
40 C.F.R. § 271.1

Purpose and scope.

- (a) This subpart specifies the procedures EPA will follow in approving, revising, and withdrawing approval of State programs and the requirements State programs must meet to be approved by the Administrator under sections 3006(b), (f) and (h) of RCRA.
- (b) State submissions for program approval must be made in accordance with the procedures set out in this subpart.
- (c) The substantive provisions which must be included in State programs for them to be approved include requirements for permitting, compliance evaluation, enforcement, public participation, and sharing of information. Many of the requirements for State programs are made applicable to States by cross-referencing other EPA regulations. In particular, many of the provisions of parts 270 and 124 are made applicable to States by the references contained in § 271.14.
- (d) Upon receipt of a complete submission, EPA will conduct a public hearing, if interest is shown, and determine whether to approve or disapprove the program taking into consideration the requirements of this subpart, the Act and any comments received.
- (e) The Administrator shall approve State programs which conform to the applicable requirements of this subpart.
- (f) Except as provided in § 271.3(a)(3), upon approval of a State permitting program, the Administrator shall suspend the issuance of Federal permits for those activities subject to the approved State program.
- (g) Any State program approved by the Administrator shall at all times be conducted in accordance with the requirements of this subpart.
- (h) Partial State programs are not allowed for programs operating under RCRA final authorization. However, in many cases States will lack authority to regulate activities on Indian lands. This lack of authority does not impair a State's ability to obtain full program approval in accordance with this subpart, i.e., inability of a State to regulate activities on Indian lands does not constitute a partial program. EPA will administer the program on Indian lands if the State does not seek this authority.

Note:

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

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

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

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

(j) Requirements and prohibitions which are applicable to the generation, transportation, treatment, storage, or disposal of hazardous waste and which are imposed pursuant to the Hazardous and Solid Waste Amendments of 1984 (HSWA) include any requirement or prohibition which has taken effect under HSWA, such as:

(1) All regulations specified in Table 1, and

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

Note:

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

Table 1—Regulations Implementing the Hazardous and Solid Waste Amendments of 1984

Promulgation date	Title of regulation	Federal Register reference	Effective date
Jan. 14, 1985	Dioxin-containing wastes	50 FR 1978–2006	July 15, 1985.
Apr. 30, 1985	Paint filter liquids test	50 FR 18370–5	June 14, 1985.
July 15, 1985	Codification rule [as corrected in 51 FR 2702, 1/21/86]	50 FR 28702–55	July 15, 1985.
Oct. 23, 1985	Listing wastes from the production of dinitrotoluene, toluenediamine, and toluene diisocyanate	50 FR 42936–43	Oct. 23, 1985.
Nov. 29, 1985	Standards for the management of the burning of specific wastes in specific types of facilities	50 FR 49164–212	Dec. 9, 1985. Mar. 31, 1986. May 29, 1986.
Dec. 31, 1985	Amendment of spent solvent listings to include solvent mixtures [as corrected in 51 FR 19176, 5/28/86]	50 FR 53315–20	Jan. 30, 1986.
Feb. 13, 1986	Listing wastes from the production of ethylene dibromide (EDB)	51FR 5327–31	Aug. 13, 1986.
Feb. 25, 1986	Listing of four spent solvents and the still bottoms from their recovery	51 FR 6537–42	Aug. 25, 1986.
Mar. 24, 1986	Regulations for generators of 100–1000 kg/mo of hazardous waste	51 FR 10146–76	Sept. 22, 1986.

