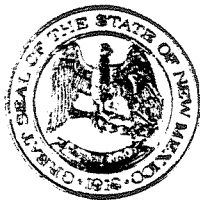


US EPA ARCHIVE DOCUMENT



State of New Mexico
ENVIRONMENT DEPARTMENT
Harold Runnels Building
1190 St. Francis Drive, P.O. Box 26110
Santa Fe, New Mexico 87502

AG RCRA II
signed
July 18, 1994

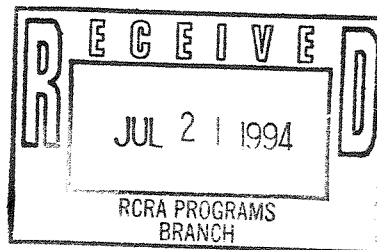
JUDITH M. ESPINOSA
SECRETARY

RON CURRY
DEPUTY SECRETARY

BRUCE KING
GOVERNOR

July 18, 1994

Ailma Patterson
USEPA Region 6
Hazardous Waste Management Division
Mail Code 6H-HS
1445 Ross Avenue
Dallas, Texas 75202-2733



Re: **Authorization- RCRA Cluster II**

Dear Ms. Patterson:

It was a pleasure to meet with you in Chicago to discuss RCRA authorization issues and problem solving. We are optimistic that the automated Attorney General's Statement will expedite this process. EPA's goal to turn around draft and final SPA's within two months will save the State substantial time incurred with any substantive changes between drafts. Further, written verifications from EPA regarding the correct SPA and checklists will address some of our past problems.

Enclosed please find the AG's statement for RCRA Cluster II. The statement is based upon a draft of SPA 13, which was previously sent to us by EPA and, based upon our telephone conversation, is acceptable. The enclosed statement incorporates EPA's significant findings numbers 1, 2, 4-5 and 7. The statement does not incorporate findings 3, 6 and 8. These findings appear to be based upon a draft of SPA 14 which was not used for RCRA II and are inconsistent with the final SPA 13. Pursuant to your instructions, we have not addressed these comments with this submittal. Further, as I indicated, we have made some minor clean-up changes in response to previous EPA comments. |||

Thank you for your help in this matter. We look forward to obtaining authorization for RCRA Cluster II. Please feel free to call if you have any questions.

Sincerely,

SUSAN M. McMICHAEL
Assistant General Counsel

Enclosure(s)

cc: Bill Brancard
Benito Garcia
Stella Montoya

REVISION ATTORNEY GENERAL'S STATEMENT FOR FINAL
AUTHORIZATION FOR CHANGES TO THE FEDERAL
RCRA PROGRAM FROM JANUARY 1983 THROUGH
JUNE 1992

RCRA CLUSTER II

I hereby certify, pursuant to my authority as Assistant Attorney General set forth in NMSA 1978, §§8-5-2D and 8-5-5A (Repl. Pamp. 1994) and in accordance with Section 3006(b) of the Resource Conservation and Recovery Act, as amended by the Hazardous and Solid Waste Amendments of 1984 (42 USC 6901 et seq.), and 40 CFR 271 that in my opinion the laws of the State of New Mexico provide adequate authority to carry out the revised program set forth in the revised "Program Description" submitted by the New Mexico Environment Department. The specific authorities provided are contained in statutes or regulations lawfully adopted at the time this Statement is signed and which are in effect now, as specified below. These authorities and this certification supplement the previously certified authorities described in my certifications of January 1985, April 1988, July 1989, September 1992 and January 1993 and February 1994.

I. IDENTIFICATION AND LISTING

Q. State statutes and regulations exclude from being a solid waste spent wood preserving solutions that have been used and are reclaimed and reused for their original intended purpose as indicated in Revision Checklists 82 and 92.

Federal Authority: RCRA §3001; 40 CFR 261.4(a)(9) as amended December 6, 1990 (55 FR 50450) and July 1, 1991 (56 FR 30192).

