

## Environmental Protection Agency

## § 282.79

of Environmental Protection, signed by the EPA Regional Administrator on December 17, 1992, 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.*

[63 FR 38500, July 17, 1998]

### § 282.79 New Hampshire State-Administered Program.

(a) The State of New Hampshire 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 New Hampshire Department of Environmental Services, was approved by EPA pursuant to 42 U.S.C. 6991c and part 281 of this Chapter. EPA's approval was effective on July 19, 1991.

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

(c) To retain program approval, New Hampshire must revise its approved program to adopt 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 New Hampshire 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 section and notice of any change will be published in the FEDERAL REGISTER.

(d) New Hampshire has final approval for the following elements submitted to EPA in New Hampshire's program application for final approval and approved by EPA on June 19, 1991, becoming effective on July 19, 1991. Copies may be obtained from the Underground Storage Tank Program, New Hampshire Department of Environmental Services, 6 Hazen Drive, Concord, NH 03302-0095.

(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) New Hampshire Statutory Requirements Applicable to the Underground Storage Tank Program, 1993.

(B) New Hampshire Regulatory Requirements Applicable to the Underground Storage Tank Program, 1993.

(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: New Hampshire Revised Statutes Annotated (Supplement 1988) Sections 146-C:9a, 146-C:10, and 146-C:10a; 147 A:1 through 147-A:13; 541-A:1 through 541-A:10; 91-A:1 through 91-A:8.

(B) The regulatory provisions include: New Hampshire Code of Administrative Rules (1990) Part Env. C-602.08; Part He-P 1905.

(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: New Hampshire Revised Statutes Annotated (Supplement 1988) Section 146-C:1.XII, insofar as it refers to heating oil for consumptive use on the premises where stored.

(B) The regulatory provisions include: New Hampshire Code of Administrative Rules (1990) Sections Env-Ws 411.01 and 411.02, insofar as they refer to heating oil for consumptive use on the premises where stored.

(2) *Statement of legal authority.* (i) "Attorney General's Statement for Final Approval", signed by the Attorney General of New Hampshire on November 1, 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.*

(ii) Letter from the Attorney General of New Hampshire to EPA, November 1, 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.*

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(3) *Demonstration of procedures for adequate enforcement.* The "Demonstration of Procedures For Adequate Enforcement" submitted as part of the original application in December 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.*

(4) *Program description.* The program description and any other material submitted as part of the original application in December 1990, 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 I and the New Hampshire Department of Environmental Services, signed by the EPA Regional Administrator on August 8, 1991, 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.*

§ 282.80 [Reserved]

§ 282.81 New Mexico State-Administered Program.

(a) The State of New Mexico 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 New Mexico Environmental Improvement Board, was approved by EPA pursuant to 42 U.S.C. 6991c and part 281 of this Chapter. EPA approved the New Mexico program on August 21, 1990 and it was effective on November 16, 1990.

(b) New Mexico 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, New Mexico must revise its approved pro-

gram 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 New Mexico 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) New Mexico has final approval for the following elements submitted to EPA in New Mexico's program application for final approval and approved by EPA on August 21, 1990. Copies may be obtained from the Underground Storage Tank Program, New Mexico Environmental Improvement Board, 1190 St. Francis Drive, Santa Fe, NM 87503.

(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) New Mexico Statutory Requirements Applicable to the Underground Storage Tank Program, 1995.

(B) New Mexico Regulatory Requirements Applicable to the Underground Storage Tank Program, 1995.

(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) *New Mexico Statutes 1978 Annotated, Chapter 74, Environmental Improvement.*

- (i) Article 4: Hazardous Wastes.
  - 74-4-4.2 Permits; Issuance; Denial; Modification; Suspension; Revocation
  - 74-4-4.3 Entry; Availability of Records
  - 74-4-10 Enforcement; Compliance Orders; Civil Penalties
  - 74-4-11 Penalty; Criminal
  - 74-4-12 Penalty; Civil
  - 74-4-13 Imminent Hazards; Authority of Director; Penalties
  - 74-4-14 Administrative Actions; Judicial Review
- (ii) Article 6: Water Quality.
  - 74-6-7 Administrative Action; Judicial Review
  - 74-6-10 Penalties Enforcement; Compliance Orders; Penalties; Assurance of Discontinuance