

§ 271.1

40 CFR Ch. I (7-1-03 Edition)

- 271.11 Requirements for transporters of hazardous wastes.
- 271.12 Requirements for hazardous waste management facilities.
- 271.13 Requirements with respect to permits and permit applications.
- 271.14 Requirements for permitting.
- 271.15 Requirements for compliance evaluation programs.
- 271.16 Requirements for enforcement authority.
- 271.17 Sharing of information.
- 271.18 Coordination with other programs.
- 271.19 EPA review of State permits.
- 271.20 Approval process.
- 271.21 Procedures for revision of State programs.
- 271.22 Criteria for withdrawing approval of State programs.
- 271.23 Procedures for withdrawing approval of State programs.
- 271.24 Interim authorization under section 3006(g) of RCRA.
- 271.25 HSWA requirements.
- 271.26 Requirements for used oil management.
- 271.27 Interim authorization-by-rule for the revised Corrective Action Management Unit rule.

Subpart B [Reserved]

AUTHORITY: 42 U.S.C. 6905, 6912(a), and 6926.

SOURCE: 48 FR 14248, Apr. 1, 1983, unless otherwise noted.

Subpart A—Requirements for Final Authorization

§ 271.1 Purpose and scope.

(a) This subpart specifies the procedures EPA will follow in approving, revising, and withdrawing approval of State programs and the requirements State programs must meet to be approved by the Administrator under sections 3006(b), (f) and (h) of RCRA.

(b) State submissions for program approval must be made in accordance with the procedures set out in this subpart.

(c) The substantive provisions which must be included in State programs for them to be approved include requirements for permitting, compliance evaluation, enforcement, public participation, and sharing of information. Many of the requirements for State programs are made applicable to States by cross-referencing other EPA regulations. In particular, many of the provisions of parts 270 and 124 are made applicable to

States by the references contained in § 271.14.

(d) Upon receipt of a complete submission, EPA will conduct a public hearing, if interest is shown, and determine whether to approve or disapprove the program taking into consideration the requirements of this subpart, the Act and any comments received.

(e) The Administrator shall approve State programs which conform to the applicable requirements of this subpart.

(f) Except as provided in § 271.3(a)(3), upon approval of a State permitting program, the Administrator shall suspend the issuance of Federal permits for those activities subject to the approved State program.

(g) Any State program approved by the Administrator shall at all times be conducted in accordance with the requirements of this subpart.

(h) Partial State programs are not allowed for programs operating under RCRA final authorization. However, in many cases States will lack authority to regulate activities on Indian lands. This lack of authority does not impair a State's ability to obtain full program approval in accordance with this subpart, i.e., inability of a State to regulate activities on Indian lands does not constitute a partial program. EPA will administer the program on Indian lands if the State does not seek this authority.

NOTE: States are advised to contact the United States Department of the Interior, Bureau of Indian Affairs, concerning authority over Indian lands.

(i) Except as provided in § 271.4, nothing in this subpart precludes a State from:

(1) Adopting or enforcing requirements which are more stringent or more extensive than those required under this subpart;

(2) Operating a program with a greater scope of coverage than that required under this subpart. Where an approved State program has a greater scope of coverage than required by Federal law, the additional coverage is not part of the Federally approved program.

(j) Requirements and prohibitions which are applicable to the generation, transportation, treatment, storage, or disposal of hazardous waste and which are imposed pursuant to the Hazardous

Environmental Protection Agency

§ 271.1

and Solid Waste Amendments of 1984 (HSWA) include any requirement or prohibition which has taken effect under HSWA, such as:

(2) The self-implementing statutory provisions specified in Table 2 that have taken effect.

(1) All regulations specified in Table 1, and

NOTE: See §§ 264.1(f)(3), 265.1(c)(4)(ii), 271.3(b), 271.21(e)(2) and 271.121(c)(3) for applicability.