Citation of Laws and Regulations; Date of Enactment and Adoption

Statutory Authority: NMSA 1978, §§74-4-4A(1) and 74-4-4E (Repl. Pamp. 1993). Hazardous Waste Management Regulations-7 ("HWMR-7") §201, as amended November 20, 1992 (40 CFR Part 261).

Remarks of the Attorney General

On October 21, 1992, New Mexico promulgated HWMR-7 §201 which adopts and incorporates by reference the July 1, 1992 version of 40 CFR Part 261. HWMR-7 §201 is inclusive of the identification and listing amendments to 40 CFR Part 261 promulgated December 6, 1990 at 55 FR 50450 and July 1, 1991 at 56 FR 30192. NMSA 1978, §§74-4-4A(1) and 74-4-4E (Repl. Pamp. 1993) provide New Mexico with authority to adopt federal regulations by reference.

R. State statutes and regulations allow deletion of certain hazardous waste codes following equipment cleaning and replacement, provided that the requirements of 261.35 are met, as indicated in Revision Checklists 82 and 92.

Federal Authority: RCRA §3001; 40 CFR 261.35 as amended December 6, 1990 (55 FR 50450) and July 1, 1991 (56 FR 30192).

Citation of Laws and Regulations; Date of Enactment and Adoption

Statutory Authority: NMSA 1978, §§74-4-4A(1) and 74-4-4E (Repl. Pamp. 1993). HWMR-7 §201 as amended November 20, 1992 (40 CFR Part 261).

Remarks of the Attorney General

New Mexico incorporates 40 CFR Part 261 by reference at HWMR-7 §201 as amended November 20, 1992. HWMR-7 §201 is inclusive of the identification and listing amendments to 40 CFR Part 261 promulgated December 6, 1990 at 55 FR 50450 and July 1, 1991 at 56 FR 30192. NMSA 1978, §§74-4-4A(1) and 74-4-4E (Repl. Pamp. 1993) provide New Mexico with authority to adopt federal regulations by reference.

V. State statutes and regulations which exclude from being a hazardous waste certain nonwastewater residues resulting from high temperature metals recovery of K061 provided the conditions in 261.3(c)(2)(ii)(C) are met as indicated in Revision Checklist 95.

Federal Authority: RCRA §§3001, 3004(d)-(k) and (m); 40 CFR 261.3(c)(2)(ii)(C) as amended August 19, 1991 (56 FR 41164).

Citation of Laws and Regulations; Date of Enactment and Adoption

Statutory Authority: NMSA 1978, §§74-4-4A(1) and 74-4-4E (Repl. Pamp. 1993). HWMR-7 §201, as amended November 20, 1992 (40 CFR Part 261).

Remarks of the Attorney General

New Mexico incorporates 40 CFR Part 261 by reference at HWMR-7 §201 as amended November 20, 1992. HWMR-7 §201 is inclusive of the identification and listing amendments to 40 CFR Part 261 promulgated August 19, 1991 at 56 FR 41164. NMSA 1978, §§74-4-4A(1) and 74-4-4E (Repl. Pamp. 1993) provide New Mexico with authority to adopt federal regulations by reference.

W. State statutes and regulations which exclude from being a solid waste, nonwastewater splash condenser dross residue from the treatment of K061 in high temperature metals recovery units, provided the requirements of 261.4(a)(11) are met as indicated in Revision Checklist 95.

Federal Authority: RCRA §3001, 3004(d)-(k) and (m); 40 CFR 261.4(a)(11) as amended August 19, 1991 (56 FR 41164).

Citation of Laws and Regulations; Date of Enactment and Adoption

Statutory Authority: NMSA 1978, §§74-4-4A(1) and 74-4-4E (Repl. Pamp. 1993). HWMR-7 §201, as amended November 20, 1992 (40 CFR Part 261).

