



**State Military Munitions Rules
Impact on
Air Force Installations'
Environmental Flight Operations**

January 2002

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EXECUTIVE SUMMARY

Independent of federal regulation, the Department of Defense (DoD) has maintained its commitment to handle and store military munitions responsibly in order to minimize the potential for harm to human health and the environment. The Federal Facilities Compliance Act of 1992, which amended the Resource Conservation and Recovery Act (RCRA), required the U.S. Environmental Protection Agency (EPA), in consultation with DoD and the states, to publish regulations that specify when conventional and chemical military munitions become hazardous waste subject to Subtitle C of RCRA, and provide for the safe storage and transportation of such waste. As a result, EPA promulgated the federal Military Munitions Rule (MR) (62FR 6621, February 12, 1997) on 12 August 1997.

The federal MR provides regulations that define when military munitions become waste and how these waste military munitions (WMM) are to be managed. EPA has the option to delegate RCRA program administration and enforcement authority to a state or territory. In turn, states or territories may either adopt the federal rule or develop their own state WMM regulations that are at least as stringent as those of the federal program. Therefore, compliance requirements for the Air Force pertaining to WMM differ from state to state or district.

In an effort to help Air Force project managers with the WMM regulations for each state, the Air Force developed this document as a reference tool to summarize each state's military munitions RCRA program. This document is intended to illustrate the key differences between federal and state regulation that could have an impact on Air Force installation environmental flight operations. It is intended to assist project managers with WMM issues.

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USE OF THE DOCUMENT

This document is intended to inform Air Force project managers about the issues specific to implementing the Military Munitions Rule (MR) in their state. It summarizes the 1997 federal MR and the regulations pertaining to military munitions in each state. This document addresses differences between the federal rule and the regulations in each state, and identifies the possible impact of the state rules on Air Force installation environmental flight operations.

This guide is a living document intended to identify the issues to be aware of in each state pertaining to military munitions, solid waste and hazardous waste determination, storage, and transportation. It is not intended to be a definitive source on implementation of the MR. For more detailed information, review the complete text of the appropriate state rule. Each state rule has been fully referenced in the Appendix and within each state section. In addition, the Department of Defense has developed a policy to implement the Environmental Protection Agency's MR, which provides interpretation of the requirements of the MR and establishes a consistent, overarching policy for the management of waste military munitions.

This guide has been organized into three sections:

- Section 1: Background
- Section 2: State Military Munitions Regulations
- Section 3: Reference Material Appendix

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ACRONYMS

AAC	Alaska Administrative Code
AAR	Arizona Administrative Register
ADEM	Alabama Department of Management
APC&EC	Arkansas Pollution Control and Ecology Commission
ARM	Administrative Rules of Montana
BRWM	Bureau of Remediation and Waste Management (Maine)
CCR	California Code of Regulations
CCR	Colorado Code Regulations
CDEP	Connecticut Department of Environmental Protection
CDPHE	Colorado Department of Public Health and Environment
CE	Conditional Exemption
CFR	Code of Federal Regulations
CMR	Code of Massachusetts Regulation
DDESB	Department of Defense Explosive Safety Board
DNREC	Delaware Department of Natural Resources and Environmental Control
DoD	Department of Defense
DOH	Department of Health (Hawaii, North Dakota, Washington D.C.)
DSHM	Division of Solid and Hazardous Waste (New York)
EPA	Environmental Protection Agency
EPD	Environmental Protection Division (Georgia)
FDEP	Florida Department of Environmental Protection
FFCA	Federal Facility Compliance Act
GDNR	Georgia Department of Natural Resources
HAC	Hawaii Administrative Code
HDEH	Hawaii Department of Health
HMWMD	Hazardous Materials and Waste Management Division (Colorado)
IAC	Illinois Administrative Code
IAC	Indiana Administrative Code
IDAC	Idaho Administrative Code
IDEQ	Idaho Department of Environmental Quality
IDEM	Indiana Department of Environmental Management
IDNR	Iowa Department of Natural Resources
ILEPA	Illinois Environmental Protection Agency
KAR	Kentucky Administrative Rules
KDEP	Kentucky Department of Environmental Protection
KDHE	Kansas Department of Health and Environment
LAC	Louisiana Administrative Code
LDEQ	Louisiana Department of Environmental Quality
MAR	Michigan Administrative Rules
MDE	Maryland Department of Environment
MDEP	Maine Department of Environmental Protection
MDEQ	Michigan Department of Environmental Quality
MDEQ	Mississippi Department of Environmental Quality
MDNR	Missouri Department of Natural Resources

MPCA	Minnesota Pollution Control Agency
MR	Military Munitions Rule
NAC	Nevada Administrative Code
NCAC	North Carolina Administrative Code
NCDENR	North Carolina Department of Environment and Natural Resources
NDCC	North Dakota Century Code
NJAC	New Jersey Administrative Code
NJDEP	New Jersey Department of Environmental Protection
NMAC	New Mexico Administrative Code
NMED	New Mexico Environment Department
NYDEC	New York State Department of Environmental Control
OAC	Ohio Administrative Code
OAR	Oregon Administrative Rules
ODEQ	Oklahoma Department of Environmental Quality
ODEQ	Oregon Department of Environmental Quality
OEPA	Ohio Environmental Protection Agency
PDEP	Pennsylvania Department of Environmental Protection
RCRA	Resource Conservation Recovery Act
SDAR	South Dakota Administrative Rules
SDDENR	South Dakota Department of Environment and Natural Resources
TAC	Texas Administrative Code
TDEC	Tennessee Department of Environmental and Conservation
TNRCC	Texas Natural Resources Conservation Commission
UXO	Unexploded Ordnance
VAC	Virginia Administrative Code
VANR	Vermont Agency of Natural Resources
VDEQ	Virginia Department of Environmental Quality
WAC	Washington Administrative Code
WAC	Wisconsin Administrative Code
WDEC	Washington Department of Ecology
WMM	Waste Military Munitions

SECTION 1: BACKGROUND

1.1 MILITARY MUNITIONS RULE (MR)

On February 12, 1997, EPA promulgated the federal MR as a final rule (62 FR 6621). The MR became effective on August 12, 1997. The regulatory structure of the MR reflects the Environmental Protection Agency's (EPA's) recognition that military munitions are different from other forms of industrial waste. In promulgating the MR, EPA elected to place the regulations applicable to waste military munitions in a new Subpart M of 40 CFR §266 - Standards for the Management of Specific Hazardous Wastes and Specific Types of Hazardous Waste Management Facilities. This approach is consistent with other rulemakings where EPA regulated the activities of specific industries (e.g., the reclamation of spent lead-acid batteries) or the management of specific wastes (e.g., recyclable materials used in a manner constituting disposal), and allowed EPA to develop tailored regulations specifically addressing the management, transportation, and storage of waste military munitions (WMM).

The two most important provisions of the federal MR include addressing emergency responses to incidents involving munitions or explosives and the promulgation of a new RCRA unit standard for the storage of waste munitions or explosives

Other aspects of the federal MR address the management of all munitions and explosives, both military and non-military. The two most important provisions of the federal MR include emergency responses to incidents involving munitions or explosives and the promulgation of a new Resource Conservation and Recovery Act (RCRA) unit standard for the storage of waste munitions or explosives. Because of their wider applicability, these provisions are incorporated into the current RCRA regulations found at 40 CFR Parts 260–272.

After the promulgation of the MR, the Department of Defense (DoD) published *The DoD Policy to Implement the EPA's Military Munitions Rule*, which established consistent, DoD-wide policy for the management of WMM and interpreted the requirements of the federal MR.

1.2 AIR FORCE IMPACT

The federal MR has varying degrees of impact across Air Force operations. For example, the MR provisions establishing when used or fired munitions become solid waste adopted removing these items from the range as a trigger for RCRA compliance. This provision presents significant challenges for range managers. The MR affects Explosives Ordnance Disposal personnel in two ways: first by exempting them from many RCRA requirements during the conduct of an explosives or munitions emergency response, and second by establishing a RCRA-enforceable requirement to keep records of those responses.

The federal MR has varying degrees of impact across Air Force

The MR also has an impact on flight operations. If, during the course of training, a munition is fired or dropped off-range, the flight crew must realize and report that fact to the proper command authorities. The reason is simple: a munition fired or dropped off range becomes waste if a response to render it safe and/or retrieve it is not promptly undertaken.

The MR established clear standards for managing military munitions

There are a number of specific impacts to operations at Air Force installations. First, the MR establishes clear standards for when military munitions are not solid waste subject to management under RCRA. Prior to promulgation of the MR, EPA and the states often expressed inconsistent interpretations of when munitions became waste. With the MR, EPA clearly established that the use of munitions in training or testing is not a waste management activity. The MR also established that the recovery, collection, and destruction of munitions on-range during range clearance activities at active or inactive ranges, is not waste management. This latter provision is important because for safety reasons the Air Force routinely clears active ranges of unexploded ordnance (UXO). Because the MR also defines used or fired munitions (including UXO) as waste when removed from the range, planning and executing these activities must include actions to avoid inadvertent creation of a hazardous waste.

The federal MR established a clear point at which a munition becomes a solid, and probably a hazardous, waste

In the area of managing unused munitions, the federal MR again established a clear point at which a munition becomes a solid, and probably a hazardous, waste. As with defining when munitions are not waste, prior to promulgation of the MR, EPA and the states often expressed inconsistent interpretations of when unused munitions became waste. This provision has the greatest impact on ammunition management operations, as the munitions will most likely be in storage when they become classified as waste. Normally, the storage and transportation of hazardous waste is subject to extensive management standards under RCRA; however, because of DoD's explosive safety standards and excellent track record, EPA created a new "conditional exemption (CE)" for the management of waste munitions. Basically, under a CE an Air Force installation must comply with the DoD regulations for the management of all munitions. If they comply with these waste regulations then waste munitions do not need to be managed under the RCRA regulations. EPA took an important step in this area by recognizing DoD's explosive safety expertise, the Agency gave DoD a way to avoid unnecessary regulations, but retained the ability to direct better management if an installation fails to meet DoD's own regulations.

The MR has the greatest impact to the Air Force in the management of used or fired munitions

The area where the MR probably has the greatest impact to the Air Force is in the management of used or fired munitions. Because the use of munitions is essential to effective training, for the foreseeable future there will continue to be requirements to manage used or fired munitions. In the MR, EPA established a clear definition for when used or fired munitions become waste subject to management under RCRA. Air Force installations involved in these activities must carefully plan and execute the management of used or fired munitions to avoid unnecessarily triggering compliance requirements and to ensure that when triggered all requirements are met.

The MR may impact the Air Force in the management of closed ranges on active installations

The final area where the MR may impact the Air Force is in the management of closed ranges on active installations and the plans to transfer ranges from DoD control. In the proposed MR, EPA sought to have munitions on closed or transferred ranges declared waste subject to EPA or state regulatory agency directed cleanup. While EPA has not yet finalized this provision of the MR, the State of Washington adopted this provision as part of their “Dangerous Waste” regulations (the state analog to the federal RCRA regulations). Other states may follow suit, and EPA may also elect to finalize that element of the MR at a later date. If this occurs, great care must be taken in planning for the closure or transfer of a range.

In summary, the two most important points to understanding the impact of the MR on the Air Force are:

- ◆ Understanding that if a job requires involvement with munitions, it may involve the MR, and
- ◆ Understanding that MR compliance is not just an “environmental job” — it requires the combined effort and expertise of many different organizations.

SECTION 2: STATE MILITARY MUNITIONS REGULATIONS

This section provides an overview of the status of federal MR adoption in each state, the state's definition of solid and hazardous waste, and any issues that specifically impact the state. Following this overview is a table comparing the state MR with the federal MR on key provisions. Please note that these summaries and tables are intended to help project managers identify potential issues; they are not a definitive source on Air Force compliance with military munitions regulations. If you have any questions about the impact on your operation, contact your installation's legal counsel.

2.1 HOW TO USE THIS SECTION

The Air Force reviewed each state rule for incorporation of the federal MR or the existence of state-specific military munitions regulations. Each state chose to do one or more of the following:

- ◆ Adopted or incorporated the federal rule by reference
- ◆ Adopted the federal rule in its entirety by copying it word for word
- ◆ Incorporated the federal rule, but reworded it (or sections of it) without changing the meaning to be consistent with the state's preferred format or language
- ◆ Amended the federal rule and developed their own state-specific military munitions regulation that is either more stringent than, or equal to, the federal rule
- ◆ Neither adopted the federal rule nor developed their own rule as of March 2001

The comparison table for each state indicates the state reference to the federal rule. By using the terms adopted, reworded, or amended, you can determine what variance exists between the state and the federal rule. The table in the Appendix provides information on where to obtain the state rule for more in-depth review. Where state rules are available online, the URL has been included. And again, it is very important to remember that this is a living document, and will change as each state updates or revises their rules and regulations.

Table 2-1: State Military Munitions Rule vs. Federal MR Adoption

MILITARY MUNITIONS RULE	PAGE	FEDERAL ADOPTION	DEVELOPED STATE RULE	STATE LAW/ REGULATION
Alabama	7	Yes	Yes	ADEM 355-14-13, 355-14-6-31
Alaska	9	Yes	No	ADEC, Alaska Solid Waste Division, AAC Title 18, Chapter 62, Articles 1
Arizona	11	Yes	No	ADEQ AAR Title 18, Chapter 8, parts 260-266, and 270
Arkansas	13	Yes	No	APCEC, Hazardous Waste Division, Regulation 23
California	15	No	Proposed	Cal EPA, CCR Title 22, Div 4.5, Chap, 31, Article, 67100.2
Colorado	21	No	Yes	HMWMD 6 CCR, sections 1007-3, 262.20F, 267 Subpart M
Connecticut	25	Yes	Proposed	CDEP Title 22a, Chapter 445, Hazardous Waste
Delaware	29	Yes	Yes	DNREC, DR 122, 260.10, 261, 262, 266 Subpart M, 268
Florida	31	Yes	No	FLDEP Waste Management Division, Chapter 62-730
Georgia	33	Yes	No	Georgia Environmental Regulations, Chapter 391-3-11
Hawaii	35	Yes	No	HDEH, Hazardous Waste Program, Title 11, Chapters 260-266, and 270
Idaho	37	Yes	No	IDEQ, IDAC Chapter 58.01.05
Illinois	39	Yes	Yes	ILEPA, IAC, Title 35, Subtitle G: Waste Disposal
Indiana	43	Yes	Yes	IDEM, IAC, Title 329, Subpart 3.1
Iowa	47	Yes	No	IDNR, Waste Management Division, Title 567, Chapter 141.1-6, .8, and .14
Kansas	49	Yes	No	KDHE, Bureau of Waste Management, Chapter 28-31
Kentucky	51	No	Yes	KDEP, KAR Title 401, Rules 30-39
Louisiana	53	No	Yes	LDEQ, LAC Title 33 Part 5 Chapter 53
Maine	57	No	Yes	MDEP, BRWM Rules 850-857
Maryland	59	Yes	Yes	MDE, Division of Waste Management, Title 26, Subtitle 13, Chapters 1-7 and 10
Massachusetts	61	No	Yes	MDEP, Bureau of Waste Prevention, CMR Title 310 section 30.000
Michigan	63	No	Yes	MDEQ, MAR Part 111,R299.9817-299.9821
Minnesota	67	No	Yes	MPCA, MN state rules, Chapter 7045
Mississippi	69	Yes	No	MDEQ, Parts 260-266,and 270
Missouri	71	Yes	Yes	MDNR, Hazardous Waste Regulations Title 10, Chapter 3-7
Montana	75	Yes	Yes	MDEQ, ARM Title 17, Chapter 54 – Hazardous Waste
Nebraska	77	No	Yes	NDEQ, Title 128, Chapter 1-3, 6-13, and 14
Nevada	79	Yes	No	NDEP, Bureau of Waste Management, NAC Chapter 459
New Hampshire	81	No	Yes	New Hampshire, HWCS, Part Env-Wm Chapters 110, 211, 353, 400, 500, 600, 700, and 900
New Jersey	83	Yes	No	NJDEP, Division of Solid and Hazardous Waste, NJAC Section 7:26G-4.1-10.1, and 12.1
New Mexico	85	Yes	No	NMED, Solid and Hazardous Waste Bureau, Chapter 4, Part 1
New York	87	Yes	Yes	NYDEC, DSHM Title 6 Parts 371-374 and, 364
North Carolina	89	Yes	Yes	NCDENR 15A NCAC 13A Parts .0102, .0106, .0111, and .0113
North Dakota	91	No	Yes	North Dakota DOH, Division of Waste, NDCC Chapter 33-24-01 - 33-24-07
Ohio	93	No	Yes	OEPA, OAC Section 3745, Parts 50-54, 65, and 248
Oklahoma	95	Yes	No	ODEQ, Land Protection Division, Title 252, Chapter 205
Oregon	97	Yes	Yes	ODEQ, OAR Chapter 340, Division 100-105.
Pennsylvania	101	Yes	No	PDEP, Bureau of Land Recycling and Waste, Title 25, Part I, Subpart D, Article VII
Rhode Island	104	No	Yes	RIDEM, Division of Air & Hazardous Waste Rules, Sections 1.00 – 13.00
South Carolina	107	Yes	No	SCDHEC, Bureau of Land and Waste Management, Chapter 61
South Dakota	109	Yes	Yes	SDDENR, SDAR Article 74-28.
Tennessee	113	Yes	Yes	TDEC, Chapter 1200-1-11, Sections .01-.09
Texas	115	Yes	Yes	TNRCC, Chapter 335
Utah	119	No	Yes	Utah Hazardous Waste Rules 315-1 - 315-102
Vermont	121	No	Yes	VANR, Vermont Environmental Protection Rules, Subchapters 1-7
Virginia	123	Yes	No	VDEQ, Waste Management Division, VAC Title 9, Chapter 60
Washington	127	Yes	Yes	WDEC, Dangerous Waste Division, WAC Chapter 173-303,
Washington DC	131	Yes	No	DCDOH, Title 33, Subtitle E Chapter 41-46, and 54
West Virginia	135	Yes	No	WVDEP, Office of Waste Management, Title 33, Series 20
Wisconsin	137	No	Yes	WDNR, WAC Chapter NR 600-690
Wyoming	139	No	Yes	Wyoming Hazardous Waste Rules, Chapters 1, 2, 7, 10, 11

***NOTE:** Page numbers refer to comparison tables.

ALABAMA

GENERAL INFORMATION

The Land Division of the Hazardous Waste program for the Alabama Department of Environmental Management (ADEM) administers and enforces the State of Alabama's RCRA hazardous waste program. ADEM has adopted the federal MR by copying the federal regulations word for word, but has also developed a state MR.

Alabama's hazardous waste program regulations can be found in Chapter 335 - Hazardous Waste Regulations, Division 14 of the Code of Alabama under statutory authority 1975, § 22-30-11. These regulations were amended in 1988, 1989, 1995, 1996, 1997, 1998, 1999, and 2000.

DEFINITION OF A SOLID WASTE

Alabama has adopted the definition of a solid waste from the federal rule. The state reference to the definition can be found in Chapter 335-14-2-.01(2).

DEFINITION OF A HAZARDOUS WASTE

Alabama has adopted the definition of a hazardous waste from the federal rule. The state reference to the definition can be found in Chapter 335-14-2-.01(3).

STATE SPECIFIC ISSUES

Alabama has adopted the federal rule and copied it word for word. Therefore there are no state specific issues pertaining to WMM.

ALABAMA

Regulations 40 CFR 260-266 & 270	Adopted or Amended	State Reference	Major Differences
Part 260 - Hazardous Waste Management System: General <input checked="" type="checkbox"/> 260.1 Purpose, Scope, and Applicability <input checked="" type="checkbox"/> 260.10 Definitions	Adopted Adopted	335-14-1 335-14-1	None None
Part 261 - Identification and Listing of Hazardous Waste <input checked="" type="checkbox"/> 261.2 Definition of Solid Waste	Adopted	335-14-2-.01(2)	None
Part 262 - Standards Applicable to Generators of Hazardous Waste <input checked="" type="checkbox"/> 262.10 Purpose, Scope, and Applicability <input checked="" type="checkbox"/> 262.20 General Requirements	Adopted Adopted	335-14-3 335-14-3	None None
Part 263 - Standards Applicable to Transporters of Hazardous Waste <input checked="" type="checkbox"/> 263.10 Scope	Adopted	335-14-4	None
Part 264 - Standards for Owners and Operators of Hazardous Waste Treatment, Storage, and Disposal Facilities <input checked="" type="checkbox"/> 264.1 Purpose, Scope and Applicability <input checked="" type="checkbox"/> 264.70 Applicability Subpart EE—Hazardous Waste Munitions and Explosives Storage <input checked="" type="checkbox"/> 264.1200 Applicability <input checked="" type="checkbox"/> 264.1201 Design and Operating Standards <input checked="" type="checkbox"/> 264.1202 Closure and Post-Closure Care	Adopted Adopted Adopted Adopted Adopted Adopted	335-14-5 335-14-5 335-14-5 335-14-5 335-14-5 335-14-5	None None None None None None
Part 265 - Interim Status Standards for Owners and Operators of Hazardous Waste Treatment, Storage, and Disposal Facilities <input checked="" type="checkbox"/> 265.1 Purpose, Scope, and Applicability <input checked="" type="checkbox"/> 265.70 Applicability <input checked="" type="checkbox"/> Subpart EE—Hazardous Waste Munitions and Explosives Storage <input checked="" type="checkbox"/> 265.1200 Applicability <input checked="" type="checkbox"/> 265.1201 Design and Operating Standards <input checked="" type="checkbox"/> 265.1202 Closure and Post-Closure Care	Adopted Adopted Adopted Adopted Adopted Adopted	335-14-6 335-14-6 335-14-6 335-14-6 335-14-6 335-14-6	None None None None None None
Part 266 - Standards for the Management of Specific Hazardous Wastes and Specific Types of Hazardous Waste Management Facilities <input checked="" type="checkbox"/> Subpart M--Military Munitions <input checked="" type="checkbox"/> 266.200 Applicability <input checked="" type="checkbox"/> 266.201 Definitions <input checked="" type="checkbox"/> 266.202 Definition of Solid Waste <input checked="" type="checkbox"/> 266.203 Standards Applicable to the Transportation of Solid Waste Military Munitions <input checked="" type="checkbox"/> 266.204 Standards Applicable to Emergency Responses <input checked="" type="checkbox"/> 266.205 Standards Applicable to the Storage of Solid Waste Military Munitions <input checked="" type="checkbox"/> 266.206 Standards Applicable to the Treatment and Disposal of Waste Military Munitions	Adopted Adopted Adopted Adopted Adopted Adopted Adopted	335-14-7-.13 335-14-7-.13 335-14-7-.13 335-14-7-.13 335-14-7-.13 335-14-7-.13 335-14-7-.13	None None None None None None None
Part 270 - EPA Administered Permit Programs: The Hazardous Waste Permit Program <input checked="" type="checkbox"/> 270.1 Purpose and Scope of These Regulations <input checked="" type="checkbox"/> 270.2 Definitions <input checked="" type="checkbox"/> 270.42 Permit Modification At the Request of the Permittee	Adopted Adopted Adopted	335-14-8 335-14-8 335-14-8	None None None

ALASKA

GENERAL

Alaska has adopted the federal MR by reference, and has not developed any state specific military munitions regulations. The provisions of the MR are regulated under the hazardous waste program. The Waste Management Division of the Alaska Department of Environmental Conservation administers and enforces the state of Alaska's hazardous waste regulations.

Military munitions regulations for the state of Alaska are located within the state's hazardous waste regulations. They can be found in Title 18, Chapter 62, and Articles 1, 2, 3, 4, 5, 7 of the Alaska Administrative Code (AAC).

DEFINITION OF A SOLID WASTE

Alaska has adopted the definition of a solid waste from the federal rule. The state reference to the definition can be found in Title 18, Chapter 62, and Article 1 Section 20 of the AAC.

DEFINITION OF A HAZARDOUS WASTE

Alaska has adopted the definition of a hazardous waste from the federal rule. The state reference to the definition can be found in Title 18, Chapter 62, and Article 1 Section 20 of the AAC.

STATE SPECIFIC ISSUES

Alaska has adopted the federal MR, therefore there are no state specific issues pertaining to WMM.

