

(4) *Program description.* The Program Description (PD) and any other material submitted as part of the original application in December 1991, though not incorporated by reference, are part of the approved underground storage tank program under Subtitle I of RCRA, 42 U.S.C. 6991 *et seq.*

(5) *Memorandum of Agreement.* The April 30, 1995, EPA and the Massachusetts Department of Public Safety and the Massachusetts Department of Environmental Protection Memorandum of Agreement (MOA), though not incorporated by reference, is part of the approved underground storage tank program under Subtitle I of RCRA, 42 U.S.C. 6991 *et seq.*

[61 FR 56136, Oct. 31, 1996]

§§ 282.72–282.73 [Reserved]

§ 282.74 Mississippi State-Administered Program.

(a) The State of Mississippi is approved to administer and enforce an underground storage tank program in lieu of the federal program under subtitle I of the Resource Conservation and Recovery Act of 1976 (RCRA), as amended, 42 U.S.C. 6991 *et seq.* The State's program, as administered by the Mississippi Department of Environmental Quality, was approved by EPA pursuant to 42 U.S.C. 6991c and part 281 of this chapter. EPA approved the Mississippi program on June 11, 1990 and it was effective on July 11, 1990.

(b) Mississippi has primary responsibility for enforcing its underground storage tank program. However, EPA retains the authority to exercise its inspection and enforcement authorities under sections 9005 and 9006 of subtitle I of RCRA, 42 U.S.C. 6991d and 6991e, as well as under other statutory and regulatory provisions.

(c) To retain program approval, Mississippi must revise its approved program to adopt new changes to the federal subtitle I program which make it more stringent, in accordance with section 9004 of RCRA, 42 U.S.C. 6991c, and 40 CFR part 281, subpart E. If Mississippi obtains approval for the revised requirements pursuant to section 9004 of RCRA, 42 U.S.C. 6991c, the newly approved statutory and regulatory provisions will be added to this subpart

and notice of any change will be published in the FEDERAL REGISTER.

(d) Mississippi has final approval for the following elements submitted to EPA in the State's program application for final approval and approved by EPA on June 11, 1990. Copies may be obtained from the Underground Storage Tank Program, Mississippi Department of Environmental Quality, 2380 Highway 80 West, Jackson, MS 39289-0385.

(1) *State statutes and regulations.* (i) The provisions cited in this paragraph are incorporated by reference as part of the underground storage tank program under subtitle I of RCRA, 42 U.S.C. 6991 *et seq.*

(A) Mississippi Statutory Requirements Applicable to the Underground Storage Tank Program, 1996.

(B) Mississippi Regulatory Requirements Applicable to the Underground Storage Tank Program, 1996.

(ii) The following statutes and regulations are part of the approved state program, although not incorporated by reference herein for enforcement purposes.

(A) The statutory provisions include:

(1) Mississippi Code of 1972, Title 49, Sections 49-17-401 through 49-17-435, Underground Storage Tank Act of 1988, as amended.

49-17-415 Obligations of owners and operators of tanks; powers of commission or representatives

49-17-427 Proceedings before commission; penalties for violations of Sections 49-17-401 through 49-17-433

49-17-431 Appeal rights

(2) Mississippi Code of 1972, Title 49, Chapter 17, Pollution of Waters, Streams, and Air.

49-17-17 Powers and duties

49-17-27 Emergency orders; public notice of emergency situations

49-17-31 Proceedings before commission

49-17-33 Hearings

49-17-35 Request for hearing

49-17-41 Administrative appeals; appeals to chancery court; appeals to supreme court

49-17-43 Penalties

(3) Mississippi Code of 1972, Title 49, Chapter 2, Department of Environmental Quality.

49-2-9 Commission on Environmental Quality; powers and duties

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49-2-13 Powers and duties of executive director

(4) Mississippi Code of 1972, Title 17, Chapter 17, Solid Wastes Disposal.

17-17-29 Penalties; injunction; recovery of cost of remedial action; disposition of fines

(B) The regulatory provisions include:

(1) Mississippi Groundwater Protection Trust Fund Regulations.

Section XX Enforcement Actions

(2) [Reserved]

(iii) The following statutory and regulatory provisions are broader in scope than the federal program, are not part of the approved program, and are not incorporated by reference herein for enforcement purposes.

(A) The statutory provisions include:

(1) Mississippi Code of 1972, Title 49, Sections 49-17-401 through 49-17-433, Underground Storage Tank Act of 1988.

49-17-429 Certification to install, alter or remove underground storage tanks

(2) [Reserved]

(B) The regulatory provisions include:

(1) Underground Storage Tank Regulations for the Certification of Persons who Install, Alter, and Remove Underground Storage Tanks.

Section I General Intent

Section II Legal Authority

Section III Definitions

Section IV Applicability

Section V General Requirements

Section VI Certification Requirements

Section VII Testing

Section VIII Certification

Section IX Certification Renewals

Section X Continuing Education

Section XI Lapsed Certification

Section XII Revocation, Denial, and Non-Renewal of Certificates

Section XIII Enforcement and Appeals

Section XIV Property Rights

(2) Mississippi Groundwater Protection Trust Fund Regulations.

Section IV Immediate Response Action Contractor (IRAC) Application Process

Section V IRAC Application Review

Section VI IRAC Performance Standards

Section VII Denial of IRAC Applications

Section VIII Removal from the Approved List of IRAC's

Section IX Engineering Response Action Contractor (ERAC) Application Process

Section X ERAC Submittal of Documentation Requested By the Department

Section XI ERAC Performance Standards

Section XII Removal from the Approved List of ERAC's

Section XIII Denial of ERAC Applications

(2) *Statement of legal authority.* (i) "Attorney General's Statement for Final Approval", signed by the State Attorney General on August 15, 1989, though not incorporated by reference, is referenced as part of the approved underground storage tank program under subtitle I of RCRA, 42 U.S.C. 6991 *et seq.*

(ii) Letter from the Attorney General of Mississippi to EPA, August 15, 1989, though not incorporated by reference, is referenced as part of the approved underground storage tank program under subtitle I of RCRA, 42 U.S.C. 6991 *et seq.*

(3) *Demonstration of procedures for adequate enforcement.* The "Demonstration of Procedures for Adequate Enforcement" submitted as part of the original application on August 14, 1989, though not incorporated by reference, is referenced as part of the approved underground storage tank program under subtitle I of RCRA, 42 U.S.C. 6991 *et seq.*

(4) *Program description.* The program description and any other material submitted as part of the original application on August 14, 1989, though not incorporated by reference, are referenced as part of the approved underground storage tank program under subtitle I of RCRA, 42 U.S.C. 6991 *et seq.*

(5) *Memorandum of Agreement.* The Memorandum of Agreement between EPA Region 4 and the Mississippi Department of Environmental Quality, approved by the EPA Regional Administrator, as part of the delegation package which received final program approval on June 11, 1990, though not incorporated by reference, is referenced as part of the approved underground storage tank program under subtitle I of RCRA, 42 U.S.C. 6991 *et seq.*

[62 FR 28366, May 23, 1997]