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


(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. 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.


(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:


(v) Title 20, Chapter 4, Part 1, New Mexico Administrative Code, effective
March 1, 2009, unless otherwise indicated: Sections 20.4.1.901 (except 20.4.1.901.B.1 through 20.4.1.901.B.7, and 20.4.1.901.E), 20.4.1.1100 (June 14, 2000), 20.4.1.1104 (June 14, 2000), 20.4.1.1106 (June 14, 2000), and 20.4.1.1107 (October 1, 2003).

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

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

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

(4) Unauthorized State Amendments.

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

<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 3977</td>
<td>01/28/83</td>
</tr>
<tr>
<td>Permit Rules; Settlement Agreement</td>
<td>48 FR 39611</td>
<td>09/01/83</td>
</tr>
<tr>
<td>Interim Status Standards; Applicability</td>
<td>48 FR 52718</td>
<td>11/22/83</td>
</tr>
<tr>
<td>Chlorinated Aliphatic Hydrocarbon Listing (F024)</td>
<td>49 FR 5308</td>
<td>02/10/84</td>
</tr>
<tr>
<td>National Uniform Manifest</td>
<td>49 FR 10490</td>
<td>03/02/84</td>
</tr>
<tr>
<td>National Performance Track Program</td>
<td>69 FR 21737</td>
<td>04/24/04</td>
</tr>
<tr>
<td>Performance Track provisions addressed in the Burden Reduction Initiative Rule</td>
<td>69 FR 62217</td>
<td>10/24/04</td>
</tr>
<tr>
<td>Performance Track provisions addressed in the Burden Reduction Initiative Rule</td>
<td>71 FR 16862</td>
<td>04/04/06</td>
</tr>
</tbody>
</table>

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

(5) Memorandum of Agreement. The Memorandum of Agreement between EPA Region 6 and the State of New Mexico, signed by the EPA Regional Administrator on October 12, 2010, is referenced as part of the authorized hazardous waste management program under subtitle C of RCRA, 42 U.S.C. 6921 et seq.

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

(77 FR 3156, Jan. 23, 2012)

§§ 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