TABLE 1—REGULATIONS IMPLEMENTING THE HAZARDOUS AND SOLID WASTE AMENDMENTS OF 1984

Promulgation date	Title of regulation	Federal Register reference	Effective date
Jan. 14, 1985	Dioxin-containing wastes	50 FR 1978-2006	July 15, 1985.
Apr. 30, 1985	Paint filter liquids test	50 FR 18370-5	June 14, 1985.
July 15, 1985	Codification rule [as corrected in 51 FR 2702, 1/21/86]	50 FR 28702-55	July 15, 1985.
Oct. 23, 1985	Listing wastes from the production of dinitrotoluene, toluenediamine, and toluene diisocyanate.	50 FR 42936-43	Oct. 23, 1985.
Nov. 29, 1985	Standards for the management of the burning of specific wastes in specific types of facilities.	50 FR 49164-212	Dec. 9, 1985. Mar. 31, 1986. May 29, 1986.
Dec. 31, 1985	Amendment of spent solvent listings to include solvent mixtures [as corrected in 51 FR 19176, 5/28/86].	50 FR 53315-20	Jan. 30, 1986.
Feb. 13, 1986	Listing wastes from the production of ethylene dibromide (EDB).	51FR 5327-31	Aug. 13, 1986.
Feb. 25, 1986	Listing of four spent solvents and the still bottoms from their recovery.	51 FR 6537-42	Aug. 25, 1986.
Mar. 24, 1986	Regulations for generators of 100-1000 kg/mo of hazardous waste.	51 FR 10146-76	Sept. 22, 1986.
July 14, 1986	Hazardous Waste Tank Regulations: ¹ 260.10; 262.34(a)(1); 264.110; 264.140; 264.190-264.199; 265.110; 265.140; 265.190-265.200; 270.14(b); 270.16; and 270.72 (e).	51 FR 25422-86	Jan. 12, 1987. Mar. 24, 1987.
Aug. 8, 1986	Exports of hazardous waste	51 FR 28664-86	Nov. 8, 1986.
Oct. 24, 1986	Listing Wastes from the Production and Formulation of Ethylenebisdithiocarbamic Acid (EBDC) and its Salts.	51 FR 37725	Apr. 24, 1987.
Nov. 7, 1986	Land disposal restrictions for solvents and dioxins	51 FR 40572	Nov. 8, 1986.
July 8, 1987	Land disposal restrictions for California list wastes	52 FR 25760	July 8, 1987.
Sept. 23, 1987	Exception Reporting for Small Quantity Generators of Hazardous Waste.	52 FR 35899	Mar. 23, 1988.
Dec. 1, 1987	Codification rule for the 1984 RCRA Amendments	52 FR 45799	Dec. 31, 1987.
Aug. 17, 1988	Land disposal restrictions for First Third wastes	53 FR 31138-222	Aug. 8, 1988.
June 23, 1989	Land Disposal Restrictions for Second Third wastes	54 FR 26594-652	June 8, 1989.
Oct. 6, 1989	Listing Wastes from the Production of Methyl Bromide	54 FR 41402-408	Apr. 6, 1990.
Dec. 11, 1989	Listing Certain Hydrocarbons Produced by Free Radical Catalyzed Processes.	54 FR 50968-978	June 11, 1990.
Mar. 29, 1990	Toxicity characteristic	55 FR 11798-877	Sept. 25, 1990.
May 1, 1990	Listing Wastes from the Production of UDMH from Carboxylic Acid Hydrazides.	55 FR 18496-506	Nov. 2, 1990.
June 1, 1990	Land Disposal Restrictions for Third Third wastes	55 FR 22520-720	May 8, 1990.
June 21, 1990	Process Vent and Equipment Leak Organic Air Emission Standards for Owners and Operators of Hazardous Waste Treatment, Storage, and Disposal Facilities.	55 FR 25454-519	Dec. 21, 1990.
Nov. 2, 1990	Petroleum refinery primary and secondary oil/water/solids separation sludge listings.	55 FR 46354-397	May 2, 1991.
Dec. 6, 1990	The listing of wastes from wood preserving processes. ²	55 FR 50450-490	June 6, 1991.
Dec. 31, 1990	Burning of Hazardous Waste in Boilers and Industrial Furnaces.	56 FR 7134-7240	Aug. 21, 1991.
May 13, 1991	Petroleum refinery primary and secondary oil/water/solids separation sludge listings.	56 FR 21959	May 2, 1991.
Aug. 19, 1991	Land disposal restrictions & generic exclusion for K061 nonwastewaters & conditional exclusion for K061 HTMR splash condenser dross residue.	56 FR 41178	Aug. 8, 1991.
Jan. 29, 1992	Liners and Leak Detection for Hazardous Waste Land Disposal Units ³ .	57 FR 3497	July 29, 1992.
June 22, 1992	Exclusion from the definition of solid waste for the recycling of hazardous wastes in the coke by-products industry.	57 FR 27888	June 22, 1992.
Aug. 18, 1992	Land disposal restrictions for newly listed wastes in § 268.36 (b)-(g).	57 FR 37282	June 30, 1992.
Do	Land disposal restrictions for newly listed wastes in § 268.36(a), hazardous debris, and generic exclusion for K062 and F006 nonwaste-waters.Do	Nov. 9, 1992.
Aug. 18, 1992	The listing of wastes from the production, recovery, and refining of coke by-products produced from coal.	57 FR 37306	Feb. 18, 1993