ALASKA

Regulations 40 CFR 260-266 & 270	Adopted or Amended	State Reference	Major Differences
Part 260 - Hazardous Waste Management System: General <input checked="" type="checkbox"/> 260.1 Purpose, Scope, and Applicability <input checked="" type="checkbox"/> 260.10 Definitions	Adopted Adopted	Title 18-62.1.10 Title 18-62.1.10	None None
Part 261 - Identification and Listing of Hazardous Waste <input checked="" type="checkbox"/> 261.2 Definition of Solid Waste	Adopted	Title 18-62.1.20	None
Part 262 - Standards Applicable to Generators of Hazardous Waste <input checked="" type="checkbox"/> 262.10 Purpose, Scope, and Applicability <input checked="" type="checkbox"/> 262.20 General Requirements	Adopted Adopted	Title 18-62.2.200 Title 18-62.2.210	None None
Part 263 - Standards Applicable to Transporters of Hazardous Waste <input checked="" type="checkbox"/> 263.10 Scope	Adopted	Title 18-62.3.300	None
Part 264 - Standards for Owners and Operators of Hazardous Waste Treatment, Storage, and Disposal Facilities <input checked="" type="checkbox"/> 264.1 Purpose, Scope and Applicability <input checked="" type="checkbox"/> 264.70 Applicability Subpart EE—Hazardous Waste Munitions and Explosives Storage <input checked="" type="checkbox"/> 264.1200 Applicability <input checked="" type="checkbox"/> 264.1201 Design and Operating Standards <input checked="" type="checkbox"/> 264.1202 Closure and Post-Closure Care	Adopted Adopted Adopted Adopted Adopted Adopted	Title 18-62.4.400 Title 18-62.4.400 Title 18-62.4.400 Title 18-62.4.400 Title 18-62.4.400 Title 18-62.4.400	None None None None None None
Part 265 - Interim Status Standards for Owners and Operators of Hazardous Waste Treatment, Storage, and Disposal Facilities <input checked="" type="checkbox"/> 265.1 Purpose, Scope, and Applicability <input checked="" type="checkbox"/> 265.70 Applicability Subpart EE—Hazardous Waste Munitions and Explosives Storage <input checked="" type="checkbox"/> 265.1200 Applicability <input checked="" type="checkbox"/> 265.1201 Design and Operating Standards <input checked="" type="checkbox"/> 265.1202 Closure and Post-Closure Care	Adopted Adopted Adopted Adopted Adopted Adopted	Title 18-62.4.400 Title 18-62.4.400 Title 18-62.4.400 Title 18-62.4.400 Title 18-62.4.400 Title 18-62.4.400	None None None None None None
Part 266 - Standards for the Management of Specific Hazardous Wastes and Specific Types of Hazardous Waste Management Facilities <input checked="" type="checkbox"/> Subpart M--Military Munitions <input checked="" type="checkbox"/> 266.200 Applicability <input checked="" type="checkbox"/> 266.201 Definitions <input checked="" type="checkbox"/> 266.202 Definition of Solid Waste <input checked="" type="checkbox"/> 266.203 Standards Applicable to the Transportation of Solid Waste Military Munitions <input checked="" type="checkbox"/> 266.204 Standards Applicable to Emergency Responses <input checked="" type="checkbox"/> 266.205 Standards Applicable to the Storage of Solid Waste Military Munitions <input checked="" type="checkbox"/> 266.206 Standards Applicable to the Treatment and Disposal of Waste Military Munitions	Adopted Adopted Adopted Adopted Adopted Adopted Adopted	Title 18-62.5.511 Title 18-62.5.511 Title 18-62.5.511 Title 18-62.5.511 Title 18-62.5.511 Title 18-62.5.511 Title 18-62.5.511	None None None None None None None
Part 270 - EPA Administered Permit Programs: The Hazardous Waste Permit Program <input checked="" type="checkbox"/> 270.1 Purpose and Scope of These Regulations <input checked="" type="checkbox"/> 270.2 Definitions <input checked="" type="checkbox"/> 270.42 Permit Modification At the Request of the Permittee	Adopted Adopted Adopted	Title 18-62.7.700 Title 18-62.7.710 Title 18-62.7.700	None None None

ARIZONA

GENERAL

Arizona has adopted the federal MR by reference, and has not developed any state specific military munitions regulations. The provisions of the MR are regulated under the Hazardous Waste Section of the Waste Management Division, which is a division of the Arizona Department of Environmental Quality (ADEQ). The ADEQ is authorized to administer and enforce the Arizona hazardous waste program.

Military munitions regulations for the state of Arizona are located within the Arizona hazardous waste regulations. They can be found in Title 18, Chapter 8, and Parts 260-266, and 270 of the Arizona Administrative Register (AAR).

DEFINITION OF A SOLID WASTE

Arizona has adopted the definition of a solid waste from the federal rule. The state reference to the definition can be found in 18-8-261 of the AAR.

DEFINITION OF A HAZARDOUS WASTE

Arizona has adopted the definition of a hazardous waste from the federal rule. The state reference to the definition can be found in 18-8-261 of the AAR.

STATE SPECIFIC ISSUES

Arizona has adopted the federal MR, therefore there are no state specific issues pertaining to WMM.

ARIZONA

Regulations 40 CFR 260-266 & 270	Adopted or Amended	State Reference	Major Differences
Part 260 - Hazardous Waste Management System: General <input checked="" type="checkbox"/> 260.1 Purpose, Scope, and Applicability <input checked="" type="checkbox"/> 260.10 Definitions	Adopted Adopted	R18-8-260 R18-8-260	None None
Part 261 - Identification and Listing of Hazardous Waste <input checked="" type="checkbox"/> 261.2 Definition of Solid Waste	Adopted	R18-8-261	None
Part 262 - Standards Applicable to Generators of Hazardous Waste <input checked="" type="checkbox"/> 262.10 Purpose, Scope, and Applicability <input checked="" type="checkbox"/> 262.20 General Requirements	Adopted Adopted	R18-8-262 R18-8-262	None None
Part 263 - Standards Applicable to Transporters of Hazardous Waste <input checked="" type="checkbox"/> 263.10 Scope	Adopted	R18-8-263	None
Part 264 - Standards for Owners and Operators of Hazardous Waste Treatment, Storage, and Disposal Facilities <input checked="" type="checkbox"/> 264.1 Purpose, Scope and Applicability <input checked="" type="checkbox"/> 264.70 Applicability Subpart EE—Hazardous Waste Munitions and Explosives Storage <input checked="" type="checkbox"/> 264.1200 Applicability <input checked="" type="checkbox"/> 264.1201 Design and Operating Standards <input checked="" type="checkbox"/> 264.1202 Closure and Post-Closure Care	Adopted Adopted Adopted Adopted Adopted	R18-8-264 R18-8-264 R18-8-264 R18-8-264 R18-8-264	None None None None None
Part 265 - Interim Status Standards for Owners and Operators of Hazardous Waste Treatment, Storage, and Disposal Facilities <input checked="" type="checkbox"/> 265.1 Purpose, Scope, and Applicability <input checked="" type="checkbox"/> 265.70 Applicability Subpart EE—Hazardous Waste Munitions and Explosives Storage <input checked="" type="checkbox"/> 265.1200 Applicability <input checked="" type="checkbox"/> 265.1201 Design and Operating Standards <input checked="" type="checkbox"/> 265.1202 Closure and Post-Closure Care	Adopted Adopted Adopted Adopted Adopted	R18-8-265 R18-8-265 R18-8-265 R18-8-265 R18-8-265	None None None None None
Part 266 - Standards for the Management of Specific Hazardous Wastes and Specific Types of Hazardous Waste Management Facilities <input checked="" type="checkbox"/> Subpart M--Military Munitions <input checked="" type="checkbox"/> 266.200 Applicability <input checked="" type="checkbox"/> 266.201 Definitions <input checked="" type="checkbox"/> 266.202 Definition of Solid Waste <input checked="" type="checkbox"/> 266.203 Standards Applicable to the Transportation of Solid Waste Military Munitions <input checked="" type="checkbox"/> 266.204 Standards Applicable to Emergency Responses <input checked="" type="checkbox"/> 266.205 Standards Applicable to the Storage of Solid Waste Military Munitions <input checked="" type="checkbox"/> 266.206 Standards Applicable to the Treatment and Disposal of Waste Military Munitions	Adopted Adopted Adopted Adopted Adopted Adopted Adopted	R18-8-266 R18-8-266 R18-8-266 R18-8-266 R18-8-266 R18-8-266 R18-8-266	None None None None None None None
Part 270 - EPA Administered Permit Programs: The Hazardous Waste Permit Program <input checked="" type="checkbox"/> 270.1 Purpose and Scope of These Regulations <input checked="" type="checkbox"/> 270.2 Definitions <input checked="" type="checkbox"/> 270.42 Permit Modification At the Request of the Permittee	Adopted Adopted Adopted	R18-8-270 R18-8-270 R18-8-270	None None None

ARKANSAS

GENERAL

Arkansas has adopted the federal MR by copying it word for word into their state regulations. Arkansas has not developed any state-specific military munitions regulations. The provisions of the MR are regulated under the Hazardous Waste Division of the Arkansas Pollution Control and Ecology Commission (APC&EC). The Arkansas Department of Environmental Quality (ADEQ), in coordination with the APC&EC, maintains and administers the hazardous waste management regulations, which serves as the basic regulation for administration of the state's hazardous waste management program.

Military munitions regulations for the state of Arkansas are located within the APC&EC regulations, entitled Regulation 23 of the Hazardous Waste Division.

DEFINITION OF A SOLID WASTE

Arkansas adopted the definition of a solid waste from the federal rule. The state reference to the definition can be found in Regulation 23§ 261.2.

DEFINITION OF A HAZARDOUS WASTE

Arkansas adopted the definition of a hazardous waste from the federal rule. The state reference to the definition can be found in Regulation 23 §261.3.

STATE SPECIFIC ISSUES

Arkansas adopted the federal MR, therefore there are no state specific issues pertaining to WMM.

ARKANSAS

Regulations 40 CFR 260-266 & 270	Adopted or Amended	State Reference	Major Differences
Part 260 - Hazardous Waste Management System: General <input checked="" type="checkbox"/> 260.1 Purpose, Scope, and Applicability <input checked="" type="checkbox"/> 260.10 Definitions	Adopted Adopted	Reg. 23 § 260.1 Reg. 23 § 260.10	None None
Part 261 - Identification and Listing of Hazardous Waste <input checked="" type="checkbox"/> 261.2 Definition of Solid Waste	Adopted	Reg. 23 § 261.2	None
Part 262 - Standards Applicable to Generators of Hazardous Waste <input checked="" type="checkbox"/> 262.10 Purpose, Scope, and Applicability <input checked="" type="checkbox"/> 262.20 General Requirements	Adopted Adopted	Reg. 23 § 262.10 Reg. 23 § 262.20	None None
Part 263 - Standards Applicable to Transporters of Hazardous Waste <input checked="" type="checkbox"/> 263.10 Scope	Adopted	Reg. 23 § 263.10	None
Part 264 - Standards for Owners and Operators of Hazardous Waste Treatment, Storage, and Disposal Facilities <input checked="" type="checkbox"/> 264.1 Purpose, Scope and Applicability <input checked="" type="checkbox"/> 264.70 Applicability Subpart EE—Hazardous Waste Munitions and Explosives Storage <input checked="" type="checkbox"/> 264.1200 Applicability <input checked="" type="checkbox"/> 264.1201 Design and Operating Standards <input checked="" type="checkbox"/> 264.1202 Closure and Post-Closure Care	Adopted Adopted Adopted Adopted Adopted Adopted	Reg. 23 § 264.1 Reg. 23 § 264.70 Reg. 23 § 264.1200 Reg. 23 § 264.1201 Reg. 23 § 264.1202	None None None None None
Part 265 - Interim Status Standards for Owners and Operators of Hazardous Waste Treatment, Storage, and Disposal Facilities <input checked="" type="checkbox"/> 265.1 Purpose, Scope, and Applicability <input checked="" type="checkbox"/> 265.70 Applicability <input checked="" type="checkbox"/> Subpart EE—Hazardous Waste Munitions and Explosives Storage <input checked="" type="checkbox"/> 265.1200 Applicability <input checked="" type="checkbox"/> 265.1201 Design and Operating Standards <input checked="" type="checkbox"/> 265.1202 Closure and Post-Closure Care	Adopted Adopted Adopted Adopted Adopted Adopted	Reg. 23 § 265.1 Reg. 23 § 265.70 Reg. 23 Subpart EE Reg. 23 § 265.1200 Reg. 23 § 265.1201 Reg. 23 § 265.1202	None None None None None None
Part 266 - Standards for the Management of Specific Hazardous Wastes and Specific Types of Hazardous Waste Management Facilities <input checked="" type="checkbox"/> Subpart M--Military Munitions <input checked="" type="checkbox"/> 266.200 Applicability <input checked="" type="checkbox"/> 266.201 Definitions <input checked="" type="checkbox"/> 266.202 Definition of Solid Waste <input checked="" type="checkbox"/> 266.203 Standards Applicable to the Transportation of Solid Waste Military Munitions <input checked="" type="checkbox"/> 266.204 Standards Applicable to Emergency Responses <input checked="" type="checkbox"/> 266.205 Standards Applicable to the Storage of Solid Waste Military Munitions <input checked="" type="checkbox"/> 266.206 Standards Applicable to the Treatment and Disposal of Waste Military Munitions	Adopted Adopted Adopted Adopted Adopted Adopted Adopted	Reg. 23 Subpart M Reg. 23 § 266.200 Reg. 23 § 266.201 Reg. 23 § 266.202 Reg. 23 § 266.203 Reg. 23 § 266.204 Reg. 23 § 266.205 Reg. 23 § 266.206	None None None None None None None
Part 270 - EPA Administered Permit Programs: The Hazardous Waste Permit Program <input checked="" type="checkbox"/> 270.1 Purpose and Scope of These Regulations <input checked="" type="checkbox"/> 270.2 Definitions <input checked="" type="checkbox"/> 270.42 Permit Modification At the Request of the Permittee	Adopted Adopted Adopted	Reg. 23 § 270.1 Reg. 23 § 270.2 Reg. 23 § 270.42	None None None

CALIFORNIA

GENERAL

California has not adopted the federal MR, nor have they finalized any state-specific military munitions regulations. At present, California regulated military munitions through their current hazardous waste management rules. California's hazardous waste rules are located under Social Security Title 22, Division 4.5 of the California Code of Regulations, hazardous waste management system.

DEFINITION OF A SOLID WASTE

California has adopted the definition of a solid waste from the federal rule. The state reference to the definition can be found in Title 22, division 4.5, and Chapter 11.

DEFINITION OF A HAZARDOUS WASTE

California has adopted the definition of a hazardous waste from the federal rule. The state reference to the definition can be found in Title 22, division 4.5, and Chapter 11.

STATE SPECIFIC ISSUES

On March 15, 2001 the State of California released a draft of a proposal to adopt the regulations pursuant to the EPA Military Munitions Rule (draft regulation 97-20). These regulations change Title 22, California Code of Regulations, Division 4.5. - Environmental Health Standards for the Management of Hazardous Waste. It is important to note that these regulations have not yet been adopted.

California's proposal largely adopts the federal MR, however, there are some notable changes. First, the proposal defines a "non-military shooting range" as a designated place used for shooting

firearms for the purpose of firearms familiarization, firearms practice, firearms research and development, or firearms competition. A non-military shooting range can be outside or in an enclosed structure. A non-military shooting range does not include shooting ranges operated by the military, owned by the military, or operated by a contractor for the military. Second, the proposal places many addition requirements on explosives or munitions emergency responses, stating:

Except as specified in subparagraph (g)(8)(A)4.d. of this section, and to clarify what constitutes an immediate threat situation for the purposes of sections 66264.1, 66265.1 and 66270.1, an immediate threat to human health, public safety, property, or the environment, from the known or suspected presence of military munitions, other explosive material, or an explosive device, as determined by an explosive or munitions emergency response specialist as defined in section 66260.10.

- a. *An immediate threat situation shall be presumed to exist if:*
 1. *there is a known or suspected presence of military munitions, other explosive material, or an explosive device;*
 2. *there is a likelihood of human exposure; and*
 3. *there is a likelihood of detonation.*
- b. *In the case of an explosives or munitions immediate threat situation, if a Federal, State, Tribal or local official acting within the scope of his or her official responsibilities, or an explosives or munitions emergency response specialist, determines that immediate transport of the material or waste is necessary to protect human health or the environment, that official or specialist may authorize the transport of the material or waste by other than a registered hazardous waste transporter and without having to comply with hazardous waste manifest requirements. In the case of emergencies involving military munitions, the responding military emergency response specialist's organizational unit shall retain records for three years identifying the dates of the response, the responsible persons responding, the type and description of material addressed, and its disposition.*
- c. *In an immediate threat situation, the person responsible for the munitions or explosive materials shall, within 5 calendar days of the determination, do each of the following:*
 1. *Mail or otherwise distribute a notice to nearby residents, businesses, appropriate local agencies, and other interested parties, providing the name and address of the person*

responsible for the munitions or explosive materials, a brief description of the wastes involved, and a brief description of the action taken or to be taken and a brief explanation of why the situation was an emergency; and

2. Send to the Department a dated sample of the notice that was mailed to nearby residents, businesses and other interested parties, providing the information specified above, and a list of those to whom it was sent.

d. If it is determined that an immediate threat situation does not exist, and that an emergency permit or other authorization for management of the waste may be required, the person responsible for the munitions or explosive materials shall immediately notify the Department of the situation, and provide the information indicated below, prior to conducting any waste treatment activities. The Department shall review this information and make a case-by-case determination if an emergency permit or other form of authorization will be required to authorize the management of the munitions or explosive materials.

1. A description of the situation;
2. The contact person and telephone number;
3. A description of the waste, including how the waste was generated, and what makes each item in the inventory unstable such that an emergency permit for onsite management would be necessary;
4. Why it is an emergency situation that cannot be dealt with through the normal permitting process;
5. The general environmental setting;
6. A description of feasible alternatives, including the feasibility of treatment of the waste, both onsite and offsite, including but not limited to the use of the best demonstrated available technology for that waste;
7. A description of potential effects under each of the identified alternatives;
8. The geographic area of potential human health and public safety effects under each of the identified alternatives;
9. The geographic area of potential property and environmental effects under each of the identified alternatives;
10. Proposed mitigation measures for any effects;
11. A list of any other governmental agency permits that would be required for this particular situation;
12. A mailing or distribution list of all residents, businesses, appropriate local agencies, and other interested parties within the potentially affected areas identified in subparagraphs 8 and 9, above.

e. If an emergency permit pursuant to section 66270.61, or a permit pursuant to Health and Safety Code section 25200 will be required, the Department shall select and approve the waste management technology, and all actions will be conducted in compliance with section 66270.61.

These provisions, if adopted, place a much greater burden on military explosive ordnance disposal (EOD) teams. Third, the proposal modifies the provision found at 40 CFR 266.202(b)(3) to state:

The munition is deteriorated or damaged (e.g., the integrity of the munition is compromised by cracks, leaks, or other damage) to the point that it cannot be put into serviceable condition, and cannot reasonably be recycled or used for other purposes; or it has exceeded the shelf life specified for that munition pursuant to DoD Document 4140.27-M, Shelf-Life Management Manual, and the munition has not been inspected, tested, restored or re-designated into re-use account within the timeframe specified by DoD Document 4140.27-M;

If the management of munitions as waste must depend upon whether or not the munition has exceeded its shelf life, a much greater burden will be placed on Air Force munitions managers. The DoD will likely seek to have this provision modified.

Until the proposed rule is finalized in California, the state must follow the federal rule. In the MR, EPA classified various provisions as:

- ◆ *less stringent* than the existing federal rules (e.g., conditional exemption),
- ◆ *clarifications* of the existing federal rules (e.g., definitions of when munitions become wastes), and
- ◆ *more stringent* than the existing federal rules (e.g., record keeping by explosives or munitions emergency responders).

EPA also did not classify some provisions of the MR (e.g., Subpart EE). For the *less stringent* provisions of the MR and for the provisions

that EPA did not classify (especially Subpart EE), these provisions of the MR are not available under state law until a state formally adopts the provision. For example, the conditional exemption is not available at the state level until a state adopts its own regulations establishing the conditional exemption.

The MR provisions that EPA considered *equally stringent*, are available only provided that the state law is not *more stringent* than the federal standard. For provisions of the MR that are deemed *more stringent*, these rules are effective immediately at the federal level and states must adopt similar (or *more stringent*) requirement under state law.

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COLORADO

GENERAL

Colorado has only adopted the more stringent portions of the federal MR by reference. The provisions of the MR are regulated under the Hazardous Materials and Waste Management Division (HMWMD), which is a division of the Colorado Department of Public Health and Environment (CDPHE). CDPHE is authorized to administer and enforce the state of Colorado's RCRA hazardous waste program.

Military munitions regulations for the state of Colorado are located within the CDPHE waste regulations. Colorado's hazardous waste program regulations can be found in HMWMD Section 1007-100, 260-265, and 267.

DEFINITION OF A SOLID WASTE

Colorado has adopted the federal definition of a solid waste, but military munitions are not included as part of that definition. The state reference to the definition can be found in HMWMD 1007-261.2.

DEFINITION OF A HAZARDOUS WASTE

Colorado has adopted the federal definition of a hazardous waste, but military munitions are not included. The state reference to the definition can be found in HMWMD 1007-261.3.

STATE SPECIFIC ISSUES

Colorado has not adopted 40 CFR 264 Subpart EE Hazardous Waste Munitions and Explosives Storage, nor have they adopted 40 CFR Part 265, Subpart EE Hazardous Waste Munitions and Explosives Storage.

COLORADO

Regulations 40 CFR 260-266 & 270	Adopted or Amended	State Reference	Major Differences
Part 260 - Hazardous Waste Management System: General <input checked="" type="checkbox"/> 260.1 Purpose, Scope, and Applicability <input checked="" type="checkbox"/> 260.10 Definitions	Adopted Amended	1007-260.1 1007-260.10	None There is no definition for “explosives or munitions emergency, or explosives or munitions emergency response.”
Part 261 - Identification and Listing of Hazardous Waste <input checked="" type="checkbox"/> 261.2 Definition of Solid Waste	Amended	1007-261.2	Military munitions were not included.
Part 262 - Standards Applicable to Generators of Hazardous Waste <input checked="" type="checkbox"/> 262.10 Purpose, Scope, and Applicability <input checked="" type="checkbox"/> 262.20 General Requirements	Adopted Adopted	1007-262.20 1007-262.20	None None
Part 263 - Standards Applicable to Transporters of Hazardous Waste <input checked="" type="checkbox"/> 263.10 Scope	Adopted	1007-263.10	None
Part 264 - Standards for Owners and Operators of Hazardous Waste Treatment, Storage, and Disposal Facilities <input checked="" type="checkbox"/> 264.1 Purpose, Scope and Applicability <input checked="" type="checkbox"/> 264.70 Applicability <input type="checkbox"/> Subpart EE—Hazardous Waste Munitions and Explosives Storage <input type="checkbox"/> 264.1200 Applicability <input type="checkbox"/> 264.1201 Design and Operating Standards <input type="checkbox"/> 264.1202 Closure and Post-Closure Care	Amended Adopted Not Adopted Not Adopted Not Adopted Not Adopted	1007-264.1 1007-264.1	264.1 (g)(8)(I)(D) amended to: In case of emergencies involving military munitions the responding military emergency response specialists’ organizational unit must retain records for three years identifying the dates of the response, the responsible persons responding, the type and description of material addressed and its disposition. None No Reference No Reference No Reference No Reference
Part 265 - Interim Status Standards for Owners and Operators of Hazardous Waste Treatment, Storage, and Disposal Facilities <input checked="" type="checkbox"/> 265.1 Purpose, Scope, and Applicability <input checked="" type="checkbox"/> 265.70 Applicability <input type="checkbox"/> Subpart EE—Hazardous Waste Munitions and Explosives Storage <input type="checkbox"/> 264.1200 Applicability <input type="checkbox"/> 264.1201 Design and Operating Standards <input type="checkbox"/> 264.1202 Closure and Post-Closure Care	Amended Adopted Not Adopted Not Adopted Not Adopted Not Adopted	1007-265.1 1007-265.1	Same as 264.1 None No Reference No Reference No Reference No Reference
Part 266 - Standards for the Management of Specific Hazardous Wastes and Specific Types of Hazardous Waste and Specific Types of Hazardous Waste Management Facilities <input checked="" type="checkbox"/> Subpart M--Military Munitions <input checked="" type="checkbox"/> 266.200 Applicability <input checked="" type="checkbox"/> 266.201 Definitions <input checked="" type="checkbox"/> 266.202 Definition of Solid Waste <input type="checkbox"/> 266.203 Standards Applicable to the Transportation of Solid Waste Military Munitions <input type="checkbox"/> 266.204 Standards Applicable to Emergency Responses <input type="checkbox"/> 266.205 Standards Applicable to the Storage of Solid Waste Military Munitions <input type="checkbox"/> 266.206 Standards Applicable to the Treatment and Disposal of Waste Military Munitions	Reworded Reworded Adopted Adopted Reserved Reserved Reserved Reserved	1007-267.200 Subpart M 1007-267.200 1007-267.201 1007-267.202 1007-267.203 1007-267.204 1007-267.205 1007-267.206	None None None None This section reserved for future rule. This section reserved for future rule. This section reserved for future rule. This section reserved for future rule.

Regulations 40 CFR 260-266 & 270	Adopted or Amended	State Reference	Major Differences
Part 270 - EPA Administered Permit Programs: The Hazardous Waste Permit Program <input checked="" type="checkbox"/> 270.1 Purpose and Scope of These Regulations <input checked="" type="checkbox"/> 270.2 Definitions <input checked="" type="checkbox"/> 270.42 Permit Modification At the Request of the Permittee	 Reworded Reworded Reworded	 1007-100 1007-100 1007-100	 None None None

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CONNECTICUT

GENERAL

Connecticut has adopted the federal MR by reference, and has proposed state specific revisions to the hazardous waste management regulations. At present the provisions of the MR are regulated under the state's Bureau of Waste Management, which is a Division of the Connecticut Department of Environmental Protection (CDEP). The CDEP is authorized to administer and enforce Connecticut's hazardous waste regulations.

Military munitions regulations for the state of Connecticut are located within the state's hazardous waste program regulations. They can be found in Title 22a, 449 (c)-100-106, and 110.

DEFINITION OF A SOLID WASTE

Connecticut has adopted the definition of a solid waste from the federal rule. The state reference to the definition can be found in Title 22a, 449(c)-101.

DEFINITION OF A HAZARDOUS WASTE

Connecticut has adopted the definition of a hazardous waste from the federal rule. The state reference to the definition can be found in Title 22a, 449(c)-101.

STATE SPECIFIC ISSUES

Though Connecticut adopted the federal MR on October 31, 2001, in December 2001 proposed revisions containing state specific issues pertaining to WMM were released for public comment. The state of Connecticut released proposed revisions to the hazardous waste management regulations. These revisions were proposed both for clarification purposes, and to make the state's program more stringent than the federal program. It is important to note

that these proposed revisions have not yet been adopted.

Connecticut's proposal largely adopts the federal MR, however, there are several notable proposed changes. First, the proposal completely replaces 40 CFR 264.1200 Applicability of Subpart EE, standards for owners and operators of hazardous waste treatment, storage, and disposal facilities with the following:

The requirements of 40 CFR 264, subpart EE shall apply only to those munitions or explosive hazardous wastes that the commissioner deems it is infeasible or unsafe to store under any other provision of section 22a-449(c)-104 of the Regulations of Connecticut State Agencies, (i.e., cannot be stored in containers, tanks, containment building or units, other than a 40 CFR 264, subpart EE unit). The provisions of 40 CFR 264, subpart EE do not apply, however, to persons or activities specified in 40 CFR 264.1(g)(8)(i)(D), 40 CFR 264.1(g)(8)(iv) or 40 CFR 266.204 or 266.205.

