

US EPA ARCHIVE DOCUMENT

ATTORNEY GENERAL STATEMENT
FOR FINAL AUTHORIZATION FOR CHANGES
TO THE FEDERAL HAZARDOUS WASTE PROGRAM

I hereby certify, pursuant to my authority as Attorney General 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 hazardous waste program set forth in the Program Description submitted by the New Mexico Environment Department and to meet the requirements of 40 C.F.R. Part 271, Subpart A. 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. The statutory authorities for the State are documented in the State RCRA Statutory Checklist attached to this statement (See SPA Attachments). In my opinion, statutes relied on in previous approved authorization applications have not been amended, modified or revised by statute or judicial decision in a way that diminishes and interferes with the authority to carry out the previously authorized hazardous waste program to meet the requirements of 40 C.F.R. Part 271, Subpart A.

The provisions for which the State is seeking authorization are documented in the attached Regulatory Documentation for an incorporation by reference (IBR) state. Differences between the state provisions and the Federal provisions are noted on the regulatory documentation. The official State regulations may be found in the Hazardous Waste Management Regulations, 20.4.1 NMAC, effective October 1, 2003. This certification supplements my or my predecessors certification(s) of January 1985, September 1992, February 1994, July 1994, November 1994, August 1995, January 1996, October 2000 and August 2006.

NMSA 1978, §§74-4-4A(1) and 74-4-4F (2002) provide New Mexico with authority to adopt federal hazardous waste regulations by reference.

Seal of Office

Charles F. Noble
Name

Special Assistant Attorney General
Title

Sept. 15, 2008
Date

New Mexico
AG Certification