TABLE 1—REGULATIONS IMPLEMENTING THE HAZARDOUS AND SOLID WASTE AMENDMENTS OF 1984—Continued

Promulgation date	Title of regulation	Federal Register reference	Effective date
Oct. 15, 1992	Listing Wastes from the Production of Chlorinated Toluenes.	57 FR 47386	Apr. 15, 1993.
Nov. 18, 1992	Containerized Liquids in Landfills	57 FR 54461	May 18, 1992.
Nov. 24, 1992	Toxicity Characteristic Revision	57 FR 55117	Nov. 24, 1992.
Feb. 16, 1993	Corrective Action Management Units and Temporary Units; Corrective Action Provisions under Subtitle C.	58 FR 8685	Apr. 19, 1993.
May 24, 1993	Land disposal restrictions for characteristic wastes whose treatment standards were vacated.	58 FR 29887	Aug. 9, 1993.
Nov. 9, 1993	Burning of hazardous waste in boilers and industrial furnaces.	58 FR 59603	Oct. 15, 1993.
Sept. 19, 1994	Land Disposal Restrictions Phase II—Universal Treatment Standards, and Treatment Standards for Organic Toxicity Characteristic Wastes and Newly Listed Wastes ⁴ in § 268.38.	47982–48110	Dec. 19, 1994.
Dec. 6, 1994	Air Emission Standards for Tanks, Surface Impoundments, and Containers.	59 FR 62896–62953	Dec. 6, 1996.
Feb. 9, 1995	Listing Wastes from the Production of Carbamates	60 FR 7856	Aug. 9, 1995.
July 11, 1995	Containerized Liquids in Landfills	60 FR 35706	Sept. 11, 1995.
Apr. 8, 1996	Land Disposal Restrictions Phase III—Decharacterized Wastesaters, Carbamate Wastes, and Spent Aluminum Potliners in § 268.39.	61 FR 15660	July 8, 1996.
July 1, 1996	Revisions to Criteria applicable to solid waste facilities that may accept CESQG hazardous wastes, excluding MSWLF's.	61 FR 34278	Jan. 1, 1998.
Aug. 26, 1996	Emergency Revision of the Land Disposal Restrictions (LDR) Phase III Treatment Standards for Listed Hazardous Wastes from Carbamate Production.	61 FR 43931.	Aug. 26, 1996 until Aug. 26, 1997.
May 12, 1997	Land Disposal Restrictions for Wood Preserving Wastes and Paperwork Reductions.	62 FR 26040	Aug. 11, 1997.
June 17, 1997	Vacated Carbamate wastes	62 FR 32979	Aug. 9, 1995.
Aug. 28, 1997	Second Emergency Revision of the Land Disposal Restrictions (LDR) Phase III Treatment Standards for Listed Hazardous Wastes from Carbamate Production..	62 FR 45572	Aug. 26, 1997 until Aug. 26, 1998.
May 4, 1998	Listing of Organobromine Production Wastes	63 FR 24627	Nov. 4, 1998.
May 26, 1998	Land Disposal Restrictions Phase IV Final Rule	63 FR 28753	Aug. 24, 1998.
Aug. 6, 1998	Petroleum Refining Process Wastes	63 FR 42188	Feb. 8, 1999.
Sept. 4, 1998	Emergency Revision of the Land Disposal Restrictions (LDR) Phase III Treatment Standards for Listed Hazardous Wastes from Carbamate Production.	63 FR 47418	Sept. 4, 1998.
Sept. 21, 1998	Treatment Standards for Hazardous Waste K088	63 FR 51267	Sept. 21, 1998.
Nov. 30, 1998	Hazardous Remediation Waste Management Requirements ⁵ .	63 FR 65947	June 1, 1999.
Sept. 30, 1999	Standards for Hazardous Air Pollutants for Hazardous Waste Combustors.	64 FR 53077	Sept. 30, 1999.
Mar. 17, 2000	Vacated Organobromine wastes	65 FR 14475	Nov. 4, 1998.
Sept. 29, 2000	Listing of Hazardous Wastes K174 and K175	65 FR 67132	May 7, 2001.
Oct. 31, 2001	Listing of Inorganic Chemical Manufacturing Wastes	67 FR 58299	May 20, 2002.
February 13, 2002	Interim Standards for Hazardous Air Pollutants for Hazardous Waste Combustors.	67 FR 6818, Feb. 13, 2002	February 13, 2002.
Sept. 30, 2002	Land Disposal Restrictions: National Treatment Variance to Designate New Treatment Subcategories for Radioactively Contaminated Cadmium-, Mercury-, and Silver-Containing Batteries.	67 FR 62624, Oct. 7, 2002	November 21, 2002
January 22, 2002	Corrective Action	67 FR 3029, Jan. 22, 2002	April 22, 2002.
July 15, 2002	Management Unit		
	Standards		
	Amendments		
	Elimination of LDR Treatment Standards Exemption for K061-Derived Fertilizers.	July 24, 2002, FR cite	January 24, 2003.

