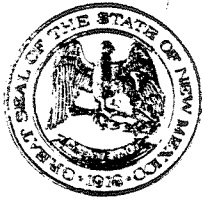


US EPA ARCHIVE DOCUMENT



BRUCE KING
GOVERNOR

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

AG HSWA I & II

Signed

July 20, 1994

JUDITH M. ESPINOSA
SECRETARY

RON CURRY
DEPUTY SECRETARY

July 21, 1994

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

Re: Authorization- HSWA I & II

Dear Ms. Patterson:

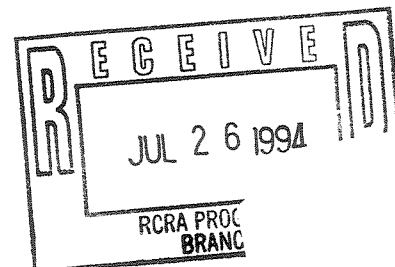
Enclosed please find the Attorney General's statement for HSWA I & II. Pursuant to your instructions, HSWA I & II was originally drafted utilizing SPA 9 and resubmitted with a draft of SPA 11. As I indicated to you by telephone, the enclosed statement incorporates EPA comments nos. 1-6 and 8 (from Enclosure B). We did not incorporate EPA comment no. 7 because this provision is inconsistent with both SPA 9 and 11. There were some additional comments, which are enclosed, which you provided directly to Stella Montoya by telephone. We have incorporated Checklists 74, 75, 78 & 79. Pursuant to your instructions, we have not incorporated comments nos. 1-4. These comments are inconsistent with SPA's 9 & 11 and the Federal Register.

Thank you for your help in this matter. It is my understanding that the incorporation of these comments will result in EPA approval for New Mexico authorization for HSWA I & II. Please call if you have any questions.

Sincerely,

SUSAN McMICHAEL
Assistant General Counsel

Enclosure(s)



**STATE OF NEW MEXICO
HAZARDOUS WASTE AUTHORIZATION
HSWA CLUSTERS I AND II**

ATTORNEY GENERAL'S STATEMENT

I hereby certify, pursuant to my authority as Assistant Attorney General set forth in NMSA 1978, §§8-5-2(D) and 8-5-5(A) (Repl. Pamph. 1994), 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 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 ("NMED"). 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 and my predecessors certifications of January 1985, April 1988, July 1989, September 1991, and July 1992.

I. IDENTIFICATION AND LISTING

A. State statutes and regulations contain lists of hazardous waste which encompass all wastes controlled under the following Federal regulations as indicated in the designated Revision Checklists:

- (3) TDI, DNT and TDA wastes, 40 CFR 261.32, 261.33(f) and Part 261 Appendices III, VII and VIII as amended October 23, 1985 [50 FR 42936], Revision Checklist 18.
- (4) Spent solvents, 40 CFR 261.31, as amended December 31, 1985 [50 FR 53319] and January 21, 1986 [51 FR 2702], Revision Checklist 20.
- (5) EDB wastes, 40 CFR 261.32 and Part 261 Appendices II, III and VIII, as amended February 13, 1986 [51 FR 5330], Revision Checklist 21.
- (6) Four spent solvents, 40 CFR 261.31 and 261.33(f) and Part 261 Appendices III, VII and VIII, as amended February 25, 1986 [51 FR 6541], Revision Checklist 22.
- (7) Listing of spent pickle liquor from steel finishing operations, 40 CFR 261.32, as amended May 28, 1986 [51 FR 19320] and September 22, 1986 [51 FR 33612], Revision Checklist 26.
- (9) EBDC wastes, 40 CFR 261.32 and Part 261 Appendices III and VII, as amended on October 24, 1986 [51 FR 37725], Revision Checklist 33.
- (13) Listing of two wastes (K131 and K132) generated during the production of methyl bromide, 40 CFR 261.32 and 261 Appendices III and VII, as amended October 6, 1989 [54 FR 41402], Revision Checklist 68.

- (14) Listing of one generic category (F025) of waste generated during the manufacture of chlorinated aliphatic hydrocarbons by free radical catalyzed processes and amending F024, 40 CFR 261.31 and 261 Appendix VII; adding one toxicant to 261 Appendix VIII; as amended December 11, 1989 [54 FR 50968], Revision Checklist 69.
- (16) Listing of four wastes (K107-K110) generated during the production of 1,1-dimethylhydrazine (UDMH) from carboxylic acid hydrazides, 40 CFR 261.31 and Part 261 Appendices III and VII, as amended May 2, 1990 [55 FR 18496], Revision Checklist 75.
- (17) Listing of one waste (F039), 40 CFR 261.31 and Part 261 Appendix VII, as amended June 1, 1990 [55 FR 22520], Revision Checklist 78.

[Federal Authority: RCRA §3001(b).]

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) as amended November 20, 1992, §201 (40 CFR Part 261).

Remarks of the Attorney General

New Mexico incorporates 40 CFR 261 by reference at HWMR-7 §201. HWMR-7 adopted the July 1, 1992 version of 40 CFR 261. It is that version that is referred to in this Attorney General's Statement. HWMR-7 §201 is inclusive of the amendments to 40 CFR 261 promulgated October 23, 1985 at 50 FR 42936, December 31, 1985 at 50 FR 53319, January 21, 1986 at 51 FR 2702, February 13, 1986 at 51 FR 5330, February 25, 1986 at 51 FR 6541, May 28, 1986 at 51 FR 19320, September 22, 1986 at 51 FR 33612, October 24, 1986 at 51 FR 37725, October 6, 1989 at 54 FR 41402, December 11, 1989 at 54 FR 50968, May 2, 1990 at 55 FR 18496, and June 1, 1990 at 55 FR 22520. NMSA 1978, §§74-4-4A(1) and 74-4-4E (Repl. Pamp. 1993) provide the State with authority to adopt Federal Regulations by reference including the sections on identification and listing.

B. State statutes and regulations define hazardous waste so as to control the generation, transportation, treatment, storage and disposal of hazardous waste produced by small quantity generators of between 100 and 1000 kilograms/month as indicated in Revision Checklist 23 (which supersedes prior amendments by Revision Checklist 17 A) and Revision Checklist 47 (providing technical corrections to Checklist 23). State statutes and regulations also require small quantity generators to certify good faith efforts to minimize waste generation and to select the best available and affordable treatment, storage or disposal alternatives, 40 CFR 262 as amended October 1, 1986 [51 FR 35190], Revision Checklist 32 (see Item IX below).

[Federal Authority: RCRA §3001(d); 40 CFR Parts 260-263 and 270 as amended March 24, 1986 (51 FR 10146), October 1, 1986 (51 FR 35190), and July 19, 1988 (53 FR 27162).]

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 as amended November 20, 1992, §§101, 102, 201, 301, 401, 402 and 901 (40 CFR Parts 260-263 and 270).

Remarks of the Attorney General

New Mexico incorporates 40 CFR 260-263 and 270 by reference (with a few exceptions) at HWMR-7 as amended November 20, 1992, §§101, 102, 201, 301, 401, 402 and 901. HWMR-7 §§101, 102, 201, 301, 401 and 901 are inclusive of the amendments to 40 CFR 260-263 and 270 promulgated March 24, 1986 at 51 FR 10146, October 1, 1986 at 51 FR 35190, and July 19, 1988 at 53 FR 27162. NMSA 1978, §§74-4-4A and 74-4-4E (Repl. Pamp. 1993) provide the State with authority to adopt Federal Regulations by reference, including small quantity generators and waste minimization.

C. New Mexico does not have a delisting mechanism and cannot adopt this requirement.

E. State statutes and regulations define hazardous waste so as to not exclude household waste other than those household wastes excluded in 40 CFR 261.4(b)(1), as indicated in Revision Checklists 9 and 17 C.

[Federal Authority: RCRA §3001; 40 CFR 261.4(b)(1) as amended November 13, 1984 (49 FR 44980) and July 15, 1985 (50 FR 28702).]

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 as amended November 20, 1992, §201 (40 CFR Part 261).

Remarks of the Attorney General

New Mexico incorporates 40 CFR 261 by reference at HWMR-7 as amended November 20, 1992, §201. HWMR-7 §201 is inclusive of the amendments to 40 CFR 261 promulgated November 13, 1984 at 49 FR 44980 and July 15, 1985 at 50 FR 28702. NMSA 1978, §§74-4-4A and 74-4-4E (Repl. Pamp. 1993) provide the State with authority to adopt Federal Regulations by reference.

L. State statutes and regulations revise the existing toxicity characteristic by replacing the Extraction Procedure (EP) leach test with the Toxicity Characteristic Leaching Procedure (TCLP) for identifying wastes that are defined as hazardous and subject to regulation under Subtitle C of RCRA as indicated in Revision Checklist 74. State statutes and regulations also provide for the addition of 25 organic chemicals and their regulatory levels to the list of toxic constituents of concern as indicated in Revision Checklist 74.