Remarks of the Attorney General

New Mexico incorporates 40 CFR Part 261 by reference at HWMR-7 §201 as amended November 20, 1992. HWMR-7 §201 is inclusive of the identification and listing amendments to 40 CFR Part 261 promulgated August 19, 1991 at 56 FR 41164. NMSA 1978, §§74-4-4A(1) and 74-4-4E (Repl. Pamp. 1993) provide New Mexico with authority to adopt federal regulations by reference.

X. State statutes and regulations exempt, from the definition of hazardous, used oil filters meeting the 40 CFR 261.4(b)(15) criteria as indicated in Revision Checklist 104.

Federal Authority: RCRA §§1004, 1006, 2002, 3001 and 3014; 40 CFR 261.4(b)(15) as amended May 20, 1992 (57 FR 21524).

Citation of Laws and Regulations; Date of Enactment and Adoption

Statutory Authority: NMSA 1978, §§74-4-4A(1) and 74-4-4E (Repl. Pamp. 1993). HWMR-7 §201, as amended November 20, 1992 (40 CFR Part 261).

Remarks of the Attorney General

New Mexico incorporates 40 CFR Part 261 by reference at HWMR-7 §201 as amended November 20, 1992. HWMR-7 §201 is inclusive of the identification and listing amendments to 40 CFR Part 261 promulgated May 20, 1992 at 57 FR 21524. NMSA 1978, §§74-4-4A(1) and 74-4-4E (Repl. Pamp. 1993) provide New Mexico with authority to adopt federal regulations by reference.

Y. State statutes and regulations exclude from being a solid waste K087 and those coke by-product residues that are hazardous only because they exhibit the Toxicity Characteristic when, subsequent to generation, these materials are recycled by being returned to coke ovens, to the tar recovery process as a feedstock to produce coal tar, or mixed with coal tar as indicated in Revision Checklist 105.

Federal Authority: RCRA §3001(e)(2) and (h); 40 CFR 261.4(a)(10) as amended June 22, 1992 (57 FR 27880).

Citation of Laws and Regulations; Date of Enactment and Adoption

Statutory Authority: NMSA 1978, §§74-4-4A(1) and 74-4-4E (Repl. Pamp. 1993). HWMR-7 §201, as amended November 20, 1992 (40

CFR Part 261).

Remarks of the Attorney General

New Mexico incorporates 40 CFR Part 261 by reference at HWMR-7 §201 as amended November 20, 1992. HWMR-7 §201 is inclusive of the identification and listing amendments to 40 CFR Part 261 promulgated June 22, 1992 at (57 FR 27880). NMSA 1978, §§74-4-4A(1) and 74-4-4E (Repl. Pamp. 1993) provide New Mexico with authority to adopt federal regulations by reference.

II. DEFINITION OF SOLID WASTE

B. State statutes and regulations include as solid waste secondary material fed to a halogen acid furnace that exhibit a characteristic of a hazardous waste or are listed as a hazardous waste in 40 CFR 261, Subparts C and D as indicated in Revision Checklists 85 and 96.

Federal Authority: RCRA §3001; 40 CFR Parts 261.2(d)(2) as amended February 21, 1991 (56 FR 7134) and August 27, 1991 (56 FR 42504).

Citation of Laws and Regulations; Date of Enactment and Adoption

Statutory Authority: NMSA 1978, §§74-4-4A and 74-4-4E (Repl. Pamp. 1993). HWMR-7 §201, as amended November 20, 1992 (40 CFR Part 261).

Remarks of the Attorney General

New Mexico incorporates 40 CFR Part 261 by reference at HWMR-7 §201 as amended November 20, 1992. HWMR-7 §201 is inclusive of the amendments to 40 CFR Part 261 promulgated February 21, 1991 at 56 FR 7134 and August 27, 1991 at 56 FR 42504. NMSA 1978, §§74-4-4A and 74-4-4E (Repl. Pamp. 1993) provide New Mexico with authority to adopt federal regulations by reference.

