

7004(b) of the Solid Waste Disposal Act as amended, 42 U.S.C. 6912(a), 6926, 6974(b).

Dated: March 27, 2003.

Lawrence E. Starfield,

Acting Regional Administrator, EPA Region 6.

■ For the reasons set forth in the preamble, 40 CFR part 272 is amended as follows:

PART 272—APPROVED STATE HAZARDOUS WASTE MANAGEMENT PROGRAMS

■ 1. The authority citation for part 272 continues to read as follows:

Authority: Secs. 2002(a), 3006, and 7004(b) of the Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act, as amended, 42 U.S.C. 6912(a), 6926, and 6974(b).

■ 2. Subpart GG is amended by revising § 272.1601 to read as follows:

§ 272.1601 New Mexico State-administered Program: Final authorization.

(a) Pursuant to section 3006(b) of RCRA, 42 U.S.C. 6926(b), New Mexico has final authorization for the following elements as submitted to EPA in New Mexico's base program application for final authorization which was approved

by EPA effective on January 25, 1985. Subsequent program revision applications were approved effective on April 10, 1990, July 25, 1990, December 4, 1992, August 23, 1994, December 21, 1994, July 10, 1995, January 2, 1996, March 10, 1997, and October 9, 2001.

(b) *State Statutes and Regulations.*

(1) The New Mexico regulations cited in paragraph (b)(1)(i) of this section are incorporated by reference as part of the hazardous waste management program under subtitle C of RCRA, 42 U.S.C. 6921 *et seq.* (See § 272.2).

(i) The Binder entitled "EPA Approved New Mexico Statutory and Regulatory Requirements Applicable to the Hazardous Waste Management Program", dated October 2001.

(ii) [Reserved]

(2) The following provisions provide the legal basis for the State's implementation of the hazardous waste management program, but they are not being incorporated by reference and do not replace Federal authorities:

(i) New Mexico Statutes 1978 Annotated, Inspection of Public Records Act, Chapter 14, Article 2, (1994 Cumulative Supplement), sections 14–2–1 *et seq.*

(ii) New Mexico Statutes 1978 Annotated, Hazardous Waste Act,

Chapter 74, Article 4, (1993 Replacement Pamphlet), sections 74–4–4 (except 74–4–4C), 74–4–4.1, 74–4–4.2C through 74–4–4.2F, 74–4–4.2G(1), 74–4–4.2H, 74–4–4.2I, 74–4–4.3 (except 74–4–4.3A(2) and 74–4–4.3F), 74–4–4.7B, 74–4–4.7C, 74–4–5, 74–4–7, 74–4–10, 74–4–10.1 (except 74–4–10.1C), 74–4–11 through 74–4–14.

(iii) Title 20, Chapter 4, part 1, New Mexico Administrative Code, effective June 14, 2000, sections 20.4.1.901 (except 20.4.1.901.B.1 through 20.4.1.901.B.6 and 20.4.1.901.E), 20.4.1.1100, 20.4.1.1104, 20.4.1.1105, and 20.4.1.1107.

(3)(i) The following statutory and regulatory provisions are broader in scope than the Federal program, and are not part of the authorized program, and are not incorporated by reference:

(ii) New Mexico Statutes 1978 Annotated, Hazardous Waste Act, Chapter 74, Article 4, (1993 Replacement Pamphlet), sections 74–4–3.3 and 74–4–4.2J.

(4) *Unauthorized State Amendments.*—(i) The State's adoption of the Federal rules listed in the following table is not approved by EPA and are, therefore, not enforceable:

Federal requirement	Federal Register reference	Publication date
Biennial Report	48 FR 3977	01/28/83
Permit Rules; Settlement Agreement	48 FR 39611	09/01/83
Interim Status Standards; Applicability	48 FR 52718	11/22/83
Chlorinated Aliphatic Hydrocarbon Listing (F024)	49 FR 5308	02/10/84
National Uniform Manifest	49 FR 10490	03/20/84
Recycled Used Oil Management Standards	57 FR 41566: Amendments to 40 CFR parts 260, 261 and 266. 58 FR 26420: Amendments to 40 CFR parts 261, 264 and 265. 58 FR 33341: Amendments to 40 CFR parts 261, 264 and 265. 63 FR 24963: Amendments to 40 CFR part 261	09/10/92 05/03/93 06/17/93 05/06/98
Revision of Conditional Exemption for Small Scale Treatability Studies.	59 FR 8362	02/18/94
Letter of Credit Revision	59 FR 29958	06/10/94
Universal Waste Rule, Petition Provisions to Add a New Universal Waste.	60 FR 25492	05/11/95
Recovered Used Oil Exclusion; Correction	61 FR 13103	03/26/96
Mineral Processing Secondary Materials	63 FR 28556; Amendments to 40 CFR part 261	06/26/98
Hazardous Remediation Waste Requirements (HWIR-Media), except as they apply to the standards for staging piles and to 40 CFR 264.1(j) and 264.101(d).	63 FR 65874	11/30/98

(ii) Additionally, New Mexico has adopted but is not authorized to implement the HSWA rules that are

listed in the following table in lieu of EPA. EPA will continue to enforce the Federal HSWA standards for which

New Mexico is not authorized until the State receives specific authorization from EPA:

Federal requirement	Federal Register reference	Publication date
Toxicity Characteristic; Hydrocarbon Recovery Operations	55 FR 40834	10/05/90
	56 FR 3978	02/01/91
	56 FR 13406	04/02/91
Toxicity Characteristic; Chlorofluorocarbon Refrigerants	56 FR 5910	02/13/91