July 14, 1986	Hazardous Waste Tank Regulations: ¹ 260.10; 262.34(a)(1); 264.110; 264.140; 264.190–264.199; 265.110; 265.140; 265.190–265.200; 270.14(b); 270.16; and 270.72 (e)	51 FR 25422–86	Jan. 12, 1987. Mar. 24, 1987.
Aug. 8, 1986	Exports of hazardous waste	51 FR 28664–86	Nov. 8, 1986.
Oct. 24, 1986	Listing Wastes from the Production and Formulation of Ethylenebisdithiocarbamic Acid (EBDC) and its Salts	51 FR 37725	Apr. 24, 1987.
Nov. 7, 1986	Land disposal restrictions for solvents and dioxins	51 FR 40572	Nov. 8, 1986.
July 8, 1987	Land disposal restrictions for California list wastes	52 FR 25760	July 8, 1987.
Sept. 23, 1987	Exception Reporting for Small Quantity Generators of Hazardous Waste	52 FR 35899	Mar. 23, 1988.
Dec. 1, 1987	Codification rule for the 1984 RCRA Amendments	52 FR 45799	Dec. 31, 1987.
Aug. 17, 1988	Land disposal restrictions for First Third wastes	53 FR 31138–222	Aug. 8, 1988.
June 23, 1989	Land Disposal Restrictions for Second Third wastes	54 FR 26594–652	June 8, 1989.
Oct. 6, 1989	Listing Wastes from the Production of Methyl Bromide	54 FR 41402–408	Apr. 6, 1990.
Dec. 11, 1989	Listing Certain Hydrocarbons Produced by Free Radical Catalyzed Processes	54 FR 50968–978	June 11, 1990.
Mar. 29, 1990	Toxicity characteristic	55 FR 11798–877	Sept. 25, 1990.
May 1, 1990	Listing Wastes from the Production of UDMH from Carboxylic Acid Hydrazides	55 FR 18496–506	Nov. 2, 1990.
June 1, 1990	Land Disposal Restrictions for Third Third wastes	55 FR 22520–720	May 8, 1990.
June 21, 1990	Process Vent and Equipment Leak Organic Air Emission Standards for Owners and Operators of Hazardous Waste Treatment, Storage, and Disposal Facilities	55 FR 25454–519	Dec. 21, 1990.
Nov. 2, 1990	Petroleum refinery primary and secondary oil/water/solids separation sludge listings	55 FR 46354–397	May 2, 1991.
Dec. 6, 1990	The listing of wastes from wood preserving processes. ²	55 FR 50450–490	June 6, 1991.
Dec. 31, 1990	Burning of Hazardous Waste in Boilers and Industrial Furnaces	56 FR 7134– 7240	Aug. 21, 1991.
May 13, 1991	Petroleum refinery primary and secondary oil/water/solids separation sludge listings	56 FR 21959	May 2, 1991.

Aug. 19, 1991	Land disposal restrictions & generic exclusion for K061 nonwastewaters & conditional exclusion for K061 HTMR splash condenser dross residue	56 FR 41178	Aug. 8, 1991.
Jan. 29, 1992	Liners and Leak Detection for Hazardous Waste Land Disposal Units	57 FR 3497	July 29, 1992.
June 22, 1992	Exclusion from the definition of solid waste for the recycling of hazardous wastes in the coke by-products industry	57 FR 27888	June 22, 1992.
Aug. 18, 1992	Land disposal restrictions for newly listed wastes in § 268.36 (b)–(g)	57 FR 37282	June 30, 1992.
Do	Land disposal restrictions for newly listed wastes in § 268.36(a), hazardous debris, and generic exclusion for K062 and F006 nonwaste-watersDo	Nov. 9, 1992.
Aug. 18, 1992	The listing of wastes from the production, recovery, and refining of coke by-products produced from coal	57 FR 37306	Feb. 18, 1993
Oct. 15, 1992	Listing Wastes from the Production of Chlorinated Toluenes	57 FR 47386	Apr. 15, 1993.
Nov. 18, 1992	Containerized Liquids in Landfills	57 FR 54461	May 18, 1992.
Nov. 24, 1992	Toxicity Characteristic Revision	57 FR 55117	Nov. 24, 1992.
Feb. 16, 1993	Corrective Action Management Units and Temporary Units; Corrective Action Provisions under Subtitle C	58 FR 8685	Apr. 19, 1993.
May 24, 1993	Land disposal restrictions for characteristic wastes whose treatment standards were vacated	58 FR 29887	Aug. 9, 1993.
Nov. 9, 1993	Burning of hazardous waste in boilers and industrial furnaces	58 FR 59603	Oct. 15, 1993.
Sept. 19, 1994	Land Disposal Restrictions Phase II—Universal Treatment Standards, and Treatment Standards for Organic Toxicity Characteristic Wastes and Newly Listed Wastes 4 in § 268.38	47982– 48110	Dec. 19, 1994.
Dec. 6, 1994	Air Emission Standards for Tanks, Surface Impoundments, and Containers	59 FR 62896– 62953	Dec. 6, 1996.
Feb. 9, 1995	Listing Wastes from the Production of Carbamates	60 FR 7856	Aug. 9, 1995.
July 11, 1995	Containerized Liquids in Landfills	60 FR 35706	Sept. 11, 1995.
Apr. 8, 1996	Land Disposal Restrictions Phase III—Decharacterized Wastewaters, Carbamate Wastes, and Spent Aluminum Potliners in § 268.39	61 FR 15660	July 8, 1996.
July 1, 1996	Revisions to Criteria applicable to solid waste facilities that may accept CESQG hazardous wastes, excluding MSWLF's	61 FR 34278	Jan. 1, 1998.
Aug. 26, 1996	Emergency Revision of the Land Disposal Restrictions (LDR) Phase III Treatment Standards for Listed Hazardous Wastes from Carbamate Production	61 FR 43931.	Aug. 26, 1996 until Aug. 26, 1997.
May 12, 1997	Land Disposal Restrictions for Wood Preserving Wastes and Paperwork Reductions	62 FR 26040	Aug. 11, 1997.

