

(c) \* \* \*

(5) *Special requirements for HC monitoring systems.* When an owner or operator is required to comply with the hydrocarbon (HC) controls provided by § 266.104(c) or paragraph (a)(5)(i)(D) of this section, a conditioned gas monitoring system may be used in conformance with specifications provided in appendix IX of this part provided that the owner or operator submits a certification of compliance without using extensions of time provided by paragraph (c)(7) of this section.

\* \* \* \* \*

**§ 266.104 [Amended]**

8. In § 266.104 paragraph (f) is removed, and paragraphs (g), (h) and (i) are redesignated as paragraphs (f), (g) and (h), respectively.

**PART 267—[REMOVED]**

9. Part 267 is removed.

**PART 270—[AMENDED]**

10. The authority citation for part 270 continues to read as follows:

**Authority:** 42 U.S.C. 6905, 6912, 6924, 6925, 6927, 6939 and 6974.

11. In § 270.2, the definitions of "Phase I" and "Phase II" are removed and the definition of "Interim Authorization" is revised to read as follows:

**§ 270.2 Definitions.**

\* \* \* \* \*

*Interim authorization* means approval by EPA of a State hazardous waste program which has met the requirements of section 3006(g)(2) of RCRA and applicable requirements of part 271, subpart B.

\* \* \* \* \*

12. In § 270.10, paragraphs (e)(4), (f)(2) and (g)(1) are revised to read as follows:

**§ 270.10 General application requirements.**

\* \* \* \* \*

(e) \* \* \*

(4) The owner or operator of an existing hazardous waste management facility may be required to submit part B of their permit application. The State Director may require submission of part B (or equivalent completion of the State RCRA application process) if the State in which the facility is located has received interim or final authorization; if not, the Regional Administrator may require submission of Part B. Any owner or operator shall be allowed at least six months from the date of request to submit part B of the application. Any

owner or operator of an existing hazardous waste management facility may voluntarily submit part B of the application at any time. Notwithstanding the above, any owner or operator of an existing hazardous waste management facility must submit a part B permit application in accordance with the dates specified in § 270.73. Any owner or operator of a land disposal facility in existence on the effective date of statutory or regulatory amendments under this Act that render the facility subject to the requirement to have a RCRA permit must submit a part B application in accordance with the dates specified in § 270.73.

\* \* \* \* \*

(f) \* \* \*

(2) An application for a permit for a new hazardous waste management facility (including both Parts A and B) may be filed any time after promulgation of those standards in part 264, subpart I *et seq.* applicable to such facility. The application shall be filed with the Regional Administrator if at the time of application the State in which the new hazardous waste management facility is proposed to be located has not received interim or final authorization for permitting such facility; otherwise it shall be filed with the State Director. Except as provided in paragraph (f)(3) of this section, all applications must be submitted at least 180 days before physical construction is expected to commence.

\* \* \* \* \*

(g) *Updating permit applications.* (1) If any owner or operator of a hazardous waste management facility has filed Part A of a permit application and has not yet filed part B, the owner or operator shall file an amended part A application:

(i) With the Regional Administrator if the facility is located in a State which has not obtained interim authorization or final authorization, within six months after the promulgation of revised regulations under part 261 listing or identifying additional hazardous wastes, if the facility is treating, storing or disposing of any of those newly listed or identified wastes.

(ii) With the State Director, if the facility is located in a State which has obtained interim authorization or final authorization, no later than the effective date of regulatory provisions listing or designating wastes as hazardous in that State in addition to those listed or designated under the previously approved State program, if the facility is treating, storing or disposing of any of those newly listed or designated wastes; or

(iii) As necessary to comply with provisions of § 270.72 for changes during interim status or with the analogous provisions of a State program approved for final authorization or interim authorization. Revised Part A applications necessary to comply with the provisions of § 270.72 shall be filed with the Regional Administrator if the State in which the facility in question is located does not have interim authorization or final authorization; otherwise it shall be filed with the State Director (if the State has an analogous provision).

\* \* \* \* \*

**PART 271—[AMENDED]**

13. The authority citation for part 271 is amended to read as follows:

**Authority:** 42 U.S.C. 6905, 6912 and 6926.

**§ 271.3 [Amended]**

14. In § 271.3, paragraphs (c), (d) and (e) are removed, and paragraph (f) is redesignated as paragraph (c).

15. In § 271.20, paragraph (e) is revised to read as follows:

**§ 271.20 Approval process.**

\* \* \* \* \*

(e) Within 90 days of the notice given pursuant to paragraph (d) of this section, the Administrator shall make a final determination whether or not to approve the State's program, taking into account any comments submitted. The Administrator shall give notice of this final determination in the **Federal Register** and in accordance with paragraph (a)(1) of this section. The notification shall include a concise statement of the reasons for this determination, and a response to significant comments received.

**§§ 271.121–271.138 [Removed]**

16. Subpart B (§§ 271.121 through 271.138) is removed.

**PART 300—[AMENDED]**

17. The authority citation for part 300 continues to read as follows:

**Authority:** 42 U.S.C. 9601–9657; 33 U.S.C. 1321(c)(2); E.O. 12777, 56 FR 54757, 3 CFR 1991 Comp., p. 351; E.O. 12580, 52 FR 2923, 3 CFR 187 Comp., p. 193.

**§§ 300.1100 and 300.1105 [Removed]**

18. Subpart L (§§ 300.1100 and 300.1105) is removed.

**PART 373—[AMENDED]**

19. The authority citation for part 373 is revised to read as follows:

**Authority:** 42 U.S.C. 9620.