[Federal Authority: RCRA §§1006, 2002(a), 3001, 3002, 3004, 3005 and 3006; 40 CFR Parts 261, 264, 265 and 268 as amended March 29, 1990 (55 FR 11798), and June 29, 1990 (55 FR 26986).]

Citations 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 as amended November 20, 1992, §§ 201, 501, 502, 601, 602 and 801 (40 CFR Parts 261, 264, 265 and 268).

Remarks of the Attorney General

New Mexico incorporates 40 CFR 261, 264, 265 and 268 by reference (with a few exceptions) at HWMR-7 as amended November 20, 1992, §§201, 501, 502, 601, 602 and 801. HWMR-7 §§201, 501, 502, 601, 602 and 801 are inclusive of the amendments promulgated March 29, 1990 at 55 FR 11798 and June 29, 1990 at 55 FR 26986. NMSA 1978, §§74-4-4A and 74-4-4E (Repl. Pamp. 1993) provide the state with authority to adopt Federal Regulations by reference.

III. MANAGEMENT OF DIOXIN WASTES

A. State statutes and regulations contain the following requirements regarding dioxin wastes as indicated in Revision Checklist 14:

- (1) Dioxin wastes are listed and otherwise identified as hazardous wastes so as to encompass all such wastes controlled under 40 CFR 261.5(e), 261.7(b), 261.30(d), 261.31, and 261.33(f) and Part 261 Appendix X.
- (2) Special management and permitting standards for facilities managing dioxin wastes and prohibitions applicable to permitted and interim status facilities, as provided in 40 CFR Parts 264, 265, and 270.

[Federal Authority: §§3001, 3004; 40 CFR 261, 264, 265 and 270 as amended January 14, 1985 (50 FR 1978).]

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 as amended November 20, 1992, §§201, 501, 502, 601, 602 and 901 (40 CFR Parts 261, 264, 265 and 270).

Remarks of the Attorney General

New Mexico incorporates 40 CFR 261, 264, 265 and 270 by reference (with a few exceptions) at HWMR-7 as amended November 20, 1992, §§201, 501, 502, 601, 602 and 901. HWMR-7 §§201, 501, 502, 601, 602 and 901 are inclusive of the amendments to 40 CFR 261, 264, 265 and 270 promulgated January 14, 1985 at 50 FR 1978. NMSA 1978, §§74-4-4A and 74-4-4E (Repl. Pamp. 1993) provide the State with authority to adopt Federal Regulations by reference.

VI. PAINT FILTER TEST

A. State statutes and regulations require the use of a paint filter test to determine the absence or presence of free liquids in either a containerized or bulk waste as indicated in Revision Checklists 16, 17F and 25.

[Federal Authority: RCRA §§3004, 3005; 40 CFR Parts 260, 264, 265, and 270 as amended April 30, 1985 (50 FR 18370), July 15, 1985 (50 FR 28702) and May 28, 1986 (51 FR 19176).]

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 as amended November 20, 1992, §§101, 102, 501, 502, 601, 602 and 901 (40 CFR Parts 260, 264, 265 and 270).

Remarks of the Attorney General

New Mexico incorporates 40 CFR 260, 264, 265 and 270 by reference (with a few exceptions) at HWMR-7 as amended November 20, 1992, §§101, 102, 501, 502, 601, 602, and 901. HWMR-7 §§101, 501, 601 and 901 are inclusive of the amendments to 40 CFR 260, 264, 265 and 270 promulgated April 30, 1985 at 50 FR 18370, July 15, 1985 at 50 FR 28702 and May 28, 1986 at 51 FR 19176. NMSA 1978, §§74-4-4A and 74-4-4E (Repl. Pamp. 1993) provide the State with authority to adopt Federal Regulations by reference.

VII. NATIONAL UNIFORM MANIFEST SYSTEM AND RECORDKEEPING

A. State statutes and regulations require generators to use the national uniform manifest as indicated in Revision Checklists 5 and 32.

[Federal Authority: RCRA §§2002, 3002, 3003; 40 CFR Parts 260 and 262 as amended March 20, 1984 (49 FR 10490) and October 1, 1986 (51 FR 35190).]

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 as amended November 20, 1992, §§101, 102 and 301 (40 CFR Parts 260 and 262).

Remarks of the Attorney General

New Mexico incorporates 40 CFR 260 and 262 by reference (with a few exceptions) at HWMR-7 as amended November 20, 1992, §§101, 102 and 301. HWMR-7 §§101, 102 and 301 are inclusive of the amendments to 40 CFR 260 and 262 promulgated March 20, 1984 at 49 FR 10490 and October 1, 1986 at 51 FR 35190. NMSA 1978, §74-4-4A(2)(h) and 74-4-4E (Repl. Pamp. 1993) provide the State with authority to adopt Federal Regulations by reference, including the use of a manifest system.

B. State statutes and regulations require that generators, of between 100 and 1000 kg/mo of hazardous waste, file an exception report in those instances where the generator does not receive confirmation of delivery of his hazardous waste to the designated facility as indicated in Revision Checklist 42.

[Federal Authority: RCRA §§3001(d) and 3002(a)(5); 40 CFR Parts 262.42 and 262.44 as amended September 23, 1987 (52 FR 35894).]

Citation of Laws and Regulations; Date of Enactment and Adoption

Statutory Authority: NMSA 1978, §§74-4-4A and 74-4-4E (Repl. Pamph. 1993).

HWMR-7 as amended November 20, 1992, §301 (40 CFR Part 262).

Remarks of the Attorney General

New Mexico incorporates 40 CFR 262 by reference at HWMR-7 as amended November 20, 1992, §301. HWMR-7 §301 is inclusive of the amendments to 40 CFR 262 promulgated September 23, 1987 at 52 FR 35894. NMSA 1978, §§74-4-4A and 74-4-4E (Repl. Pamph. 1993) provide the State with authority to adopt Federal Regulations by reference.

VIII. BIENNIAL REPORT

A. State statutes and regulations contain the following reporting requirements as indicated in Revision Checklists 1 and 30.

(1) The biennial report contains the information indicated in 40 CFR 262.41(a), 264.75 and 265.75.

(2) Facilities must submit groundwater monitoring data annually to the State Director as indicated in 40 CFR 265.94.

[Federal Authority: RCRA §§3002, 3004; 40 CFR 262, 264 and 265 as amended January 28, 1983 (48 FR 3977) and August 8, 1986 (51 FR 28566).]

Citation of Laws and Regulations; Date of Enactment and Adoption

Statutory Authority: NMSA 1978, §§74-4-4A and 74-4-4E (Repl. Pamph. 1993).

HWMR-7 as amended November 20, 1992, §§301, 501, 502, 601 and 602 (40 CFR Parts 262, 264 and 265).

Remarks of the Attorney General

New Mexico incorporates 40 CFR 262, 264 and 265 by reference (with a few exceptions) at HWMR-7 as amended November 20, 1992, §§301, 501, 502, 601 and 602. HWMR-7 §§301, 501, 502, 601 and 602 are inclusive of the amendments to 40 CFR 262, 264 and 265 promulgated January 28, 1983 at 48 FR 3977 and August 8, 1986 at 51 FR 28566. NMSA 1978, §§74-4-4A and 74-4-4E (Repl. Pamph. 1993) provide the State with authority to adopt Federal Regulations by reference.

IX. WASTE MINIMIZATION

A. State statutes and regulations contain the following requirements regarding waste minimization as indicated in Revision Checklists 17 D, 30 and 32 (see Item I B above).

(1) Generators must submit report and manifest certifications regarding efforts taken to minimize the amounts and toxicity of wastes.

[Federal Authority: RCRA §3002(a)(6), (b); 40 CFR 262.41, 264.75 and 265.75 as amended July 15, 1985 (50 FR 28702), August 8, 1986 (51 FR 28556) and October 1, 1986 (51 FR 35190).]

Citation of Laws and Regulations; Date of Enactment and Adoption

Statutory Authority: NMSA 1978, §§74-4-4A and 74-4-4E (Repl. Pamph. 1993).

HWMR-7 as amended November 20, 1992, §§301, 501, 502, 601 and 602 (40 CFR Parts 262, 264 and 265)

Remarks of the Attorney General

New Mexico incorporates 40 CFR 262, 264 and 265 by reference (with a few exceptions) at HWMR-7 as amended November 20, 1992, §§301, 501, 502, 601 and 602. HWMR-7 §§301, 501, 502, 601 and 602 are inclusive of the amendments to 40 CFR 262, 264 and 265 promulgated July 15, 1985 at 50 FR 28702, August 8, 1986 at 51 FR 28556 and October 1, 1986 at 51 FR 35190. NMSA 1978, §§74-4-4A and 74-4-4E (Repl. Pamph. 1993) provide the State with authority to adopt Federal Regulations by reference, and is similar in scope to RCRA §3002(a)(6), (b).

(2) RCRA permits for the treatment, storage, or disposal of hazardous waste on the premises where the waste was generated must contain a certification by the permittee regarding efforts taken to minimize the amount and toxicity of the generated wastes.