XI. GROUND-WATER MONITORING

E. State statutes and regulations allow owners and operators to demonstrate that an alternate hydraulically downgradient monitoring well location will meet 40 CFR 265.91(a)(3)(i)-(iii) criteria as specified in Revision Checklist 99.

Federal Authority: RCRA §§1006, 2002(a), 3001, 3004, 3005 and 3015; 40 CFR 264.10, and 264.91(a)(3) as amended December 23, 1991 (56 FR 66365).

Citation of Laws and Regulations; Date of Enactment and Adoption

Statutory Authority: NMSA 1978, §§74-4-4A and 74-4-4E (Repl. Pamp. 1993). HWMR-7 §501 and 502, as amended November 20, 1992 (40

CFR Part 264).

Remarks of the Attorney General

New Mexico incorporates 40 CFR Part 264 by reference (with a few exceptions) at HWMR-7 §§501 and 502 as amended November 20, 1992. HWMR-7 §§501 and 502 are inclusive of groundwater monitoring amendments to 40 CFR Part 264 promulgated December 23, 1991 at 56 FR 66365. NMSA 1978, §§74-4-4A and 74-4-4E (Repl. Pamp. 1993) provide New Mexico with authority to adopt federal regulations by reference.

XIV. HAZARDOUS WASTE EXPORTS

A. State statutes and regulations require generators and transporters of hazardous waste destined for export outside the United States to comply with standards equivalent to those as indicated in Revision Checklists 17 R, 31, 48, and 97 (with the latter providing technical corrections to Checklist 31).

Federal Authority: RCRA §3017; 40 CFR 262.50 as amended July 15, 1985 (50 FR 28702), August 8, 1986 (51 FR 28664), July 19, 1988 (53 FR 27164), and September 4, 1991 (56 FR 45704).

Citation of Laws and Regulations; Date of Enactment and Adoption

Statutory Authority: NMSA 1978, §§74-4-4A and 74-4-4E (Repl. Pamp. 1993). HWMR-7 §301, as amended November 20, 1992 (40 CFR Part 262).

Remarks of the Attorney General

New Mexico incorporates 40 CFR Part 262 by reference at HWMR-7 §301 as amended November 20, 1992. HWMR-7 §301 is inclusive of the amendments to 40 CFR Part 262 promulgated July 15, 1985 at 50 FR 28702, August 8, 1986 at 51 FR 28664, July 19, 1988 at 53 FR 27164, and September 4, 1991 at 56 FR 45704. NMSA 1878, §§74-4-4A and 74-4-4E (Repl. Pamp. 1993) provide New Mexico with the authority to adopt federal regulations by reference.

XV. STANDARDS FOR FACILITIES

L. State statutes and regulations contain design, operating, inspection and closure requirements for drip pads and associated tanks, sumps and other devices used to assist in the collection of treated wood drippage as indicated in Revision Checklists 82 and 92.

Federal Authority: RCRA §§2002(a) and 3001(b)&(e)(1); 40 CFR 262.34(a)(2), 264.190, 264.570, 264.571, 264.572, 264.573, 264.574, 264.575, 265.190, 265.440, 265.441, 265.442, 265.443, 265.444, 265.445 as amended December 6, 1990 (55 FR 50450), and July 1, 1991

(56 FR 30192).

Citation of Laws and Regulations; Date of Enactment and Adoption

Statutory Authority: NMSA 1978, §§74-4-4A and 74-4-4E (Repl. Pamp. 1993). HWMR-7 §§301, 501, 502, 601 and 602, as amended November 20, 1992 (40 CFR Parts 262, 264 and 265).

Remarks of the Attorney General

New Mexico incorporates 40 CFR Parts 262, 264 and 265 by reference (with a few exceptions) at HWMR-7 §§301, 501, 502, 601 and 602 as amended November 20, 1992. HWMR-7 §§301, 501, 502, 601 and 602 are inclusive of the facility standards amendments to 40 CFR Parts 262, 264 and 265 promulgated December 6, 1990 at 55 FR 50450 and July 1, 1991 at 56 FR 30192. NMSA 1978, §§74-4-4 and 74-4-4E (Repl. Pamp. 1993) provide New Mexico with authority to adopt federal regulations by reference.