¹ These regulations implement HSWA only to the extent that they apply to tank systems owned or operated by small quantity generators, establish leak detection requirements for all new underground tank systems, and establish permitting standards for underground tank systems that cannot be entered for inspection.

² These regulations, including test methods for benzo(k)fluoranthene and technical standards for drip pads, implement HSWA only to the extent that they apply to the listing of Hazardous Waste No. F032, and wastes that are hazardous because they exhibit the Toxicity Characteristic. These regulations, including test methods for benzo(k)fluoranthene and technical standards for drip pads, do not implement HSWA to the extent that they apply to the listings of Hazardous Waste Nos. F034 and F035.

³ The following portions of this rule are not HSWA regulations: §§ 264.19 and 265.19 for final covers.

⁴ The following portions of this rule are not HSWA regulations: §§ 260.30, 260.31, 261.2.

⁵ These regulations implement HSWA only to the extent that they apply to the standards for staging piles and to §§ 264.1(j) and 264.101(d) of this chapter.

Environmental Protection Agency

§ 271.1

TABLE 2—SELF-IMPLEMENTING PROVISIONS OF THE HAZARDOUS AND SOLID WASTE AMENDMENTS OF 1984

Effective date	Self-implementing provision	RCRA citation	FEDERAL REGISTER reference
Nov. 8, 1984	Delisting procedures	3001(f)	July 15, 1985, 50 FR 28702-55.
Do	Waste disposal for small quantity generators prior to March 31, 1986.	3001(d)(5)	Do.
Do	Prohibition of disposal in salt domes, salt beds and underground mines and caves.	3004(b)	Do.
Do	Land disposal prohibition not applicable to contaminated soil or debris from a CERCLA response action or a RCRA corrective action prior to November 8, 1988.	3004(d)(3)	Do.
Do	Loss of interim status	3005(c)(2)(C) & (e)(2)-(3)	Do.
Do	Storage of wastes prohibited from land disposal	3004(j) & 3005(j)(11)	Do.
Do	Prohibition of waste and used oil as dust suppressant	3004(l)	Do.
Do	Minimum technological requirements for new and expanding surface impoundments, landfills and incinerators.	3004(o)	Do.
Do	Ground water monitoring	3004(p)	Do.
Do	Prohibition for burning fuels containing hazardous waste in any cement kilns.	3004(q)(2)(C)	Do.
Do	Financial responsibility for liability of guarantor when owner/operator is in bankruptcy.	3004(t)(2)-(3)	Do.
Do	Corrective action	3004(u)	Do.
Do	Review of land disposal permits every 5 years	3005(c)(3)	Do.
