

Environmental Protection Agency

§ 281.60

Agreement that incorporate the amended program requirements, and copies of all applicable state statutes and regulations.

(c) Upon receipt of the application amendment, the Administrator shall follow the same review and approval procedures as required in § 281.50.

(d) If a state fails to submit an amendment within the specified time-frame, the interim approval of the state program expires upon the applicable date established under § 281.11(c), and the Subtitle I program automatically reverts to EPA.

(e) If a state submits an amendment to the program application within the timeframe specified under § 281.11(c)(3) and the amendment is disapproved after the end of the time period, the interim approval of the state program expires immediately upon disapproval and the Subtitle I program automatically reverts to EPA.

(f) If interim approval of the state program expires, EPA must notify the regulated community and the public of the re-establishment of the federal program through a notice in the FEDERAL REGISTER.

§ 281.52 Revision of approved state programs.

(a) Either EPA or the approved state may initiate program revision. Program revision may be necessary when the controlling federal or state statutory or regulatory authority is changed or when responsibility for the state program is shifted to a new agency or agencies. The state must inform EPA of any proposed modifications to its basic statutory or regulatory authority or change in division of responsibility among state agencies. EPA will determine in each case whether a revision of the approved program is required.

(b) Whenever the Administrator has reason to believe that circumstances have changed with respect to an approved state program or the federal program, the Administrator may request, and the state must provide, a revised application as prescribed by EPA.

(c) The Administrator will approve or disapprove program revisions based on the requirements of this part and of subtitle I pursuant to the procedures

under this section, or under section 281.50 if EPA has reason to believe the proposed revision will receive significant negative comment from the public.

(1) The Administrator must issue public notice of planned approval or disapproval of a state program revision in the FEDERAL REGISTER; in enough of the largest newspapers in the state to attract statewide attention; and by mailing to persons on the state agency mailing list and to any other persons who the agency has reason to believe are interested. The public notice must summarize the state program revision, indicate whether EPA intends to approve or disapprove the revision, and provide for an opportunity to comment for a period of 30 days.

(2) The Administrator's decision on the proposed revision becomes effective 60 days after the date of publication in the FEDERAL REGISTER in accordance with paragraph (c)(1) of this section, unless significant negative comment opposing the proposed revision is received during the comment period. If significant negative comment is received, EPA must notify the state and within 60 days after the date of publication, publish in the FEDERAL REGISTER either:

(i) A withdrawal of the immediate final decision, which will then be treated as a tentative decision in accordance with the applicable procedures of § 281.50 (e) and (f); or

(ii) A notice that contains a response to significant negative comments and affirms either that the immediate final decision takes effect or reverses the decision.

(d) Revised state programs that receive approval must be codified in the FEDERAL REGISTER.

Subpart F—Withdrawal of Approval of State Programs

§ 281.60 Criteria for withdrawal of approval of state programs.

(a) The Administrator may withdraw program approval when the Agency determines that a state no longer has adequate regulatory or statutory authority or is not administering and enforcing an approved program in accordance with this part. The state must

§ 281.61

have adequate capability to administer and enforce the state program. In evaluating whether such capability exists, the Agency will consider whether the state is implementing an adequate enforcement program by evaluating the quality of compliance monitoring and enforcement actions.

(b) Such withdrawal of approval will occur only after the state fails to take appropriate action within a reasonable time, not to exceed 120 days after notice from the Administrator that the state is not administering and enforcing its program in accordance with the requirements of this part.

§ 281.61 Procedures for withdrawal of approval of state programs.

(a) The following procedures apply when a state with an approved program voluntarily transfers to EPA those program responsibilities required by federal law.

(1) The state must give EPA notice of the proposed transfer, and submit, at least 90 days before the transfer, a plan for the orderly transfer of all relevant program information necessary for EPA to administer the program.

(2) Within 30 days of receiving the state's transfer plan, EPA must evaluate the plan and identify any additional information needed by the federal government for program administration.

(3) At least 30 days before the transfer is to occur, EPA must publish notice of the transfer in the FEDERAL REGISTER; in enough of the largest newspapers in the state to attract statewide attention; and to persons on appropriate state mailing lists.

(b) When EPA begins proceedings to determine whether to withdraw approval of a state program (either on its own initiative or in response to a petition from an interested person), withdrawal proceedings must be conducted in accordance with procedures set out in 40 CFR 271.23 (b) and (c), except for § 271.23(b)(8)(iii) to the extent that it deviates from requirements under § 281.60.

40 CFR Ch. I (7-1-03 Edition)

PART 282—APPROVED UNDERGROUND STORAGE TANK PROGRAMS

Subpart A—General Provisions

Sec.

282.1 Purpose and scope

282.2 Incorporation by reference.

282.3-282.49 [Reserved]

Subpart B—Approved State Programs

282.50 Alabama State-Administered Program.

282.51-282.52 [Reserved]

282.53 Arkansas State-Administered Program.

282.54-282.55 [Reserved]

282.56 —Connecticut State-Administered Program.

282.57-282.59 [Reserved]

282.60 Georgia State-Administered Program.

282.61-282.64 [Reserved]

282.65 Iowa State-Administered Program.

282.66 Kansas State-Administered Program.

282.67 [Reserved]

282.68 Louisiana State-Administered Program.

282.69 Maine State-Administered Program.

282.70 [Reserved]

282.71 Massachusetts State-Administered Program.

282.72-282.73 [Reserved]

282.74 Mississippi State-Administered Program.

282.75-282.77 [Reserved]

282.78 Nevada State-Administered Program.

282.79 New Hampshire.

282.80 [Reserved]

282.81 New Mexico State-Administered Program.

282.82 [Reserved]

282.83 North Carolina State-Administered Program.

282.84 North Dakota State-Administered Program.

282.85 [Reserved]

282.86 Oklahoma State-Administered Program.

282.87-282.88 [Reserved]

282.89 Rhode Island State-Administered Program.

282.90 [Reserved]

282.91 South Dakota State-Administered Program.

282.92 Tennessee State-Administered Program.

282.93 Texas State-Administered Program.

282.94 Utah State-Administered Program.

282.95 Vermont State-Administered Program.

282.96-282.101 [Reserved]