

6. State Authorization Reversions

What happens to the RCRA programs for which the EPA has made tentative, but not final, determination to award final authorization on January 31, 1986?

Under the State authorization program in Part 271, a state may apply to have its own program authorized by the EPA to operate in lieu of the Federal program. EPA may approve a state program only if it is equivalent to or more stringent than the Federal program. According to Section 3006(c) (1) of RCRA (as codified in §271.122(b) (1) (see 50 FR 28755)), a State that has not been granted final authorization will lose any authority it has to implement the program on January 31, 1986. The January 31, 1986, Federal Register contains a list of States whose programs have reverted to EPA.

Because most states are actively pursuing final authorization, reversion of RCRA authority to EPA is likely to be temporary. In cases where the reversion will be less than 90 days, it is considered a short term reversion and EPA will make every effort to avoid disrupting the State program during this limited period of time. For a description of the manner in which EPA intends to administer the program, set priorities and use its enforcement discretion in these States, see 50 FR 48406, November 25, 1985.

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