

1445 Ross Avenue, Dallas, Texas 75202-2733, phone (214) 665-6444. Written comments, referring to Docket Number NM-95-1, should be sent to Alima Patterson, Region 6 AR-NM Authorization Coordinator, Grants and Authorization Section (6H-HS), RCRA Programs Branch, U.S. EPA Region 6, First Interstate Bank Tower at Fountain Place, 1445 Ross Avenue, Dallas, Texas 75202-2733, (214) 665-8533.

**FOR FURTHER INFORMATION CONTACT:** Alima Patterson, Region 6 AR-NM Authorization Coordinator, Grants and Authorization Section (6H-HS), RCRA Programs Branch, U.S. EPA Region 6, First Interstate Bank Tower at Fountain Place, 1445 Ross Avenue, Dallas, Texas 75202-2733, (214) 665-8533.

**SUPPLEMENTARY INFORMATION:**

**A. Background**

States authorized under section 3006(b) of the Resource Conservation and Recovery Act ("RCRA or the Act"), 42 U.S.C. 6926(b), have a continuing obligation to maintain a hazardous waste program that is equivalent to, consistent with, and no less stringent than the Federal hazardous waste program. Revisions to State hazardous waste programs are necessary when Federal or State statutory or regulatory authority is modified or when certain other changes occur. Most commonly, State program revisions are necessitated by changes to EPA's regulations in 40 CFR parts 124, 260-268, and 270.

**B. New Mexico**

New Mexico received authorization January 25, 1985, (see 50 FR 1515) to implement its base hazardous waste management program. New Mexico

received authorization for revisions to its program on April 10, 1990 (see 55 FR 4604), July 25, 1990 (see 55 FR 28397), December 4, 1992 (see 57 FR 45717), August 23, 1994 (see 59 FR 29734) and December 21, 1994 (see 59 FR 51122). The authorized New Mexico RCRA program was incorporated by reference to the Code of Federal Regulations (CFR), effective December 13, 1993 (see 58 FR 52677). On December 23, 1994, New Mexico submitted a final complete program revision application for additional program approvals. Today, New Mexico is seeking approval of its program revision in accordance with 40 CFR 271.21(b)(3).

On August 24, 1994, New Mexico promulgated 20 New Mexico Administrative Code (NMAC) 4.1 which adopts the July 1, 1993, version of 40 CFR part 261. Specifically, 20 NMAC 4.1, which became effective 30 days after filing on September 23, 1994, incorporates by reference 40 CFR part 261 at 20 NMAC 4.1.201. This is the version that is referred to in the Attorney General's Statement submitted with this program revision. Also, 20 NMAC 4.1.201 is inclusive of the identification and listing amendments to 40 CFR part 261 promulgated June 13, 1991, at 56 FR 27332; August 18, 1992, at 57 FR 37284; October 15, 1992, at 57 FR 47376; and December 24, 1992, at 57 FR 61492. New Mexico Statutes Annotated (NMSA) 1978, §§ 74-4-4A(1) and 74-4-4E (Replacement Pamphlet 1993) provides New Mexico with authority to adopt federal regulations by reference including the sections on identification and listing.

EPA reviewed New Mexico's application and made an immediate

final determination that New Mexico's hazardous waste program revision satisfies all of the requirements necessary to qualify for authorization. Consequently, EPA intends to grant authorization for the additional program modifications to New Mexico. The public may submit written comments on EPA's proposed final decision until June 9, 1995. Copies of New Mexico's application for program revision are available for inspection and copying at the locations indicated in the **ADDRESSES** section of this notice.

Approval of New Mexico's program revision shall become effective 75 days from the date this notice is published, unless an adverse written comment pertaining to the State's revision discussed in this notice is received by the end of the comment period. If an adverse written comment is received, EPA will publish either: (1) A withdrawal of the immediate final decision; or (2) a notice containing a response to the comment that either affirms that the immediate final decision takes effect or reverses the decision.

Mexico's program revision application includes State regulatory changes that are equivalent to the rules promulgated in the Federal RCRA implementing regulations in 40 CFR parts 124, 260-262, 264, 265, 266, and 270 that were published in the **Federal Register** through June 30, 1993. This proposed approval includes the provisions that are listed in the chart below. This chart also lists the State analogs that are being recognized as equivalent to the appropriate Federal requirements.

Federal citation	State analog
1. Toxicity Characteristics Revisions; Technical Corrections, (57 FR 30657-30658) July 10, 1992. (Checklist 108).	New Mexico Statutes Annotated (NMSA) 1978, §§ 74-4-4A(1) and 74-4-4E (Replacement Pamphlet 1993); Hazardous Waste Management, New Mexico Environmental Improvement Board, 20 New Mexico Administrative Code (NMAC) 4.1.201, Subparts II, V, VI, and VIII, .501, .502, .601, .602 and .801 as amended September 23, 1994, effective September 23, 1994.
2. Land Disposal Restrictions for Newly Listed Wastes and Hazardous Debris, (57 FR 37194-37282) August 18, 1992. (Checklist 109).	NMSA 1978, §§ 74-4-4A and 74-4-4E (Repl. Pamph. 1993); 20 NMAC 4.1.101 and 4.1.201 Subparts III, V, VI, VIII and IX, .301, .501, .502, .601, .602, .801 and .901 as amended September 23, 1994, effective September 23, 1994.
3. Coke By-Products Listings, (57 FR 37284-37306) August 18, 1992. (Checklist 110).	NMSA 1978, §§ 74-4-4A(1) and 74-4-4E (Repl. Pamph. 1993); 20 NMAC 4.1.201 as amended September 23, 1994, effective September 23, 1994.
4. Burning of Hazardous Waste in Boilers and Industrial Furnaces; Technical Amendment III, (57 FR 38558-38566) August 25, 1992. (Checklist 111).	NMSA 1978, §§ 74-4-4A and 74-4-4E (Repl. Pamph. 1993); 20 NMAC 4.1.201 as amended September 23, 1994, effective September 23, 1994.
5. Consolidated Liability Requirements, (53 FR 42832) September 16, 1992, (53 FR 33938-33960) September 1, 1988, (56 FR 30200) July 1, 1991 and (57 FR 42832-42844) September 16, 1992. (Checklist 113, 113.1 and 113.2).	NMSA 1978, §§ 74-4-4A(5)(f) and 74-4-4E (Repl. Pamph. 1993); 20 NMAC 4.1.501, Subparts V, and VI, .502, .601 and .602 as amended September 23, 1994, effective September 23, 1994.