N. State statutes and regulations contain an administrative stay, until October 30, 1992, for the requirement that existing drip pads be impermeable as indicated in Revision Checklist 101.

Federal Authority: 5 U.S.C. 705; RCRA §§2002(a) and 3001(b)&(e)(1); 40 CFR 264.573(a)(4), and 265.443(a)(4) as amended February 18, 1992 (57 FR 5859).

Citation of Laws and Regulations; Date of Enactment and Adoption

Statutory Authority: NMSA 1978, §§74-4-4A and 74-4-4E (Repl. Pamp. 1993). HWMR-7 §§501, 502, 601 and 602, as amended November 20, 1992 (40 CFR Parts 264 and 265).

Remarks of the Attorney General

New Mexico incorporates 40 CFR Parts 264 and 265 by reference (with a few exceptions) at HWMR-7 §§501, 502, 601 and 602 as amended November 20, 1992. HWMR-7 §§501, 502, 601 and 602 are inclusive of the facility standards amendments to 40 CFR Parts 264 and 265 promulgated February 18, 1992 at 57 FR 5859. NMSA 1978, §§74-4-4A and 74-4-4E (Repl. Pamp. 1993) provide New Mexico with authority to adopt federal regulations by reference.

XVI. REQUIREMENTS FOR PERMITS

W. State statutes and regulations contain Special Part B information requirements for drip pads as indicated in Revision Checklists 82 and 92.

Federal Authority: RCRA §§2002(a) and 3001(b)&(e)(I); 40 CFR 270.22 as amended December 6, 1990 (55 FR 50450) and July 1, 1991 (56 FR 30192).

Citation of Laws and Regulations; Date of Enactment and Adoption

Statutory Authority: NMSA 1978, §§74-4-4A and 74-4-4E (Repl. Pamp. 1993). HWMR-7 §901, as amended November 20, 1992 (40 CFR Part 270).

Remarks of the Attorney General

New Mexico incorporates 40 CFR Part 270 by reference at HWMR-7 §901 as amended November 20, 1992. HWMR-7 §901 is inclusive of the permit requirement amendments to 40 CFR Part 270 promulgated December 6, 1990 at 55 FR 50450 and July 1, 1991 at 56 FR 30192. NMSA 1978, §§74-4-4A and 74-4-4E (Repl. Pamp. 1993) provide New Mexico with authority to adopt federal regulations by reference.

X. State statutes and regulations include permitting requirements for boilers and industrial furnaces burning hazardous waste as indicated in Revision Checklists 85 and 94.

Federal Authority: RCRA §§1006, 2002, 3001 through 3007; 40 CFR 270.22, 270.42(g), 270.42 Appendix I, 270.66, 270.72(a)(6)&(b)(7) and 270.73(f)&(g) as amended February 21, 1991 (56 FR 7134) and July 17, 1991 (56 FR 32688).

Citation of Laws and Regulations; Date of Enactment and Adoption

Statutory Authority: NMSA 1978, §§74-4-4A and 74-4-4E (Repl. Pamp. 1993). HWMR-7 §901, as amended November 20, 1992 (40 CFR Part 270).

Remarks of the Attorney General

New Mexico incorporates 40 CFR Part 270 by reference at HWMR-7 §901 as amended November 20, 1992. HWMR-7 §901 is inclusive of the amendments to 40 CFR Part 270 promulgated February 21, 1991 at 56 FR 7134 and July 17, 1991 at 56 FR 32688. NMSA 1978, §§74-4-4A and 74-4-4E (Repl. Pamp. 1993) provide New Mexico with authority to adopt federal regulations by reference.