[Federal Authority: RCRA §3005(h); 40 CFR 264.70, 264.73 and 270.30(j)(2) as amended July 15, 1985 (50 FR 28702).]

Citation of Laws and Regulations; Date of Enactment and Adoption

Statutory Authority: NMSA 1978, §§74-4-4A(2)(h), 74-4-4A(6) and 74-4-4E (Repl. Pamph. 1993).

HWMR-7 as amended November 20, 1992, §§501, 502 and 901 (40 CFR Parts 264 and 270)

Remarks of the Attorney General

New Mexico incorporates 40 CFR 264 and 270 by reference (with a few exceptions) at HWMR-7 as amended November 20, 1992, §§501, 502 and 901. HWMR-7 §§501, 502 and 901 are inclusive of the amendments to 40 CFR 264 and 270 promulgated July 15, 1985 at 50 FR 28702. NMSA 1978, §§74-4-4A and 74-4-4E (Repl. Pamph. 1993) provide the State with authority to adopt Federal Regulations by reference. NMSA 1978, §74-4-4A(2)(h) (Repl. Pamph. 1993) provides New Mexico with authority to require a program to minimize the amount and toxicity of generated wastes and NMSA 1978, §74-4-4A(6) (Repl. Pamph. 1993) provides the general authority to require certification.

X. LIQUIDS IN LANDFILLS

A. State statutes and regulations contain the following requirements regarding liquids in landfills as indicated in Revision Checklists 17F and 25.

(1) Effective May 8, 1985, there is a ban on the placement of bulk or non-containerized liquid hazardous waste or hazardous waste containing free liquids in any landfill pursuant to 40 CFR 264.314 and 265.314 as amended July 15, 1985 and May 28, 1986.

(2) Effective November 8, 1985, there is a ban on the placement of non-hazardous liquids in landfills unless the owner or operator satisfies the criteria set forth in 40 CFR 264.314(e), 265.314(f), as amended July 15, 1985 and May 28, 1986.

(3) For bulk or non-containerized liquid wastes or wastes containing free liquids they may be placed in a landfill prior to May 8, 1985, only if the requirements of 40 CFR 264.314(a) and 265.314(a) are met.

[Federal Authority: §3004(c); 40 CFR 264.314, 265.314 and 270.21(h) as amended July 15, 1985 (50 FR 28702) and May 28, 1986 (51 FR 19176).]

Citation of Laws and Regulations; Date of Enactment and Adoption

Statutory Authority: NMSA 1978, §§74-4-4A, 74-4-4A(5)(c) and 74-4-4E (Repl. Pamph. 1993).

HWMR-7 as amended November 20, 1992, §§501, 502, 601, 602 and 901 (40 CFR Parts 264, 265 and 270).

Remarks of the Attorney General

New Mexico incorporates 40 CFR 264, 265 and 270 by reference (with a few exceptions) at HWMR-7 as amended November 20, 1992, §§501, 502, 601, 602 and 901. HWMR-7 §§501, 502, 601, 602 and 901 are inclusive of the liquids in a landfill amendments to 40 CFR 264, 265 and 270 promulgated July 15, 1985 at 50 FR 28702 and May 28, 1986 at 51 FR 19176. NMSA 1978, §§74-4-4A and 74-4-4E (Repl. Pamph. 1993) provide the State with authority to adopt Federal Regulations by reference and NMSA 1978, §74-4-4A(5)(c) (Repl. Pamph. 1993) provides general authority to regulate liquids.

XI. GROUND-WATER MONITORING

A. State statutes and regulations provide that the §3004 groundwater monitoring requirements applicable to surface impoundments, waste piles, land treatment units and landfills shall apply whether or not such units are located above the seasonal high water table, have two liners and a leachate collection system or have liners that are periodically inspected, as indicated in Revision Checklist 17 I.

[Federal Authority: RCRA §3004(p); 40 CFR 264.222, 264.252, 264.253, and 264.302 as amended July 15, 1985 (50 FR 28702).]

Citation of Laws and Regulations; Date of Enactment and Adoption

Statutory Authority: NMSA 1978, §§74-4-4A and 74-4-4E (Repl. Pamph. 1993).

HWMR-7 as amended November 20, 1992, §§501 and 502 (40 CFR Part 264).

Remarks of the Attorney General

New Mexico incorporates 40 CFR 264 by reference (with a few exceptions) at HWMR-7 as amended November 20, 1992, §§501 and 502. HWMR-7 §§501 and 502 are inclusive of the amendments to 40 CFR 264 promulgated July 15, 1985 at 50 FR 28702. NMSA 1978, §§74-4-4A and 74-4-4E (Repl. Pamp. 1993) provide the State with authority to adopt Federal Regulations by reference.

B. State statutes and regulations may allow variances from the ground-water monitoring requirements as provided in §3004(p). However, those variances must be restricted as provided in RCRA §3004(p) as indicated in Revision Checklist 17I.

[Federal Authority: RCRA §3004(p); 40 CFR 264.90(b) as amended July 15, 1985 (50 FR 28702).]

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 as amended November 20, 1992, §§501 and 502 (40 CFR Part 264).

Remarks of the Attorney General

New Mexico incorporates 40 CFR 264 by reference (with a few exceptions) at HWMR-7 as amended November 20, 1992, §§501 and 502. HWMR-7 §§501 and 502 are inclusive of the amendments to 40 CFR 264 promulgated July 15, 1985 at 50 FR 28702. NMSA 1978, §§74-4-4A and 74-4-4E (Repl. Pamp. 1993) provide the State with authority to adopt Federal Regulations by reference.

XII. BURNING AND BLENDING OF HAZARDOUS WASTES

A. State statutes and regulations provide the following requirements:

(1) The burning of fuel containing hazardous waste in a cement kiln is prohibited as specified in 40 CFR 266.31 and Revision Checklist 17J.

[Federal Authority: RCRA §3004(q); 40 CFR 266.31 as amended July 15, 1985 (50 FR 28702).]

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 as amended November 20, 1992, §701 (40 CFR Part 266).

Remarks of the Attorney General

New Mexico incorporates 40 CFR 266 by reference at HWMR-7 as amended November 20, 1992, §701. HWMR-7 §701 is inclusive of the amendments to 40 CFR 266 promulgated July 15, 1985 at 50 FR 28702. NMSA 1978, §§74-4-4A and 74-4-4E (Repl. Pamp. 1993) provide the

State with authority to adopt Federal Regulations by reference.

(2) Fuels containing hazardous waste and all persons who produce, distribute and market fuel containing hazardous wastes must be regulated as indicated in Revision Checklists 17J, 17K, and 19.

[Federal Authority: RCRA §§3004(q)-(s); 40 CFR 261.31 and 266.34 as amended July 15, 1985 (50 FR 28702), November 29, 1985 (50 FR 49164) and November 19, 1986 (51 FR 41900).]

Citation of Laws and Regulations; Date of Enactment and Adoption

Statutory Authority: NMSA 1978, §§74-4-4A and 74-4-4E (Repl. Pamph. 1993).

HWMR-7 as amended November 20, 1992, §§201 and 701 (40 CFR Parts 261 and 266).

Remarks of the Attorney General

New Mexico incorporates 40 CFR 261 and 266 by reference at HWMR-7 as amended November 20, 1992, §§201 and 701. HWMR-7 §§201 and 701 are inclusive of the amendments to 40 CFR 261 and 266 promulgated July 15, 1985 at 50 FR 28702, November 29, 1985 at 50 FR 49164 and November 19, 1986 at 51 FR 41900. NMSA 1978, §§74-4-4A and 74-4-4E (Repl. Pamph. 1993) provide the State with authority to adopt Federal Regulations by reference, including the amendment applicable to distributors or marketers of fuel produced from hazardous waste.

B. State statutes and regulations providing exceptions to the burning and blending of hazardous waste as specified in §§3004(q)(2)(A) and 3004(r)(2) & (3).

[Federal Authority: RCRA §§3004(q)(2)(A) and 3004(r)(2) & (3).]

Citation of Laws and Regulations; Date of Enactment and Adoption

Statutory Authority: NMSA 1978, §§74-4-4A and 74-4-4E (Repl. Pamph. 1993).

HWMR-7 as amended November 20, 1992, §701 (40 CFR Part 266).

Remarks of the Attorney General

NMSA 1978, §74-4-4A (Repl. Pamph. 1993) provides the State with general authority for production or energy recovery activity and possible exceptions therefrom. Additionally, NMSA 1978, 74-4-4E (Repl. Pamph. 1993) authorizes New Mexico to adopt 40 CFR 266 by reference at HWMR-7 §701 which regulates the burning and blending of hazardous waste.

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 as amended November 20, 1992, §301 (40 CFR Part 262).

Remarks of the Attorney General

New Mexico incorporates 40 CFR 262 by reference at HWMR-7 as amended November 20, 1992, §301. HWMR-7 §301 is inclusive of the amendments to 40 CFR 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 1978, §§74-4-4A and 74-4-4E (Repl. Pamp. 1993) provide the State with authority to adopt Federal Regulations by reference, including general requirements for transporters.