The owner or operator of a facility seeking to store munitions or explosive hazardous wastes pursuant to 40 CFR 264, subpart EE shall submit to the commissioner a detailed explanation of why it is infeasible or unsafe to store the munitions or explosive hazardous waste under any other provision of section 22a-449(c)-104 of the Regulations of Connecticut State Agencies, (i.e., why the hazardous waste cannot be stored in containers, tanks, containment building or units, other than a 40 CFR 264, subpart EE unit). The commissioner will determine and specify those munitions or explosive hazardous wastes, if any, that can be stored pursuant to 40 CFR 264, subpart EE when issuing a permit pursuant to section 22a-449(c)-110 of the Regulations of Connecticut State Agencies, or when modifying any such permit."

The proposal also adds a financial requirement for closure, which would apply when the unit closure is being deferred. The following text section was added at the end of 40 CFR 264.1202(a):

The financial requirements for closure in 40 CFR 264, subpart H shall apply during any period when closure of the unit is being deferred.

The proposed revisions then consider the magazine or unit to a landfill, requiring the owner or operator to meet all the requirements

specific to landfills in 40 CFR 264, subparts G and H. The following text section was added at the end of 40 CFR 264.1202(b):

In addition, for the purposes of closure, post-closure, and financial responsibility, such a magazine or other unit regulated under 40 CFR 264, subpart EE, is then considered to be a landfill, and the owner or operator shall meet all of the requirements for landfills specified in 40 CFR 264, subparts G and H.

40 CFR 265.1200 Applicability, pertaining to interim status standards for owners and operators of hazardous waste treatment, storage, and disposal facilities, was also modified in the same way.

Connecticut proposed several revisions to 40 CFR 266. In particular, they proposed that the state not adopt the portion of the rule describing when used munitions are considered waste. They have proposed that munitions should always be considered waste without distinction of location. This proposal seems to negate the active/inactive range clearance exemption, which they are adopting.

Connecticut has proposed reporting and notification requirements for instances when there is a threat to an off-range property, or when waste military munitions are being shipped. They have also proposed not to adopt any portion of the conditional exemption, referring to it as management standards instead.

CONNECTICUT

Regulations 40 CFR 260-266 & 270	Adopted or Amended	State Reference	Major Differences
Part 260 - Hazardous Waste Management System: General <input checked="" type="checkbox"/> 260.1 Purpose, Scope, and Applicability <input checked="" type="checkbox"/> 260.10 Definitions	Adopted Adopted	22a-449(c)-100 22a-449(c)-100	None None
Part 261 - Identification and Listing of Hazardous Waste <input checked="" type="checkbox"/> 261.2 Definition of Solid Waste	Adopted	22a-449(c)-101	None
Part 262 - Standards Applicable to Generators of Hazardous Waste <input checked="" type="checkbox"/> 262.10 Purpose, Scope, and Applicability <input checked="" type="checkbox"/> 262.20 General Requirements	Adopted Adopted	22a-449(c)-102 22a-449(c)-102	None None
Part 263 - Standards Applicable to Transporters of Hazardous Waste <input checked="" type="checkbox"/> 263.10 Scope	Adopted	22a-449(c)-103	None
Part 264 - Standards for Owners and Operators of Hazardous Waste Treatment, Storage, and Disposal Facilities <input checked="" type="checkbox"/> 264.1 Purpose, Scope and Applicability <input checked="" type="checkbox"/> 264.70 Applicability Subpart EE—Hazardous Waste Munitions and Explosives Storage <input checked="" type="checkbox"/> 264.1200 Applicability <input checked="" type="checkbox"/> 264.1201 Design and Operating Standards <input checked="" type="checkbox"/> 264.1202 Closure and Post-Closure Care	Adopted Adopted Adopted Adopted Adopted	22a-449(c)-104 22a-449(c)-104 22a-449(c)-104 22a-449(c)-104 22a-449(c)-104	None None None None None
Part 265 - Interim Status Standards for Owners and Operators of Hazardous Waste Treatment, Storage, and Disposal Facilities <input checked="" type="checkbox"/> 265.1 Purpose, Scope, and Applicability <input checked="" type="checkbox"/> 265.70 Applicability Subpart EE—Hazardous Waste Munitions and Explosives Storage <input checked="" type="checkbox"/> 265.1200 Applicability <input checked="" type="checkbox"/> 265.1201 Design and Operating Standards <input checked="" type="checkbox"/> 265.1202 Closure and Post-Closure Care	Adopted Adopted Adopted Adopted Adopted	22a-449(c)-105 22a-449(c)-105 22a-449(c)-105 22a-449(c)-105 22a-449(c)-105	None None None None None
Part 266 - Standards for the Management of Specific Hazardous Wastes and Specific Types of Hazardous Waste Management Facilities <input checked="" type="checkbox"/> Subpart M--Military Munitions <input checked="" type="checkbox"/> 266.200 Applicability <input checked="" type="checkbox"/> 266.201 Definitions <input checked="" type="checkbox"/> 266.202 Definition of Solid Waste <input checked="" type="checkbox"/> 266.203 Standards Applicable to the Transportation of Solid Waste Military Munitions <input checked="" type="checkbox"/> 266.204 Standards Applicable to Emergency Responses <input checked="" type="checkbox"/> 266.205 Standards Applicable to the Storage of Solid Waste Military Munitions <input checked="" type="checkbox"/> 266.206 Standards Applicable to the Treatment and Disposal of Waste Military Munitions	Adopted Adopted Adopted Adopted Adopted Adopted Adopted	22a-449(c)-106 22a-449(c)-106 22a-449(c)-106 22a-449(c)-106 22a-449(c)-106 22a-449(c)-106 22a-449(c)-106	None None None None None None None
Part 270 - EPA Administered Permit Programs: The Hazardous Waste Permit Program <input checked="" type="checkbox"/> 270.1 Purpose and Scope of These Regulations <input checked="" type="checkbox"/> 270.2 Definitions <input checked="" type="checkbox"/> 270.42 Permit Modification At the Request of the Permittee	Adopted Adopted Adopted	22a-449(c)-110 22a-449(c)-110 22a-449(c)-110	None None None

DELAWARE

GENERAL

Delaware has adopted the federal MR by copying it word for word and inserting it into their state regulations. The provisions of the MR are regulated under the solid and Hazardous Waste Management Branch of the Delaware Department of Natural Resources and Environmental Control (DNREC). DNREC is authorized to administer and enforce the Delaware RCRA hazardous waste program.

Military munitions regulations for the state of Delaware can be found in Parts 122 and 260 – 266 in the Regulations Governing Hazardous Waste section. These rules were last amended in June 2000.

DEFINITION OF A SOLID WASTE

Delaware has adopted the definition of a solid waste from the federal rule. The state reference to the definition can be found in Section 261.2.

DEFINITION OF A HAZARDOUS WASTE

Delaware has adopted the definition of a hazardous waste from the federal rule. The state reference to the definition can be found in Section 261.3.

STATE SPECIFIC ISSUES

Delaware adopted the federal rule and copied it word for word. Therefore there are no state specific issues pertaining to WMM.

DELAWARE

Regulations 40 CFR 260-266 & 270	Adopted or Amended	State Reference	Major Differences
Part 260 - Hazardous Waste Management System: General <input checked="" type="checkbox"/> 260.1 Purpose, Scope, and Applicability <input checked="" type="checkbox"/> 260.10 Definitions	Adopted Adopted	260.1 260.2	None None
Part 261 - Identification and Listing of Hazardous Waste <input checked="" type="checkbox"/> 261.2 Definition of Solid Waste	Adopted	261.2	None
Part 262 - Standards Applicable to Generators of Hazardous Waste <input checked="" type="checkbox"/> 262.10 Purpose, Scope, and Applicability <input checked="" type="checkbox"/> 262.20 General Requirements	Adopted Adopted	262.10 262.20	None None
Part 263 - Standards Applicable to Transporters of Hazardous Waste <input checked="" type="checkbox"/> 263.10 Scope	Adopted	263.10	None
Part 264 - Standards for Owners and Operators of Hazardous Waste Treatment, Storage, and Disposal Facilities <input checked="" type="checkbox"/> 264.1 Purpose, Scope and Applicability <input checked="" type="checkbox"/> 264.70 Applicability Subpart EE—Hazardous Waste Munitions and Explosives Storage <input checked="" type="checkbox"/> 264.1200 Applicability <input checked="" type="checkbox"/> 264.1201 Design and Operating Standards <input checked="" type="checkbox"/> 264.1202 Closure and Post-Closure Care	Adopted Adopted Adopted Adopted Adopted Adopted	264.1 264.70 EE 264.1200 264.1201 264.1202	None None None None None None
Part 265 - Interim Status Standards for Owners and Operators of Hazardous Waste Treatment, Storage, and Disposal Facilities <input checked="" type="checkbox"/> 265.1 Purpose, Scope, and Applicability <input checked="" type="checkbox"/> 265.70 Applicability <input checked="" type="checkbox"/> Subpart EE—Hazardous Waste Munitions and Explosives Storage <input checked="" type="checkbox"/> 265.1200 Applicability <input checked="" type="checkbox"/> 265.1201 Design and Operating Standards <input checked="" type="checkbox"/> 265.1202 Closure and Post-Closure Care	Adopted Adopted Adopted Adopted Adopted Adopted	265.1 265.70 EE 265.1200 265.1201 265.1202	None None None None None None
Part 266 - Standards for the Management of Specific Hazardous Wastes and Specific Types of Hazardous Waste and Specific Types of Hazardous Waste Management Facilities <input checked="" type="checkbox"/> Subpart M--Military Munitions <input checked="" type="checkbox"/> 266.200 Applicability <input checked="" type="checkbox"/> 266.201 Definitions <input checked="" type="checkbox"/> 266.202 Definition of Solid Waste <input checked="" type="checkbox"/> 266.203 Standards Applicable to the Transportation of Solid Waste Military Munitions <input checked="" type="checkbox"/> 266.204 Standards Applicable to Emergency Responses <input checked="" type="checkbox"/> 266.205 Standards Applicable to the Storage of Solid Waste Military Munitions <input checked="" type="checkbox"/> 266.206 Standards Applicable to the Treatment and Disposal of Waste Military Munitions	Adopted Adopted Adopted Adopted Adopted Adopted Adopted	M 266.200 266.201 266.202 266.203 266.204 266.205 266.206	None None None None None None None
Part 270 - EPA Administered Permit Programs: The Hazardous Waste Permit Program <input checked="" type="checkbox"/> 270.1 Purpose and Scope of These Regulations <input checked="" type="checkbox"/> 270.2 Definitions <input checked="" type="checkbox"/> 270.42 Permit Modification At the Request of the Permittee	Adopted Adopted Adopted	122 122 122	None None None

FLORIDA

GENERAL

Florida has adopted the federal MR by reference, and has not developed any state-specific military munitions regulations. The provisions of the MR are regulated under the Division of Waste Management of the Florida Department of Environmental Protection (FDEP). The FDEP is authorized to administer and enforce the Florida RCRA hazardous waste program.

Military munitions for the state of Florida are located within the Florida hazardous waste program regulations. They can be found in Chapter 62-730 of the Hazardous Waste Rules.

DEFINITION OF A SOLID WASTE

Florida has adopted the definition of a solid waste from the federal rule. The state reference to the definition can be found in Chapter 62-730.030.

DEFINITION OF A HAZARDOUS WASTE

Florida has adopted the definition of a hazardous waste from the federal rule. The state reference to the definition can be found in Chapter 62-730.030.

STATE SPECIFIC ISSUES

Florida has adopted the federal MR, therefore there are no state specific issues pertaining to WMM.

FLORIDA

Regulations 40 CFR 260-266 & 270	Adopted or Amended	State Reference	Major Differences
Part 260 - Hazardous Waste Management System: General <input checked="" type="checkbox"/> 260.1 Purpose, Scope, and Applicability <input checked="" type="checkbox"/> 260.10 Definitions	Adopted Adopted	62-730.010 62-730.020	None None
Part 261 - Identification and Listing of Hazardous Waste <input checked="" type="checkbox"/> 261.2 Definition of Solid Waste	Adopted	62-730.030	None
Part 262 - Standards Applicable to Generators of Hazardous Waste <input checked="" type="checkbox"/> 262.10 Purpose, Scope, and Applicability <input checked="" type="checkbox"/> 262.20 General Requirements	Adopted Adopted	62-730.160 62-730.160	None None
Part 263 - Standards Applicable to Transporters of Hazardous Waste <input checked="" type="checkbox"/> 263.10 Scope	Adopted	62-730.170	None
Part 264 - Standards for Owners and Operators of Hazardous Waste Treatment, Storage, and Disposal Facilities <input checked="" type="checkbox"/> 264.1 Purpose, Scope and Applicability <input checked="" type="checkbox"/> 264.70 Applicability Subpart EE—Hazardous Waste Munitions and Explosives Storage <input checked="" type="checkbox"/> 264.1200 Applicability <input checked="" type="checkbox"/> 264.1201 Design and Operating Standards <input checked="" type="checkbox"/> 264.1202 Closure and Post-Closure Care	Adopted Adopted Adopted Adopted Adopted Adopted	62-730.R180 62-730.R180 62-730.R180 62-730.R180 62-730.R180 62-730.R180	None None None None None None
Part 265 - Interim Status Standards for Owners and Operators of Hazardous Waste Treatment, Storage, and Disposal Facilities <input checked="" type="checkbox"/> 265.1 Purpose, Scope, and Applicability <input checked="" type="checkbox"/> 265.70 Applicability <input checked="" type="checkbox"/> Subpart EE—Hazardous Waste Munitions and Explosives Storage <input checked="" type="checkbox"/> 265.1200 Applicability <input checked="" type="checkbox"/> 265.1201 Design and Operating Standards <input checked="" type="checkbox"/> 265.1202 Closure and Post-Closure Care	Adopted Adopted Adopted Adopted Adopted Adopted	62-730.R180 62-730.R180 62-730.R180 62-730.R180 62-730.R180 62-730.R180	None None None None None None
Part 266 - Standards for the Management of Specific Hazardous Wastes and Specific Types of Hazardous Waste Management Facilities <input checked="" type="checkbox"/> Subpart M--Military Munitions <input checked="" type="checkbox"/> 266.200 Applicability <input checked="" type="checkbox"/> 266.201 Definitions <input checked="" type="checkbox"/> 266.202 Definition of Solid Waste <input checked="" type="checkbox"/> 266.203 Standards Applicable to the Transportation of Solid Waste Military Munitions <input checked="" type="checkbox"/> 266.204 Standards Applicable to Emergency Responses <input checked="" type="checkbox"/> 266.205 Standards Applicable to the Storage of Solid Waste Military Munitions <input checked="" type="checkbox"/> 266.206 Standards Applicable to the Treatment and Disposal of Waste Military Munitions	Adopted Adopted Adopted Adopted Adopted Adopted Adopted	62-730.R181 62-730.R181 62-730.R181 62-730.R181 62-730.R181 62-730.R181 62-730.R181	None None None None None None None
Part 270 - EPA Administered Permit Programs: the Hazardous Waste Permit Program <input checked="" type="checkbox"/> 270.1 Purpose and Scope of These Regulations <input checked="" type="checkbox"/> 270.2 Definitions <input checked="" type="checkbox"/> 270.42 Permit Modification At the Request of the Permittee	Adopted Adopted Adopted	62-730.220 62-730.220 62-730.220	None None None

GEORGIA

GENERAL

Georgia has adopted the federal MR by incorporating the federal rule by reference. They have not developed any state-specific military munitions regulations. The provisions of the MR are regulated under the Environmental Protection Division (EPD) of the Georgia Department of Natural Resources (GDNR). The GDNR has the authority to administer and enforce the Georgia RCRA hazardous waste program.

Military munitions regulations for the state of Georgia are located within the state's hazardous waste program regulations. They can be found in Chapter 391-3-11 in the Rules of GDNR, EPD under Hazardous Waste Management.

DEFINITION OF A SOLID WASTE

Georgia has adopted the definition of a solid waste from the federal rule. The state reference to the definition can be found in Chapter 391-3-11-.07.

DEFINITION OF A HAZARDOUS WASTE

Georgia has adopted the definition of a hazardous waste from the federal rule. The state reference to the definition can be found in Chapter 391-3-11-.07.

STATE SPECIFIC ISSUES

Georgia has adopted the federal rule and incorporated it by reference into their state regulations. Therefore, there are no state specific issues pertaining to WMM.

GEORGIA

Regulations 40 CFR 260-266 & 270	Adopted or Amended	State Reference	Major Differences
Part 260 - Hazardous Waste Management System: General <input checked="" type="checkbox"/> 260.1 Purpose, Scope, and Applicability <input checked="" type="checkbox"/> 260.10 Definitions	Adopted Adopted	391-3-11-.02 391-3-11-.02	None None
Part 261 - Identification and Listing of Hazardous Waste <input checked="" type="checkbox"/> 261.2 Definition of Solid Waste	Adopted	391-3-11-.07	None
Part 262 - Standards Applicable to Generators of Hazardous Waste <input checked="" type="checkbox"/> 262.10 Purpose, Scope, and Applicability <input checked="" type="checkbox"/> 262.20 General Requirements	Adopted Adopted	391-3-11-.08	None None
Part 263 - Standards Applicable to Transporters of Hazardous Waste <input checked="" type="checkbox"/> 263.10 Scope	Adopted	391-3-11-.09	None
Part 264 - Standards for Owners and Operators of Hazardous Waste Treatment, Storage, and Disposal Facilities <input checked="" type="checkbox"/> 264.1 Purpose, Scope and Applicability <input checked="" type="checkbox"/> 264.70 Applicability Subpart EE—Hazardous Waste Munitions and Explosives Storage <input checked="" type="checkbox"/> 264.1200 Applicability <input checked="" type="checkbox"/> 264.1201 Design and Operating Standards <input checked="" type="checkbox"/> 264.1202 Closure and Post-Closure Care	Adopted Adopted Adopted Adopted Adopted Adopted	391-3-11-.10 (2) 391-3-11-.10 (2) 391-3-11-.10 (2) 391-3-11-.10 (2) 391-3-11-.10 (2) 391-3-11-.10 (2)	None None None None None None
Part 265 - Interim Status Standards for Owners and Operators of Hazardous Waste Treatment, Storage, and Disposal Facilities <input checked="" type="checkbox"/> 265.1 Purpose, Scope, and Applicability <input checked="" type="checkbox"/> 265.70 Applicability Subpart EE—Hazardous Waste Munitions and Explosives Storage <input checked="" type="checkbox"/> 265.1200 Applicability <input checked="" type="checkbox"/> 265.1201 Design and Operating Standards <input checked="" type="checkbox"/> 265.1202 Closure and Post-Closure Care	Adopted Adopted Adopted Adopted Adopted Adopted	391-3-11-.10 (1) 391-3-11-.10 (1) 391-3-11-.10 (1) 391-3-11-.10 (1) 391-3-11-.10 (1) 391-3-11-.10 (1)	None None None None None None
Part 266 - Standards for the Management of Specific Hazardous Wastes and Specific Types of Hazardous Waste Management Facilities <input checked="" type="checkbox"/> Subpart M--Military Munitions <input checked="" type="checkbox"/> 266.200 Applicability <input checked="" type="checkbox"/> 266.201 Definitions <input checked="" type="checkbox"/> 266.202 Definition of Solid Waste <input checked="" type="checkbox"/> 266.203 Standards Applicable to the Transportation of Solid Waste Military Munitions <input checked="" type="checkbox"/> 266.204 Standards Applicable to Emergency Responses <input checked="" type="checkbox"/> 266.205 Standards Applicable to the Storage of Solid Waste Military Munitions <input checked="" type="checkbox"/> 266.206 Standards Applicable to the Treatment and Disposal of Waste Military Munitions	Adopted Adopted Adopted Adopted Adopted Adopted Adopted	391-3-11-.10 (3) 391-3-11-.10 (3) 391-3-11-.10 (3) 391-3-11-.10 (3) 391-3-11-.10 (3) 391-3-11-.10 (3) 391-3-11-.10 (3)	None None None None None None None
Part 270 - EPA Administered Permit Programs: The Hazardous Waste Permit Program <input checked="" type="checkbox"/> 270.1 Purpose and Scope of These Regulations <input checked="" type="checkbox"/> 270.2 Definitions <input checked="" type="checkbox"/> 270.42 Permit Modification At the Request of the Permittee	Adopted Adopted Adopted	391-3-11-.11 (a) 391-3-11-.11 (12) 391-3-11-.11 (7)(a)	None None None

HAWAII

GENERAL

Hawaii has adopted the federal MR by copying the federal rule word for word into their state regulations. The provisions of the MR are regulated under the Solid and Hazardous Waste Branch of the Hawaii Department of Health. EPA administers and enforces Hawaii's hazardous waste rules.

Hawaii's hazardous waste program regulations can be found in Title 11, Chapters 260, 261, 262, 263, 264, 265, 266, and 270 of the Hawaii Administrative Code (HAC).

DEFINITION OF A SOLID WASTE

Hawaii has adopted the definition of a solid waste from the federal rule. The state reference to the definition can be found in Title 11, Chapter 261.2 of the HAC.

DEFINITION OF A HAZARDOUS WASTE

Hawaii has adopted the definition of a hazardous waste from the federal rule. The state reference to the definition can be found in Title 11, Chapter 261.3 of the HAC.

STATE SPECIFIC ISSUES

Hawaii has adopted the federal MR, therefore there are no state specific issues pertaining to WMM.

HAWAII

Regulations 40 CFR 260-266 & 270	Adopted or Amended	State Reference	Major Differences
Part 260 - Hazardous Waste Management System: General <input checked="" type="checkbox"/> 260.1 Purpose, Scope, and Applicability <input checked="" type="checkbox"/> 260.10 Definitions	Adopted Adopted	Title 11, Chapter 260.1 Title 11, Chapter 260.10	None None
Part 261 - Identification and Listing of Hazardous Waste <input checked="" type="checkbox"/> 261.2 Definition of Solid Waste	Adopted	Title 11, Chapter 261.2	None
Part 262 - Standards Applicable to Generators of Hazardous Waste <input checked="" type="checkbox"/> 262.10 Purpose, Scope, and Applicability <input checked="" type="checkbox"/> 262.20 General Requirements	Adopted Adopted	Title 11, Chapter 262.10 Title 11, Chapter 262.20	None None
Part 263 - Standards Applicable to Transporters of Hazardous Waste <input checked="" type="checkbox"/> 263.10 Scope	Adopted	Title 11, Chapter 263.10	None
Part 264 - Standards for Owners and Operators of Hazardous Waste Treatment, Storage, and Disposal Facilities <input checked="" type="checkbox"/> 264.1 Purpose, Scope and Applicability <input checked="" type="checkbox"/> 264.70 Applicability Subpart EE—Hazardous Waste Munitions and Explosives Storage <input checked="" type="checkbox"/> 264.1200 Applicability <input checked="" type="checkbox"/> 264.1201 Design and Operating Standards <input checked="" type="checkbox"/> 264.1202 Closure and Post-Closure Care	Adopted Adopted Adopted Adopted Adopted Adopted	Title 11, Chapter 264.1 Title 11, Chapter 264.70 Subpart EE Title 11, Chapter 264.1200 Title 11, Chapter 264.1201 Title 11, Chapter 264.1202	None None None None None None
Part 265 - Interim Status Standards for Owners and Operators of Hazardous Waste Treatment, Storage, and Disposal Facilities <input checked="" type="checkbox"/> 265.1 Purpose, Scope, and Applicability <input checked="" type="checkbox"/> 265.70 Applicability Subpart EE—Hazardous Waste Munitions and Explosives Storage <input checked="" type="checkbox"/> 265.1200 Applicability <input checked="" type="checkbox"/> 265.1201 Design and Operating Standards <input checked="" type="checkbox"/> 265.1202 Closure and Post-Closure Care	Adopted Adopted Adopted Adopted Adopted Adopted	Title 11, Chapter 265.1 Title 11, Chapter 265.70 Subpart EE Title 11, Chapter 265.1200 Title 11, Chapter 265.1201 Title 11, Chapter 265.1202	None None None None None None
Part 266 - Standards for the Management of Specific Hazardous Wastes and Specific Types of Hazardous Waste Management Facilities <input checked="" type="checkbox"/> Subpart M--Military Munitions <input checked="" type="checkbox"/> 266.200 Applicability <input checked="" type="checkbox"/> 266.201 Definitions <input checked="" type="checkbox"/> 266.202 Definition of Solid Waste <input checked="" type="checkbox"/> 266.203 Standards Applicable to the Transportation of Solid Waste Military Munitions <input checked="" type="checkbox"/> 266.204 Standards Applicable to Emergency Responses <input checked="" type="checkbox"/> 266.205 Standards Applicable to the Storage of Solid Waste Military Munitions <input checked="" type="checkbox"/> 266.206 Standards Applicable to the Treatment and Disposal of Waste Military Munitions	Adopted Adopted Adopted Adopted Adopted Adopted Adopted	Subpart M Title 11, Chapter 266.200 Title 11, Chapter 266.201 Title 11, Chapter 266.202 Title 11, Chapter 266.203 Title 11, Chapter 266.204 Title 11, Chapter 266.205 Title 11, Chapter 266.206	None None None None None None None
Part 270 - EPA Administered Permit Programs: The Hazardous Waste Permit Program <input checked="" type="checkbox"/> 270.1 Purpose and Scope of These Regulations <input checked="" type="checkbox"/> 270.2 Definitions <input checked="" type="checkbox"/> 270.42 Permit Modification At the Request of the Permittee	Adopted Adopted Adopted	Title 11, Chapter 270.1 Title 11, Chapter 270.2 Title 11, Chapter 270.42	None None None

IDAHO

GENERAL

Idaho has adopted the federal MR by copying the federal regulations word for word into their state regulations. Idaho has not developed any state-specific military munitions regulations. The Division of Hazardous Waste of the Idaho Department of Environmental Quality (IDEQ) is authorized to administer and enforce the Idaho RCRA hazardous waste program.