Y. State statutes and regulations include specific Part B information requirements for surface impoundments, waste piles and landfills regarding liners; leachate collection, detection, and removal systems; and the construction quality assurance program requirements as indicated in Revision Checklist 100.

Federal Authority: RCRA §§3004, 3005, 3006 and 3015; 40 CFR 270.4(a), 270.17(b)&(c), 270.18(c)&(d), and 270.21(b)&(c) as amended January 29, 1992 (57 FR 3462).

Citation of Laws and Regulations; Date of Enactment and Adoption

Statutory Authority: NMSA 1978, §§74-4-4A and 74-4-4E (Repl.

Pamp. 1993). HWMR-7 §901, as amended November 20, 1992 (40 CFR Part 270).

Remarks of the Attorney General

New Mexico incorporates 40 CFR Part 270 by reference at HWMR-7 §901 as amended November 20, 1992. HWMR-7 §901 is inclusive of the permit requirement amendments to 40 CFR Part 270 promulgated January 29, 1992 at 57 FR 3462. NMSA 1978, §§74-4-4A and 74-4-4E (Repl. Pamp. 1993) provide New Mexico with authority to adopt federal regulations by reference.

XVII. MINIMUM TECHNOLOGICAL REQUIREMENTS

C. State statutes and regulations require owners and operators of new units, expansions, and replacement units at surface impoundments, waste piles, and landfills to meet the monitoring and inspection Construction Quality Assurance (CQA) program, double liner, leachate collection and removal systems, leak detection systems, action leakage, response action plan and closure/post-closure care requirements as indicated in Revision Checklist 100.

Federal Authority: RCRA §§3004, 3005, 3006 and 3015; 40 CFR 264.19, 264.221-223, 264.226, 264.228, 264.251-264.254, 264.301-264.304, 264.310, 265.19, 265.221-265.223, 265.226-265.228, 265.254, 265.255, 265.259, 265.260, 265.301-265.304 and 265.310 as amended January 29, 1992 (57 FR 3462).

Citation of Laws and Regulations; Date of Enactment and Adoption

Statutory Authority: NMSA 1978, §§74-4-4A and 74-4-4E (Repl. Pamp. 1993). HWMR-7 §§501, 502, 601 and 602, as amended November 20, 1992 (40 CFR Parts 264 and 265).

Remarks of the Attorney General

New Mexico incorporates 40 CFR Parts 264 and 265 by reference (with a few exceptions) at HWMR-7 §§501, 502, 601 and 602 as amended November 20, 1992. HWMR-7 §§501, 502, 601 and 602 are inclusive of the amendments to 40 CFR Parts 264 and 265 promulgated January 29, 1992 at 57 FR 3462. NMSA 1978, §§74-4-4A and 74-4-4E (Repl. Pamp. 1993) provide New Mexico with authority to adopt federal regulations by reference.

XX. BURNING OF WASTE FUEL AND USED FUEL IN BOILERS AND INDUSTRIAL FURNACES

C. State statutes and regulations include control standards for emissions of toxic organic compounds, toxic metals, hydrogen chloride, chlorine gas and particulate matter from boilers and

industrial furnaces burning hazardous waste, and require owners and operators of such facilities to comply with the general facility standards applicable to hazardous waste treatment, storage and disposal facilities, as indicated in Revision Checklists 85, 94 and 96. Hazardous waste storage units at regulated burners are subject to 40 CFR 264 requirements.

Federal Authority: RCRA §§1006, 2002, 3001 through 3007, 3010 and 7004; 40 CFR 260.10, 260.11, 261.3, 261.6, 264.112, 264.340, 265.112, 265.113, 265.340, 265.370, Part 266 Subpart H, and 266 Appendices I-X as amended February 21, 1991 (56 FR 7134), July 17, 1991 (56 FR 32688) and August 27, 1991 (56 FR 42502).

