TABLE 1.—FINAL UPDATE II OF SW—846, THIRD EDITION 1—Continued

Method No.	Title
5050	Bomb Preparation Method for Solid Wastes
9020B	. Total Organic Halides (TOX)
9056	Determination of Inorganic Anions by Ion Chromatography .
9071A	Oil and Grease Extraction Method for Sludge and Sediment Sam-
9075	ples Test Method for Total Chlorine in New and Used Petroleum Prod- ucts by X-Ray Fluorescence
9076	Spectrometry (XRF) Test Method for Total Chlorine in New and Used Petroleum Prod- ucts by Oxidative Combustion
9077	and Microcoulometry Test Methods for Total Chlorine in New and Used Petroleum Prod- ucts (Field Test Kit Methods)
9252A	Chloride (Titrimetric, Mercuric Nitrate)
9253	Chloride (Titrimetric, Silver Nitrate) .
1312	Chapter Six—Properties Synthetic Precipitation Leaching Procedure .
9040A	h Electrometric Measurement
9045B	Soil and Waste pH
9096	Liquid Release Test (LRT) Procedure
	Chapter Seven—Introduction & Regulatory Definitions
	· ·

<sup>&</sup>lt;sup>1</sup>The vertical "\* \* \*" indicates unchanged portions of SW–846.

## VI. State Authority

A. Applicability in Authorized States

Under section 3006 of RCRA, EPA may authorize qualified States to administer and enforce the RCRA program within the State. (See 40 CFR part 271 for the standards and requirements for authorization.) Following authorization, EPA retains enforcement authority under sections 3008, 7003 and 3013 of RCRA, although authorized States have primary enforcement responsibility.

Prior to the Hazardous and Solid Waste Amendments of 1984 (HSWA), a State with final authorization administered its hazardous waste program entirely in lieu of EPA administering the Federal program in that State. The Federal requirements no longer applied in the authorized State, and EPA could not issue permits for any facilities in the State that the State was authorized to permit. When new, more stringent Federal requirements were promulgated or enacted, the State was obliged to enact equivalent authority within specified time frames. New Federal requirements did not take effect in an authorized State until the State adopted the requirements as State law.

In contrast, under section 3006(g) of RCRA, 42 U.S.C. 6926(g), new requirements and prohibitions imposed by the HSWA take effect in authorized States at the same time that they take effect in nonauthorized States. EPA is directed to carry out those requirements and prohibitions in authorized States, including the issuance of permits, until the State is granted authorization to do so. While States must still adopt HSWA-related provisions as State law to retain final authorization, the HSWA applies in authorized States in the interim.

## B. Effect on State Authorization

Today's rule promulgates standards that are not effective in authorized States since the requirements are being imposed pursuant to pre-HSWA authority. Therefore, this rule is not immediately effective in authorized States. The requirements will be applicable only in those States that do not have interim or final authorization. In authorized States, the requirements will not be applicable until the State revises its program to adopt equivalent requirements under State law.

40 CFR 271.21(e)(2) requires that States that have final authorization must modify their programs to reflect Federal program changes and subsequently must submit the modifications to EPA for approval. The deadline by which the State must modify its program to adopt today's proposed rule is determined based on the date of final rule promulgation in accordance with 40 CFR 271.21(e). These deadlines can be extended in certain cases (40 CFR 271.21(e)(3)). Once EPA approves the modification, the State requirements become subtitle C RCRA requirements.

States with authorized RCRA programs may already have requirements similar to those in today's rule. These State requirements have not been assessed against the Federal regulations being proposed today to determine whether they meet the tests for authorization. Thus, a State is not authorized to carry out these requirements in fulfillment of the final rule until the State program modification is submitted to EPA and approved. Of course, States with existing standards may continue to administer and enforce their standards as a matter of State law.

States that submit their official applications for final authorization within 12 months after the effective date of today's rule are not required to include in their applications requirements equivalent to the requirements in today's rule. However, the State must modify its program by the deadlines set forth in 40 CFR 271.21(e). States that submit official applications for final authorization 12 months or more after the effective date of today's rule must include requirements at least as stringent as the requirements in the final rule in their applications. 40 CFR 271.3 sets forth the requirements a State must meet when submitting its final authorization application.

## VII. Effective Date

Section 3010 of RCRA provides that regulations promulgated pursuant to subtitle C of RCRA shall take effect six months after the date of promulgation. However, HSWA amended section 3010 of RCRA to allow rules to become effective in less than six months when, among other things, the Agency finds that the regulated community does not need six months to come into compliance. Since today's rule provides greater flexibility to the regulated community in testing and monitoring solid waste, the Agency believes the regulated community does not need six months to come into compliance. For that same reason, the Agency believes that good cause exists under the Administrative Procedures Act, 5 U.S.C. section 553(d), for not delaying the effective date of this rule. Therefore, this rule is effective January 13, 1995.

<sup>&</sup>lt;sup>2</sup>Method 4010 is Update IIA.