XV. STANDARDS FOR FACILITIES¹

A. State statutes and regulations prohibit the land disposal of hazardous waste prohibited under 40 CFR Parts 264 and 265 as indicated in Revision Checklist 17 E. Land disposal includes, but is not limited to, placement in landfills, surface impoundments, waste piles, deep injection wells, land treatment facilities, salt dome and bed formations and underground mines or caves. Deep injection well means a well used for the underground injection of hazardous wastes other than a well to which §7010(a) of RCRA applies.

[Federal Authority: RCRA §3004(b)-(q); 40 CFR 264.18, 265.18 as amended July 15, 1985 (50 FR 28702).]

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 as amended November 20, 1992, §§501, 502, 601 and 602 (40 CFR Parts 264 and 265).

Remarks of the Attorney General

New Mexico incorporates 40 CFR 264 and 265 by reference (with a few exceptions) at HWMR-7 as amended November 20, 1992, §§501, 502, 601 and 602. HWMR-7 §§501, 502, 601 and 602 are inclusive of the amendments to 40 CFR 264 and 265 promulgated July 15, 1985 at 50 FR 28702. NMSA 1978, §§74-4-4A and 74-4-4E (Repl. Pamp. 1993) provide the State with authority to adopt Federal Regulations by reference, including the prohibition on land disposal.

¹ This section contains all changes to the Federal RCRA program concerning facility standards except for those specifically related to groundwater monitoring. This latter group of facility standard changes are addressed by Section XI.

B. Effective on November 8, 1984 State statutes and regulations prohibit the placement of any non-containerized or bulk liquid hazardous waste in any salt dome or salt bed formation any underground mine or cave except as provided in §264.18(c) and §265.18(c) as indicated in Revision Checklist 17 E. Furthermore, State statutes and regulations prohibit the placement of any other hazardous waste in such formations until a permit is issued.

[Federal Authority: RCRA §3004(b); 40 CFR 264.18 and 265.18 as amended July 15, 1985 (50 FR 28702).]

Citation of Laws and Regulations; Date of Enactment and Adoption

Statutory Authority: NMSA 1978, §§74-4-4A and 74-4-4E (Repl. Pam. 1993).

HWMR-7 as amended November 20, 1992, §§501, 502, 601 and 602 (40 CFR Parts 264 and 265).

Remarks of the Attorney General

New Mexico incorporates 40 CFR 264 and 265 by reference (with a few exceptions) at HWMR-7 as amended November 20, 1992, §§501, 502, 601 and 602. HWMR-7 §§501, 502, 601 and 602 are inclusive of the amendments to 40 CFR 264 and 265 promulgated July 15, 1985 at 50 FR 28702. NMSA 1978, §§74-4-4A and 74-4-4E (Repl. Pam. 1993) provide the State with authority to adopt Federal Regulations by reference.

C. State statutes and regulations prohibit the use of waste oil or other materials contaminated with hazardous wastes (except ignitable wastes) as a dust suppressant as indicated in Revision Checklist 17G.

[Federal Authority: RCRA §3004(1); 40 CFR 266.23 as amended July 15, 1985 (50 FR 28702).]

Citation of Laws and Regulations; Date of Enactment and Adoption

Statutory Authority: NMSA 1978, §§74-4-4A and 74-4-4E (Repl. Pam. 1993).

HWMR-7 as amended November 20, 1992, §701 (40 CFR Part 266).

Remarks of the Attorney General

New Mexico incorporates 40 CFR 266 by reference at HWMR-7 as amended November 20, 1992, §701. HWMR-7 §701 is inclusive of the amendments to 40 CFR 266 promulgated July 15, 1985 at 50 FR 28702. NMSA 1978, §§74-4-4A and 74-4-4E (Repl. Pam. 1993) provide the State with authority to adopt Federal Regulations by reference.

H. State statutes and regulations require companies that generate, treat or store hazardous waste in tanks to comply with tank standards equivalent to those indicated in Revision Checklists 28 and 52.

[Federal Authority: RCRA §§1006, 2002, 3001 - 3007, 3010, 3014, 3017 - 3019 and 7004; 40 CFR 260, 261, 262, 264, 265, and 270 as amended July 14, 1986 (51 FR 25422), August 15, 1986 (51 FR 29430) and September 2, 1988 (53 FR 34079).]

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 as amended November 20, 1992, §§101, 102, 201, 301, 501, 502, 601, 602 and 901 (40 CFR Parts 260, 261, 262, 264, 265, and 270).

Remarks of the Attorney General

New Mexico incorporates 40 CFR 260, 261, 262, 264, 265, and 270 by reference (with a few exceptions) at HWMR-7 as amended November 20, 1992, §§101, 102, 201, 301, 501, 502, 601, 602 and 901. HWMR-7 §§101, 102, 201, 301, 501, 502, 601, 602 and 901 are inclusive of the amendments to 40 CFR 260, 261, 262, 264, 265, and 270 promulgated as amended July 14, 1986 at 51 FR 25422, August 15, 1986 at 51 FR 29430 and September 2, 1988 at 53 FR 34079. NMSA 1978, §§74-4-4A and 74-4-4E (Repl. Pamp. 1993) provides the State with authority to adopt Federal Regulations by reference.

K. State statutes and regulations require new and existing hazardous waste treatment, storage or disposal facilities to control organic air emissions from process vents and equipment leaks as indicated in Revision Checklist 79.

[Federal Authority: RCRA §§ 1006, 2002, 3001-3007, 3010, 3014 and 7004; 40 CFR Parts 261, 264, 265 and 270 as amended June 21, 1990 (55 FR 25454).]

Citations 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, 501, 502, 601, 602 and 901 as amended November 20, 1992 (40 CFR Parts 261, 264, 265 and 270).

Remarks of the Attorney General

New Mexico incorporates 40 CFR Parts 261, 264, 265 and 270 by reference (with a few exceptions) at HWMR-7 §§201, 501, 502, 601, 602 and 901 as amended November 20, 1992. HWMR-7 §§201, 501, 502, 601, 602 and 901 are inclusive of the amendments to 40 CFR Parts 261, 264, 265 and 270 promulgated June 21, 1990 at 55 FR 25454. NMSA 1978, §§74-4-4A and 74-4-4E provide New Mexico with the authority to adopt Federal Regulations by reference.

XVI. REQUIREMENTS FOR PERMITS

A. State statutes and regulations allow a facility (1) to construct an approved TSCA facility for burning PCBs without first obtaining a RCRA permit and (2) to subsequently apply for a RCRA permit in accordance with Revision Checklist 17M.

[Federal Authority: RCRA §3005(a); 40 CFR 270.10(f)(3) as amended July 15, 1985 (50 FR 28702).]

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 as amended November 20, 1992, §§901, 902, 1003 (40 CFR Part 270).

Remarks of the Attorney General

New Mexico incorporates 40 CFR 270 by reference at HWMR-7 as amended November 20, 1992, §901. HWMR-7 §901 is inclusive of the amendments to 40 CFR 270 promulgated July 15, 1985 at 50 FR 28702. NMSA 1978, §§74-4-4A and 74-4-4E (Repl. Pamph. 1993) provide the State with authority to adopt Federal Regulations by reference.

B. State statutes and regulations require review of land disposal permits every five years and modification of such permits as necessary to assure compliance with the requirements in Parts 124, 260 through 266, and 270, as indicated in Revision Checklist 17N.

[Federal Authority: RCRA §3005(c)(3); 40 CFR 270.41(a)(6), 270.50(d) as amended July 15, 1985 (50 FR 28702).]

Citation of Laws and Regulations; Date of Enactment and Adoption

Statutory Authority: NMSA 1978, §§74-4-4.2, 74-4-4A and 74-4-4E (Repl. Pamph. 1993).

HWMR-7 as amended November 20, 1992, §§901, 902, 1003 (40 CFR Part 270).

Remarks of the Attorney General

New Mexico incorporates 40 CFR 270 by reference at HWMR-7 as amended November 20, 1992, §901. HWMR-7 §901 is inclusive of the amendments to 40 CFR 270 promulgated July 15, 1985 at 50 FR 28702. NMSA 1978, §§74-4-4A and 74-4-4E (Repl. Pamph. 1993) provide the State with authority to adopt Federal Regulations by reference. NMSA 1978, §74-4-4.2 provides the State with authority to regulate permitting. New Mexico has not adopted 40 CFR 124 by reference, however, HWMR-7 §902 provides the procedural requirements for the permitting process. See HWMR-7, §§902 and 1003.

C. State statutes and regulations require permits to contain any conditions necessary to protect human health and the environment in addition to any conditions required by regulations as indicated in Revision Checklist 17 O.

[Federal Authority: RCRA §3005(c)(3); 40 CFR 270.32(b) as amended July 15, 1985 (50 FR 28702).]

Citation of Laws and Regulations; Date of Enactment and Adoption

Statutory Authority: NMSA 1978, §§74-4-4.2(C), 74-4-4A and 74-4-4E (Repl. Pamph. 1993).