Citation of Laws and Regulations; Date of Enactment and Adoption

Statutory Authority: NMSA 1978, §§74-4-4A and 74-4-4E (Repl. Pamp. 1993). HWMR-7 §§101, 102, 201, 501, 502, 601, 602 and 701, as amended November 20, 1992 (40 CFR Parts 260, 261, 264, 265 and 266).

Remarks of the Attorney General

New Mexico incorporates 40 CFR Parts 261, 264, 265 and 266 by reference (with a few exceptions) at HWMR-7 §§201, 501, 502, 601, 602 and 701 as amended November 20, 1992. New Mexico incorporates 40 CFR Part 260 by reference with certain modifications at HWMR-7 §§101 and 102. HWMR-7 §§101, 102, 201, 501, 601, 602 and 701 are inclusive of the amendments to 40 CFR Parts 260, 261, 264, 265 and 266 promulgated February 21, 1991 at 56 FR 7134, July 17, 1991 at 56 FR 32688 and August 27, 1991 at 56 FR 42502. NMSA 1978, §§74-4-4A and 74-4-4E (Repl. Pamp. 1993) provide New Mexico with authority to adopt federal regulations by reference.

D. State statutes and regulations contain an administrative stay until June 22, 1992 of the permitting standards for boilers and industrial furnaces as they apply to coke ovens burning certain hazardous wastes from the coke by-products recovery process as indicated in Revision Checklists 98 and 105.

Federal Authority: 5 U.S.C. 705; RCRA §§2002(a) and 3001(b) and (e)(1); RCRA §3001; 40 CFR 266.100(a) as amended September 5, 1991 (56 FR 43874) and June 22, 1992 (57 FR 27880).

Citation of Laws and Regulations; Date of Enactment and Adoption

Statutory Authority: NMSA 1978, §§74-4-4A and 74-4-4E (Repl. Pamp. 1993). HWMR-7 §701, as amended November 20, 1992 (40 CFR Part 266).

Remarks of the Attorney General

New Mexico incorporates 40 CFR Part 266 by reference at HWMR-7

§701 as amended November 20, 1992. HWMR-7 §701 is inclusive of the amendments to 40 CFR Part 266 promulgated September 5, 1991 at 56 FR 43874. NMSA 1978, §74-4-4A and 74-4-4E (Repl. Pamp. 1993) provide New Mexico with authority to adopt federal regulations by reference.

XXI. LAND DISPOSAL RESTRICTIONS

F. State statutes and regulations provide specific treatment standards and effective dates for the "Third Third" wastes, "soft hammer" First and Second Third wastes, five newly listed wastes, four wastes that fall into the F002 and F005 (spent solvent) waste codes, F025, mixed radioactive/hazardous wastes, characteristic wastes, and multi-source leachate, as well as establish revised treatment standards for petroleum refining hazardous wastes (K048-K052) as indicated in Revision Checklists 78, 83 and 102.

Federal Authority: RCRA §§3001 and 3004(d)-(k) and (m); 40 CFR 261, 262, 264, 265, 268 and 270 as amended June 1, 1990 (55 FR 22520) January 31, 1991 (56 FR 3864) and March 6, 1992 (57 FR 8086).

Citation of Laws and Regulations; Date of Enactment and Adoption

Statutory Authority: NMSA 1978, §§74-4-4A and 74-4-4E (Repl. Pamp. 1993). HWMR-7 §§201, 301, 501, 502, 601, 602, 701, 801 and 901 as amended November 20, 1992 (40 CFR Parts 261, 262, 264, 265, 268 and 270).

Remarks of the Attorney General

New Mexico incorporates 40 CFR Parts 261, 262, 264, 265, 268 and 270 by reference (with a few exceptions) at HWMR-7 §§201, 301, 501, 502, 601, 602, 701, 801 and 901 as amended November 20, 1992. HWMR-7 §§201, 301, 501, 502, 601, 602, 701, 801 and 901 are inclusive of the amendments to 40 CFR Parts 261, 262, 264, 265, 268 and 270 promulgated June 1, 1990 at 55 FR 22520, January 31, 1991 at 56 FR 3864 and March 6, 1992 at 57 FR 8086. NMSA 1978, §§74-4-4A and 74-4-4E (Repl. Pamp. 1993) provide New Mexico with authority to adopt federal regulations by reference.

