the State provisions that are actually authorized by EPA. The effective dates of the State’s authorized provisions are listed in the following Table.

<table>
<thead>
<tr>
<th>State provision</th>
<th>Effective date of authorized provision</th>
<th>Unauthorized State amendments</th>
</tr>
</thead>
</table>

The actual State regulatory text authorized by EPA (i.e., without the unauthorized amendments) is available as a separate document, Addendum to the EPA-Approved Louisiana Regulatory and Statutory Requirements Applicable to the Hazardous Waste Management Program, October, 2007. Copies of the document can be obtained from U.S. EPA Region 6, 1445 Ross Avenue, Dallas, TX 75202 also Louisiana Department of Environmental Quality, 602 N. Fifth Street, Baton Rouge, Louisiana 70804-2178.

(5) Memorandum of Agreement. The Memorandum of Agreement between EPA Region 6 and the State of Louisiana, signed by the EPA Regional Administrator on September 26, 2006 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 December, 13,

(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.  

[75 FR 47233, Aug. 5, 2010]  

§§ 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.  


§ 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