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

Remarks of the Attorney General

New Mexico incorporates 40 CFR 270 by reference at HWMR-7 as amended November 20, 1992, §901. HWMR-7 §901 is inclusive of the amendments to 40 CFR 270 promulgated July 15, 1985 at 50 FR 28702. NMSA 1978, §§74-4-4A and 74-4-4E (Repl. Pamph. 1993) provide the

State with authority to adopt Federal Regulations by reference. NMSA 1978, §74-4-4.2(C) is similar in scope to RCRA §2005(c)(3) authority for permitting requirements.

D. State statutes and regulations require that:

(1) For land disposal facilities granted interim status prior to 11/8/84, interim status terminates 11/8/85; unless a Part B application and certification of compliance with applicable groundwater monitoring and financial responsibility requirements are submitted by 11/8/85, as indicated in Revision Checklist 17P.

[Federal Authority: RCRA §3005(e); 40 CFR 270.73(c) as amended July 15, 1985 (50 FR 28702).]

Citation of Laws and Regulations; Date of Enactment and Adoption

Statutory Authority: NMSA 1978, §§74-4-4A and 74-4-4E (Repl. Pamph. 1993).

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

Remarks of the Attorney General

New Mexico incorporates 40 CFR 270 by reference at HWMR-7 as amended November 20, 1992, §901. HWMR-7 §901 is inclusive of the amendments to 40 CFR 270 promulgated July 15, 1985 at 50 FR 28702. NMSA 1978, §§74-4-4A and 74-4-4E (Repl. Pamph. 1993) provide the State with authority to adopt Federal Regulations by reference.

(2) For land disposal facilities in existence on the effective date of statutory or regulatory changes under this Act that render the facility subject to the requirement to have a permit and which is granted interim status, interim status terminates 12 months after the date the facility first becomes subject to such permit requirement unless a Part B application and certification of compliance with applicable groundwater monitoring and financial responsibility requirements are submitted by that date as indicated in Revision Checklist 17P.

[Federal Authority: RCRA §3005(e); 40 CFR 270.73(d) as amended July 15, 1985 (50 FR 28702).]

Citation of Laws and Regulations; Date of Enactment and Adoption

Statutory Authority: NMSA 1978, §§74-4-4A and 74-4-4E (Repl. Pamph. 1993).

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

Remarks of the Attorney General

New Mexico incorporates 40 CFR 270 by reference at HWMR-7 as amended November 20, 1992, §901. HWMR-7 §901 is inclusive of the amendments to 40 CFR 270 promulgated July 15, 1985 at 50 FR 28702. NMSA 1978, §§74-4-4A and 74-4-4E (Repl. Pamph. 1993) provide the State with authority to adopt Federal Regulations by reference.

(3) Interim status terminates for incinerator facilities by 11/8/89 unless the owner/operator submits a Part B application by 11/8/86 as indicated in Revision Checklist 17P.

[Federal Authority: RCRA §3005(c)(2)(C); 40 CFR 270.73(e) as amended July 15, 1985 (50 FR 28702).]

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 as amended November 20, 1992, §901 (40 CFR 270).

Remarks of the Attorney General

New Mexico incorporates 40 CFR 270 by reference at HWMR-7 as amended November 20, 1992, §901. HWMR-7 §901 is inclusive of the amendments to 40 CFR 270 promulgated July 15, 1985 at 50 FR 28702. NMSA 1978, §§74-4-4A and 74-4-4E (Repl. Pamp. 1993) provide the State with authority to adopt Federal Regulations by reference.

(4) Interim status terminates for any facility other than a land disposal or an incineration facility by 11/8/92 unless the owner/operator submits a Part B application by 11/8/88 as indicated in Revision Checklist 17 P.

[Federal Authority: RCRA §3005(c)(2)(C); 40 CFR 270.73(f) as amended July 15, 1985 (50 FR 28702).]

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 as amended November 20, 1992, §901 (40 CFR Part 270).

Remarks of the Attorney General

New Mexico incorporates 40 CFR 270 by reference at HWMR-7 as amended November 20, 1992, §901. HWMR-7 §901 is inclusive of the amendments to 40 CFR 270 promulgated July 15, 1985 at 50 FR 28702. NMSA 1978, §§74-4-4A and 74-4-4E (Repl. Pamp. 1993) provide the State with authority to adopt Federal Regulations by reference.

E. State statutes and regulations allow facilities to qualify for interim status if they (1) are in existence on the effective date of statutory or regulatory changes that render the facility subject to the requirement to have a permit and (2) comply with §270.70(a) as indicated in Revision Checklist 17P.

[Federal Authority: RCRA §3005(e); 40 CFR 270.70(a) as amended July 15, 1985 (50 FR 28702).]

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 as amended November 20, 1992, §901 (40 CFR Part 270).

Remarks of the Attorney General

New Mexico incorporates 40 CFR 270 by reference at HWMR-7 as amended November 20, 1992, §901. HWMR-7 §901 is inclusive of the amendments to 40 CFR 270 promulgated July 15, 1985 at 50 FR 28702. NMSA 1978, §§74-4-4A and 74-4-4E (Repl. Pamph. 1993) provide the State with authority to adopt Federal Regulations by reference.

F. State statutes and regulations provide that facilities may not qualify for interim status under the State's analogue to Section 3005(e) if they were previously denied a Section 3005(c) permit or if authority to operate the facility has been terminated as indicated in Revision Checklist 17P.

[Federal Authority: RCRA §3005(c)(3); 40 CFR 270.70(c) as amended July 15, 1985 (50 FR 28702).]

Citation of Laws and Regulations; Date of Enactment and Adoption

Statutory Authority: NMSA 1978, §§74-4-4A and 74-4-4E NMSA 1978 (Repl. Pamph. 1993).

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

Remarks of the Attorney General

New Mexico incorporates 40 CFR 270 by reference at HWMR-7 as amended November 20, 1992, §901. HWMR-7 §901 is inclusive of the amendments to 40 CFR 270 promulgated July 15, 1985 at 50 FR 28702. NMSA 1978, §§74-4-4A and 74-4-4E (Repl. Pamph. 1993) provide the State with authority to adopt Federal Regulations by reference.

G. State statutes and regulations allow the issuance of a one-year research, development, and demonstration permit (renewable each year, but not for a period longer than three years) for any hazardous waste treatment facility which proposes an innovative and experimental hazardous waste treatment technology or process not yet regulated as indicated in Revision Checklist 17Q. If adopted, however, the State must require the facility to meet RCRA's financial responsibility and public participation requirements and retain authority to terminate experimental activity if necessary to protect health or the environment.

[Federal Authority: RCRA §3005(g); 40 CFR 270.65 as amended July 15, 1985 (50 FR 28702)]

Citation of Laws and Regulations; Date of Enactment and Adoption

Statutory Authority: NMSA 1978, §§74-4-4.2, 74-4-4A, 74-4-4E and 74-4-10D (Repl. Pamph. 1993).

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

Remarks of the Attorney General

New Mexico incorporates 40 CFR 270 by reference at HWMR-7 as amended November 20, 1992, §901. HWMR-7 §901 is inclusive of the amendments to 40 CFR 270 promulgated July 15,

1985 at 50 FR 28702. NMSA 1978, §§74-4-4A and 74-4-4E (Repl. Pam. 1993) provide the State with authority to adopt Federal Regulations by reference. Additionally, NMSA 1978, §74-4-4.2 (Repl. Pam. 1993) provides New Mexico with the authority to revoke a research, development and demonstration permit to protect human health and the environment. See also NMSA 1978, §74-4-10D (Repl. Pam. 1993).

I. State statutes and regulations require:

(1) Surface impoundments in existence on November 8, 1984 [or subsequently becoming subject to RCRA pursuant to §3005(j)(6)(A) or (B)] to comply with the double liner, leachate collection, and groundwater monitoring requirements applicable to new units by November 8, 1988 [or the date specified in §3005(j)(6)(A) or (B)] or to stop treating, receiving, or storing hazardous waste, unless the surface impoundment qualifies for a special exemption under §3005(j).

[Federal Authority: RCRA §3005(j)(6)(A).]

Citation of Laws and Regulations; Date of Enactment and Adoption

Statutory Authority: NMSA 1978, §§74-4-4A and 74-4-4E (Repl. Pam. 1993).

Remarks of the Attorney General

NMSA 1978, §§74-4-4A and 74-4-4E (Repl. Pam. 1993) provide the State with authority to adopt Federal Regulations by reference.

(2) State statutes and regulations may allow variances from the above requirements as provided in RCRA §3005(j)(2-9) and (13). However, the availability of such variances must be restricted as provided in RCRA §3005(j).

[Federal Authority: RCRA §3005(j)(2-9).]

Citation of Laws and Regulations; Date of Enactment and Adoption

Statutory Authority: NMSA 1978, §§74-4-4A and 74-4-4E (Repl. Pam. 1993).

HWMR-7 as amended November 20, 1992, §§501, 502, 601 and 602 (40 CFR Part 264 and 265).