Military munitions regulations for the State of Idaho are located within the states' hazardous waste program regulations. They can be found in Chapter 58.01.05 of the Idaho Administrative Code (IDAC).

DEFINITION OF A SOLID WASTE

Idaho has adopted the definition of a solid waste from the federal rule. The state reference to the definition can be found in Chapter 58.01.05.005 of the IDAC.

DEFINITION OF A HAZARDOUS WASTE

Idaho has adopted the definition of a hazardous waste from the federal rule. The state reference to the definition can be found in Chapter 58.01.05.005 of the IDAC.

STATE SPECIFIC ISSUES

Idaho has adopted the federal MR, therefore there are no state specific issues pertaining to WMM.

IDAHO

Regulations 40 CFR 260-266 & 270	Adopted or Amended	State Reference	Major Differences
Part 260 - Hazardous Waste Management System: General <input checked="" type="checkbox"/> 260.1 Purpose, Scope, and Applicability <input checked="" type="checkbox"/> 260.10 Definitions	Adopted Adopted	58.01.05.004 58.01.05.004	None None
Part 261 - Identification and Listing of Hazardous Waste <input checked="" type="checkbox"/> 261.2 Definition of Solid Waste	Adopted	58.01.05.005	None
Part 262 - Standards Applicable to Generators of Hazardous Waste <input checked="" type="checkbox"/> 262.10 Purpose, Scope, and Applicability <input checked="" type="checkbox"/> 262.20 General Requirements	Adopted Adopted	58.01.05.006 58.01.05.006	None None
Part 263 - Standards Applicable to Transporters of Hazardous Waste <input checked="" type="checkbox"/> 263.10 Scope	Adopted	58.01.05.007	None
Part 264 - Standards for Owners and Operators of Hazardous Waste Treatment, Storage, and Disposal Facilities <input checked="" type="checkbox"/> 264.1 Purpose, Scope and Applicability <input checked="" type="checkbox"/> 264.70 Applicability Subpart EE—Hazardous Waste Munitions and Explosives Storage <input checked="" type="checkbox"/> 264.1200 Applicability <input checked="" type="checkbox"/> 264.1201 Design and Operating Standards <input checked="" type="checkbox"/> 264.1202 Closure and Post-Closure Care	Adopted Adopted Adopted Adopted Adopted Adopted	58.01.05.008 58.01.05.008 58.01.05.008 58.01.05.008 58.01.05.008 58.01.05.008	None None None None None None
Part 265 - Interim Status Standards for Owners and Operators of Hazardous Waste Treatment, Storage, and Disposal Facilities <input checked="" type="checkbox"/> 265.1 Purpose, Scope, and Applicability <input checked="" type="checkbox"/> 265.70 Applicability Subpart EE—Hazardous Waste Munitions and Explosives Storage <input checked="" type="checkbox"/> 265.1200 Applicability <input checked="" type="checkbox"/> 265.1201 Design and Operating Standards <input checked="" type="checkbox"/> 265.1202 Closure and Post-Closure Care	Adopted Adopted Adopted Adopted Adopted Adopted	58.01.05.009 58.01.05.009 58.01.05.009 58.01.05.009 58.01.05.009 58.01.05.009	None None None None None None
Part 266 - Standards for the Management of Specific Hazardous Wastes and Specific Types of Hazardous Waste Management Facilities <input checked="" type="checkbox"/> Subpart M--Military Munitions <input checked="" type="checkbox"/> 266.200 Applicability <input checked="" type="checkbox"/> 266.201 Definitions <input checked="" type="checkbox"/> 266.202 Definition of Solid Waste <input checked="" type="checkbox"/> 266.203 Standards Applicable to the Transportation of Solid Waste Military Munitions <input checked="" type="checkbox"/> 266.204 Standards Applicable to Emergency Responses <input checked="" type="checkbox"/> 266.205 Standards Applicable to the Storage of Solid Waste Military Munitions <input checked="" type="checkbox"/> 266.206 Standards Applicable to the Treatment and Disposal of Waste Military Munitions	Adopted Adopted Adopted Adopted Adopted Adopted Adopted Adopted	58.01.05.010 58.01.05.010 58.01.05.010 58.01.05.010 58.01.05.010 58.01.05.010 58.01.05.010 58.01.05.010	None None None None None None None None
Part 270 - EPA Administered Permit Programs: the Hazardous Waste Permit Program <input checked="" type="checkbox"/> 270.1 Purpose and Scope of These Regulations <input checked="" type="checkbox"/> 270.2 Definitions <input checked="" type="checkbox"/> 270.42 Permit Modification At the Request of the Permittee	Adopted Adopted Adopted	58.01.05.012 58.01.05.012 58.01.05.012	None None None

ILLINOIS

GENERAL

Illinois has adopted portions of the federal MR by copying the federal regulations word for word, while other portions of the federal rule have been amended by being reworded or completely rewritten. The provisions of the MR are regulated under the Waste Disposal Division of the Illinois Environmental Protection Agency (ILEPA). The ILEPA has the authority to administer and enforce the state's waste disposal program.

Military munitions regulations for the state of Illinois are located within the state's waste disposal program regulations. They can be found in Title 35: Environmental Protection, Subtitle G: Waste Disposal.

DEFINITION OF A SOLID WASTE

Illinois has adopted the definition of a solid waste from the federal rule. The state reference can be found in Title 35.721.10(a)(2)(D).

DEFINITION OF A HAZARDOUS WASTE

Illinois has adopted the definition of a hazardous waste from the federal rule. The state reference can be found in Title 35.721.10(a)(2)(D).

STATE SPECIFIC ISSUES

Illinois has not included tribal entities as parties with the authority to determine the immediate removal of waste material for the protection of human health and the environment (Title 35.724.101, Subpart A(g)(8)(A)).

Illinois added a provision in the administrative code that prohibits incorporation of later amendments and editions by reference. For

this reason, interested members of the regulated community will need to notify the Board of any amendments of these references before those amendments can become effective under Illinois law. This provision precludes incorporation of the Department of Defense Explosives Safety Board military munitions transportation amendments in the IAC. This prohibition is referenced in Section 5-75 of the Illinois Administrative Procedure Act [5 ILCS100/5-75].

ILLINOIS

Regulations 40 CFR 260-266 & 270	Adopted or Amended	State Reference	Major Differences
Part 260 - Hazardous Waste Management System: General <input checked="" type="checkbox"/> 260.1 Purpose, Scope, and Applicability <input checked="" type="checkbox"/> 260.10 Definitions	Adopted Adopted	35.720.101, subpart B* 35.720.110.B	None None
Part 261 - Identification and Listing of Hazardous Waste <input checked="" type="checkbox"/> 261.2 Definition of Solid Waste	Adopted	35-721.101(a)(2)(D)	Also see Title 35.726.302
Part 262 - Standards Applicable to Generators of Hazardous Waste <input checked="" type="checkbox"/> 262.10 Purpose, Scope, and Applicability <input checked="" type="checkbox"/> 262.20 General Requirements	Adopted Adopted	35.722.110(i)* 35.722.120(f)*	None None
Part 263 - Standards Applicable to Transporters of Hazardous Waste <input checked="" type="checkbox"/> 263.10 Scope	Adopted	35.721.110*	None
Part 264 - Standards for Owners and Operators of Hazardous Waste Treatment, Storage, and Disposal Facilities <input checked="" type="checkbox"/> 264.1 Purpose, Scope and Applicability <input checked="" type="checkbox"/> 264.70 Applicability Subpart EE—Hazardous Waste Munitions and Explosives Storage <input checked="" type="checkbox"/> 264.1200 Applicability <input checked="" type="checkbox"/> 264.1201 Design and Operating Standards <input checked="" type="checkbox"/> 264.1202 Closure and Post-Closure Care	Amended Adopted Adopted Adopted Adopted Adopted	35.724.101(g)(8) 35.724.170* 35.724.1200.EE* 35.724.1200 35.724.1201 35.724.1202	The "Tribal" entity has been omitted as a possible person able to determine the immediate removal of material. None None None None None
Part 265 - Interim Status Standards for Owners and Operators of Hazardous Waste Treatment, Storage, and Disposal Facilities <input checked="" type="checkbox"/> 265.1 Purpose, Scope, and Applicability <input checked="" type="checkbox"/> 265.70 Applicability <input checked="" type="checkbox"/> Subpart EE—Hazardous Waste Munitions and Explosives Storage <input checked="" type="checkbox"/> 265.1200 Applicability <input checked="" type="checkbox"/> 265.1201 Design and Operating Standards <input checked="" type="checkbox"/> 265.1202 Closure and Post-Closure Care	Amended Adopted Adopted Reworded Reworded Reworded	35.725.101(c)(ii)(A)(iv) 35.725.101(c)(ii)(A)(iv) 35.725.101(c)(ii)(A)(iv)	The "Tribal" entity has been omitted as a possible person able to determine the immediate removal of material. None None The federal rule has been paraphrased and reworded without losing the intent The federal rule has been paraphrased and reworded without losing the intent. The federal rule has been paraphrased and reworded without losing the intent.
Part 266 - Standards for the Management of Specific Hazardous Wastes and Specific Types of Hazardous Waste and Specific Types of Hazardous Waste Management Facilities <input checked="" type="checkbox"/> Subpart M--Military Munitions <input checked="" type="checkbox"/> 266.200 Applicability <input checked="" type="checkbox"/> 266.201 Definitions <input checked="" type="checkbox"/> 266.202 Definition of Solid Waste	Adopted Adopted Adopted Adopted	Subpart M 35.726.300* 35.726.301* 35.726.302*	None None None None

Regulations 40 CFR 260-266 & 270	Adopted or Amended	State Reference	Major Differences
<input checked="" type="checkbox"/> 266.203 Standards Applicable to the Transportation of Solid Waste Military Munitions	Amended	35.726.303	In 726.303(b)(1), the transporter must file with the "Agency" and not the "Director"; The state rule divided 40 266.203(b) into 4 different sections. In section (2) the "Director" is again called the "Agency" in the state rule; Illinois regulations state that if the Agency finds reinstatement appropriate, the Agency shall grant it. The agency's decision to reinstate the conditional exemption (CE) shall be based on: the nature of the risks to human health & the environment posed by the waste. IL EPA added that if the Agency denies an application it shall transmit to the applicant specific, detailed statements in writing as to the reasons it denied the application. In reinstating the CE under subsection (a)(1) of this section. The "Agency" may terminate a CE...in writing based on the factors found in (b)(2) which are slightly different than the federal factors. If the Agency terminates a reinstated exemption it shall transmit to the applicant specific, detailed statements in writing as the reason it terminated the reinstated exemption. The applicant under this subsection (b) may appeal the Agency's determination to deny the reinstatement, to grant the reinstatement with conditions, or to terminate a reinstatement before the Board pursuant to Section 40 of the Act [415 ILCS 5/40]
<input checked="" type="checkbox"/> 266.204 Standards Applicable to Emergency Responses	Adopted	35.726.304	The word "Director" is substituted with the word "Agency"; same changes as in 726.303
<input checked="" type="checkbox"/> 266.205 Standards Applicable to the Storage of Solid Waste Military Munitions	Amended	35.726.305	None
<input checked="" type="checkbox"/> 266.206 Standards Applicable to the Treatment and Disposal of Waste Military Munitions	Adopted	35.726.306	None
Part 270 - EPA Administered Permit Programs: The Hazardous Waste Permit Program			
<input checked="" type="checkbox"/> 270.1 Purpose and Scope of These Regulations	Adopted	35.702.R183-270	None
<input checked="" type="checkbox"/> 270.2 Definitions	Adopted	35.702.R183-270	None
<input checked="" type="checkbox"/> 270.42 Permit Modification At the Request of the Permittee	Adopted	35.702.R183-270	None

INDIANA

GENERAL

Indiana has adopted the federal MR by copying the text word for word from the federal rule, and amended small portions of the federal rule. The provisions of the military munitions rule are regulated under the Solid Waste Management Board of the Indiana Department of Environmental Management (IDEM). IDEM is authorized to administer and enforce the Indiana RCRA hazardous waste program.

Military munitions regulations for the state of Indiana are located within the hazardous waste program regulations. They can be found in Title 329 Article 3.1 of the Indiana Administrative Code (IAC).

DEFINITION OF A SOLID WASTE

Indiana has adopted the definition of a solid waste from the federal rule. The state reference to the definition can be found in Title 329 3.1-6-2 of IAC.

DEFINITION OF A HAZARDOUS WASTE

Indiana has adopted the definition of a hazardous waste from the federal rule. The state reference to the definition can be found in Title 329 3.1-6-3 of IAC.

STATE SPECIFIC ISSUES

Indiana has adopted the federal MR, therefore there are no state specific issues pertaining to WMM.

INDIANA

Regulations 40 CFR 260-266 & 270	Adopted or Amended	State Reference	Major Differences
Part 260 - Hazardous Waste Management System: General <input checked="" type="checkbox"/> 260.1 Purpose, Scope, and Applicability <input checked="" type="checkbox"/> 260.10 Definitions	 Reworded Reworded	 329-3.1-4 329-3.1-4	 The federal rule has been paraphrased and reworded without losing the intent he federal rule has been paraphrased and reworded without losing the intent
Part 261 - Identification and Listing of Hazardous Waste <input checked="" type="checkbox"/> 261.2 Definition of Solid Waste	 Reworded	 329-3.1-6-2	Delete 261.2 (f). Added "Respondents in actions to enforce regulations implementing IC 13 who raise a claim that a certain material is not a solid waste, or is conditionally exempt from regulation, must demonstrate that there is a known market or disposition for the material and that they meet the terms of the exclusion or exemption. They must provide appropriate documentation to demonstrate that the material is not a waste or exempt from regulation. An example of appropriate documentation is a contract showing that a second person uses the material as an ingredient in a production process. Owners and operators who claim to recycle material must show that they have the equipment to do so.
Part 262 - Standards Applicable to Generators of Hazardous Waste <input checked="" type="checkbox"/> 262.10 Purpose, Scope, and Applicability <input checked="" type="checkbox"/> 262.20 General Requirements	 Adopted Adopted	 329-3.1-7 329-3.1-7	 None None
Part 263 - Standards Applicable to Transporters of Hazardous Waste <input checked="" type="checkbox"/> 263.10 Scope	 Adopted	 329-3.1-8	 None
Part 264 - Standards for Owners and Operators of Hazardous Waste Treatment, Storage, and Disposal Facilities <input checked="" type="checkbox"/> 264.1 Purpose, Scope and Applicability <input checked="" type="checkbox"/> 264.70 Applicability Subpart EE—Hazardous Waste Munitions and Explosives Storage <input checked="" type="checkbox"/> 264.1200 Applicability <input checked="" type="checkbox"/> 264.1201 Design and Operating Standards <input checked="" type="checkbox"/> 264.1202 Closure and Post-Closure Care	 Adopted Adopted Adopted Adopted Adopted Adopted	 329-3.1-9 329-3.1-9 329-3.1-9 329-3.1-9 329-3.1-9 329-3.1-9	 None None None None None None
Part 265 - Interim Status Standards for Owners and Operators of Hazardous Waste Treatment, Storage, and Disposal Facilities <input checked="" type="checkbox"/> 265.1 Purpose, Scope, and Applicability <input checked="" type="checkbox"/> 265.70 Applicability <input checked="" type="checkbox"/> Subpart EE—Hazardous Waste Munitions and Explosives Storage <input checked="" type="checkbox"/> 265.1200 Applicability <input checked="" type="checkbox"/> 265.1201 Design and Operating Standards <input checked="" type="checkbox"/> 265.1202 Closure and Post-Closure Care	 Adopted Adopted Adopted Adopted Adopted Adopted	 329-3.1-10 329-3.1-10 329-3.1-10 329-3.1-10 329-3.1-10 329-3.1-10	 None None None None None None

Regulations 40 CFR 260-266 & 270	Adopted or Amended	State Reference	Major Differences
Part 266 - Standards for the Management of Specific Hazardous Wastes and Specific Types of Hazardous Waste and Specific Types of Hazardous Waste Management Facilities <ul style="list-style-type: none"> <input checked="" type="checkbox"/> Subpart M--Military Munitions <input checked="" type="checkbox"/> 266.200 Applicability <input checked="" type="checkbox"/> 266.201 Definitions <input checked="" type="checkbox"/> 266.202 Definition of Solid Waste <input checked="" type="checkbox"/> 266.203 Standards Applicable to the Transportation of Solid Waste Military Munitions <input checked="" type="checkbox"/> 266.204 Standards Applicable to Emergency Responses <input checked="" type="checkbox"/> 266.205 Standards Applicable to the Storage of Solid Waste Military Munitions <input checked="" type="checkbox"/> 266.206 Standards Applicable to the Treatment and Disposal of Waste Military Munitions 	<ul style="list-style-type: none"> Adopted Adopted Adopted Adopted Adopted Adopted Adopted 	<ul style="list-style-type: none"> 329-3.1-11-1 329-3.1-11-1 329-3.1-11-1 329-3.1-11-1 329-3.1-11-1 329-3.1-11-1 329-3.1-11-1 	<ul style="list-style-type: none"> None None None None None None None
Part 270 - EPA Administered Permit Programs: The Hazardous Waste Permit Program <ul style="list-style-type: none"> <input checked="" type="checkbox"/> 270.1 Purpose and Scope of These Regulations <input checked="" type="checkbox"/> 270.2 Definitions <input checked="" type="checkbox"/> 270.42 Permit Modification At the Request of the Permittee 	<ul style="list-style-type: none"> Reworded Adopted Adopted 	<ul style="list-style-type: none"> 329-3.1-13-7 329-3.1-13-7 329-3.1-13-7 	<ul style="list-style-type: none"> The federal rule has been paraphrased and reworded without losing the intent None None

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IOWA

GENERAL

Iowa has adopted the federal MR by reference, and have not developed any state specific military munitions regulations. The provisions of the MR are regulated under the Land Quality/Waste Management Assistance Division of the Iowa Department of Natural Resources (IDNR). The IDNR, in conjunction with the EPA administers and enforces the Iowa state hazardous waste program.

Military munitions regulations for the state of Iowa are located within Iowa's hazardous waste regulations. They can be found in Title 567, Chapter 141.1 – 141.6, 141.8, and 141.14 of the Iowa Administrative Code (IAC).

DEFINITION OF A SOLID WASTE

Iowa has adopted the definition of a solid waste from the federal rule. The state reference to the definition can be found in 567 IAC 141.2.

DEFINITION OF A HAZARDOUS WASTE

Iowa has adopted the definition of a hazardous waste from the federal rule. The state reference to the definition can be found in 567 IAC 141.2.

STATE SPECIFIC ISSUES

Iowa has adopted the federal MR, therefore there are no state specific issues pertaining to WMM.

IOWA

Regulations 40 CFR 260-266 & 270	Adopted or Amended	State Reference	Major Differences
Part 260 - Hazardous Waste Management System: General <input checked="" type="checkbox"/> 260.1 Purpose, Scope, and Applicability <input checked="" type="checkbox"/> 260.10 Definitions	Adopted Adopted	567 IAC 141.1 567 IAC 141.1	None None
Part 261 - Identification and Listing of Hazardous Waste <input checked="" type="checkbox"/> 261.2 Definition of Solid Waste	Adopted	567 IAC 141.2	None
Part 262 - Standards Applicable to Generators of Hazardous Waste <input checked="" type="checkbox"/> 262.10 Purpose, Scope, and Applicability <input checked="" type="checkbox"/> 262.20 General Requirements	Adopted Adopted	567 IAC 141.3 567 IAC 141.3	None None
Part 263 - Standards Applicable to Transporters of Hazardous Waste <input checked="" type="checkbox"/> 263.10 Scope	Adopted	567 IAC 141.4	None
Part 264 - Standards for Owners and Operators of Hazardous Waste Treatment, Storage, and Disposal Facilities <input checked="" type="checkbox"/> 264.1 Purpose, Scope and Applicability <input checked="" type="checkbox"/> 264.70 Applicability Subpart EE—Hazardous Waste Munitions and Explosives Storage <input checked="" type="checkbox"/> 264.1200 Applicability <input checked="" type="checkbox"/> 264.1201 Design and Operating Standards <input checked="" type="checkbox"/> 264.1202 Closure and Post-Closure Care	Adopted Adopted Adopted Adopted Adopted	567 IAC 141.5 567 IAC 141.5 567 IAC 141.5 567 IAC 141.5 567 IAC 141.5	None None None None None
Part 265 - Interim Status Standards for Owners and Operators of Hazardous Waste Treatment, Storage, and Disposal Facilities <input checked="" type="checkbox"/> 265.1 Purpose, Scope, and Applicability <input checked="" type="checkbox"/> 265.70 Applicability <input checked="" type="checkbox"/> Subpart EE—Hazardous Waste Munitions and Explosives Storage <input checked="" type="checkbox"/> 265.1200 Applicability <input checked="" type="checkbox"/> 265.1201 Design and Operating Standards <input checked="" type="checkbox"/> 265.1202 Closure and Post-Closure Care	Adopted Adopted Adopted Adopted Adopted Adopted	567 IAC 141.6 567 IAC 141.6 567 IAC 141.6 567 IAC 141.6 567 IAC 141.6 567 IAC 141.6	None None None None None None
Part 266 - Standards for the Management of Specific Hazardous Wastes and Specific Types of Hazardous Waste and Specific Types of Hazardous Waste Management Facilities <input checked="" type="checkbox"/> Subpart M--Military Munitions <input checked="" type="checkbox"/> 266.200 Applicability <input checked="" type="checkbox"/> 266.201 Definitions <input checked="" type="checkbox"/> 266.202 Definition of Solid Waste <input checked="" type="checkbox"/> 266.203 Standards Applicable to the Transportation of Solid Waste Military Munitions <input checked="" type="checkbox"/> 266.204 Standards Applicable to Emergency Responses <input checked="" type="checkbox"/> 266.205 Standards Applicable to the Storage of Solid Waste Military Munitions <input checked="" type="checkbox"/> 266.206 Standards Applicable to the Treatment and Disposal of Waste Military Munitions	Adopted Adopted Adopted Adopted Adopted Adopted Adopted	567 IAC 141.8 567 IAC 141.8 567 IAC 141.8 567 IAC 141.8 567 IAC 141.8 567 IAC 141.8 567 IAC 141.8	None None None None None None None
Part 270 - EPA Administered Permit Programs: The Hazardous Waste Permit Program <input checked="" type="checkbox"/> 270.1 Purpose and Scope of These Regulations <input checked="" type="checkbox"/> 270.2 Definitions <input checked="" type="checkbox"/> 270.42 Permit Modification At the Request of the Permittee	Adopted Adopted Adopted	567 IAC 141.14 567 IAC 141.14 567 IAC 141.14	None None None

KANSAS

GENERAL

Kansas has adopted the federal MR by reference, and has not adopted any state specific military munitions regulations. The provisions of the MR are regulated under the Bureau of Waste Management of the Kansas Department of Health and Environment (KDHE). KDHE is authorized to administer and enforce the Kansas state RCRA hazardous waste program

Military munitions regulations for the state of Kansas are located within the state's hazardous waste regulations. They can be found in Agency 28 - Department of Health and Environment, Article 28 - Hazardous Waste Management Standards and Regulations of the Kansas Register.

DEFINITION OF A SOLID WASTE

Kansas has adopted the definition of a solid waste from the federal rule. The state reference to the definition can be found in Article 28-31-3 of the Kansas Register.

DEFINITION OF A HAZARDOUS WASTE

Kansas has adopted the definition of a hazardous waste from the federal rule. The state reference to the definition can be found in Article 28-31-3 of the Kansas Register.

STATE SPECIFIC ISSUES

Kansas has adopted the federal MR, therefore there are no state specific issues pertaining to WMM.

KANSAS

Regulations 40 CFR 260-266 & 270	Adopted or Amended	State Reference	Major Differences
Part 260 - Hazardous Waste Management System: General <input checked="" type="checkbox"/> 260.1 Purpose, Scope, and Applicability <input checked="" type="checkbox"/> 260.10 Definitions	Adopted Adopted	28-31-1 28-31-2	None None
Part 261 - Identification and Listing of Hazardous Waste <input checked="" type="checkbox"/> 261.2 Definition of Solid Waste	Adopted	28-31-3	None
Part 262 - Standards Applicable to Generators of Hazardous Waste <input checked="" type="checkbox"/> 262.10 Purpose, Scope, and Applicability <input checked="" type="checkbox"/> 262.20 General Requirements	Adopted Adopted	28-31-4 28-31-4	None None
Part 263 - Standards Applicable to Transporters of Hazardous Waste <input checked="" type="checkbox"/> 263.10 Scope	Adopted	28-31-6	None
Part 264 - Standards for Owners and Operators of Hazardous Waste Treatment, Storage, and Disposal Facilities <input checked="" type="checkbox"/> 264.1 Purpose, Scope and Applicability <input checked="" type="checkbox"/> 264.70 Applicability Subpart EE—Hazardous Waste Munitions and Explosives Storage <input checked="" type="checkbox"/> 264.1200 Applicability <input checked="" type="checkbox"/> 264.1201 Design and Operating Standards <input checked="" type="checkbox"/> 264.1202 Closure and Post-Closure Care	Adopted Adopted Adopted Adopted Adopted Adopted	28-31-8 28-31-8 28-31-8 28-31-8 28-31-8 28-31-8	None None None None None None
Part 265 - Interim Status Standards for Owners and Operators of Hazardous Waste Treatment, Storage, and Disposal Facilities <input checked="" type="checkbox"/> 265.1 Purpose, Scope, and Applicability <input checked="" type="checkbox"/> 265.70 Applicability Subpart EE—Hazardous Waste Munitions and Explosives Storage <input checked="" type="checkbox"/> 265.1200 Applicability <input checked="" type="checkbox"/> 265.1201 Design and Operating Standards <input checked="" type="checkbox"/> 265.1202 Closure and Post-Closure Care	Adopted Adopted Adopted Adopted Adopted Adopted	28-31-8 28-31-8 28-31-8 28-31-8 28-31-8 28-31-8	None None None None None None
Part 266 - Standards for the Management of Specific Hazardous Wastes and Specific Types of Hazardous Waste Management Facilities <input checked="" type="checkbox"/> Subpart M--Military Munitions <input checked="" type="checkbox"/> 266.200 Applicability <input checked="" type="checkbox"/> 266.201 Definitions <input checked="" type="checkbox"/> 266.202 Definition of Solid Waste <input checked="" type="checkbox"/> 266.203 Standards Applicable to the Transportation of Solid Waste Military Munitions <input checked="" type="checkbox"/> 266.204 Standards Applicable to Emergency Responses <input checked="" type="checkbox"/> 266.205 Standards Applicable to the Storage of Solid Waste Military Munitions <input checked="" type="checkbox"/> 266.206 Standards Applicable to the Treatment and Disposal of Waste Military Munitions	Adopted Adopted Adopted Adopted Adopted Adopted Adopted	28-31-8b 28-31-8b 28-31-8b 28-31-8b 28-31-8b 28-31-8b 28-31-8b	None None None None None None None
Part 270 - EPA Administered Permit Programs: The Hazardous Waste Permit Program <input checked="" type="checkbox"/> 270.1 Purpose and Scope of These Regulations <input checked="" type="checkbox"/> 270.2 Definitions <input checked="" type="checkbox"/> 270.42 Permit Modification At the Request of the Permittee	Adopted Adopted Adopted	28-31-9 28-31-9 28-31-9	None None None

KENTUCKY

GENERAL

Kentucky has not adopted the federal MR nor have they developed any state specific military munitions. At present, military munitions are regulated under the Natural Resources and Environmental Protection Cabinet of the Kentucky Department of Environmental Protection (KDEP). KDEP is authorized to administer and enforce the state's RCRA hazardous waste rules.