Do	Permit terms and conditions necessary to protect human health and the environment.	3005(c)(3)	Do.
Do	Research, development, and demonstration permits	3005(g)	Do.
Do	Interim status facilities receiving waste after July 26, 1982.	3005(i)	Do.
Do	Deadline for surface impoundment retrofit exemption application.	3005(j)(5)	Do.
Feb. 7, 1985	Fuel labeling requirements	3004(r)	Do.
May 8, 1985	Prohibition of liquids in landfills	3004(c)(1)	Do.
Do	Expansions during interim status for waste piles	3015(a)	Do.
Do	Expansions during interim status for landfills and surface impoundments.	3015(b)	Do.
Do	Interim control of hazardous waste disposed of by underground injection.	7010(a)	Do.
Aug. 5, 1985	Small quantity generator manifest requirements	3001(d)(3)	Do.
Aug. 8, 1985	Exposure assessments to accompany landfill and surface impoundment permit applications.	3019(a)	Do.
Sept. 1, 1985	Waste minimization certification on manifest	3002(b)	Do.
Do	Waste minimization permit condition	3005(h)	Do.
Nov. 8, 1985	Prohibition of non-hazardous liquids in landfills	3004(c)(3)	Do.
Do	Notification of hazardous waste export	3017(c)	Do.
Feb. 8, 1986 ¹	Notification requirements for producers, burners, blenders, distributors and marketers of waste derived fuel.	3010(a)	Nov. 29, 1985, 50 FR 49164-211.
Mar. 31, 1986 ²	Small quantity generator requirements	3001(d)(8)	Mar. 24, 1986, 51 FR 10146-78.
Nov. 8, 1986	Land disposal prohibitions on dioxins and F001-F005 solvents.	3004(e)	Nov. 7, 1986, 51 FR 40572.
Do	Temporary granting of exclusion petitions ceases	3001(f)(2)(B)	
Do	Export of hazardous waste	3017(a)	Aug. 8, 1986, 51 FR 28664-86.
July 8, 1987	Land disposal restrictions for California list wastes	3004(d)	July 8, 1987, 52 FR 25760.
Sept. 23, 1987	Exception reporting for small quantity generators of hazardous waste.	52 FR 35899	Mar. 23, 1988.
Aug. 8, 1988	Prohibition on California wastes, dioxins, and solvents in deep injection wells.	3004(f)(3)	
Do	Land disposal restrictions of 1/3 of listed wastes	3004(g)(6)(A)	Aug. 17, 1988, 53 FR 31138-222.
Nov. 8, 1988	Prohibition on wastes in existing surface impoundments unless double lined.	3005(j)	
June 8, 1989	Prohibition on land disposal of 2/3 of listed wastes	3004(g)(6)(B)	June 23, 1989, 54 FR 26594-652.
May 8, 1990	Prohibition on land disposal of 3/3 of listed wastes	3004(g)(6)(C)	June 1, 1990, 55 FR 22520-720.
Aug. 8, 1991	Prohibition on land disposal of K061 high zinc nonwastewaters.	3004(g)(6)(A)	Aug. 19, 1991, 56 FR 41178.