Remarks of the Attorney General

NMSA 1978, §§74-4-4A and 74-4-4E (Repl. Pam. 1993) provide the State with authority to adopt Federal Regulations by reference. HWMR-7 as amended November 20, 1992, §§501, 502, 601 and 602 parallel 40 CFR 264.90, 264.221, 264.231, 265.90 and 265.221 which provide authority for this requirement.

K. State statutes and regulations that allow the permit granting agency to initiate modifications to a permit without first receiving a request from the permittee, in cases where statutory changes or new or amended regulatory standards affect the basis of the permit as indicated in Revision Checklist 44D.

[Federal Authority: RCRA §3005(c); 40 CFR 270.41(a)(3) as amended December 1, 1987 (52 FR 45788).]

Citation of Laws and Regulations; Date of Enactment and Adoption

Statutory Authority: NMSA 1978, §§74-4-4A, 74-4-4E and 74-4-4.2 (Repl. Pamp. 1993).

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

Remarks of the Attorney General

New Mexico incorporates 40 CFR 270 by reference at HWMR-7 as amended November 20, 1992, §901. HWMR-7 §901 is inclusive of the amendments to 40 CFR 270 promulgated December 1, 1987 at 52 FR 45788. NMSA 1978, §§74-4-4A and 74-4-4E (Repl. Pamp. 1993) provide the State with authority to adopt Federal Regulations by reference and §74-4-4.2 specifically provides for permitting requirements.

L. State statutes and regulations require that permittees must comply with new requirements imposed by the land disposal restrictions promulgated under Part 268 even when there are contrary permit conditions, as indicated in Revision Checklist 44E.

[Federal Authority: RCRA §3006(g); 40 CFR 270.4(a) as amended December 1, 1987 (52 FR 45788).]

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 as amended November 20, 1992, §901 (40 CFR Part 270).

Remarks of the Attorney General

New Mexico incorporates 40 CFR 270 by reference at HWMR-7 as amended November 20, 1992, §901. HWMR-7 §901 is inclusive of the amendments to 40 CFR 270 promulgated December 1, 1987 at 52 FR 45788. NMSA 1978, §§74-4-4A and 74-4-4E (Repl. Pamp. 1993) provide the State with authority to adopt Federal Regulations by reference, including the land disposal restrictions.

M. State statutes and regulations require information from permit applicants concerning permit conditions necessary to protect human health and the environment as indicated in Revision Checklist 44 F.

[Federal Authority: RCRA §3005(c); 40 CFR 270.10 as amended December 1, 1987 (52 FR 45788).]

Citation of Laws and Regulations; Date of Enactment and Adoption

Statutory Authority: NMSA 1978, §§74-4-4.2(C), 74-4-4A and 74-4-4E (Repl. Pamp. 1993).

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

Remarks of the Attorney General

New Mexico incorporates 40 CFR 270 by reference at HWMR-7 as amended November 20, 1992, §901. HWMR-7 §901 is inclusive of the amendments to 40 CFR 270 promulgated December 1, 1987 at 52 FR 45788. NMSA 1978, §74-4-4.2(C) (Repl. Pamp. 1993) is similar in scope to RCRA §3005(c). NMSA 1978, §§74-4-4A and 74-4-4E (Repl. Pamp. 1993) provide the State with authority to adopt Federal Regulations by reference.

N. State statutes and regulations require post-closure permits for all landfills, surface impoundments, waste piles and land treatment units receiving hazardous waste after July 26, 1982 as indicated in Revision Checklist 44G.

[Federal Authority: RCRA §3005(i); 40 CFR 270.1(c) as amended December 1, 1987 (52 FR 45788).]

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 as amended November 20, 1992, §901 (40 CFR Part 270).

Remarks of the Attorney General

New Mexico incorporates 40 CFR 270 by reference at HWMR-7 as amended November 20, 1992, §901. HWMR-7 §901 is inclusive of the amendments to 40 CFR 270 promulgated December 1, 1987 at 52 FR 45788. NMSA 1978, §§74-4-4A and 74-4-4E (Repl. Pamp. 1993) provide the State with authority to adopt Federal Regulations by reference, including the post-closure requirements.

XVII. MINIMUM TECHNOLOGICAL REQUIREMENTS

A. State statutes and regulations require that new units, expansions, and replacements of interim status waste piles meet the requirements for a single liner and leachate collection system in regulations applicable to permitted waste piles as indicated in the Revision Checklist 17H.

[Federal Authority: RCRA §3015(a); CFR 265.254 as amended July 15, 1985 (50 FR 28702).]

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 as amended November 20, 1992, §§601 and 602 (40 CFR Part 265).

Remarks of the Attorney General

New Mexico incorporates 40 CFR 265 by reference (with a few exceptions) at HWMR-7 as amended November 20, 1992, §§601 and 602. HWMR-7 §§601 and 602 are inclusive of the amendments to 40 CFR 265 promulgated July 15, 1985 at 50 FR 28702. NMSA 1978, §§74-4-4A and 74-4-4E (Repl. Pamp. 1993) provide the State with authority to adopt Federal Regulations by reference.

B. State statutes and regulation require that:

(1) New units, expansions, and replacement units at interim status landfills and surface impoundments and permitted landfills and surface impoundments for which Part B of the permit application is received by the proper authority after November 8, 1984, meet the requirements for double liners and leachate collection systems applicable to new permitted landfills and surface impoundments in 40 CFR 264.221 and 264.301 and 265.221 and 265.301 as indicated in Revision Checklists 17H and 77.

[Federal Authority: RCRA §§1006, 2002(a), 3004, 3005 and 3015(b); 40 CFR 264.221, 265.221, 264.301 and 265.301 as amended July 15, 1985 (50 FR 28702) and May 9, 1990 (55 FR 19262).]

Citations 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 as amended November 20, 1992, §§501, 502, 601 and 602 (40 CFR Parts 264 and 265).

Remarks of the Attorney General

New Mexico incorporates 40 CFR 264 and 265 by reference (with a few exceptions) at HWMR-7 as amended November 20, 1992, §§501, 502, 601 and 602.

HWMR-7 §§ 501, 502, 601 and 602 are inclusive of the amendments to 40 CFR Parts 264 and 265 promulgated July 15, 1985 at 50 FR 28702 and May 9, 1990 at 55 FR 19262. NMSA 1978, §§74-4-4A and 74-4-4E (Repl. Pamp. 1993) provide New Mexico with authority to adopt Federal Regulations by reference.

(2) Facilities which comply in good faith need not retrofit at permit issuance unless the liner is leaking as provided in §§265.221(e) and 265.301(e) as indicated in Revision Checklist 17H.

[Federal Authority: RCRA §3015(b); 40 CFR 265.221 and 265.301 as amended July 15, 1985 (50 FR 28702).]

Citations 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 as amended November 20, 1992, §§601 and 602 (40 CFR Part 265).

Remarks of the Attorney General

New Mexico incorporates 40 CFR 265 by reference (with a few exceptions) at HWMR-7 as amended November 20, 1992, §§601 and 602. HWMR-7 §§601 and 602 are inclusive of the amendments to 40 CFR Part 265 promulgated July 15, 1985 at 50 FR 28702. NMSA 1978, §§74-4-4A and 74-4-4E (Repl. Pamp. 1993) provide the state with authority to adopt Federal Regulations by reference.

(3) Variances from the above requirements are optional. However, the availability of such variances is restricted as provided in §§264.221(d) and (e), 264.301(d) and (e), 265.221(c) and (d), are 265.301(c) and (d) as indicated in Revision Checklist 17H.

[Federal Authority: RCRA §§ 3015(b); 40 CFR 264.221, 264.301(d) and (e), 265.221 and 265.301 as amended July 15, 1985 (50 FR 28702).]

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 as amended November 20, 1992, §§501, 502, 601 and 602 (40 CFR Parts 264 and 265).

Remarks of the Attorney General

New Mexico incorporates 40 CFR 264 and 265 by reference (with a few exceptions) at HWMR-7 as amended November 20, 1992, §§501, 502, 601 and 602. HWMR-7 §§501, 502, 601 and 602 are inclusive of the amendments to 40 CFR 264 and 265 promulgated July 15, 1985 at 50 FR 28702. NMSA 1978, §§74-4-4A and 74-4-4E (Repl. Pamp. 1993) provide the State with authority to adopt Federal Regulations by reference.

XVIII. EXPOSURE ASSESSMENTS

A. State laws and regulations require permit applicants for landfills or surface impoundments to submit exposure information as indicated in Revision Checklist 17S.

[Federal Authority: RCRA §3019(a); 40 CFR 270.10(j) as amended July 15, 1985 (50 FR 28702).]

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 as amended November 20, 1992, §901 (40 CFR Part 270).

Remarks of the Attorney General

New Mexico incorporates 40 CFR 270 by reference at HWMR-7 as amended November 20, 1992, §901. HWMR-7 §901 is inclusive of the amendments to 40 CFR 270 promulgated July 15, 1985 at 50 FR 28702. NMSA 1978, §§74-4-4A and 74-4-4E (Repl. Pamp. 1993) provide the State with authority to adopt Federal Regulations by reference.