Military Munitions regulations for the state of Kentucky are located within Kentucky's Department of Environmental Protection rules. They can be found in Title 401 - Natural Resources and Environmental Protection Cabinet — Department for Environmental Protection, Chapters 30–36 and 38 of the Kentucky Administrative Rule (KAR).

DEFINITION OF A SOLID WASTE

Kentucky has adopted the federal definition of a solid waste but military munitions are not included in the definition. The state definition can be found in Title 401, Chapter 31 of KAR.

DEFINITION OF A HAZARDOUS WASTE

Kentucky has adopted the federal definition of a hazardous waste but military munitions are not included in the definition. The state definition can be found in Title 401, Chapter 31 of KAR.

STATE SPECIFIC ISSUES

In the MR, EPA classified various provisions as:

- ◆ *less stringent* than the existing federal rules (e.g., conditional exemption),
- ◆ *clarifications* of the existing federal rules (e.g., definitions of when munitions become wastes), and

- ◆ *more stringent* than the existing federal rules (e.g., record keeping by explosives or munitions emergency responders).

EPA also did not classify some provisions of the MR (e.g., Subpart EE). For the *less stringent* provisions of the MR and for the provisions that EPA did not classify (especially Subpart EE), these provisions of the MR are not available under state law until a state formally adopts the provision. For example, the conditional exemption is not available at the state level until a state adopts its own regulations establishing the conditional exemption.

The MR provisions that EPA considered *equally stringent*, are available only provided that the state law is not *more stringent* than the federal standard. For provisions of the MR that are deemed *more stringent*, these rules are effective immediately at the federal level and states must adopt similar (or *more stringent*) requirement under state law.

LOUISIANA

GENERAL

Louisiana has adopted the federal MR, but reworded selected portions. The provisions of the MR are regulated under the Hazardous Waste Division of the Louisiana Department of Environmental Quality (LDEQ). LDEQ is authorized to administer and enforce the Louisiana state RCRA waste laws.

Military munitions regulations for the state of Louisiana are located within the state's waste disposal program regulations. They can be found in Title 33 Part V of the Hazardous Waste and Hazardous Materials Rules of the Louisiana Administrative Code (LAC).

DEFINITION OF A SOLID WASTE

Louisiana has adopted the definition of a solid waste from the federal rule. The state reference to the definition can be found in the LAC 33:V.109.

DEFINITION OF A HAZARDOUS WASTE

Louisiana has adopted the definition of a hazardous waste from the federal rule. The state reference to the definition can be found in LAC 33:V.109.

STATE SPECIFIC ISSUES

Louisiana has adopted the federal MR, therefore there are no state specific issues pertaining to WMM.

LOUISIANA

Regulations 40 CFR 260-266 & 270	Adopted or Amended	State Reference	Major Differences
Part 260 - Hazardous Waste Management System: General <input checked="" type="checkbox"/> 260.1 Purpose, Scope, and Applicability <input checked="" type="checkbox"/> 260.10 Definitions	Adopted Adopted	LAC 33:V.109 LAC 33:V.109	None None
Part 261 - Identification and Listing of Hazardous Waste <input checked="" type="checkbox"/> 261.2 Definition of Solid Waste	Adopted	LAC 33:V.109	None
Part 262 - Standards Applicable to Generators of Hazardous Waste <input checked="" type="checkbox"/> 262.10 Purpose, Scope, and Applicability <input checked="" type="checkbox"/> 262.20 General Requirements	Adopted Adopted	LAC 33:V.1101.H LAC 33:V.1107.A.11	None None
Part 263 - Standards Applicable to Transporters of Hazardous Waste <input checked="" type="checkbox"/> 263.10 Scope	Adopted	LAC 33:V.1301.G&H	None
Part 264 - Standards for Owners and Operators of Hazardous Waste Treatment, Storage, and Disposal Facilities <input checked="" type="checkbox"/> 264.1 Purpose, Scope and Applicability <input checked="" type="checkbox"/> 264.70 Applicability Subpart EE—Hazardous Waste Munitions and Explosives Storage <input checked="" type="checkbox"/> 264.1200 Applicability <input checked="" type="checkbox"/> 264.1201 Design and Operating Standards <input checked="" type="checkbox"/> 264.1202 Closure and Post-Closure Care	Adopted Adopted Adopted Adopted Adopted	LAC 33:V.1501 LAC 33:V.1501 LAC 33:V.2401 LAC 33:V.2403 LAC 33:V.2405	None None None None None
Part 265 - Interim Status Standards for Owners and Operators of Hazardous Waste Treatment, Storage, and Disposal Facilities <input checked="" type="checkbox"/> 265.1 Purpose, Scope, and Applicability <input checked="" type="checkbox"/> 265.70 Applicability Subpart EE—Hazardous Waste Munitions and Explosives Storage <input checked="" type="checkbox"/> 265.1200 Applicability <input checked="" type="checkbox"/> 265.1201 Design and Operating Standards <input checked="" type="checkbox"/> 265.1202 Closure and Post-Closure Care	Adopted Adopted Adopted Adopted Adopted Adopted	LAC 33:V.4301 LAC 33:V.4301 LAC 33:V.43 LAC 33:V.4707 LAC 33:V.4709 LAC 33:V.4711	None None None None None None
Part 266 - Standards for the Management of Specific Hazardous Wastes and Specific Types of Hazardous Waste and Specific Types of Hazardous Waste Management Facilities <input checked="" type="checkbox"/> Subpart M--Military Munitions <input checked="" type="checkbox"/> 266.200 Applicability <input checked="" type="checkbox"/> 266.201 Definitions <input checked="" type="checkbox"/> 266.202 Definition of Solid Waste <input checked="" type="checkbox"/> 266.203 Standards Applicable to the Transportation of Solid Waste Military Munitions <input checked="" type="checkbox"/> 266.204 Standards Applicable to Emergency Responses <input checked="" type="checkbox"/> 266.205 Standards Applicable to the Storage of Solid Waste Military Munitions <input checked="" type="checkbox"/> 266.206 Standards Applicable to the Treatment and Disposal of Waste Military Munitions	Adopted Adopted Adopted Adopted Adopted Adopted Adopted	LAC 33:V.5301 LAC 33:V.5301 LAC 33:V.5303 LAC 33:V.5303 LAC 33:V.5305 LAC 33:V.5307 LAC 33:V.5309 LAC 33:V.5311	None None None None None None None None

Regulations 40 CFR 260-266 & 270	Adopted or Amended	State Reference	Major Differences
Part 270 - EPA Administered Permit Programs: The Hazardous Waste Permit Program <input checked="" type="checkbox"/> 270.1 Purpose and Scope of These Regulations <input checked="" type="checkbox"/> 270.2 Definitions <input checked="" type="checkbox"/> 270.42 Permit Modification At the Request of the Permittee	 Adopted Adopted Adopted	 LAC 33:V.4301 (I) LAC 33:V.4301 (I) LAC 33:V.4301 (I)	 Gives instructions on where to find permitting programs for military munitions. Gives instructions on where to find permitting programs for military munitions Gives instructions on where to find permitting programs for military munitions

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MAINE

GENERAL

Maine has not adopted the federal MR nor have they developed any state specific military munitions regulations. At present, Maine regulates military munitions through their current hazardous waste management rules. The Bureau of Remediation and Waste Management (BRWM) of the Maine Department of Environmental Protection is authorized to administer and enforce the state's hazardous waste laws.

Hazardous waste regulations for the state of Maine can be found in Title 38, Chapters 850–857 under the BRWM rules.

DEFINITION OF A SOLID WASTE

Maine has adopted the federal definition of a solid waste but military munitions are not included. The state definition can be found in Title 38, Chapter 850.

DEFINITION OF A HAZARDOUS WASTE

Maine has adopted the federal definition of a hazardous waste but military munitions are not included. The state definition can be found in Title 38, Chapter 850.

STATE SPECIFIC ISSUES

In the MR, EPA classified various provisions as:

- ◆ *less stringent* than the existing federal rules (e.g., conditional exemption),
- ◆ *clarifications* of the existing federal rules (e.g., definitions of when munitions become wastes), and
- ◆ *more stringent* than the existing federal rules (e.g., record keeping by explosives or munitions emergency responders).

EPA also did not classify some provisions of the MR (e.g., Subpart EE). For the *less stringent* provisions of the MR and for the provisions that EPA did not classify (especially Subpart EE), these provisions of the MR are not available under state law until a state formally adopts the provision. For example, the conditional exemption is not available at the state level until a state adopts its own regulations establishing the conditional exemption.

For MR provisions that EPA considered equally stringent, they are available only provided that the state law is not *more stringent* than the federal standard. For provisions of the MR that are deemed *more stringent*, these rules are effective immediately at the federal level and states must adopt similar (or *more stringent*) requirement under state law.

MARYLAND

GENERAL

Maryland has adopted the federal MR by reference and has not developed any state specific military munitions regulations. The provisions of the MR are regulated under the Division of Waste Management of the Maryland Department of the Environment (MDE). MDE is authorized to administer and enforce the Maryland state hazardous waste program.

Military munitions regulations for the state of Maryland can be found in Title 26 – Department of the Environment, Subtitle 13 - Disposal of Controlled Hazardous Substances, and Chapters 1–7, and 10 of Maryland’s hazardous waste management system.

DEFINITION OF A SOLID WASTE

Maryland has adopted the definition of a solid waste from the federal rule. The state reference to the definition can be found in Title 26, Subtitle 13, and Chapter 2.

DEFINITION OF A HAZARDOUS WASTE

Maryland has adopted the definition of a hazardous waste from the federal rule. The state reference to the definition can be found in Title 26, Subtitle 13, and Chapter 2.

STATE SPECIFIC ISSUES

Maryland has adopted the federal MR, therefore there are no state specific issues pertaining to WMM.

MARYLAND

Regulations 40 CFR 260-266 & 270	Adopted or Amended	State Reference	Major Differences
Part 260 - Hazardous Waste Management System: General <input checked="" type="checkbox"/> 260.1 Purpose, Scope, and Applicability <input checked="" type="checkbox"/> 260.10 Definitions	Adopted Adopted	26-13-1 26-13-1	None None
Part 261 - Identification and Listing of Hazardous Waste <input checked="" type="checkbox"/> 261.2 Definition of Solid Waste	Adopted	26-13-2	None
Part 262 - Standards Applicable to Generators of Hazardous Waste <input checked="" type="checkbox"/> 262.10 Purpose, Scope, and Applicability <input checked="" type="checkbox"/> 262.20 General Requirements	Adopted Adopted	26-13-3 26-13-3	None None
Part 263 - Standards Applicable to Transporters of Hazardous Waste <input checked="" type="checkbox"/> 263.10 Scope	Adopted	26-13-4	None
Part 264 - Standards For Owners and Operators of Hazardous Waste Treatment, Storage, and Disposal Facilities <input checked="" type="checkbox"/> 264.1 Purpose, Scope and Applicability <input checked="" type="checkbox"/> 264.70 Applicability Subpart EE—Hazardous Waste Munitions and Explosives Storage <input checked="" type="checkbox"/> 264.1200 Applicability <input checked="" type="checkbox"/> 264.1201 Design and Operating Standards <input checked="" type="checkbox"/> 264.1202 Closure and Post-Closure Care	Adopted Adopted Adopted Adopted Adopted	26-13-5 26-13-5 26-13-5 26-13-5 26-13-5	None None None None None
Part 265 - Interim Status Standards For Owners and Operators of Hazardous Waste Treatment, Storage, and Disposal Facilities <input checked="" type="checkbox"/> 265.1 Purpose, Scope, and Applicability <input checked="" type="checkbox"/> 265.70 Applicability <input checked="" type="checkbox"/> Subpart EE—Hazardous Waste Munitions and Explosives Storage <input checked="" type="checkbox"/> 265.1200 Applicability <input checked="" type="checkbox"/> 265.1201 Design and Operating Standards <input checked="" type="checkbox"/> 265.1202 Closure and Post-Closure Care	Adopted Adopted Adopted Adopted Adopted Adopted	26-13-6 26-13-6 26-13-6 26-13-6 26-13-6 26-13-6	None None None None None None
Part 266 - Standards For the Management of Specific Hazardous Wastes and Specific Types of Hazardous Waste Management Facilities <input checked="" type="checkbox"/> Subpart M--Military Munitions <input checked="" type="checkbox"/> 266.200 Applicability <input checked="" type="checkbox"/> 266.201 Definitions <input checked="" type="checkbox"/> 266.202 Definition of Solid Waste <input checked="" type="checkbox"/> 266.203 Standards Applicable to the Transportation of Solid Waste Military Munitions <input checked="" type="checkbox"/> 266.204 Standards Applicable to Emergency Responses <input checked="" type="checkbox"/> 266.205 Standards Applicable to the Storage of Solid Waste Military Munitions <input checked="" type="checkbox"/> 266.206 Standards Applicable to the Treatment and Disposal of Waste Military Munitions	Adopted Adopted Adopted Adopted Adopted Adopted Adopted	26-13-10 26-13-10 26-13-10 26-13-10 26-13-10 26-13-10 26-13-10	None None None None None None None
Part 270 - EPA Administered Permit Programs: The Hazardous Waste Permit Program <input checked="" type="checkbox"/> 270.1 Purpose and Scope of These Regulations <input checked="" type="checkbox"/> 270.2 Definitions <input checked="" type="checkbox"/> 270.42 Permit Modification at the Request of the Permittee	Adopted Adopted Adopted	26-13-7 26-13-7 26-13-7	None None None

MASSACHUSETTS

GENERAL

Massachusetts has not adopted the federal MR, nor have they developed any state specific military munitions. At present, Massachusetts regulates military munitions through their current hazardous waste management rules. Massachusetts' hazardous waste program is administered by the Bureau of Waste Prevention of the Massachusetts Department of Environmental Protection.

Massachusetts hazardous waste regulations can be found in Title 310 – Department of Environmental Protection, Section 30.000 of the Code of Massachusetts Regulations (CMR).

DEFINITION OF A SOLID WASTE

Massachusetts has adopted the federal definition of a solid waste, but military munitions are not included in the definition. The state definition can be found in Title 310 CMR 30.100.

DEFINITION OF A HAZARDOUS WASTE

Massachusetts has adopted the federal definition of a hazardous waste, but military munitions are not included in the definition. The state definition can be found in Title 310 CMR 30.100.

STATE SPECIFIC ISSUES

In the MR, EPA classified various provisions as:

- ◆ *less stringent* than the existing federal rules (e.g., conditional exemption),
- ◆ *clarifications* of the existing federal rules (e.g., definitions of when munitions become wastes), and
- ◆ *more stringent* than the existing federal rules (e.g., record keeping by explosives or munitions emergency responders).

EPA also did not classify some provisions of the MR (e.g., Subpart

EE). For the *less stringent* provisions of the MR and for the provisions that EPA did not classify (especially Subpart EE), these provisions of the MR are not available under state law until a state formally adopts the provision. For example, the conditional exemption is not available at the state level until a state adopts its own regulations establishing the conditional exemption.

The MR provisions that EPA considered *equally stringent*, are available only provided that the state law is not *more stringent* than the federal standard. For provisions of the MR that are deemed *more stringent*, these rules are effective immediately at the federal level and states must adopt similar (or *more stringent*) requirement under state law.

MICHIGAN

GENERAL

Michigan has both adopted the federal MR by reference, and amended the federal MR by rewording selected portions the federal rule. The provisions of the MR are regulated under the Waste Management Division of the Michigan Department of Environmental Quality (MDEQ). The MDEQ is authorized to administer and enforce the state's RCRA waste laws.

Military munitions for the state of Michigan are located with in the state's hazardous waste regulations. They can be found in Part 111, R299 of the Michigan Administrative Rules (MAR).

DEFINITION OF A SOLID WASTE

Michigan has adopted the definition of a solid waste from the federal rule. The state reference to the definition can be found in R299.9202 of the MAR.

DEFINITION OF A HAZARDOUS WASTE

Michigan has adopted the definition of a hazardous waste from the federal rule. The state reference to the definition can be found in R299.9203 of the MAR.

STATE SPECIFIC ISSUES

Section R299.9608 was amended to state, "The requirements of the use of manifest rule do not apply to owners or operators of off-site facilities with respect to waste military munitions exempted from manifesting requirements under R299.98R18."

MICHIGAN

Regulations 40 CFR 260-266 & 270	Adopted or Amended	State Reference	Major Differences
Part 260 - Hazardous Waste Management System: General <input checked="" type="checkbox"/> 260.1 Purpose, Scope, and Applicability <input checked="" type="checkbox"/> 260.10 Definitions	Adopted Adopted	R299.9103; E,F R299.9105; L to N	None None
Part 261 - Identification and Listing of Hazardous Waste <input checked="" type="checkbox"/> 261.2 Definition of Solid Waste	Adopted	R299.9202	None
Part 262 - Standards Applicable to Generators of Hazardous Waste <input checked="" type="checkbox"/> 262.10 Purpose, Scope, and Applicability <input checked="" type="checkbox"/> 262.20 General Requirements	Adopted Adopted	R299.9301 R299.9404	None None
Part 263 - Standards Applicable to Transporters of Hazardous Waste <input checked="" type="checkbox"/> 263.10 Scope	Adopted	R299.9401 (7)	None
Part 264 - Standards for Owners and Operators of Hazardous Waste Treatment, Storage, and Disposal Facilities <input checked="" type="checkbox"/> 264.1 Purpose, Scope and Applicability <input checked="" type="checkbox"/> 264.70 Applicability Subpart EE—Hazardous Waste Munitions and Explosives Storage <input checked="" type="checkbox"/> 264.1200 Applicability <input checked="" type="checkbox"/> 264.1201 Design and Operating Standards <input checked="" type="checkbox"/> 264.1202 Closure and Post-Closure Care	Adopted Adopted Adopted Adopted Adopted	R299.11003 R299.11003 R299.9637 R299.9637 R299.9637	None None None None None
Part 265 - Interim Status Standards for Owners and Operators of Hazardous Waste Treatment, Storage, and Disposal Facilities <input checked="" type="checkbox"/> 265.1 Purpose, Scope, and Applicability <input checked="" type="checkbox"/> 265.70 Applicability <input checked="" type="checkbox"/> Subpart EE—Hazardous Waste Munitions and Explosives Storage <input checked="" type="checkbox"/> 265.1200 Applicability <input checked="" type="checkbox"/> 265.1201 Design and Operating Standards <input checked="" type="checkbox"/> 265.1202 Closure and Post-Closure Care	Adopted Amended Adopted Adopted Adopted Adopted	R299.9503 R299.9608 R299.9637 R299.9637 R299.9637 R299.9637	None The requirements of the use of manifest rule do not apply to owners or operators of off-site facilities with respect to waste military munitions exempted from manifesting requirements under R299.98R18. None None None None
Part 266 - Standards for the Management of Specific Hazardous Wastes and Specific Types of Hazardous Waste Management Facilities <input checked="" type="checkbox"/> Subpart M--Military Munitions <input checked="" type="checkbox"/> 266.200 Applicability <input checked="" type="checkbox"/> 266.201 Definitions <input checked="" type="checkbox"/> 266.202 Definition of Solid Waste <input checked="" type="checkbox"/> 266.203 Standards Applicable to the Transportation of Solid Waste Military Munitions <input checked="" type="checkbox"/> 266.204 Standards Applicable to Emergency Responses <input checked="" type="checkbox"/> 266.205 Standards Applicable to the Storage of Solid Waste Military Munitions <input checked="" type="checkbox"/> 266.206 Standards Applicable to the Treatment and Disposal of Waste Military Munitions	Adopted Adopted Adopted Adopted Adopted Adopted Adopted Adopted	R299.9817 R299.9817 R299.98R18 R299.98R18 R299.98R18 R299.9819 R299.9820 R299.9821	None None None None None Explosives and munitions emergencies involving military munitions or explosives shall comply with the requirements of R299.9301 (8), R299.9401 (7) and R299.9503 (2). None None

Regulations 40 CFR 260-266 & 270	Adopted or Amended	State Reference	Major Differences
Part 270 - EPA Administered Permit Programs: The Hazardous Waste Permit Program <input checked="" type="checkbox"/> 270.1 Purpose and Scope of These Regulations <input checked="" type="checkbox"/> 270.2 Definitions <input checked="" type="checkbox"/> 270.42 Permit Modification At the Request of the Permittee	 Adopted Adopted Adopted	 R299.9502 R299.9502 R299.9502	 None None None

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MINNESOTA

GENERAL

Minnesota has not adopted the federal MR, nor have they developed any state specific military munitions. At present, Minnesota regulates military munitions through their current hazardous waste management rules. Minnesota's hazardous waste program is administered by the Minnesota Pollution Control Agency (MPCA).

Minnesota hazardous waste regulations can be found in the MPCA section, Chapter 7045 – Hazardous Waste Division.

DEFINITION OF A SOLID WASTE

Minnesota has adopted the federal definition of a solid waste but military munitions are not included. The state definition can be found in Chapter 7045.0020.

DEFINITION OF A HAZARDOUS WASTE

Minnesota has adopted the federal definition of a hazardous waste but military munitions are not included. The state definition can be found in Chapter 7045.0020.

STATE SPECIFIC ISSUES

In the MR, EPA classified various provisions as:

- ◆ *less stringent* than the existing federal rules (e.g., conditional exemption),
- ◆ *clarifications* of the existing federal rules (e.g., definitions of when munitions become wastes), and
- ◆ *more stringent* than the existing federal rules (e.g., record keeping by explosives or munitions emergency responders).

EPA also did not classify some provisions of the MR (e.g., Subpart

EE). For the *less stringent* provisions of the MR and for the provisions that EPA did not classify (especially Subpart EE), these provisions of the MR are not available under state law until a state formally adopts the provision. For example, the conditional exemption is not available at the state level until a state adopts its own regulations establishing the conditional exemption.

The MR provisions that EPA considered *equally stringent*, are available only provided that the state law is not *more stringent* than the federal standard. For provisions of the MR that are deemed *more stringent*, these rules are effective immediately at the federal level and states must adopt similar (or *more stringent*) requirement under state law.

MISSISSIPPI

GENERAL

Mississippi has adopted the federal MR by reference, nor have they developed any state specific military munitions regulations. The provisions of the MR are regulated under the Office of Pollution Control of the Mississippi Department of Environmental Quality (MDEQ). MDEQ is authorized to administer and enforce the Mississippi state RCRA hazardous waste regulations.

Military munitions regulations for the state of Mississippi are located within the state's waste regulations. They can be found in the Mississippi Department of Environmental Quality Section, Parts 260–266, and 270 of the Mississippi Hazardous Waste Regulations.

DEFINITION OF A SOLID WASTE

Mississippi has adopted the definition of a solid waste from the federal rule. The state reference to the definition can be found in Part 261.2.

DEFINITION OF A HAZARDOUS WASTE

Mississippi has adopted the definition of a hazardous waste from the federal rule. The state reference to the definition can be found in Part 261.3.

STATE SPECIFIC ISSUES

Mississippi has adopted the federal MR, therefore there are no state specific issues pertaining to WMM.

