

(A) Utah Statutory Requirements Applicable to the Underground Storage Tank Program, 1995.

(B) Utah 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: Utah Code Unannotated (1994), Title 19, Chapter 6, Sections 19-6-112; 19-6-113; 19-6-115; 19-6-402(8), (11), and (23); 19-6-404(2)(f), (j), and (m); 19-6-405.5; 19-6-407(2) and (3); 19-6-410(3) as it pertains to penalties, (4)(b), and (5); 19-6-416; 19-6-418; 19-6-420(2), (4)(a), (5)(b), and (9)(b); 19-6-424.5; 19-6-425; 19-6-426(5) and (6); and 19-6-427.

(B) The regulatory provisions include: Administrative Rules of the State of Utah, Utah Administrative Code (1993), Sections R311-208-1; R311-208-2; R311-208-3; R311-208-4; R311-208-5; and R311-208-6.

(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: Utah Code Unannotated (1994), Title 19, Chapter 6, Sections 19-6-402 (3), (4), (9), (14), (15), (20), and (26); 19-6-403(1)(a) (i) and (iv); 19-6-404(2)(c); 19-6-405.5; 19-6-408; 19-6-409; 19-6-410; 19-6-411; 19-6-412; 19-6-414; 19-6-415; 19-6-416; 19-6-417; 19-6-419; 19-6-420 (1), (3)(a), (3)(b), (5)(c), and (6); 19-6-421; 19-6-422; 19-6-423; 19-6-424; and 19-6-426 (1) through (4) and (7).

(B) The regulatory provisions include: Administrative Rules of the State of Utah, Utah Administrative Code (1993), Sections R311-200-1 (2), (5), (8), (10), (13), (20), (29), (42) through (49), (53), and (54); R311-201-2; R311-201-1; R311-201-3; R311-201-4; R311-201-5; R311-201-6; R311-201-7; R311-201-8; R311-201-9; R311-201-10; R311-201-11; R311-203-2; R311-206-2 (b) and (c); R311-206-4; R311-206-5 (b), (c), (d), and the words "compliance or" in (a); R311-206-6; R311-207-1; R311-207-2; R311-207-3; R311-207-4; R311-207-5; R311-207-6; R311-207-7; R311-207-8; R311-207-9; R311-209-1; R311-209-2; R311-209-3; and R311-209-4.

(2) *Statement of legal authority.* (i) "Attorney General's Statement for Final Approval", signed by the Attorney General of Utah on April 18, 1994, 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 Utah to EPA, April 18, 1994, 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 complete application in September 1993, 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 September 1993, 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 VIII and the Utah Department of Environmental Quality, signed by the EPA Regional Administrator on March 1, 1995, 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.*

[60 FR 52344, Oct. 6, 1995]

#### § 282.95 Vermont State-Administered Program.

(a) The State of Vermont 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 Vermont Department of Environmental Conservation, was approved by EPA pursuant to

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42 U.S.C. 6991c and 40 CFR part 281. EPA approved the Vermont program on January 3, 1992, and the approval was effective on February 3, 1992.

(b) Vermont 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, Vermont 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 Vermont 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) Vermont has final approval for the following elements submitted to EPA in Vermont's program application for final approval and approved by EPA on January 3, 1992. Copies may be obtained from the Underground Storage Tank Program, Vermont Department of Environmental Conservation, 103 South Main Street, West Building, Waterbury, VT 05671-0404. The elements are listed below:

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

(B) Vermont 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: Title 10 Vermont Statutes Annotated, Chapter 59, Sections 1931 through 1935.

(B) The regulatory provisions include: Vermont Environmental Protection Rules, Chapter 8, Sections 104 through 106.

(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) Title 10 Vermont Statutes Annotated, Chapter 59, Section 1929, insofar as it refers to registration requirements for tanks greater than 1,100 gallons containing heating oil consumed on the premises where stored.

(B) Vermont Environmental Protection Rules, Chapter 8, Section 301, registration requirements, and Section 605(2), permanent closure requirements, insofar as they refer to tanks greater than 1,100 gallons containing heating oil consumed on the premises where stored.

(2) *Statement of legal authority.* (i) "Attorney General's Statement for Final Approval," signed by the Attorney General of Vermont on April 11, 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.*

(ii) Letter from the Attorney General of Vermont to EPA, April 11, 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.*

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

(4) *Program description.* The program description and any other material submitted as part of the original application in May 1991, 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.* On March 2, 1992, EPA and the Vermont

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Department of Environmental Conservation signed the Memorandum of Agreement. Though not incorporated by reference, the Memorandum of Agreement is referenced as part of the approved underground storage tank program under Subtitle I of RCRA, 42 U.S.C. 6991 *et seq.*

[60 FR 47301, Sept. 12, 1995]

§ 282.96 Virginia State-Administered Program.

(a) The State of Virginia's underground storage tank program is approved in lieu of the Federal program in accordance with 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 Virginia Department of Environmental Quality, was approved by EPA pursuant to 42 U.S.C. 6991c and part 281 of this chapter. EPA approved the Virginia underground storage tank program on September 28, 1998, and approval was effective on October 28, 1998.

(b) Virginia has primary responsibility for enforcing its underground storage tank program. However, EPA retains the authority to exercise its inspection and enforcement authorities in accordance with sections 9005 and 9006 of Subtitle I of RCRA, 42 U.S.C. 6991d and 6991e, regardless of whether the State has taken its own actions, as well as in accordance with other statutory and regulatory provisions.

(c) To retain program approval, Virginia 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 Virginia 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) Virginia has final approval for the following elements submitted to EPA in the State's program application for final approval. On September 28, 1998, EPA published notice of approval of the State's program in the FEDERAL REGISTER, 63 FR 51528. That approval

became effective on October 28, 1998. Copies of Virginia's program application may be obtained from the Virginia Department of Environmental Quality, 629 East Main Street, Richmond, VA 23240-0009.

(1) *State statutes and regulations.* (i) The provisions cited in this paragraph, with the exception of the provisions cited in paragraphs (d)(1)(ii) and (iii) of this section, are incorporated by reference as part of the approved underground storage tank program in accordance with Subtitle I of RCRA, 42 U.S.C. 6991 *et seq.*

(A) Virginia Statutory Requirements Applicable to the Underground Storage Tank Program, 1998.

(B) Virginia Regulatory Requirements Applicable to the Underground Storage Tank Program, 1998.

(ii) EPA considered the following statutes in evaluating the State program, but did not incorporate them by reference.

(A) The statutory provisions include:

(1) Code of Virginia, Title 10.1, Subtitle II, Chapter 11.1: Department of Environmental Quality, Article 1: General Provisions

Section 10.1-1186 General powers of the department

(2) Code of Virginia, Title 62.1, Chapter 3.1: State Water Control Law, Article 2: Control Board Generally

Section 62.1-44.14 Chairman; Executive Director; employment of personnel; supervision; budget preparation

Section 62.1-44.15 Powers and duties

(3) Code of Virginia, Title 62.1, Chapter 3.1: State Water Control Law, Article 5: Enforcement and Appeal Procedure

Section 62.1-44.20 Right to entry to obtain information

Section 62.1-44.21 Information to be furnished to Board

Section 62.1-44.21 Private rights not affected

Section 62.1-44.23 Enforcement by injunction

Section 62.1-44.23:1 Intervention of Commonwealth in actions involving surface water withdrawals

Section 62.1-44.24 Testing validity of regulations; judicial review

Section 62.1-44.25 Right to hearing

Section 62.1-44.26 Hearings