June 17, 1997	Vacated Carbamate wastes	62 FR 32979	Aug. 9, 1995.
Aug. 28, 1997	Second Emergency Revision of the Land Disposal Restrictions (LDR) Phase III Treatment Standards for Listed Hazardous Wastes from Carbamate Production.	62 FR 45572	Aug. 26, 1997 until Aug. 26, 1998.
May 4, 1998	Listing of Organobromine Production Wastes	63 FR 24627	Nov. 4, 1998.
May 26, 1998	Land Disposal Restrictions Phase IV Final Rule	63 FR 28753	Aug. 24, 1998.
Aug. 6, 1998	Petroleum Refining Process Wastes	63 FR 42188	Feb. 8, 1999.
Sept. 4, 1998	Emergency Revision of the Land Disposal Restrictions (LDR) Phase III Treatment Standards for Listed Hazardous Wastes from Carbamate Production	63 FR 47418	Sept. 4, 1998.
Sept. 21, 1998	Treatment Standards for Hazardous Waste K088	63 FR 51267	Sept. 21, 1998.
Nov. 30, 1998	Hazardous Remediation Waste Management Requirements ⁵	63 FR 65947	June 1, 1999.
Sept. 30, 1999	Standards for Hazardous Air Pollutants for Hazardous Waste Combustors	64 FR 53077	Sept. 30, 1999.
Mar. 17, 2000	Vacated Organobromine wastes	65 FR 14475	Nov. 4, 1998.
Sept. 29, 2000	Listing of Hazardous Wastes K174 and K175	65 FR 67132	May 7, 2001.
Oct. 31, 2001	Listing of Inorganic Chemical Manufacturing Wastes	67 FR 58299	May 20, 2002.
Feb. 13, 2002	Interim Standards for Hazardous Air Pollutants for Hazardous Waste Combustors	67 FR 6818, Feb. 13, 2002	Feb. 13, 2002.
Sept. 30, 2002	Land Disposal Restrictions: National Treatment Variance to Designate New Treatment Subcategories for Radioactively Contaminated Cadmium-, Mercury-, and Silver-Containing Batteries	67 FR 62624, Oct. 7, 2002	Nov. 21, 2002
Jan. 22, 2002	Corrective Action Management Unit Standards Amendments	67 FR 3029, Jan. 22, 2002	April 22, 2002.
July 15, 2002	Elimination of LDR Treatment Standards Exemption for K061-Derived Fertilizers	July 24, 2002	Jan. 24, 2003.
Feb. 15, 2005	Listing of Hazards Waste K181	70 FR 9179	Aug. 23, 2005
Mar. 4, 2005	Waste Minimization Certification in the Revised Manifest Rule	70 FR 10825	Sept. 6, 2005.
July 14, 2005	Process Vent and Equipment Leak Organic Air Emission Standards for Owners and of Operators of Hazardous Waste Treatment, Storage, and Disposal Facilities	70 FR 34538	July 14, 2005.

July 14, 2005	Burning of Hazardous Waste in Boilers and Industrial Furnaces	70 FR 34538	July 14, 2005
July 14, 2005	Air Emission Standards Tanks, Surface Impoundments, Containers	70 FR 34538	July 14, 2005.
Oct. 12, 2005	Standards for Hazardous Air Pollutants for Hazardous Waste Combustors	70 FR 59402	Oct. 12, 2005.
May 4, 2006	Office of Resource Conservation and Recovery Burden Reduction Project	71 FR 16862– 16915	May 4, 2006.
July 28, 2006	Final Rule for Cathode Ray Tubes	71 FR 42949	Jan. 29, 2007.
Jan. 8, 2010	Exports of hazardous waste	75 FR 1262	July 7, 2010.
June 13, 2011	Land Disposal Restrictions: Revision of the Treatment Standards for Carbamate Hazardous Wastes	76 FR [Insert page number]	8/12/11.
Nov. 28, 2016	Hazardous Waste Export-Import Revisions	81 FR 85728	December 31, 2016.
Feb. 22, 2019	Management Standards for Hazardous Waste Pharmaceuticals and Amendment to the P075 Listing for Nicotine: § 266.505	84 FR 5816	August 21, 2019.

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