H. State statutes and regulations contain treatment standards under the land disposal restrictions program for K061 as indicated in Revision Checklist 95.

Federal Authority: RCRA §3004(d)-(k) and (m); 40 CFR 268.41 and 268.42 as amended August 19, 1991 (56 FR 41164).

Citation of Laws and Regulations; Date of Enactment and Adoption

Statutory Authority: NMSA 1978, §§74-4-4A and 74-4-4E (Repl. Pamp. 1993). HWMR-7 §801, as amended November 20, 1992 (40 CFR

Part 268).

Remarks of the Attorney General

New Mexico incorporates 40 CFR Part 268 by reference at HWMR-7 §801 as amended November 20, 1992. HWMR-7 §801 is inclusive of the amendments to 40 CFR Part 268 promulgated August 19, 1991 at 56 FR 41164. NMSA 1978, §§74-4-4A and 74-4-4E (Repl. Pamp. 1993) provide New Mexico with authority to adopt federal regulations by reference.

I. State statutes and regulations provide an extension of the land disposal restriction effective date for hazardous waste debris until May 8, 1993, as indicated in Revision Checklist 103.

Federal Authority: RCRA §3004(h)(3); 40 CFR 268.35(e) as amended May 15, 1992 (57 FR 20766).

Citation of Laws and Regulations; Date of Enactment and Adoption

Statutory Authority: NMSA 1978, §§74-4-4A and 74-4-4E (Repl. Pamp. 1993). HWMR-7 §801, as amended November 20, 1992 (40 CFR Part 268).

Remarks of the Attorney General

New Mexico incorporates 40 CFR Part 268 by reference at HWMR-7 §801 as amended November 20, 1992. HWMR-7 §801 is inclusive of the amendments to 40 CFR Part 268 promulgated May 15, 1992 at 57 FR 20766. NMSA 1978, §§74-4-4A and 74-4-4E (Repl. Pamp. 1993) provide New Mexico with authority to adopt federal regulations by reference.

J. State statutes and regulations provide an extension of the land disposal restriction effective date, until May 8, 1993, for D008 lead-bearing hazardous materials stored before secondary smelting, provided the owner/operator meets the requirements specified at 40 CFR 268.35(k), as indicated in Revision Checklist 106.

Federal Authority: RCRA §3004(h)(3); 40 CFR 268.35(c) and (k) as amended June 26, 1992 (57 FR 28628).

Citation of Laws and Regulations; Date of Enactment and Adoption

Statutory Authority: NMSA 1978, §§74-4-4A and 74-4-4E (Repl. Pamp. 1993). HWMR-7 §801, as amended November 20, 1992 (40 CFR Part 268).

Remarks of the Attorney General

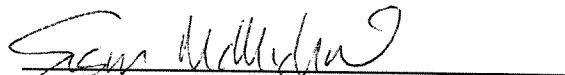
New Mexico incorporates 40 CFR Part 268 by reference at HWMR-7 §801 as amended November 20, 1992. HWMR-7 §801 is inclusive of the amendments to 40 CFR Part 268 promulgated June 26, 1992 at 57 FR 28628. NMSA 1978, §§74-4-4A and 74-4-4E (Repl. Pamp. 1993) provide New Mexico with authority to adopt federal regulations by reference.

Seal of Office

THE HONORABLE TOM UDALL
ATTORNEY GENERAL


WILLIAM R. BRANCARD
Assistant Attorney General
Office of the Attorney General
Post Office Drawer 1508
Santa Fe, NM 87504

July 18, 1994
DATE


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Assistant General Counsel
New Mexico Environment Dept.
Office of General Counsel
Post Office Box 26110
Santa Fe, NM 87504

July 18, 1994
DATE