to make arrangements for new waste management practices. The Agency realizes that some remedial activities such as the retrofit of surface impoundments may require a significantly longer compliance period. However, RCRA § 3004(j)(6)(A) allows a 4-year compliance period for surface impoundments to meet the Minimum Technology Requirement (MTR). The Agency views these as adequate periods for compliance to be implemented.

VI. Compliance and Implementation

A. State Authority

1. Applicability of Rule 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 3007, 3008, 3013, and 7003 of RCRA, although authorized states have primary enforcement responsibility.

Before the Hazardous and Solid Waste Amendments of 1984 (HSWA) amended RCRA, a state with final authorization administered its hazardous waste program entirely in lieu of 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 located in the state with permitting authorization. When new, more stringent Federal requirements were promulgated or enacted, the state was obligated 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.

By contrast, under section 3006(g) of RCRA, 42 U.S.C. 6926(g), new requirements and prohibitions imposed by the HSWA (including the hazardous waste listings finalized in this notice) take effect in authorized states at the same time that they take effect in nonauthorized states. EPA is directed to implement 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 HSWArelated provisions as State law to retain final authorization. HSWA applies in authorized States in the interim. Today's rule is promulgated pursuant to section 3001 of RCRA (42 U.S.C. 6921). Therefore this rule has been added to Table 1 in 40 CFR 271.1(j), which identifies the Federal program requirements that are promulgated

pursuant to HSWA and take effect in all States, regardless of their authorization status. States may apply for either interim or final authorization for the HSWA provisions in 40 CFR 271.1(j) Table 1, as discussed in the following section.

2. Effect on State Authorizations

Because this rule (with the exception of the actions under CERCLA authority) is promulgated pursuant to the HSWA, a state submitting a program modification is able to apply to receive either interim or final authorization under section 3006(g)(2) or substantially equivalent or equivalent to EPA's requirements. The procedures and schedule for State program modifications under 3006(b) are described in 40 CFR 271.21. It should be noted that all HSWA interim authorizations are currently scheduled to expire on January 1, 2003 (see 57 FR 60129, February 18, 1992)

Section 271.21(e)(2) of EPA's state authorization regulations (40 CFR part 271) requires that states with final authorization modify their programs to reflect federal program changes and submit the modifications to EPA for approval. The deadline by which the states must modify their programs to adopt this regulation is determined by the date of promulgation of a final rule in accordance with § 271.21(e)(2). Table 1 at 40 CFR 271.1 is amended accordingly. Once EPA approves the modification, the State requirements become RCRA Subtitle C requirements.

States with authorized RCRA programs already may have regulations similar to those in this rule. These State regulations have not been assessed against the Federal regulations being finalized to determine whether they meet the tests for authorization. Thus, a state would not be authorized to implement these regulations as RCRA requirements until state program modifications are submitted to EPA and approved, pursuant to 40 CFR 271.21. Of course, states with existing regulations that are more stringent than or broader in scope than current Federal regulations may continue to administer and enforce their regulations as a matter of State law.

It should be noted that authorized states are required to modify their programs only when EPA promulgates Federal standards that are more stringent or broader in scope than existing Federal standards. Section 3009 of RCRA allows states to impose standards more stringent than those in the Federal program. For those Federal program changes that are less stringent or reduce the scope of the Federal

program, states are not required to modify their programs. See 40 CFR 271.1(i). This rule is neither less stringent than or a reduction in the scope of the current Federal program and, therefore, states would be required to modify their programs to retain authorization to implement and enforce these regulations.

B. Effective Date

The effective date of today's rule is August 9, 1995. As discussed above, since today's rule is issued pursuant to HSWA authority, EPA will regulate the management of the newly identified hazardous wastes until states are authorized to regulate these wastes. Thus, EPA will apply Federal regulations to these wastes and to their management in both authorized and unauthorized states.

C. Section 3010 Notification

Pursuant to RCRA section 3010, the Administrator may require all persons who handle hazardous wastes to notify EPA of their hazardous waste management activities within 90 days after the wastes are identified or listed as hazardous. This requirement may be applied even to those generators, transporters, and treatment, storage, and disposal facilities (TSDFs) that have previously notified EPA with respect to the management of other hazardous wastes. The Agency has decided to waive this notification requirement for persons who handle wastes that are covered by today's listings and have already (1) notified EPA that they manage other hazardous wastes; and (2) received an EPA identification number. The Agency has waived the notification requirement in this case because it believes that most, if not all, persons who manage these wastes have already notified EPA and received an EPA identification number. However, any person who generates, transports, treats, stores, or disposes of these wastes and has not previously received an EPA identification number must obtain an identification number pursuant to 40 CFR 262.12 to generate, transport, treat, store, or dispose of these hazardous wastes by May 10, 1995.

D. Generators and Transporters

Persons that generate newly identified hazardous wastes may be required to obtain an EPA identification number, if they do not already have one (as discussed in section VI.C, above). In order to be able to generate or transport these wastes after the effective date of this rule, generators of the wastes listed today will be subject to the generator requirements set forth in 40 CFR 262.