

US EPA ARCHIVE DOCUMENT

Received 7/12/93
from Dick Thomas

ADDENDUM TO
ATTORNEY GENERAL'S SUPPLEMENTAL STATEMENT
TO MAINTAIN AUTHORIZATION

I hereby certify, pursuant to my authority as Assistant Attorney General set forth in §§8-5-2(D) and 8-5-5(A) NMSA 1978, and in accordance with §3006 (b) of the Resource Conservation and Recovery Act ("RCRA") as amended by the Hazardous and Solid Waste Amendments of 1984 (42 U.S.C. 6901 et seq.) and 40 C.F.R. 271 that in my opinion the laws of the State of New Mexico provide adequate authority to carry out the revised "Program Description" submitted by the Environmental Improvement Division of the New Mexico Health and Environment Department ("Division"). The specific authorities provided, which are contained in statutes or regulations lawfully adopted at the time of this Statement and are in full force.

I. IDENTIFICATION AND LISTING

G. State regulations define solid waste to include the hazardous components of radioactive mixed wastes, July 3, 1986, 51 FR 24504. Federal Authority: RCRA §§1006 and 3001 (b). The exclusion of source, special nuclear or by-product material from the definition of solid waste pursuant to 40 CFR §261.4(a)(4), applies only to the radioactive component of the waste. The solid or hazardous waste of any commingled waste would be subject to RCRA regulatory authority.

Citation of Laws and Regulations; Date of Enactment and Adoption
Remarks of the Attorney General

Adoption of federal regulations by reference, HWMR-5 §201, as amended through July 1989, 40 CFR §§261.2, 261.3 and 261.4.

VII. NATIONAL UNIFORM MANIFEST SYSTEM AND RECORD KEEPING

C. State regulations require that the following be recorded, as it becomes available, and maintained in the operating record, until facility closure, as indicated in Revision Checklist 45: Monitoring, testing or analytical data, corrective action where required by Subpart F and §§264.226, 264.253, 264.254, 264.276, 264.278, 264.280, 264.303, 264.309, 264.347, and 264.602. Federal Authority: RCRA §§3004 and 3005; 40 CFR 264.73(b) as amended December 10, 1987; 52 FR 46946.

Citation of Laws and Regulations; Date of Enactment and Adoption
Remarks of the Attorney General

Adoption of federal regulations by reference, HWMR-5 §501, amended through July 1989.

XIII. CORRECTIVE ACTION

F. State regulations require that miscellaneous unit comply with regulations (Subpart F) regarding releases from solid waste management units when necessary to comply with §§264.601 through 264.603 as indicated in Revision Checklist 45. Federal Authority: RCRA 3004 (u); 40 CFR 264.90 (d) as amended December 10, 1987; 52 FR 46946.

Citation of Laws and Regulations; Date of Enactment and Adoption
Remarks of the Attorney General

Adoption of federal regulations by reference, HWMR-5 §501, amended through July 1989.

XV. STANDARDS FOR FACILITIES

G. State regulations require compliance with closure/post-closure and financial responsibility requirements applicable to owners and operators of hazardous waste treatment, storage and disposal facilities, as indicated in Revision Checklists 24, 36, and 45. Federal Authority: RCRA §§3004 and 3005, 40 CFR 260, 264, 265, and 270 as amended May 2, 1986, 51 FR 16422, March 19, 1987, 52 FR 8704, and December 10, 1987, 52 FR 46946.

Citation of Laws and Regulations; Date of Enactment and Adoption
Remarks of the Attorney General

Adoption of federal regulations by reference, HWMR-5 §§101, 501, 601, and 901, amended through July 1989.

J. State regulations require environmental performance standards; monitoring, testing, analytical data, inspection, response and reporting procedure; and post-closure care for miscellaneous units as indicated in Revision Checklist 45. Federal Authority: RCRA §§3004 and 3005; 40 CFR 264.600 through 264.603, as amended December 10, 1987; 52 FR 46946.

Citation of Laws and Regulations; Date of Enactment and Adoption
Remarks of the Attorney General

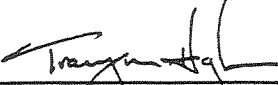
Adoption of federal regulations by reference, HWMR §501, amended through July 1989.

XVI. REQUIREMENTS FOR PERMITS


O. State regulations require that all owners and operators of units that treat, store or dispose of hazardous waste in miscellaneous units must comply with the general application requirements (including Part A permit requirements), the Part B general application requirements of §270.14, and Specific Part B information requirements for miscellaneous units as indicated in Revision Checklist 45. Federal Authority: RCRA §§3004 and 3005; 40 CFR 264.600, 270.14 and 270.23 as amended December 10, 1987, 52 FR 46946.

Citation of Laws and Regulations; Date of Enactment and Adoption
Remarks of the Attorney General

Adoption of federal regulations by reference, HWMR-5 §501 and 901 amended through 1989.



Tracy M. Hughes
Special Assistant Attorney General
Assistant General Counsel
Health and Environment Department
1190 St. Francis Drive
Santa Fe, New Mexico 87503



Randall Van Vleck
Assistant Attorney General
P.O. Box 1508
Santa Fe, New Mexico 87504

[addagsup]

7/19/89