B. State laws and regulations allow the State to make assessment information available to the Agency for Toxic Substances and Disease Registry. (See CERCLA §104(i).)

[Federal Authority: RCRA §3019(b).]

Citation of Laws and Regulations; Date of Enactment and Adoption

Statutory Authority: NMSA 1978, §§74-4-4.2(C) and 74-4-4A(6) (Repl. Pamp. 1993), New Mexico Inspection of Public Records Act, NMSA 1978, §§14-2-1 et seq. (Cum. Supp. 1994).

Remarks of the Attorney General

NMSA 1978, §§74-4-4.2(C) and 74-4-4A(6) (Repl. Pamp. 1993) provides the State with authority to require the assessment information needed and the New Mexico Inspection of Public Records Act, NMSA 1978, §§14-2-1 et seq. (Cum. Supp. 1994) provides the State the authority to make assessment information available to the Agency for Toxic Substances and Disease Registry. No state law prohibits New Mexico from making this available information.

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

A. State statutes and regulations contain the following requirements regarding the burning of waste fuel and used oil fuel for energy recovery in boilers and industrial furnaces as indicated in Revision Checklist 19:

(1) Waste fuels and used oil fuels are identified as solid wastes so as to encompass all such wastes controlled under 40 CFR 261.3, 261.5 and 261.6.

(2) Special management standards for generators, transporters, marketers and burners of hazardous waste and used oil burned for energy, as set forth in 40 CFR 264.340, 265.340, 266.30-35 and 266.40-44.

[Federal Authority: RCRA §§3001, 3004, 3014(a); 40 CFR 261, 264, 265 and 266 as amended November 29, 1985 (50 FR 49164), November 19, 1986 (51 FR 41900) and April 13, 1987 (52 FR 11819).]

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 as amended November 20, 1992, §§201, 501, 502, 601, 602 and 701 (40 CFR Parts 261, 264, 265 and 266).

Remarks of the Attorney General

New Mexico incorporates 40 CFR 261, 264, 265, and 266 by reference (with a few exceptions) at HWMR-7 as amended November 20, 1992, §§201, 501, 502, 601, 602 and 701. HWMR-7 §201, 501, 502, 601, 602 and 701 are inclusive of the amendments to 40 CFR 261, 264, 265, and 266 promulgated November 29, 1985 at 50 FR 49164, November 19, 1986 at 51 FR 41900 and April 13, 1987 at 52 FR 11819. NMSA 1978, §§74-4-4A and 74-4-4E (Repl. Pamp. 1993) provide the State with authority to adopt Federal Regulations by reference.

B. State statutes and regulations provide the authority to obtain criminal penalties for violations of the waste fuel and used oil fuel requirements, as provided in 40 CFR 266.40-44.

[Federal Authority: RCRA §§3006(h), 3008(d), 3014; 40 CFR 271.16.]

Citation of Laws and Regulations; Date of Enactment and Adoption

Statutory Authority: NMSA, §§74-4-4A, 74-4-4E and 74-4-11 (Repl. Pamp. 1993).

HWMR-7 as amended November 20, 1992, §701 (40 CFR Part 266).

Remarks of the Attorney General

New Mexico incorporates 40 CFR 266 by reference at HWMR-7 as amended November 20, 1992, §701. HWMR-7 §701 includes the requirements for waste fuel and used oil fuel. NMSA 1978, §§74-4-4A and 74-4-4E (Repl. Pamp. 1993) provide the State with authority to adopt Federal Regulations by reference. NMSA 1978, §74-4-11 (Repl. Pamp. 1993) provides the authority for criminal penalties for knowing violations of the regulations.

XXI. LAND DISPOSAL RESTRICTIONS

A. State statutes and regulations provide for the restrictions of the land disposal of certain spent solvents and dioxin-containing hazardous wastes as indicated in Revision Checklists 34, 39, and 50.

[Federal Authority: §3004(d)-(k) and (m); 40 CFR 260, 261, 262, 263, 264, 265, 268 and 270 as amended on November 7, 1986 (51 FR 40572), June 4, 1987 (52 FR 21010), July 8, 1987 (52 FR 25760), and August 17, 1988 (53 FR 31138).]

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 as amended November 20, 1992, §§101, 102, 201, 301, 401, 402, 501, 502, 601, 602, 801 and 901 (40 CFR Parts 260, 261, 262, 263, 264, 265, 268 and 270).

Remarks of the Attorney General

New Mexico incorporates 40 CFR 260, 261, 262, 263, 264, 265, 268 and 270 by reference (with a few exceptions) at HWMR-7 as amended November 20, 1992, §§101, 102, 201, 301, 401, 402, 501, 502, 601, 602, 801 and 901. HWMR-7 §§101, 102, 201, 301, 401, 402, 501, 502, 601, 602, 801 and 901 are inclusive of the amendments to 40 CFR 260, 261, 262, 263, 264, 265, 268 and 270 promulgated November 7, 1986 at 51 FR 40572, June 4, 1987 at 52 FR 21010, July 8, 1987 at 52 FR 25760, and August 17, 1988 at 53 FR 31138. NMSA 1978, §§74-4-4A and 74-4-4E (Repl. Pamp. 1993) provide the State with authority to adopt Federal Regulations by reference including land disposal.

B. State statutes and regulations for restricting the disposal of certain California list wastes, including liquid hazardous waste containing polychlorinated biphenyls (PCBs) above specified concentrations, and hazardous waste containing halogenated organic compounds (HOCs) above specified concentrations as indicated in Revision Checklists 39, 50 and 66.

[Federal Authority: RCRA §3004(d)-(k) and (m); 40 CFR 262, 264, 265, 268 and 270 as amended on July 8, 1987 (52 FR 25760), October 27, 1987 (52 FR 41295), August 17, 1988 (53 FR 31138) and September 6, 1989 (54 FR 36967).]

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 as amended November 20, 1992, §§301, 501, 502, 601, 602, 801 and 901 (40 CFR Parts 262, 264, 265, 268 and 270).

Remarks of the Attorney General

New Mexico incorporates 40 CFR 262, 264, 265, 268 and 270 by reference (with a few exceptions) at HWMR-7 as amended November 20, 1992, §§301, 501, 502, 601, 602, 801 and 901. HWMR-7 §§301, 501, 502, 601, 602, 801 and 901 are inclusive of the amendments to 40 CFR 262, 264, 265, 268 and 270 promulgated July 8, 1987 at 52 FR 25760, October 27, 1987 at 52 FR 41295, August 17, 1988 at 53 FR 31138 and September 6, 1989 at 54 FR 36967. NMSA 1978, §§74-4-4A and 74-4-4E (Repl. Pamp. 1993) provide the State with authority to adopt Federal Regulations by reference.

C. State statutes and regulations for specific treatment standards and effective dates for certain wastes from the "First Third" of the schedule of restricted wastes listed in 40 CFR 268.10 as well as land disposal restrictions for those First Third wastes for which a treatment standard is not established as indicated in Revision Checklists 50, 62 and 66.

[Federal Authority: RCRA §3004 (d)-(k) and (m); 40 CFR 264, 265, 266, and 268 as amended on August 17, 1988 (53 FR 31138), February 27, 1989 (54 FR 8264), May 2, 1989 (54 FR 18836), September 6, 1989 (54 FR 36967) and June 13, 1990 (55 FR 23935).]

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 as amended November 20, 1992, §§501, 502, 601, 602, 701 and 801 (40 CFR Parts 264, 265 and 268).

Remarks of the Attorney General

New Mexico incorporates 40 CFR 264, 265, 266 and 268 by reference (with a few exceptions) at HWMR-7 as amended November 20, 1992, §§501, 502, 601, 602, 701 and 801. HWMR-7 §§501, 502, 601, 602, 701 and 801 are inclusive of the treatment and disposal of First Third amendments to 40 CFR 264, 265, 266, and 268 promulgated August 17, 1988 at 53 FR 31138, February 27, 1989 at 54 FR 8264, May 2, 1989 at 54 FR 18836, September 6, 1989 at 54 FR 36967 and June 13, 1990 at 55 FR 23935. NMSA 1978, §§74-4-4A and 74-4-4E (Repl. Pamp. 1993) provide the State with authority to adopt Federal Regulations by reference.

D. State statutes and regulations for certain treatment standards and prohibition effective dates for certain Second Third wastes and for imposing the "soft hammer" provisions of 40 CFR 268.8 on Second Third wastes for which the Agency is not establishing treatment standards as indicated in Revision Checklist 63.

[Federal Authority: RCRA §3004(d)-(k) and (m); 40 CFR 268 as amended June 23, 1989 (54 FR 26594).]

Citation of Laws and Regulations; Date of Enactment and Adoption

Statutory Authority: NMSA 1978, §§74-4-4A and 74-4-4E (Repl. Pam. 1993).

HWMR-7 as amended November 20, 1992, §801 (40 CFR Part 268).