MISSISSIPPI

Regulations 40 CFR 260-266 & 270	Adopted or Amended	State Reference	Major Differences
Part 260 - Hazardous Waste Management System: General <input checked="" type="checkbox"/> 260.1 Purpose, Scope, and Applicability <input checked="" type="checkbox"/> 260.10 Definitions	Adopted Adopted	260.1 260.10	None None
Part 261 - Identification and Listing of Hazardous Waste <input checked="" type="checkbox"/> 261.2 Definition of Solid Waste	Adopted	261.2	None
Part 262 - Standards Applicable to Generators of Hazardous Waste <input checked="" type="checkbox"/> 262.10 Purpose, Scope, and Applicability <input checked="" type="checkbox"/> 262.20 General Requirements	Adopted Adopted	262.10 262.20	None None
Part 263 - Standards Applicable to Transporters of Hazardous Waste <input checked="" type="checkbox"/> 263.10 Scope	Adopted	263.10	None
Part 264 - Standards for Owners and Operators of Hazardous Waste Treatment, Storage, and Disposal Facilities <input checked="" type="checkbox"/> 264.1 Purpose, Scope and Applicability <input checked="" type="checkbox"/> 264.70 Applicability Subpart EE—Hazardous Waste Munitions and Explosives Storage <input checked="" type="checkbox"/> 264.1200 Applicability <input checked="" type="checkbox"/> 264.1201 Design and Operating Standards <input checked="" type="checkbox"/> 264.1202 Closure and Post-Closure Care	Adopted Adopted Adopted Adopted Adopted	264.1 264.70 264.1200 264.1201 264.1202	None None None None None
Part 265 - Interim Status Standards for Owners and Operators of Hazardous Waste Treatment, Storage, and Disposal Facilities <input checked="" type="checkbox"/> 265.1 Purpose, Scope, and Applicability <input checked="" type="checkbox"/> 265.70 Applicability <input checked="" type="checkbox"/> Subpart EE—Hazardous Waste Munitions and Explosives Storage <input checked="" type="checkbox"/> 265.1200 Applicability <input checked="" type="checkbox"/> 265.1201 Design and Operating Standards <input checked="" type="checkbox"/> 265.1202 Closure and Post-Closure Care	Adopted Adopted Adopted Adopted Adopted	265.1 265.70 Subpart EE 265.1200 265.1201 265.1202	None None None None None None
Part 266 - Standards for the Management of Specific Hazardous Wastes and Specific Types of Hazardous Waste and Specific Types of Hazardous Waste Management Facilities <input checked="" type="checkbox"/> Subpart M--Military Munitions <input checked="" type="checkbox"/> 266.200 Applicability <input checked="" type="checkbox"/> 266.201 Definitions <input checked="" type="checkbox"/> 266.202 Definition of Solid Waste <input checked="" type="checkbox"/> 266.203 Standards Applicable to the Transportation of Solid Waste Military Munitions <input checked="" type="checkbox"/> 266.204 Standards Applicable to Emergency Responses <input checked="" type="checkbox"/> 266.205 Standards Applicable to the Storage of Solid Waste Military Munitions <input checked="" type="checkbox"/> 266.206 Standards Applicable to the Treatment and Disposal of Waste Military Munitions	Adopted Adopted Adopted Adopted Adopted Adopted Adopted	Subpart M 266.200 266.201 266.202 266.203 266.204 266.205 266.206	None None None None None None None
Part 270 - EPA Administered Permit Programs: The Hazardous Waste Permit Program <input checked="" type="checkbox"/> 270.1 Purpose and Scope of These Regulations <input checked="" type="checkbox"/> 270.2 Definitions <input checked="" type="checkbox"/> 270.42 Permit Modification At the Request of the Permittee	Adopted Adopted Adopted	270.1 270.2 270.42	None None None

MISSOURI

GENERAL

Missouri has amended the federal MR by rewording portions of the federal rule. The provisions of the MR are regulated under the Hazardous Waste Management Commission of the Missouri Department of Natural Resources (MDNR). The MDNR is authorized to administer and enforce the Missouri state RCRA waste regulations.

Military munitions regulations for the state of Missouri are located within the state's hazardous waste regulations. They can be found in Title 10, Division 25, and Chapters 3-7 of the Code of State Regulations.

DEFINITION OF A SOLID WASTE

Missouri has amended the federal definition of a solid waste. They have added "A material that is stored or accumulated in surface impoundment's or waste piles is inherently waste-like as provided in 40 CFR 261.2 (d) and incorporated into this rule is a solid waste regardless of whether the material is recycled." The state reference to the definition can be found in 25-4.261.

DEFINITION OF A HAZARDOUS WASTE

Missouri has amended the federal definition of a hazardous waste. They have added, "A mixture of solid wastes and hazardous wastes are not hazardous wastes if the generator can prove that the mixture consists of wastewater, which is regulated under Missouri Clean Water Act." The state reference to the definition can be found in 25-4-.261.

STATE SPECIFIC ISSUES

In section 10 CSR 25-7.264, in addition to the requirements in 40 CFR264.73 (b) (2), "An owner/operator of a hazardous waste

disposal facility shall record the location and quantity of each hazardous waste shipment on a map or diagram of each cell or disposal area with respect to a surveyed permanent benchmark and baseline; an owner/operator of a facility which has had a release or which has hazardous waste constituent migration beyond the hazardous waste management unit shall record the locations and concentration of contamination on a map or diagram with respect to a surveyed permanent benchmark & baseline.” In part 25-7.266 Missouri added, “Oral and written notifications required by 40 CFR 266.203 (a)(1) and 40 CFR 266.205 (a)(1) shall be submitted to the departments emergency response coordinator at (573) 634-2436, in lieu of the director.

In section 10 CSR 25-4.261, Missouri has amended the federal definition of a solid waste in reference to material that is stored or accumulated in surface impoundments or waste piles. The provision states; “A material that is stored or accumulated in surface impoundment’s or waste piles is inherently waste-like as provided in 40 CFR 261.2 (d) and incorporated into this rule is a solid waste regardless of whether the material is recycled.”

This provision suggests that any material destined for recycling that is managed in a “pile” is a solid (and potentially hazardous) waste. Despite the provision in the federal MR that states that on-range collection of munitions residues (e.g., fins, shrapnel) is not a waste management activity, because of this provision, Air Force installations engaged in active or inactive range clearance operations at locations within Missouri should refrain from managing the collected residue in piles (as is the common practice). This is because the Missouri provision opens the possibility of declaring the pile of residue to be a solid waste, potentially triggering waste management requirements on an active or inactive range.

MISSOURI

Regulations 40 CFR 260-266 & 270	Adopted or Amended	State Reference	Major Differences
Part 260 - Hazardous Waste Management System: General <input checked="" type="checkbox"/> 260.1 Purpose, Scope, and Applicability <input checked="" type="checkbox"/> 260.10 Definitions	Adopted Amended	10 CSR 25-3.260 10 CSR 25-3.260	None Substituted "director" for "administrator".
Part 261 - Identification and Listing of Hazardous Waste <input checked="" type="checkbox"/> 261.2 Definition of Solid Waste	Amended	10 CSR 25-4.261	"A material that is stored or accumulated in surface impoundment's or waste piles is inherently waste-like as provided in 40 CFR 261.2 (d) and incorporated into this rule is a solid waste regardless of whether the material is recycled."
Part 262 - Standards Applicable to Generators of Hazardous Waste <input checked="" type="checkbox"/> 262.10 Purpose, Scope, and Applicability <input checked="" type="checkbox"/> 262.20 General Requirements	Adopted Adopted	10 CSR 25-5.262 10 CSR 25-5.262	None None
Part 263 - Standards Applicable to Transporters of Hazardous Waste <input checked="" type="checkbox"/> 263.10 Scope	Amended	10 CSR 25-6.263	Substituted "Missouri" for "United States."
Part 264 - Standards for Owners and Operators of Hazardous Waste Treatment, Storage, and Disposal Facilities <input checked="" type="checkbox"/> 264.1 Purpose, Scope and Applicability <input checked="" type="checkbox"/> 264.70 Applicability Subpart EE—Hazardous Waste Munitions and Explosives Storage <input checked="" type="checkbox"/> 264.1200 Applicability <input checked="" type="checkbox"/> 264.1201 Design and Operating Standards <input checked="" type="checkbox"/> 264.1202 Closure and Post-Closure Care	Adopted Adopted Adopted Adopted Adopted	10 CSR 25-7.264 10 CSR 25-7.264 10 CSR 25-7.264 10 CSR 25-7.264 10 CSR 25-7.264	None None None None None
Part 265 - Interim Status Standards for Owners and Operators of Hazardous Waste Treatment, Storage, and Disposal Facilities <input checked="" type="checkbox"/> 265.1 Purpose, Scope, and Applicability <input checked="" type="checkbox"/> 265.70 Applicability <input checked="" type="checkbox"/> Subpart EE—Hazardous Waste Munitions and Explosives Storage <input checked="" type="checkbox"/> 265.1200 Applicability <input checked="" type="checkbox"/> 265.1201 Design and Operating Standards <input checked="" type="checkbox"/> 265.1202 Closure and Post-Closure Care	Adopted Adopted Reserved Adopted Adopted Adopted	10 CSR 25-7.265 10 CSR 25-7.265 10 CSR 25-7.265 EE 10 CSR 25-7.265 10 CSR 25-7.265 10 CSR 25-7.265	None None This section reserved for future rule. None None None
Part 266 - Standards for the Management of Specific Hazardous Wastes and Specific Types of Hazardous Waste and Specific Types of Hazardous Waste Management Facilities <input checked="" type="checkbox"/> Subpart M--Military Munitions <input checked="" type="checkbox"/> 266.200 Applicability <input checked="" type="checkbox"/> 266.201 Definitions <input checked="" type="checkbox"/> 266.202 Definition of Solid Waste <input checked="" type="checkbox"/> 266.203 Standards Applicable to the Transportation of Solid Waste Military Munitions <input checked="" type="checkbox"/> 266.204 Standards Applicable to Emergency Responses <input checked="" type="checkbox"/> 266.205 Standards Applicable to the Storage of Solid Waste Military Munitions <input checked="" type="checkbox"/> 266.206 Standards Applicable to the Treatment and Disposal of Waste Military Munitions	Amended Adopted Not Adopted Adopted Amended Adopted Amended Adopted	10 CSR 25-7.266 10 CSR 25-7.266 10 CSR 25-7.266 10 CSR 25-7.266 10 CSR 25-7.266 10 CSR 25-7.266	None No Reference None "Oral and written notifications required by 40 CFR 266.203 (a)(1) shall be submitted to the departments emergency response coordinator at (573) 634-2436, in lieu of the director. None "Oral and written notifications required by 40 CFR 266.205 (a)(1) shall be submitted to the departments emergency response coordinator at (573) 634-2436, in lieu of the director. None

Regulations 40 CFR 260-266 & 270	Adopted or Amended	State Reference	Major Differences
Part 270 - EPA Administered Permit Programs: The Hazardous Waste Permit Program <input checked="" type="checkbox"/> 270.1 Purpose and Scope of These Regulations <input checked="" type="checkbox"/> 270.2 Definitions <input checked="" type="checkbox"/> 270.42 Permit Modification At the Request of the Permittee	Amended Adopted Adopted	10 CSR 25-7.270 10 CSR 25-7.270 10 CSR 25-7.270	In addition to the requirements in 40 CFR 270.1(b), the owner/operator shall provide state notification to the department within 60 days after the effective date of a state rule that first requires him/her to comply with 10 CSR 10 CSR 25 where that notification is required. None None

MONTANA

GENERAL

Montana has adopted most of the federal MR by copying the text of the federal rule. The provisions of the military munitions rule for the state of Montana are regulated under the hazardous waste program. The Montana hazardous waste program is administered by the hazardous waste section of the Air and Waste Management Bureau of the Permitting and Compliance Division, which is a part of the Montana Department of Environmental Quality (MDEQ).

The provisions of the federal MR are enforced by the Administrative Rules of Montana (ARM) in the hazardous waste section. They can be found in ARM Title 17 – Department of Environmental Quality and Chapter 54 – Hazardous Waste Management (ARM17.54)

DEFINITION OF A SOLID WASTE

Montana has adopted the definition of a solid waste from the federal rule. The state reference to the definition can be found in 17.54.302.

DEFINITION OF A HAZARDOUS WASTE

Montana has adopted the definition of a hazardous waste from the federal rule. The state reference to the definition can be found in 17.54.302.

STATE SPECIFIC ISSUES

Montana has adopted the Federal MR, therefore there are not state-specific issues pertaining to WMM.

MONTANA

Regulations 40 CFR 260-266 & 270	Adopted or Amended	State Reference	Major Differences
Part 260 - Hazardous Waste Management System: General <input checked="" type="checkbox"/> 260.1 Purpose, Scope, and Applicability <input checked="" type="checkbox"/> 260.10 Definitions	 Adopted Adopted	 17.54.201* 17.54.201*	 None None
Part 261 - Identification and Listing of Hazardous Waste <input checked="" type="checkbox"/> 261.2 Definition of Solid Waste	 Adopted	 17.54.302*	 None
Part 262 - Standards Applicable to Generators of Hazardous Waste <input checked="" type="checkbox"/> 262.10 Purpose, Scope, and Applicability <input checked="" type="checkbox"/> 262.20 General Requirements	 Adopted Adopted	 17.54.401* 17.54.408*	 None None
Part 263 - Standards Applicable to Transporters of Hazardous Waste <input checked="" type="checkbox"/> 263.10 Scope	 Adopted	 17.54.501	 None
Part 264 - Standards for Owners and Operators of Hazardous Waste Treatment, Storage, and Disposal Facilities <input checked="" type="checkbox"/> 264.1 Purpose, Scope and Applicability <input checked="" type="checkbox"/> 264.70 Applicability Subpart EE—Hazardous Waste Munitions and Explosives Storage <input checked="" type="checkbox"/> 264.1200 Applicability <input checked="" type="checkbox"/> 264.1201 Design and Operating Standards <input checked="" type="checkbox"/> 264.1202 Closure and Post-Closure Care	 Adopted Adopted Adopted Adopted Adopted Adopted	 17.54.612 17.54.612 17.54.702* 17.54.702* 17.54.702* 17.54.702*	 None None None None None None
Part 265 - Interim Status Standards for Owners and Operators of Hazardous Waste Treatment, Storage, and Disposal Facilities <input checked="" type="checkbox"/> 265.1 Purpose, Scope, and Applicability <input checked="" type="checkbox"/> 265.70 Applicability <input checked="" type="checkbox"/> Subpart EE—Hazardous Waste Munitions and Explosives Storage <input checked="" type="checkbox"/> 265.1200 Applicability <input checked="" type="checkbox"/> 265.1201 Design and Operating Standards <input checked="" type="checkbox"/> 265.1202 Closure and Post-Closure Care	 Adopted Adopted Adopted Adopted Adopted Adopted	 17.53.901 17.53.901 17.53.901 17.53.901 17.53.901 17.53.901	 None None None None None None
Part 266 - Standards for the Management of Specific Hazardous Wastes and Specific Types of Hazardous Waste and Specific Types of Hazardous Waste Management Facilities <input checked="" type="checkbox"/> Subpart M--Military Munitions <input checked="" type="checkbox"/> 266.200 Applicability <input checked="" type="checkbox"/> 266.201 Definitions <input checked="" type="checkbox"/> 266.202 Definition of Solid Waste <input checked="" type="checkbox"/> 266.203 Standards Applicable to the Transportation of Solid Waste Military Munitions <input checked="" type="checkbox"/> 266.204 Standards Applicable to Emergency Responses <input checked="" type="checkbox"/> 266.205 Standards Applicable to the Storage of Solid Waste Military Munitions <input checked="" type="checkbox"/> 266.206 Standards Applicable to the Treatment and Disposal of Waste Military Munitions	 Adopted Adopted Adopted Adopted Adopted Adopted Adopted	 17.53.1001 17.53.1001 17.53.1001 17.53.1001 17.53.1001 17.53.1001 17.53.1001	 None None None None None None None
Part 270 - EPA Administered Permit Programs: The Hazardous Waste Permit Program <input checked="" type="checkbox"/> 270.1 Purpose and Scope of These Regulations <input type="checkbox"/> 270.2 Definitions <input checked="" type="checkbox"/> 270.42 Permit Modification At the Request of the Permittee	 Adopted Not Adopted Adopted	 17.54.105* 17.54.128*	 None No Reference None

NEBRASKA

GENERAL

Nebraska has not adopted the federal MR nor have they developed any state specific military munitions regulations. At present, Nebraska regulates military munitions through their current hazardous waste management regulations. Nebraska's hazardous waste management program is administered by the Hazardous Waste Management Division of the Nebraska Department of Environmental Quality.

Hazardous waste regulations for that state of Nebraska can be found in Title 128, Chapters 1–3, 6–13, and 14 of the state rule.

DEFINITION OF A SOLID WASTE

Nebraska has adopted the federal definition of a solid waste, however, military munitions are not included in the definition. The definitions can be found in Title 128, Chapter 2.

DEFINITION OF A HAZARDOUS WASTE

Nebraska has adopted the federal definitions of a solid and hazardous waste, however military munitions are not included in the definition. The definitions can be found in Title 128, Chapter 2.

STATE SPECIFIC ISSUES

In the MR, EPA classified various provisions as:

- ◆ *less stringent* than the existing federal rules (e.g., conditional exemption),
- ◆ *clarifications* of the existing federal rules (e.g., definitions of when munitions become wastes), and
- ◆ *more stringent* than the existing federal rules (e.g., record keeping by explosives or munitions emergency responders).

EPA also did not classify some provisions of the MR (e.g., Subpart EE). For the *less stringent* provisions of the MR and for the provisions that EPA did not classify (especially Subpart EE), these provisions of the MR are not available under state law until a state formally adopts the provision. For example, the conditional exemption is not available at the state level until a state adopts its own regulations establishing the conditional exemption.

The MR provisions that EPA considered *equally stringent*, are available only provided that the state law is not *more stringent* than the federal standard. For provisions of the MR that are deemed *more stringent*, these rules are effective immediately at the federal level and states must adopt similar (or *more stringent*) requirement under state law.

NEVADA

GENERAL

Nevada has adopted the federal MR. The Nevada hazardous waste program is administered by the Hazardous Waste division of the Bureau of Waste Management, which is a part of the Nevada Department of Environmental Protection.

The Nevada hazardous waste regulations can be found in the Nevada Administrative Code (NAC) in section 444.8632.

DEFINITION OF A SOLID WASTE

Nevada has adopted the definition of a solid waste from the federal rule. The state reference to the definition can be found in Chapter 459 of the NAC.

DEFINITION OF A HAZARDOUS WASTE

Nevada has adopted the definition of a hazardous waste from the federal rule. The state reference to the definition can be found in Chapter 459 of the NAC.

STATE SPECIFIC ISSUES

Nevada has adopted the MR, therefore there are no state specific changes.

NEVADA

Regulations 40 CFR 260-266 & 270	Adopted or Amended	State Reference	Major Differences
Part 260 - Hazardous Waste Management System: General <input checked="" type="checkbox"/> 260.1 Purpose, Scope, and Applicability <input checked="" type="checkbox"/> 260.10 Definitions	Adopted Adopted	NAC 444.8632 NAC 444.8632	None None
Part 261 - Identification and Listing of Hazardous Waste <input checked="" type="checkbox"/> 261.2 Definition of Solid Waste	Adopted	NAC 444.8632	None
Part 262 - Standards Applicable to Generators of Hazardous Waste <input checked="" type="checkbox"/> 262.10 Purpose, Scope, and Applicability <input checked="" type="checkbox"/> 262.20 General Requirements	Adopted Adopted	NAC 444.8632 NAC 444.8632	None None
Part 263 - Standards Applicable to Transporters of Hazardous Waste <input checked="" type="checkbox"/> 263.10 Scope	Adopted	NAC 444.8632	None
Part 264 - Standards for Owners and Operators of Hazardous Waste Treatment, Storage, and Disposal Facilities <input checked="" type="checkbox"/> 264.1 Purpose, Scope and Applicability <input checked="" type="checkbox"/> 264.70 Applicability <input checked="" type="checkbox"/> Subpart EE—Hazardous Waste Munitions and Explosives Storage <input checked="" type="checkbox"/> 264.1200 Applicability <input checked="" type="checkbox"/> 264.1201 Design and Operating Standards <input checked="" type="checkbox"/> 264.1202 Closure and Post-Closure Care	Adopted Adopted Adopted Adopted Adopted Adopted	NAC 444.8632 NAC 444.8632 NAC 444.8632 NAC 444.8632 NAC 444.8632 NAC 444.8632	None None None None None None
Part 265 - Interim Status Standards for Owners and Operators of Hazardous Waste Treatment, Storage, and Disposal Facilities <input checked="" type="checkbox"/> 265.1 Purpose, Scope, and Applicability <input checked="" type="checkbox"/> 265.70 Applicability <input checked="" type="checkbox"/> Subpart EE—Hazardous Waste Munitions and Explosives Storage <input checked="" type="checkbox"/> 265.1200 Applicability <input checked="" type="checkbox"/> 265.1201 Design and Operating Standards <input checked="" type="checkbox"/> 265.1202 Closure and Post-Closure Care	Adopted Adopted Adopted Adopted Adopted Adopted	NAC 444.8632 NAC 444.8632 NAC 444.8632 NAC 444.8632 NAC 444.8632 NAC 444.8632	None None None None None None
Part 266 - Standards for the Management of Specific Hazardous Wastes and Specific Types of Hazardous Waste and Specific Types of Hazardous Waste Management Facilities <input checked="" type="checkbox"/> Subpart M--Military Munitions <input checked="" type="checkbox"/> 266.200 Applicability <input checked="" type="checkbox"/> 266.201 Definitions <input checked="" type="checkbox"/> 266.202 Definition of Solid Waste <input checked="" type="checkbox"/> 266.203 Standards Applicable to the Transportation of Solid Waste Military Munitions <input checked="" type="checkbox"/> 266.204 Standards Applicable to Emergency Responses <input checked="" type="checkbox"/> 266.205 Standards Applicable to the Storage of Solid Waste Military Munitions <input checked="" type="checkbox"/> 266.206 Standards Applicable to the Treatment and Disposal of Waste Military Munitions	Adopted Adopted Adopted Adopted Adopted Adopted Adopted	NAC 444.8632 NAC 444.8632 NAC 444.8632 NAC 444.8632 NAC 444.8632 NAC 444.8632 NAC 444.8632	None None None None None None None
Part 270 - EPA Administered Permit Programs: The Hazardous Waste Permit Program <input checked="" type="checkbox"/> 270.1 Purpose and Scope of These Regulations <input checked="" type="checkbox"/> 270.2 Definitions <input checked="" type="checkbox"/> 270.42 Permit Modification At the Request of the Permittee	Adopted Adopted Adopted	NAC 444.8632 NAC 444.8632 NAC 444.8632	None None None

* Copied the wording of the federal rule word for word, except state rules were referenced in the text

NEW HAMPSHIRE

GENERAL

New Hampshire has not adopted the federal MR, nor have they developed any state-specific military munitions regulations. At present, the state regulates military munitions through the current RCRA hazardous waste regulations. The New Hampshire Hazardous Waste Compliance Section (HWCS) of the Waste Management Division enforces the state's hazardous waste program for the New Hampshire Department of Environmental Services.

The State of New Hampshire Department of Environmental Services, Hazardous Waste Rules can be found in Part Env.-Wm. Chapters 110, 211, 353, 400, 500, 600, 700, and 900.

DEFINITION OF A SOLID WASTE

New Hampshire has adopted the federal definition of a solid waste. The state reference to the definition can be found in Part Env.-Wm 110.

DEFINITION OF A HAZARDOUS WASTE

New Hampshire has adopted the federal definition of a hazardous waste. The state reference to the definition can be found in Part Env.-Wm 110.

STATE SPECIFIC ISSUES

In the MR, EPA classified various provisions as:

- ◆ *less stringent* than the existing federal rules (e.g., conditional exemption),
- ◆ *clarifications* of the existing federal rules (e.g., definitions of when munitions become wastes), and
- ◆ *more stringent* than the existing federal rules (e.g., record keeping by explosives or munitions emergency responders).

EPA also did not classify some provisions of the MR (e.g., Subpart

EE). For the *less stringent* provisions of the MR and for the provisions that EPA did not classify (especially Subpart EE), these provisions of the MR are not available under state law until a state formally adopts the provision. For example, the conditional exemption is not available at the state level until a state adopts its own regulations establishing the conditional exemption.

The MR provisions that EPA considered *equally stringent*, are available only provided that the state law is not *more stringent* than the federal standard. For provisions of the MR that are deemed *more stringent*, these rules are effective immediately at the federal level and states must adopt similar (or *more stringent*) requirement under state law.

NEW JERSEY

GENERAL

The Division of Solid and Hazardous Waste for the New Jersey Department of Environmental Protection (NJDEP) administers and enforces the state's hazardous waste program. NJDEP has adopted the federal MR by reference and incorporated it into their state rules. New Jersey's hazardous waste regulations can be found in their Administrative Code (NJAC) Section 7:26G-4.1 - 10.1, and 12.1.

DEFINITION OF A SOLID WASTE

New Jersey has adopted the definition of a solid waste from the federal rule. The state reference to the definition can be found in 7:26G-5.1 of the NJAC.

DEFINITION OF A HAZARDOUS WASTE

New Jersey has adopted the definition of a hazardous waste from the federal rule. The state reference to the definition can be found in 7:26G-5.1 of the NJAC.

STATE SPECIFIC ISSUES

New Jersey has adopted the federal MR, therefore there are no state specific issues pertaining to WMM.