TABLE 2—SELF-IMPLEMENTING PROVISIONS OF THE HAZARDOUS AND SOLID WASTE AMENDMENTS OF 1984—Continued

Effective date	Self-implementing provision	RCRA citation	FEDERAL REGISTER reference
June 30, 1992	Surface Impoundment Retrofit	37282	Aug. 18, 1992, 57 FR 37282.
Nov. 9, 1992	Prohibition on land disposal of hazardous debris and newly listed wastes.Do	Aug. 18, 1992, 57 FR 37282.
Feb. 18, 1993	Containment buildingsDo	Aug. 18, 1992, 57 FR 37282.
Aug. 9, 1993	Prohibition on land disposal of characteristic wastes whose treatment standards were vacated.	3004(g)(6)(c)	May 24, 1993, 58 FR 29887.
Dec. 19, 1994	Prohibition on land disposal of newly listed and identified wastes.	3004(g)(4)(C) and 3004(m)	Sept. 19, 1994, 59 FR 47982-48110.
Sept. 19, 1995	Establishment of treatment standards for D001 and D012-D017 wastes injected into nonhazardous deep wells.	3004(m)	Do.
Apr. 8, 1996	Prohibition on land disposal of K088 wastes	3004(m)	Apr. 8, 1996, 61 FR 15660.
July 8, 1996	Prohibition on land disposal of carbamate wastes	3004(m)	Apr. 8, 1996, 61 FR 15660.
July 8, 1996	Prohibition on land disposal of carbamate wastes (Vacated wastes).	3004(m)	June 17, 1997, 62 FR 32979.
Sept. 6, 1996	Prohibition on land disposal of radioactive waste mixed with the newly listed or identified wastes, including soil and debris.	3004(g)(4)(C) and 3004(m)	Sept. 19, 1994, 59 FR 47982-48110.
Oct. 8, 1996	Prohibition on land disposal of K088 wastes	3004(m)	Apr. 8, 1998, 61 FR 15660.
Dec. 6, 1996	Air Emission Standards for Tanks, Surface Impoundments, and Containers.	3004(n)	Dec. 6, 1994, 59 FR 62896-62953.
Aug. 11, 1997	Prohibition on land disposal of wood preserving wastes	3004(g)(4)(c) and 3004 (m)	May 12, 1997, 62 FR 26040
Apr. 8, 1998	Prohibition on disposal of radioactive waste mixed with newly listed or identified wastes, including soil and debris (Vacated carbamate wastes).	3304(g)(4)(c) and 3004(m)	June 17, 1997, 62 FR 32979
Aug. 24, 1998	Prohibition on land disposal of newly identified wastes, including TC metal wastes and characteristic mineral processing wastes; treatment standards for contaminated soil..	3004(m)	May 26, 1998, 63 FR 28753
Sept. 4, 1998	Emergency Revision of the Land Disposal Restrictions (LDR) Phase III Treatment Standards for Listed Hazardous Wastes from Carbamate Production.	3004(m)	Sept. 4, 1998, 63 FR 47418.
Sept. 21, 1998	Prohibition on land disposal of K088 wastes, and prohibition on land disposal of radioactive waste mixed with K088 wastes, including soil and debris.	3004(g)(4)(C) and 3004(m)	Sept. 24, 1998, 63 FR 51267
Nov. 4, 1998	Prohibition on land disposal of newly listed and identified wastes..	3004(g)(4)(C) and 3004(m)	May 4, 1998, 63 FR 24596
Nov. 4, 1998	Prohibition on land disposal of radioactive waste mixed with the newly listed and identified wastes, including soil and debris.	3004(m) 3004(g)(4)(C) and 3004(m)..	May 4, 1998, 63 FR 24596
Nov. 4, 1998	Prohibition on land disposal of organobromine waste (Vacated wastes).	3004(g)(4)(c) and 3004(m)	Mar. 17, 2000, 65 FR 14475
Nov. 4, 1998	Prohibition on land disposal of radioactive waste mixed with the newly listed and identified wastes, including soil and debris (Vacated organobromine wastes).	3004(m) and 3004(g)(4)(c)	Mar. 17, 2000, 65 FR 14475
Feb. 8, 1999	Prohibition on land disposal of newly listed and identified wastes; and prohibition on land disposal of radioactive waste mixed with the newly listed or identified wastes, including soil and debris.	3004(g)(4)(C) and 3004(m)	Aug. 6, 1998, 63 FR 42188
May 12, 1999	Prohibition on land disposal of radioactive waste and soil and debris mixed with wood preserving wastes.	3004(m)	May 12, 1997, 62 FR 26040.
May 26, 2000	Prohibition on land disposal of newly identified wastes from elemental phosphorus processing and mixed radioactive and newly identified TC metal/mineral processing wastes (including soil and debris)..	3004(m)	May 26, 1998, 63 FR 28753
May 7, 2001	Prohibition on underground injection of newly identified mineral processing wastes from titanium dioxide production..		
May 7, 2001	Prohibition on land disposal of K174 and K175 wastes, and prohibition on land disposal of radioactive waste mixed with K174 and K175 wastes, including soil and debris..	3004(g)(4)(C) and 3004(m)	November 8, 2000, 65 FR 67132.