Remarks of the Attorney General

New Mexico incorporates 40 CFR 268 by reference at HWMR-7 as amended November 20, 1992, §801. HWMR-7 §801 is inclusive of the amendments to 40 CFR 268 promulgated June 23, 1989 at 54 FR 26594. NMSA 1978, §§74-4-4A and 74-4-4E (Repl. Pam. 1993) provide the State with authority to adopt Federal Regulations by reference.

E. State statutes and standards for treatment standards and effective dates for certain First Third "soft hammer" wastes as well as for certain wastes originally contained in the Third Third of the Schedule as indicated in Revision Checklist 63.

[Federal Authority: RCRA §3004(d)-(k) and (m); 40 CFR 264, 265 and 268 as amended June 23, 1989 (54 FR 26594).]

Citation of Laws and Regulations; Date of Enactment and Adoption

Statutory Authority: NMSA 1978, §§74-4-4A and 74-4-4E (Repl. Pam. 1993).

HWMR-7 as amended November 20, 1992, §§501, 502, 601, 602 and 801 (40 CFR Parts 264, 265 and 268).

Remarks of the Attorney General

New Mexico incorporates 40 CFR 264, 265 and 268 by reference (with a few exceptions) at HWMR-7 as amended November 20, 1992, §§501, 502, 601, 602 and 801. HWMR-7 §§501, 502, 601, 602 and 801 are inclusive of the amendments to 40 CFR 264, 265 and 268 promulgated June 23, 1989 at 54 FR 26594. NMSA 1978, §§74-4-4A and 74-4-4E (Repl. Pam. 1993) provide the State with authority to adopt Federal Regulations by reference.

F. State statutes and regulations provide specific treatment standards and effective dates for the "Third Third" wastes, "soft hammer First and Second Third wastes"², five newly listed wastes, four wastes that fall into the F002 and F005 (spent solvent) waste codes, F025,

² "Soft hammer" wastes are those wastes for which EPA did not promulgate treatment standards by their respective effective dates. These wastes could continue to be disposed of in a landfill or surface impoundment until May 8, 1990 if certain demonstrations were made and the technology requirements of RCRA §3004(o) were met. Other types of land disposal (e.g., underground injection) were not similarly restricted. On May 6, 1990, wastes for which EPA had not established treatment standards became prohibited from all types of land disposal. This latter requirement is referred to as the "hard hammer" provision and ended the soft hammer provisions which were in effect prior to May 6, 1990.

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 Checklist 78.

[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).]

Citation of Laws and Regulations; Date of Enactment and Adoption

Statutory Authority: NMSA 1978, §§74-4-4A and 74-4-4E (Repl. Pamph. 1993).

HWMR-7 §§201, 301, 501, 502, 601, 602, 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, 801 and 901 as amended November 20, 1992. HWMR-7 §§201, 301, 501, 502, 601, 602, 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. NMSA 1978, §§74-4-4A and 74-4-4E (Repl. Pamph. 1993) provide New Mexico with authority to adopt Federal Regulations by reference.

G. State statutes and regulations provide for alternate treatment standards for lab packs meeting certain criteria as indicated in Revision Checklist 78.

[Federal Authority: RCRA §3004(d)-(k) and (m); 40 CFR 264.316(f), 265.316(f), 268.7(a)(7), 268.7(a)(8), 268.42(c), 268.42(c)(1)-(4), and Part 268 Appendices IV and V, as amended June 1, 1990 (55 FR 22520).]

Citation of Laws and Regulations; Date of Enactment and Adoption

Statutory Authority: NMSA 1978, §§74-4-4A and 74-4-4E (Repl. Pamph. 1993).

HWMR-7 §§501, 502, 601, 602 and 801 as amended November 20, 1992 (40 CFR Parts 264, 265, 268).

Remarks of the Attorney General

New Mexico incorporates 40 CFR Parts 264, 265 and 268 by reference (with a few exceptions) at HWMR-7 §§501, 502, 601, 602 and 801 as amended November 20, 1992. HWMR-7 §§501, 502, 601, 602 and 801 are inclusive of the amendments to 40 CFR Parts 264, 265 and 268 promulgated June 1, 1990 at 55 FR 22520. NMSA 1978, §§74-4-4A and 74-4-4E (Repl. Pamph. 1993) provide New Mexico with authority to adopt Federal Regulations by reference.

XXII. MEMORANDUM OF AGREEMENT (MOA)

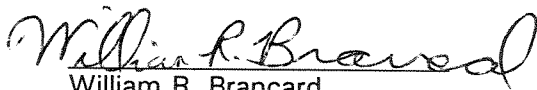
[If the State uses the MOA to satisfy Federal procedural requirements, the Attorney General must certify the following:

- (1) The State has the authority to enter into the agreement,

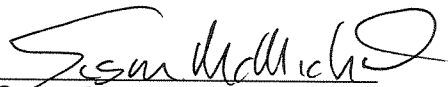
(2) The State has the authority to carry out the agreement, and

(3) No applicable State statute (including the State Administrative Procedure Act) requires that the procedure be promulgated as a rule in order to be binding.

THE HONORABLE TOM UDALL
ATTORNEY GENERAL



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Assistant General Counsel
Office of General Counsel
P.O. Box 26110
Santa Fe, New Mexico 87502

Date: July 20, 1994

Date: July 20, 1994

Signature

Name (Type or Print)

Title

Date

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17 A. Small Quantity Generators (Superceded: See Checklist 23)	I B
17 B. Delisting	I C(1)&(2)
17 C. Household Waste	I E
17 D. Waste Minimization	IX A(1)&(2)
17 E. Location Standards for Salt Domes, Salt Beds, Underground Mines, and Caves	XV A & B
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17 I. Ground-water Monitoring	XI A & B

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**I. Index to the checklist entries found in the
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17 J. Cement Kilns	XII A(1)&(2)
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17 Q. Research & Development Permits	XVI G
17 R. Hazardous Waste Exports	XIV A
17 S. Exposure Information	XVIII A
18. Listing of TDI, TDA, DNT	I A(3)
19. Burning of Waste Fuel and Used Oil	XX A
20. Spent Solvents Listing	I A(4)
21. EDB Waste Listing	I A(5)
22. Four Spent Solvents Listing	I A(6)
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**I. Index to the checklist entries found in the
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39. California List Waste Restrictions	XXI B
40. List (Phase I) of Hazardous Constituents for Ground-water Monitoring	XI C
41. Identification and Listing of Hazardous Waste	I A(8)
42. Exception Reporting for Small Quantity Generators	VII B
43. Liability Requirements; Corporate Guarantee	XV H
44 A. Permit Application Requirements Regarding Corrective Action	XIII C
44 B. Corrective Action Beyond Facility Boundary	XIII D
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44 D. Permit Modification	XVI K
44 E. Permit as Shield Provision	XVI L
44 F. Permit Conditions to Protect Human Health and the Environment	XVI M
44 G. Post-closure Permits	XVI N
45. Hazardous Waste Miscellaneous Units	VII C; XIII F; XV G; XV J; XVI O
46. Technical Correction - Identification and Listing of Hazardous Waste	I A(8)
47. Small Quantity Generators; Technical Correction	I B
48. Farmer Exemption; Technical Correction	XIV A
49. Treatability Studies Sample	

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**I. Index to the checklist entries found in the
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51. Liability Coverage for Owners/ Operators of Treatment, Storage, and Disposal Facilities	Reserved, no entry as yet
52. Standards for Hazardous Waste Storage and Treatment Tank Systems	XV I
53. Identification and Listing of Hazardous Waste; and Designation, Reportable Quantities and Notification	I I
54. Permit Modifications for Waste Management Facilities	XVI P
55. Statistical Methods for Evaluating Ground-Water Monitoring Data from Hazardous Waste Facilities	XI D
56. Removal of Iron Dextran from the Lists of Hazardous Wastes	I A(10)
57. Removal of Strontium Sulfide from the Lists of Hazardous Wastes	I A(11)
58. Standards for Generators of Hazardous Waste; Manifest Renewal	Reserved, no entry as yet
59. Hazardous Waste Miscellaneous Units; Standards Applicable to Owners and Operators	XVI O
60. Amendment to Requirements for Hazardous Waste Incinerator Permits	XVI Q
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**I. Index to the checklist entries found in the
Model Revision Attorney General's Statement (cont'd)**

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63. Land Disposal Restrictions for Second Third Scheduled Wastes	XXI C
	XXI D & E

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II. Index to the non-checklist entries found in the Model Revision Attorney General's Statement

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Agency for Toxic Substances and Disease Registry, making assessment information available to	XVIII B
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Burning and blending of hazardous waste, RCRA §§3004(q)(2)(A) & 3004(r)(2) & (3) exceptions	XII B
Criminal penalties for waste fuel and used oil fuel requirement violations	XX B
Radioactive mixed wastes, hazardous components of	I G
Surface Impoundments:	
1. compliance with new unit requirements by November 8, 1988 or stop hazardous waste activity for units existing prior to November 8, 1984 or becoming subject to RCRA pursuant to §3005(j)(6)(A) or (B)	XVI I(1)
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