NEW JERSEY

Regulations 40 CFR 260-266 & 270	Adopted or Amended	State Reference	Major Differences
Part 260 - Hazardous Waste Management System: General <input checked="" type="checkbox"/> 260.1 Purpose, Scope, and Applicability <input checked="" type="checkbox"/> 260.10 Definitions	Adopted Adopted	7:26G-4.1 7:26G-4.1	None None
Part 261 - Identification and Listing of Hazardous Waste <input checked="" type="checkbox"/> 261.2 Definition of Solid Waste	Adopted	7:26G-5.1	None
Part 262 - Standards Applicable to Generators of Hazardous Waste <input checked="" type="checkbox"/> 262.10 Purpose, Scope, and Applicability <input checked="" type="checkbox"/> 262.20 General Requirements	Adopted Adopted	7:26G-6.1 7:26G-6.1	None None
Part 263 - Standards Applicable to Transporters of Hazardous Waste <input checked="" type="checkbox"/> 263.10 Scope	Adopted	7:26G-7.1	None
Part 264 - Standards for Owners and Operators of Hazardous Waste Treatment, Storage, and Disposal Facilities <input checked="" type="checkbox"/> 264.1 Purpose, Scope and Applicability <input checked="" type="checkbox"/> 264.70 Applicability <input checked="" type="checkbox"/> Subpart EE—Hazardous Waste Munitions and Explosives Storage <input checked="" type="checkbox"/> 264.1200 Applicability <input checked="" type="checkbox"/> 264.1201 Design and Operating Standards <input checked="" type="checkbox"/> 264.1202 Closure and Post-Closure Care	Adopted Adopted Adopted Adopted Adopted Adopted	7:26G-8.1 7:26G-8.1 7:26G-8.1 7:26G-8.1 7:26G-8.1 7:26G-8.1	None None None None None None
Part 265 - Interim Status Standards for Owners and Operators of Hazardous Waste Treatment, Storage, and Disposal Facilities <input checked="" type="checkbox"/> 265.1 Purpose, Scope, and Applicability <input checked="" type="checkbox"/> 265.70 Applicability <input checked="" type="checkbox"/> Subpart EE—Hazardous Waste Munitions and Explosives Storage <input checked="" type="checkbox"/> 265.1200 Applicability <input checked="" type="checkbox"/> 265.1201 Design and Operating Standards <input checked="" type="checkbox"/> 265.1202 Closure and Post-Closure Care	Adopted Adopted Adopted Adopted Adopted Adopted	7:26G-9.1 7:26G-9.1 7:26G-9.1 7:26G-9.1 7:26G-9.1 7:26G-9.1	None None None None None None
Part 266 - Standards for the Management of Specific Hazardous Wastes and Specific Types of Hazardous Waste and Specific Types of Hazardous Waste Management Facilities <input checked="" type="checkbox"/> Subpart M--Military Munitions <input checked="" type="checkbox"/> 266.200 Applicability <input checked="" type="checkbox"/> 266.201 Definitions <input checked="" type="checkbox"/> 266.202 Definition of Solid Waste <input checked="" type="checkbox"/> 266.203 Standards Applicable to the Transportation of Solid Waste Military Munitions <input checked="" type="checkbox"/> 266.204 Standards Applicable to Emergency Responses <input checked="" type="checkbox"/> 266.205 Standards Applicable to the Storage of Solid Waste Military Munitions <input checked="" type="checkbox"/> 266.206 Standards Applicable to the Treatment and Disposal of Waste Military Munitions	Adopted Adopted Adopted Adopted Adopted Adopted Adopted	7:26G-10.1 7:26G-10.1 7:26G-10.1 7:26G-10.1 7:26G-10.1 7:26G-10.1 7:26G-10.1	None None None None None None None
Part 270 - EPA Administered Permit Programs: The Hazardous Waste Permit Program <input checked="" type="checkbox"/> 270.1 Purpose and Scope of These Regulations <input checked="" type="checkbox"/> 270.2 Definitions <input checked="" type="checkbox"/> 270.42 Permit Modification At the Request of the Permittee	Adopted Adopted Adopted	7:26G-12.1 7:26G-12.1 7:26G-12.1	None None None

* Copied the wording of the federal rule word for word, except state rules were referenced in the text

NEW MEXICO

GENERAL

New Mexico has adopted the federal MR and has not developed any state regulations pertaining to military munitions. The provisions of the federal MR are regulated through the hazardous waste management department of the New Mexico Environment Department.

Military munitions regulations for the state of New Mexico were issued by the New Mexico Environmental Improvement Board. They can be found in Title 20 – Environmental Protection, Chapter 4 – Hazardous Waste, and Part 1 – Hazardous Waste Management, also referred to as 20 New Mexico Administrative Code (NMAC) 4.1 (20NMAC4.1).

DEFINITION OF A SOLID WASTE

New Mexico has adopted the definition of a solid waste from the federal rule. The state reference to the definition can be found in 20NMAC4.1.200.

DEFINITION OF A HAZARDOUS WASTE

New Mexico has adopted the definition of a hazardous waste from the federal rule. The state reference to the definition can be found in 20NMAC4.1.200.

STATE SPECIFIC ISSUES

New Mexico has adopted the federal MR, therefore there are no state specific issues pertaining to WMM.

NEW MEXICO

Regulations 40 CFR 260-266 & 270	Adopted or Amended	State Reference	Major Differences
Part 260 - Hazardous Waste Management System: General <input checked="" type="checkbox"/> 260.1 Purpose, Scope, and Applicability <input checked="" type="checkbox"/> 260.10 Definitions	Adopted Adopted	20NMAC4.1.100 20NMAC4.1.100	None "Administrator" means Secretary of the NMED or his/her designee
Part 261 - Identification and Listing of Hazardous Waste <input checked="" type="checkbox"/> 261.2 Definition of Solid Waste	Adopted	20NMAC4.1.200	None
Part 262 - Standards Applicable to Generators of Hazardous Waste <input checked="" type="checkbox"/> 262.10 Purpose, Scope, and Applicability <input checked="" type="checkbox"/> 262.20 General Requirements	Adopted Adopted	20NMAC4.1.300 20NMAC4.1.300	None None
Part 263 - Standards Applicable to Transporters of Hazardous Waste <input checked="" type="checkbox"/> 263.10 Scope	Adopted	20NMAC4.1.400	None
Part 264 - Standards for Owners and Operators of Hazardous Waste Treatment, Storage, and Disposal Facilities <input checked="" type="checkbox"/> 264.1 Purpose, Scope and Applicability <input checked="" type="checkbox"/> 264.70 Applicability <input checked="" type="checkbox"/> Subpart EE—Hazardous Waste Munitions and Explosives Storage <input checked="" type="checkbox"/> 264.1200 Applicability <input checked="" type="checkbox"/> 264.1201 Design and Operating Standards <input checked="" type="checkbox"/> 264.1202 Closure and Post-Closure Care	Adopted Adopted Adopted Adopted Adopted Adopted	20NMAC4.1.500 20NMAC4.1.500 20NMAC4.1.500 20NMAC4.1.500 20NMAC4.1.500 20NMAC4.1.500	None None None None None None
Part 265 - Interim Status Standards for Owners and Operators of Hazardous Waste Treatment, Storage, and Disposal Facilities <input checked="" type="checkbox"/> 265.1 Purpose, Scope, and Applicability <input checked="" type="checkbox"/> 265.70 Applicability <input checked="" type="checkbox"/> Subpart EE—Hazardous Waste Munitions and Explosives Storage <input checked="" type="checkbox"/> 265.1200 Applicability <input checked="" type="checkbox"/> 265.1201 Design and Operating Standards <input checked="" type="checkbox"/> 265.1202 Closure and Post-Closure Care	Adopted Adopted Adopted Adopted Adopted Adopted	20NMAC4.1.600 20NMAC4.1.600 20NMAC4.1.600 20NMAC4.1.600 20NMAC4.1.600 20NMAC4.1.600	None None None None None None
Part 266 - Standards for the Management of Specific Hazardous Wastes and Specific Types of Hazardous Waste and Specific Types of Hazardous Waste Management Facilities <input checked="" type="checkbox"/> Subpart M--Military Munitions <input checked="" type="checkbox"/> 266.200 Applicability <input checked="" type="checkbox"/> 266.201 Definitions <input checked="" type="checkbox"/> 266.202 Definition of Solid Waste <input checked="" type="checkbox"/> 266.203 Standards Applicable to the Transportation of Solid Waste Military Munitions <input checked="" type="checkbox"/> 266.204 Standards Applicable to Emergency Responses <input checked="" type="checkbox"/> 266.205 Standards Applicable to the Storage of Solid Waste Military Munitions <input checked="" type="checkbox"/> 266.206 Standards Applicable to the Treatment and Disposal of Waste Military Munitions	Adopted Adopted Adopted Adopted Adopted Adopted Adopted	20NMAC4.1.700 20NMAC4.1.700 20NMAC4.1.700 20NMAC4.1.700 20NMAC4.1.700 20NMAC4.1.700 20NMAC4.1.700	None None None None None None None
Part 270 - EPA Administered Permit Programs: The Hazardous Waste Permit Program <input checked="" type="checkbox"/> 270.1 Purpose and Scope of These Regulations <input checked="" type="checkbox"/> 270.2 Definitions <input checked="" type="checkbox"/> 270.42 Permit Modification At the Request of the Permittee	Adopted Adopted Adopted	20NMAC4.1.900 20NMAC4.1.900 20NMAC4.1.901	None None None

* Copied the wording of the federal rule word for word, except state rules were referenced in the text

NEW YORK

GENERAL

The Division of Solid and Hazardous Materials (DSHM) for the New York State Department of Environmental Conservation (NYDEC) administers and enforces the states' RCRA hazardous waste program. NYDEC has adopted the federal MR, and incorporated it into their state regulations. New York's hazardous waste program regulations can be found in Parts 371-374 and 364 under Title 6 of the Official Compilation of Codes, Rules and Regulations of NYDEC, DSHM.

DEFINITION OF A SOLID WASTE

New York has adopted the definition of a solid waste from the federal rule. The state reference to the definition can be found in part 371.1(c).

DEFINITION OF A HAZARDOUS WASTE

New York has adopted the definition of a hazardous waste from the federal rule. The state reference to the definition can be found in part 371.1(d).

STATE SPECIFIC ISSUES

New York amended part 374-1.13 (f)(h) of their state rule to state that waste military munitions must be stored at government owned facilities. This will preclude military munitions from being stored at any facilities in the State of New York other than government owned facilities. No Air Force military munitions activities would be impacted, however, the Air Force military munitions acquisition and demilitarization community may be affected.

NEW YORK

Regulations 40 CFR 260-266 & 270	Adopted or Amended	State Reference	Major Differences
Part 260 - Hazardous Waste Management System: General <input checked="" type="checkbox"/> 260.1 Purpose, Scope, and Applicability <input checked="" type="checkbox"/> 260.10 Definitions	Adopted Adopted	374-1.13 374-1.13	None None
Part 261 - Identification and Listing of Hazardous Waste <input checked="" type="checkbox"/> 261.2 Definition of Solid Waste	Adopted	371.1 (c)	None
Part 262 - Standards Applicable to Generators of Hazardous Waste <input checked="" type="checkbox"/> 262.10 Purpose, Scope, and Applicability <input checked="" type="checkbox"/> 262.20 General Requirements	Adopted Adopted	372.1 372.2	None None
Part 263 - Standards Applicable to Transporters of Hazardous Waste <input checked="" type="checkbox"/> 263.10 Scope	Adopted	372.1	None
Part 264 - Standards for Owners and Operators of Hazardous Waste Treatment, Storage, and Disposal Facilities <input checked="" type="checkbox"/> 264.1 Purpose, Scope and Applicability <input checked="" type="checkbox"/> 264.70 Applicability Subpart EE—Hazardous Waste Munitions and Explosives Storage <input checked="" type="checkbox"/> 264.1200 Applicability <input checked="" type="checkbox"/> 264.1201 Design and Operating Standards <input checked="" type="checkbox"/> 264.1202 Closure and Post-Closure Care	Adopted Adopted Adopted Adopted Adopted Adopted	373-2 373-2.5 373-2.31 373-2.31 373-2.31 373-2.31	None None None None None None
Part 265 - Interim Status Standards for Owners and Operators of Hazardous Waste Treatment, Storage, and Disposal Facilities <input checked="" type="checkbox"/> 265.1 Purpose, Scope, and Applicability <input checked="" type="checkbox"/> 265.70 Applicability Subpart EE—Hazardous Waste Munitions and Explosives Storage <input checked="" type="checkbox"/> 265.1200 Applicability <input checked="" type="checkbox"/> 265.1201 Design and Operating Standards <input checked="" type="checkbox"/> 265.1202 Closure and Post-Closure Care	Adopted Adopted Adopted Adopted Adopted Adopted	373-3.1 373-3.1 373-3.31 373-3.31 373-3.31 373-3.31	None None None None None None
Part 266 - Standards for the Management of Specific Hazardous Wastes and Specific Types of Hazardous Waste Management Facilities <input checked="" type="checkbox"/> Subpart M--Military Munitions <input checked="" type="checkbox"/> 266.200 Applicability <input checked="" type="checkbox"/> 266.201 Definitions <input checked="" type="checkbox"/> 266.202 Definition of Solid Waste <input checked="" type="checkbox"/> 266.203 Standards Applicable to the Transportation of Solid Waste Military Munitions <input checked="" type="checkbox"/> 266.204 Standards Applicable to Emergency Responses <input checked="" type="checkbox"/> 266.205 Standards Applicable to the Storage of Solid Waste Military Munitions <input checked="" type="checkbox"/> 266.206 Standards Applicable to the Treatment and Disposal of Waste Military Munitions	Adopted Adopted Adopted Adopted Adopted Adopted Adopted	374-1.13 374-1.13 374-1.13 374-1.13 374-1.13 374-1.13 374-1.13(f) 374-1.13	None None None None None None Added a provision that states "WMM must be stored at government owned facilities." None
Part 270 - EPA Administered Permit Programs: The Hazardous Waste Permit Program <input checked="" type="checkbox"/> 270.1 Purpose and Scope of These Regulations <input checked="" type="checkbox"/> 270.2 Definitions <input checked="" type="checkbox"/> 270.42 Permit Modification At the Request of the Permittee	Adopted Adopted Adopted	364.1 364.1 364.1	None None None

NORTH CAROLINA

GENERAL

The North Carolina Department of Environment and Natural Resources (NCDENR) administers and enforces the states' RCRA hazardous waste program. NCDENR has adopted the federal MR, and copied it word for word into their state regulations. North Carolina's hazardous waste program regulations can be found in North Carolina Administrative Code (NCAC) 15A NCAC 13A Parts .0102, .0106-.0111 and .0113 under Hazardous Waste Rules in the administrative code.

DEFINITION OF A SOLID WASTE

North Carolina has adopted the definition of a solid waste from the federal rule. The state reference to the definition can be found in 15A NCAC 13A .0106.

DEFINITION OF A HAZARDOUS WASTE

North Carolina has adopted the definition of a hazardous waste from the federal rule. The state reference to the definition can be found in 15A NCAC 13A .0106.

STATE SPECIFIC ISSUES

North Carolina adopted the federal MR and copied it word for word. Therefore there are no state specific issues pertaining to WMM.

NORTH CAROLINA

Regulations 40 CFR 260-266 & 270	Adopted or Amended	State Reference	Major Differences
Part 260 - Hazardous Waste Management System: General <input checked="" type="checkbox"/> 260.1 Purpose, Scope, and Applicability <input checked="" type="checkbox"/> 260.10 Definitions	Adopted Adopted	15A NCAC 13A .0102 15A NCAC 13A .0102	None None
Part 261 - Identification and Listing of Hazardous Waste <input checked="" type="checkbox"/> 261.2 Definition of Solid Waste	Adopted	15A NCAC 13A .0106	None
Part 262 - Standards Applicable to Generators of Hazardous Waste <input checked="" type="checkbox"/> 262.10 Purpose, Scope, and Applicability <input checked="" type="checkbox"/> 262.20 General Requirements	Adopted Adopted	15A NCAC 13A .0107 15A NCAC 13A .0107	None None
Part 263 - Standards Applicable to Transporters of Hazardous Waste <input checked="" type="checkbox"/> 263.10 Scope	Adopted	15A NCAC 13A .0108	None
Part 264 - Standards for Owners and Operators of Hazardous Waste Treatment, Storage, and Disposal Facilities <input checked="" type="checkbox"/> 264.1 Purpose, Scope and Applicability <input checked="" type="checkbox"/> 264.70 Applicability Subpart EE—Hazardous Waste Munitions and Explosives Storage <input checked="" type="checkbox"/> 264.1200 Applicability <input checked="" type="checkbox"/> 264.1201 Design and Operating Standards <input checked="" type="checkbox"/> 264.1202 Closure and Post-Closure Care	Adopted Adopted Adopted Adopted Adopted Adopted	15A NCAC 13A .0109 15A NCAC 13A .0109 15A NCAC 13A .0109 15A NCAC 13A .0109 15A NCAC 13A .0109 15A NCAC 13A .0109	None None None None None None
Part 265 - Interim Status Standards for Owners and Operators of Hazardous Waste Treatment, Storage, and Disposal Facilities <input checked="" type="checkbox"/> 265.1 Purpose, Scope, and Applicability <input checked="" type="checkbox"/> 265.70 Applicability Subpart EE—Hazardous Waste Munitions and Explosives Storage <input checked="" type="checkbox"/> 265.1200 Applicability <input checked="" type="checkbox"/> 265.1201 Design and Operating Standards <input checked="" type="checkbox"/> 265.1202 Closure and Post-Closure Care	Adopted Adopted Adopted Adopted Adopted Adopted	15A NCAC 13A .0110 15A NCAC 13A .0110 15A NCAC 13A .0110 15A NCAC 13A .0110 15A NCAC 13A .0110 15A NCAC 13A .0110	None None None None None None
Part 266 - Standards for the Management of Specific Hazardous Wastes and Specific Types of Hazardous Waste Management Facilities <input checked="" type="checkbox"/> Subpart M--Military Munitions <input checked="" type="checkbox"/> 266.200 Applicability <input checked="" type="checkbox"/> 266.201 Definitions <input checked="" type="checkbox"/> 266.202 Definition of Solid Waste <input checked="" type="checkbox"/> 266.203 Standards Applicable to the Transportation of Solid Waste Military Munitions <input checked="" type="checkbox"/> 266.204 Standards Applicable to Emergency Responses <input checked="" type="checkbox"/> 266.205 Standards Applicable to the Storage of Solid Waste Military Munitions <input checked="" type="checkbox"/> 266.206 Standards Applicable to the Treatment and Disposal of Waste Military Munitions	Adopted Adopted Adopted Adopted Adopted Adopted Adopted	15A NCAC 13A .0111 15A NCAC 13A .0111 15A NCAC 13A .0111 15A NCAC 13A .0111 15A NCAC 13A .0111 15A NCAC 13A .0111 15A NCAC 13A .0111	None None None None None None None
Part 270 - EPA Administered Permit Programs: The Hazardous Waste Permit Program <input checked="" type="checkbox"/> 270.1 Purpose and Scope of These Regulations <input checked="" type="checkbox"/> 270.2 Definitions <input checked="" type="checkbox"/> 270.42 Permit Modification At the Request of the Permittee	Adopted Adopted Adopted	15A NCAC 13A .0113 15A NCAC 13A .0113 15A NCAC 13A .0113	None None None

NORTH DAKOTA

GENERAL

North Dakota has not adopted the federal MR, nor have they developed any state-specific military munitions regulations. At present, North Dakota regulates military munitions through the current hazardous waste management rules. North Dakota's hazardous waste management program is administered by the Division of Waste Management of the North Dakota Department of Health, Environmental Health Section.

North Dakota hazardous waste rules can be found in the North Dakota Century Code (NDCC), Chapter 33-24-01–33-24-07.

DEFINITION OF A SOLID WASTE

North Dakota has adopted the federal definition of a solid waste. The state definition of a solid waste can be found in chapter 33-24-02-02 of the NDCC.

DEFINITION OF A HAZARDOUS WASTE

North Dakota has adopted the federal definition of a hazardous waste. The state definition of the hazardous waste can be found in chapter 33-24-02-03 of the NDCC.

STATE SPECIFIC ISSUES

In the MR, EPA classified various provisions as:

- ◆ *less stringent* than the existing federal rules (e.g., conditional exemption),
- ◆ *clarifications* of the existing federal rules (e.g., definitions of when munitions become wastes), and
- ◆ *more stringent* than the existing federal rules (e.g., record keeping by explosives or munitions emergency responders).

EPA also did not classify some provisions of the MR (e.g., Subpart EE). For the *less stringent* provisions of the MR and for the provisions that EPA did not classify (especially Subpart EE), these provisions of the MR are not available under state law until a state formally adopts the provision. For example, the conditional exemption is not available at the state level until a state adopts its own regulations establishing the conditional exemption.

The MR provisions that EPA considered *equally stringent*, are available only provided that the state law is not *more stringent* than the federal standard. For provisions of the MR that are deemed *more stringent*, these rules are effective immediately at the federal level and states must adopt similar (or *more stringent*) requirement under state law.

OHIO

GENERAL

The Division of Hazardous Waste Management for the Ohio Environmental Protection Agency (OEPA) administers and enforces the RCRA hazardous waste program. OEPA follows their state rules for waste management and has not included anything pertaining to military munitions. Ohio's hazardous waste program regulations can be found in Section 3745 Parts 50, 51, 52, 53, 54, 65, and 248 of the Ohio Administrative Code (OAC).

DEFINITION OF A SOLID WASTE

Ohio has adopted the federal definition of a solid waste. The state definition of a solid waste can be found in 3745-51-02 of the OAC.

DEFINITION OF A HAZARDOUS WASTE

Ohio has adopted the federal definition of a solid waste. The state definition of a solid waste can be found in 3745-51-03 of the OAC.

STATE SPECIFIC ISSUES

In the MR, EPA classified various provisions as:

- ◆ *less stringent* than the existing federal rules (e.g., conditional exemption),
- ◆ *clarifications* of the existing federal rules (e.g., definitions of when munitions become wastes), and
- ◆ *more stringent* than the existing federal rules (e.g., record keeping by explosives or munitions emergency responders).

EPA also did not classify some provisions of the MR (e.g., Subpart EE). For the *less stringent* provisions of the MR and for the provisions that EPA did not classify (especially Subpart EE), these provisions of the MR are not available under state law until a state formally adopts the provision. For example, the conditional

exemption is not available at the state level until a state adopts its own regulations establishing the conditional exemption.

The MR provisions that EPA considered *equally stringent*, are available only provided that the state law is not *more stringent* than the federal standard. For provisions of the MR that are deemed *more stringent*, these rules are effective immediately at the federal level and states must adopt similar (or *more stringent*) requirement under state law.

OKLAHOMA

GENERAL

Oklahoma has adopted the federal MR and has not developed any state-specific military munitions regulations. The provisions of the MR are regulated under the hazardous waste management division of the Oklahoma Department of Environmental Quality.

Military munitions regulations for the state of Oklahoma were promulgated and adopted under the Oklahoma Environmental Quality Code and implement the Oklahoma Hazardous Waste Management Act. They can be found in Title 252: Department of Environmental Quality, and Chapter 205 Hazardous Waste Management.

DEFINITION OF A SOLID WASTE

Oklahoma has adopted the definition of a solid waste from the federal rule. The state reference to the definition can be found in 252:205-3-2.

DEFINITION OF A HAZARDOUS WASTE

Oklahoma has adopted the definition of a hazardous waste from the federal rule. The state reference to the definition can be found in 252:205-3-2.

STATE SPECIFIC ISSUES

Oklahoma has adopted the federal MR, therefore there are no state specific issues pertaining to WMM.

OKLAHOMA

Regulations 40 CFR 260-266 & 270	Adopted or Amended	State Reference	Major Differences
Part 260 - Hazardous Waste Management System: General <input checked="" type="checkbox"/> 260.1 Purpose, Scope, and Applicability <input checked="" type="checkbox"/> 260.10 Definitions	Adopted Adopted	252:205-3-2(b) 252:205-3-2(b)	None None
Part 261 - Identification and Listing of Hazardous Waste <input checked="" type="checkbox"/> 261.2 Definition of Solid Waste	Adopted	252:205-3-2(c)	None
Part 262 - Standards Applicable to Generators of Hazardous Waste <input checked="" type="checkbox"/> 262.10 Purpose, Scope, and Applicability <input checked="" type="checkbox"/> 262.20 General Requirements	Adopted Adopted	252-205-3-2(d) 252-205-3-2(d)	Additional requirements can be found in 252:205-5-1 See Quarterly Reporting Requirements None
Part 263 - Standards Applicable to Transporters of Hazardous Waste <input checked="" type="checkbox"/> 263.10 Scope	Adopted	252:205-3-2(e)	None
Part 264 - Standards for Owners and Operators of Hazardous Waste Treatment, Storage, and Disposal Facilities <input checked="" type="checkbox"/> 264.1 Purpose, Scope and Applicability <input checked="" type="checkbox"/> 264.70 Applicability <input checked="" type="checkbox"/> Subpart EE—Hazardous Waste Munitions and Explosives Storage <input checked="" type="checkbox"/> 264.1200 Applicability <input checked="" type="checkbox"/> 264.1201 Design and Operating Standards <input checked="" type="checkbox"/> 264.1202 Closure and Post-Closure Care	Adopted Adopted Adopted Adopted Adopted Adopted	252:205-3-2(f) 252:205-3-2(f) 252:205-3-2(f) 252:205-3-2(f) 252:205-3-2(f) 252:205-3-2(f)	None None None None None None
Part 265 - Interim Status Standards for Owners and Operators of Hazardous Waste Treatment, Storage, and Disposal Facilities <input checked="" type="checkbox"/> 265.1 Purpose, Scope, and Applicability <input checked="" type="checkbox"/> 265.70 Applicability <input checked="" type="checkbox"/> Subpart EE—Hazardous Waste Munitions and Explosives Storage <input checked="" type="checkbox"/> 265.1200 Applicability <input checked="" type="checkbox"/> 265.1201 Design and Operating Standards <input checked="" type="checkbox"/> 265.1202 Closure and Post-Closure Care	Adopted Adopted Adopted Adopted Adopted Adopted	252:205-3-2(g) 252:205-3-2(g) 252:205-3-2(g) 252:205-3-2(g) 252:205-3-2(g) 252:205-3-2(g)	None None None None None None
Part 266 - Standards for the Management of Specific Hazardous Wastes and Specific Types of Hazardous Waste and Specific Types of Hazardous Waste Management Facilities <input checked="" type="checkbox"/> Subpart M--Military Munitions <input checked="" type="checkbox"/> 266.200 Applicability <input checked="" type="checkbox"/> 266.201 Definitions <input checked="" type="checkbox"/> 266.202 Definition of Solid Waste <input checked="" type="checkbox"/> 266.203 Standards Applicable to the Transportation of Solid Waste Military Munitions <input checked="" type="checkbox"/> 266.204 Standards Applicable to Emergency Responses <input checked="" type="checkbox"/> 266.205 Standards Applicable to the Storage of Solid Waste Military Munitions <input checked="" type="checkbox"/> 266.206 Standards Applicable to the Treatment and Disposal of Waste Military Munitions	Adopted Adopted Adopted Adopted Adopted Adopted Adopted	2525:205-3-2(h) 2525:205-3-2(h) 2525:205-3-2(h) 2525:205-3-2(h) 2525:205-3-2(h) 2525:205-3-2(h) 2525:205-3-2(h)	None None None None None None None
Part 270 - EPA Administered Permit Programs: The Hazardous Waste Permit Program <input checked="" type="checkbox"/> 270.1 Purpose and Scope of These Regulations <input checked="" type="checkbox"/> 270.2 Definitions <input checked="" type="checkbox"/> 270.42 Permit Modification At the Request of the Permittee	Adopted Adopted Adopted	252:205-3-2(j) 252:205-3-2(j) 252:205-3-2(j)	None None None

OREGON

GENERAL

Oregon has adopted the federal MR but has also developed state-specific regulations in addition to the MR. The provisions of the MR are regulated under the hazardous waste program of the Oregon Department of Environmental Quality (ODEQ). ODEQ is authorized to administer and enforce the Oregon RCRA hazardous waste program.