Environmental Protection Agency

§ 271.3

TABLE 2—SELF-IMPLEMENTING PROVISIONS OF THE HAZARDOUS AND SOLID WASTE AMENDMENTS OF 1984—Continued

Effective date	Self-implementing provision	RCRA citation	FEDERAL REGISTER reference
May 20, 2002	Prohibition on land disposal of K176, K177, and K178 wastes, and prohibition on land disposal of radioactive waste mixed with K176, K177, and K178 wastes, including soil and debris.	3004(g)(4)(C) and 3004(m)	November 20, 2002, 66 FR 28299
January 24, 2003	Elimination of LDR Treatment Standards Exemption for K061 Derived Fertilizers.	3004(g)(6)	July 24, 2002, FR cite.

¹ Note that the effective date was changed to Jan. 29, 1986 by the Nov. 29, 1985 rule.
² Note that the effective date was changed to Sept. 22, 1986 by the Mar. 24, 1986 rule.

[48 FR 14248, Apr. 1, 1983]

EDITORIAL NOTE: For FEDERAL REGISTER citations affecting § 271.1, see the List of CFR Sections Affected, which appears in the Finding Aids section of the printed volume and on GPO Access.

§ 271.2 Definitions.

The definitions in part 270 apply to all subparts of this part.

§ 271.3 Availability of final authorization.

(a) Where a State program meets the requirements of section 3006 of RCRA and this subpart it may receive authorization for any provision of its program corresponding to a Federal provision in effect on the date of the State's authorization.

(b) States approved under this subpart are authorized to administer and enforce their hazardous waste program in lieu of the Federal program, except as provided below:

(1) Any requirement or prohibition which is applicable to the generation, transportation, treatment, storage, or disposal of hazardous waste and which is imposed pursuant to the Hazardous and Solid Waste Amendments of 1984 takes effect in each State having a finally authorized State program on the same date as such requirement takes effect in other States. These requirements and prohibitions are identified in § 271.1(j).

(2) The requirements and prohibitions in § 271.1(j) supersede any less stringent provision of a State program. The Administrator is authorized to carry out each such Federal requirement and prohibition in an authorized State except where, pursuant to section 3006(b) or 3006(g)(2) of RCRA, the State has received final or interim au-

thorization to carry out the particular requirement or prohibition. Violations of Federal requirements and prohibitions effective in authorized States are enforceable under sections 3008, 3013 and 7003 of RCRA.

(3) Until an authorized State program is revised to reflect the amendments made by the Hazardous and Solid Waste Amendments of 1984 and such program revisions receive final or interim authorization pursuant to section 3006(b) or 3006(g)(2) of RCRA, the Administrator shall have the authority in such State to issue or deny permits or those portions of permits affected by the requirements and prohibitions established by the Hazardous and Solid Waste Amendments of 1984.

(c) Official State applications for final authorization may be reviewed on the basis of Federal self-implementing statutory provisions that were in effect 12 months prior to the State's submission of its official application (if no implementing regulations have previously been promulgated) and the regulations in 40 CFR parts 124, 260-266, 268, 270 and 271 that were in effect 12 months prior to the State's submission of its official application. To meet this requirement the State may demonstrate that its program qualifies for final authorization pursuant to this subpart or interim authorization under § 271.24. States are not precluded from seeking authorization for requirements taking effect less than 12 months prior