Military Munitions Regulations for the state of Oregon are located within the Hazardous Waste Regulations of the Oregon Administrative Rules (OAR). They can be found in Title 340, Division 100–105.

DEFINITION OF A SOLID WASTE

Oregon has adopted the federal definition of a solid waste. The state reference to the definition can be found in Title 340-101 of the OAR.

DEFINITION OF A HAZARDOUS WASTE

Oregon has adopted the federal definition of a hazardous waste. The state reference to the definition can be found in Title 340-100 of the OAR.

STATE SPECIFIC ISSUES

On March 9, 2001 the Oregon Environmental Quality Council adopted regulations proposed by (ODEQ) amending the Oregon adoption of the Munitions Rule. This amendment to the Oregon MR was very narrowly focused on chemical agents and munitions (this term is defined in the federal MR). In this amendment, Oregon: unilaterally declared all chemical agents and munitions in Oregon to be hazardous waste; adopted new requirements for the storage of these waste munitions; and established a no migration

standard for these wastes munitions. This amendment of the Oregon regulations for the management of waste munitions primarily impacts the operations at the U.S. Army's Umatilla Chemical Munitions Depot and is not expected to have any affect on Air Force operations (in Oregon or elsewhere), and is noted here only for the purposes of information.

Oregon also deleted the provision in 40 CFR 270.42. No offsite materials can be accepted for incineration in Oregon. Only materials that have been inventoried as of February 12, 1997.

OREGON

Regulations 40 CFR 260-266 & 270	Adopted or Amended	State Reference	Major Differences
Part 260 - Hazardous Waste Management System: General <input checked="" type="checkbox"/> 260.1 Purpose, Scope, and Applicability <input checked="" type="checkbox"/> 260.10 Definitions	Adopted Adopted	340-100* 340-100*	None None
Part 261 - Identification and Listing of Hazardous Waste <input checked="" type="checkbox"/> 261.2 Definition of Solid Waste	Adopted	340-101*	None
Part 262 - Standards Applicable to Generators of Hazardous Waste <input checked="" type="checkbox"/> 262.10 Purpose, Scope, and Applicability <input checked="" type="checkbox"/> 262.20 General Requirements	Adopted Adopted	340-102* 340-102*	None None
Part 263 - Standards Applicable to Transporters of Hazardous Waste <input checked="" type="checkbox"/> 263.10 Scope	Adopted	340-103*	None
Part 264 - Standards for Owners and Operators of Hazardous Waste Treatment, Storage, and Disposal Facilities <input checked="" type="checkbox"/> 264.1 Purpose, Scope and Applicability <input checked="" type="checkbox"/> 264.70 Applicability <input checked="" type="checkbox"/> Subpart EE—Hazardous Waste Munitions and Explosives Storage <input checked="" type="checkbox"/> 264.1200 Applicability <input checked="" type="checkbox"/> 264.1201 Design and Operating Standards <input checked="" type="checkbox"/> 264.1202 Closure and Post-Closure Care	Adopted Adopted Adopted Adopted Adopted Adopted	340-104* 340-104* 340-104* 340-104* 340-104* 340-104*	None None None None None None
Part 265 - Interim Status Standards for Owners and Operators of Hazardous Waste Treatment, Storage, and Disposal Facilities <input checked="" type="checkbox"/> 265.1 Purpose, Scope, and Applicability <input checked="" type="checkbox"/> 265.70 Applicability <input checked="" type="checkbox"/> Subpart EE—Hazardous Waste Munitions and Explosives Storage <input checked="" type="checkbox"/> 265.1200 Applicability <input checked="" type="checkbox"/> 265.1201 Design and Operating Standards <input checked="" type="checkbox"/> 265.1202 Closure and Post-Closure Care	Adopted Adopted Adopted Adopted Adopted Adopted	340-100-0002* 340-100-0002* 340-100-0002* 340-100-0002* 340-100-0002* 340-100-0002*	None None None None None None
Part 266 - Standards for the Management of Specific Hazardous Wastes and Specific Types of Hazardous Waste and Specific Types of Hazardous Waste Management Facilities <input checked="" type="checkbox"/> Subpart M--Military Munitions <input checked="" type="checkbox"/> 266.200 Applicability <input checked="" type="checkbox"/> 266.201 Definitions <input checked="" type="checkbox"/> 266.202 Definition of Solid Waste <input checked="" type="checkbox"/> 266.203 Standards Applicable to the Transportation of Solid Waste Military Munitions <input checked="" type="checkbox"/> 266.204 Standards Applicable to Emergency Responses <input checked="" type="checkbox"/> 266.205 Standards Applicable to the Storage of Solid Waste Military Munitions <input checked="" type="checkbox"/> 266.206 Standards Applicable to the Treatment and Disposal of Waste Military Munitions	Adopted Adopted Adopted Adopted Adopted Adopted Adopted	340-100-0002* 340-100-0002* 340-100-0002* 340-100-0002* 340-100-0002* 340-100-0002* 340-100-0002*	None None None None None None None

Regulations 40 CFR 260-266 & 270	Adopted or Amended	State Reference	Major Differences
Part 270 - EPA Administered Permit Programs: The Hazardous Waste Permit Program <input checked="" type="checkbox"/> 270.1 Purpose and Scope of These Regulations <input checked="" type="checkbox"/> 270.2 Definitions <input checked="" type="checkbox"/> 270.42 Permit Modification At the Request of the Permittee	 Adopted Amended Amended	 340-105* 340-105* 340-105-0041*	 None Also Remediation Action plans provisions of 270.2 have been deleted. 40 CFR 270.42(h) deleted and 340-105-0041 has replaced it. No offsite materials accepted for incineration, only materials inventoried as of Feb 12, 1997.

* Copied the wording of the federal rule word for word, except state rules were referenced in the text

PENNSYLVANIA

GENERAL

Pennsylvania has adopted the federal MR into their state regulations. The provisions of the military munitions rule for the state of Pennsylvania are regulated by the hazardous waste management program. The Pennsylvania hazardous waste management program is administered by the Division of Hazardous Waste Management, which is part of the Bureau of Land Recycling and Waste Management of the Pennsylvania Department of Environmental Protection.

The provisions of the federal MR can be found within the state's hazardous waste management regulations which were incorporated May 1, 1999 under the authority of the Solid Waste Management Act and the Clean Streams Laws. Pennsylvania's Hazardous waste regulations can be found in Title 25. Environmental Protection, Part I. Department of Environmental Protection, Subpart D. Environmental Health and Safety, and Article VII – Hazardous Waste Management of the Pennsylvania Code.

DEFINITION OF A SOLID WASTE

Pennsylvania adopted the definition of a solid waste from the federal rule. The state reference to the definition can be found in Title 25, Chapter 261a.1.

DEFINITION OF A HAZARDOUS WASTE

Pennsylvania adopted the definition of a hazardous waste from the federal rule. The state reference to the definition can be found in Title 25, Chapter 261a.1.

STATE SPECIFIC ISSUES

Pennsylvania has adopted the federal MR rule in its entirety and only makes very few modifications for the state application of the

rule. Any reference to “State,” “Authorized State,” “Approved State,” or “Approved Program” is substituted with “Commonwealth.”

Pennsylvania has stipulated additional modifications to the Chapter 262a.20 on manifests and 40 CFR 262.20(a), (b), and (C) are not incorporated by reference. Instead, the regulations indicate additional requirements that hazardous waste generators and transporters must follow.

PENNSYLVANIA

Regulations 40 CFR 260-266 & 270	Adopted or Amended	State Reference	Major Differences
Part 260 - Hazardous Waste Management System: General <input checked="" type="checkbox"/> 260.1 Purpose, Scope, and Applicability <input checked="" type="checkbox"/> 260.10 Definitions	Adopted Adopted	Title 25 Chapt. 260a.1 Title 25 Chapt. 260a.1	None None
Part 261 - Identification and Listing of Hazardous Waste <input checked="" type="checkbox"/> 261.2 Definition of Solid Waste	Adopted	Title 25 Chapt 261a.1	None
Part 262 - Standards Applicable to Generators of Hazardous Waste <input checked="" type="checkbox"/> 262.10 Purpose, Scope, and Applicability <input checked="" type="checkbox"/> 262.20 General Requirements	Adopted Adopted	Title 25 Chapt. 262a.10 Title 25 Chapt. 262a.20	None None
Part 263 - Standards Applicable to Transporters of Hazardous Waste <input checked="" type="checkbox"/> 263.10 Scope	Adopted	Title 25 Chapt. 263a.10	None
Part 264 - Standards for Owners and Operators of Hazardous Waste Treatment, Storage, and Disposal Facilities <input checked="" type="checkbox"/> 264.1 Purpose, Scope and Applicability <input checked="" type="checkbox"/> 264.70 Applicability <input checked="" type="checkbox"/> Subpart EE—Hazardous Waste Munitions and Explosives Storage <input checked="" type="checkbox"/> 264.1200 Applicability <input checked="" type="checkbox"/> 264.1201 Design and Operating Standards <input checked="" type="checkbox"/> 264.1202 Closure and Post-Closure Care	Adopted Adopted Adopted Adopted Adopted Adopted	Title 25 Chapt. 264a.10 Title 25 Chapt. 264a.10 Title 25 Chapt. 264a.10 Title 25 Chapt. 264a.10 Title 25 Chapt. 264a.10 Title 25 Chapt. 264a.10	None None None None None None
Part 265 - Interim Status Standards for Owners and Operators of Hazardous Waste Treatment, Storage, and Disposal Facilities <input checked="" type="checkbox"/> 265.1 Purpose, Scope, and Applicability <input checked="" type="checkbox"/> 265.70 Applicability <input checked="" type="checkbox"/> Subpart EE—Hazardous Waste Munitions and Explosives Storage <input checked="" type="checkbox"/> 265.1200 Applicability <input checked="" type="checkbox"/> 265.1201 Design and Operating Standards <input checked="" type="checkbox"/> 265.1202 Closure and Post-Closure Care	Adopted Adopted Adopted Adopted Adopted Adopted	Title 25 Chapt. 265a.1 Title 25 Chapt. 265a.1 Title 25 Chapt. 265a.1 Title 25 Chapt. 265a.1 Title 25 Chapt. 265a.1 Title 25 Chapt. 265a.1	None None None None None None
Part 266 - Standards for the Management of Specific Hazardous Wastes and Specific Types of Hazardous Waste Management Facilities <input checked="" type="checkbox"/> Subpart M--Military Munitions <input checked="" type="checkbox"/> 266.200 Applicability <input checked="" type="checkbox"/> 266.201 Definitions <input checked="" type="checkbox"/> 266.202 Definition of Solid Waste <input checked="" type="checkbox"/> 266.203 Standards Applicable to the Transportation of Solid Waste Military Munitions <input checked="" type="checkbox"/> 266.204 Standards Applicable to Emergency Responses <input checked="" type="checkbox"/> 266.205 Standards Applicable to the Storage of Solid Waste Military Munitions <input checked="" type="checkbox"/> 266.206 Standards Applicable to the Treatment and Disposal of Waste Military Munitions	Adopted Adopted Adopted Adopted Adopted Adopted Adopted	Title 25 Chapt. 266a.20 Title 25 Chapt. 266a.20 Title 25 Chapt. 266a.20 Title 25 Chapt. 266a.20 Title 25 Chapt. 266a.20 Title 25 Chapt. 266a.20 Title 25 Chapt. 266a.20	None None None None None None None
Part 270 - EPA Administered Permit Programs: The Hazardous Waste Permit Program <input checked="" type="checkbox"/> 270.1 Purpose and Scope of These Regulations <input checked="" type="checkbox"/> 270.2 Definitions <input checked="" type="checkbox"/> 270.42 Permit Modification At the Request of the Permittee	Adopted Adopted Adopted	Title 25 Chapt. 270a.1 Title 25 Chapt. 270a.1 Title 25 Chapt. 270a.1	None None None

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RHODE ISLAND

GENERAL

The state of Rhode Island has not adopted the federal MR, nor have they developed any state-specific military munitions regulations. At present, the state regulates military munitions through their current hazardous waste management regulations. The Rhode Island hazardous waste management program is administered by the Division of Waste Management, which is a division of the State of Rhode Island and Providence Plantations Department of Environmental Management.

The Rhode Island hazardous waste management regulations were promulgated under the authority of the 1956 Rhode Island General Laws. They can be found in the Department of Environmental Management, Division of Air and Hazardous Materials, Sections 1.00–13.00.

DEFINITION OF A SOLID WASTE

Rhode Island has developed their own system of different types of waste classifications. The state reference to the definitions of the different waste classifications can be found in 3.53 of the Rhode Island Hazardous Waste Management Rules and Regulations

DEFINITION OF A HAZARDOUS WASTE

Rhode Island has adopted the definition of a hazardous waste from the federal rule. The state reference to the definition can be found in Section 3.25 of the Rhode Island Hazardous Waste Management Rules and Regulations

STATE SPECIFIC ISSUES

The Rhode Island hazardous waste program contains a provision that expands the universe of hazardous wastes beyond that of the federal RCRA program. If a solid waste does not meet the federal criteria for being classified as a hazardous waste, the generator must further determine if that solid waste is a Rhode Island waste (see

§3.53 of the Rhode Island hazardous waste regulations). With respect to waste munitions, excluding the special status of waste munitions managed under conditional exemption, it is unlikely that a munition that is a solid waste would not meet the definition of a hazardous waste. If, however, a waste munition is found not to meet the criteria for classification as a hazardous waste based on the federal regulation, the generating installation would have to determine if that waste munition met any of the criteria for classification as a Rhode Island waste. In addition, in the MR, EPA classified various provisions as:

- ◆ *less stringent* than the existing federal rules (e.g., conditional exemption),
- ◆ clarifications of the existing federal rules (e.g., definitions of when munitions become wastes), and
- ◆ *more stringent* than the existing federal rules (e.g., record keeping by explosives or munitions emergency responders).

EPA also did not classify some provisions of the MR (e.g., Subpart EE). For the *less stringent* provisions of the MR and for the provisions that EPA did not classify (especially Subpart EE), these provisions of the MR are not available under state law until a state formally adopts the provision. For example, the conditional exemption is not available at the state level until a state adopts its own regulations establishing the conditional exemption.

For the MR provisions that EPA considered equally stringent, they are available only provided that the state law is not *more stringent* than the federal standard. For the provisions of the MR that are deemed *more stringent*, these rules are effective immediately at the federal level and states must adopt similar (or *more stringent*) requirement under state law.

SOUTH CAROLINA

GENERAL

South Carolina has adopted the federal MR into their state regulations. They have not developed any state-specific military munitions regulations. The MR is administered and enforced by the South Carolina Hazardous Waste Permitting Division of the Bureau of Land and Waste Management, which is a division of the South Carolina Department of Health and Environmental Control (SCDHEC).

The provisions of the MR for the state of South Carolina were promulgated under the authority of the South Carolina Hazardous Waste Act Section 44-56-120 and 3010 of RCRA. The associated regulations can be found within the state's hazardous waste management regulations in Chapter 61 – Department of Health and Environmental Control of the South Carolina Code of Regulations.

DEFINITION OF A SOLID WASTE

South Carolina adopted the definition of a solid waste from the federal rule. The state reference to the definition can be found in 61-79.261 of the South Carolina Code of Regulations.

DEFINITION OF A HAZARDOUS WASTE

South Carolina adopted the definition of a hazardous waste from the federal rule. The state reference to the definition can be found in 61-79.261 of the South Carolina Code of Regulations.

STATE SPECIFIC ISSUES

South Carolina has adopted the federal MR, therefore there are no state specific issues pertaining to WMM.

SOUTH CAROLINA

Regulations 40 CFR 260-266 & 270	Adopted or Amended	State Reference	Major Differences
Part 260 - Hazardous Waste Management System: General <input checked="" type="checkbox"/> 260.1 Purpose, Scope, and Applicability <input checked="" type="checkbox"/> 260.10 Definitions	Adopted Adopted	R.61-79.260.1* R.61-79.260.10*	None None
Part 261 - Identification and Listing of Hazardous Waste <input checked="" type="checkbox"/> 261.2 Definition of Solid Waste	Adopted	R.61-79.261*	None
Part 262 - Standards Applicable to Generators of Hazardous Waste <input checked="" type="checkbox"/> 262.10 Purpose, Scope, and Applicability <input checked="" type="checkbox"/> 262.20 General Requirements	Adopted Adopted	R.61-79.262 Subpart A* R.61-79.262.20 Subpart B*	None None
Part 263 - Standards Applicable to Transporters of Hazardous Waste <input checked="" type="checkbox"/> 263.10 Scope	Adopted	R.61-79.263.10*	None
Part 264 - Standards for Owners and Operators of Hazardous Waste Treatment, Storage, and Disposal Facilities <input checked="" type="checkbox"/> 264.1 Purpose, Scope and Applicability <input checked="" type="checkbox"/> 264.70 Applicability <input checked="" type="checkbox"/> Subpart EE—Hazardous Waste Munitions and Explosives Storage <input checked="" type="checkbox"/> 264.1200 Applicability <input checked="" type="checkbox"/> 264.1201 Design and Operating Standards <input checked="" type="checkbox"/> 264.1202 Closure and Post-Closure Care	Adopted Adopted Adopted Adopted Adopted Adopted	R.61-79.264.1* R.61-79.264.70* R.61-79.264.1200* R.61-79.264.1201* R.61-79.264.1202*	None None None None None None
Part 265 - Interim Status Standards for Owners and Operators of Hazardous Waste Treatment, Storage, and Disposal Facilities <input checked="" type="checkbox"/> 265.1 Purpose, Scope, and Applicability <input checked="" type="checkbox"/> 265.70 Applicability <input checked="" type="checkbox"/> Subpart EE—Hazardous Waste Munitions and Explosives Storage <input checked="" type="checkbox"/> 265.1200 Applicability <input checked="" type="checkbox"/> 265.1201 Design and Operating Standards <input checked="" type="checkbox"/> 265.1202 Closure and Post-Closure Care	Adopted Adopted Adopted Adopted Adopted Adopted	R.61-79.265.1* R.61-79.265.70* R.61-79.265 Subpart EE* R.61-79.265.1200* R.61-79.265.1201* R.61-79.265.1202*	None None None None None None
Part 266 - Standards for the Management of Specific Hazardous Wastes and Specific Types of Hazardous Waste Management Facilities <input checked="" type="checkbox"/> Subpart M--Military Munitions <input checked="" type="checkbox"/> 266.200 Applicability <input checked="" type="checkbox"/> 266.201 Definitions <input checked="" type="checkbox"/> 266.202 Definition of Solid Waste <input checked="" type="checkbox"/> 266.203 Standards Applicable to the Transportation of Solid Waste Military Munitions <input checked="" type="checkbox"/> 266.204 Standards Applicable to Emergency Responses <input checked="" type="checkbox"/> 266.205 Standards Applicable to the Storage of Solid Waste Military Munitions <input checked="" type="checkbox"/> 266.206 Standards Applicable to the Treatment and Disposal of Waste Military Munitions	Adopted Adopted Adopted Adopted Adopted Adopted Adopted	R.61-79.266 Subpart M* R.61-79.266.200* R.61-79.266.201* R.61-79.266.202* R.61-79.266.203* R.61-79.266.204* R.61-79.266.205* R.61-79.266.206*	None None None None None None None
Part 270 - EPA Administered Permit Programs: The Hazardous Waste Permit Program <input checked="" type="checkbox"/> 270.1 Purpose and Scope of These Regulations <input checked="" type="checkbox"/> 270.2 Definitions <input checked="" type="checkbox"/> 270.42 Permit Modification At the Request of the Permittee	Adopted Adopted Adopted	R.61-79.270.1* R.61-79.270.2* R.61-79.270.42*	None None None

* Copied the wording of the federal rule word for word, except state rules were referenced in the text

SOUTH DAKOTA

GENERAL

The Waste Management Program for the South Dakota Department of Environment and Natural Resources (SDDENR) administers and enforces the RCRA hazardous waste program. SDDENR adopted the federal MR by reference and incorporated it into their state rules except for part 270.42, which was amended. South Dakotas' hazardous waste program regulations can be found in article 74:28 of the South Dakota Administrative Rules (SDAR).

DEFINITION OF A SOLID WASTE

South Dakota adopted the definition of a solid waste from the federal rule. The state reference to the definition can be found in 74:28:22:02 of the SDAR.

DEFINITION OF A HAZARDOUS WASTE

South Dakota adopted the definition of a hazardous waste from the federal rule. The state reference to the definition can be found in 74:28:22:02 of the SDAR.

STATE SPECIFIC ISSUES

South Dakota adopted the federal MR by reference except for part 270.42 regarding requirements for public notice at the permit application stage. Therefore, there are no state specific issues WMM that have an impact on the Air Force.

SOUTH DAKOTA

Regulations 40 CFR 260-266 & 270	Adopted or Amended	State Reference	Major Differences
Part 260 - Hazardous Waste Management System: General <input checked="" type="checkbox"/> 260.1 Purpose, Scope, and Applicability <input checked="" type="checkbox"/> 260.10 Definitions	Adopted Adopted	74:28:21:01 74:28:21:01	None None
Part 261 - Identification and Listing of Hazardous Waste <input checked="" type="checkbox"/> 261.2 Definition of Solid Waste	Adopted	74:28:22:02	None
Part 262 - Standards Applicable to Generators of Hazardous Waste <input checked="" type="checkbox"/> 262.10 Purpose, Scope, and Applicability <input checked="" type="checkbox"/> 262.20 General Requirements	Adopted Adopted	74:28:23:01 74:28:23:01	None None
Part 263 - Standards Applicable to Transporters of Hazardous Waste <input checked="" type="checkbox"/> 263.10 Scope	Adopted	74:28:24:01	None
Part 264 - Standards for Owners and Operators of Hazardous Waste Treatment, Storage, and Disposal Facilities <input checked="" type="checkbox"/> 264.1 Purpose, Scope and Applicability <input checked="" type="checkbox"/> 264.70 Applicability Subpart EE—Hazardous Waste Munitions and Explosives Storage <input checked="" type="checkbox"/> 264.1200 Applicability <input checked="" type="checkbox"/> 264.1201 Design and Operating Standards <input checked="" type="checkbox"/> 264.1202 Closure and Post-Closure Care	Adopted Adopted Adopted Adopted Adopted	74:28:25:01 74:28:25:01 74:28:25:01 74:28:25:01 74:28:25:01	None None None None None
Part 265 - Interim Status Standards for Owners and Operators of Hazardous Waste Treatment, Storage, and Disposal Facilities <input checked="" type="checkbox"/> 265.1 Purpose, Scope, and Applicability <input checked="" type="checkbox"/> 265.70 Applicability Subpart EE—Hazardous Waste Munitions and Explosives Storage <input checked="" type="checkbox"/> 265.1200 Applicability <input checked="" type="checkbox"/> 265.1201 Design and Operating Standards <input checked="" type="checkbox"/> 265.1202 Closure and Post-Closure Care	Adopted Adopted Adopted Adopted Adopted Adopted	74:28:28:01 74:28:28:01 74:28:28:01 74:28:28:01 74:28:28:01 74:28:28:01	None None None None None None
Part 266 - Standards for the Management of Specific Hazardous Wastes and Specific Types of Hazardous Waste and Specific Types of Hazardous Waste Management Facilities <input checked="" type="checkbox"/> Subpart M--Military Munitions <input checked="" type="checkbox"/> 266.200 Applicability <input checked="" type="checkbox"/> 266.201 Definitions <input checked="" type="checkbox"/> 266.202 Definition of Solid Waste <input checked="" type="checkbox"/> 266.203 Standards Applicable to the Transportation of Solid Waste Military Munitions <input checked="" type="checkbox"/> 266.204 Standards Applicable to Emergency Responses <input checked="" type="checkbox"/> 266.205 Standards Applicable to the Storage of Solid Waste Military Munitions <input checked="" type="checkbox"/> 266.206 Standards Applicable to the Treatment and Disposal of Waste Military Munitions	Adopted Adopted Adopted Adopted Adopted Adopted Adopted	74:28:27:01 74:28:27:01 74:28:27:01 74:28:27:01 74:28:27:01 74:28:27:01 74:28:27:01	None None None None None None None

Regulations 40 CFR 260-266 & 270	Adopted or Amended	State Reference	Major Differences
Part 270 - EPA Administered Permit Programs: The Hazardous Waste Permit Program <input checked="" type="checkbox"/> 270.1 Purpose and Scope of These Regulations <input checked="" type="checkbox"/> 270.2 Definitions <input checked="" type="checkbox"/> 270.42 Permit Modification At the Request of the Permittee	 Adopted Adopted Amended	 74:28:26:01 74:28:26:01 74:28:26:01	 None None The requirements for public notice at the application stage do not apply to hazardous waste permit modifications under 40 CFR 270.42 (July 1, 1999) or applications submitted for the sole purpose of conducting post-closure activities or post-closure and corrective action at a facility.

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TENNESSEE

GENERAL

Tennessee adopted the federal MR by copying it word for word. They did not develop any state specific military munitions regulations. The provisions of the MR are regulated under the Division of Waste Management of the Tennessee Department of Environment and Conservation (TDEC). TDEC is authorized to administer and enforce the Tennessee state RCRA hazardous waste program.

Military munitions regulations for the state of Tennessee are located within the state's hazardous waste program regulations. They can be found in Chapter 1200-1-11 of the Hazardous Waste Management System in Sections .01-.09.

DEFINITION OF A SOLID WASTE

Tennessee has adopted the federal rule and copied the definition of a solid waste and it can be found in Chapter 1200-1-11.02

DEFINITION OF A HAZARDOUS WASTE

Tennessee has adopted the federal rule and copied the definition of a hazardous waste and it can be found in Chapter 1200-1-11.02.

STATE SPECIFIC ISSUES

Tennessee has adopted the federal rule and copied it word for word. Therefore there are no state specific issues pertaining to WMM in Tennessee.

TENNESSEE

Regulations 40 CFR 260-266 & 270	Adopted or Amended	State Reference	Major Differences
Part 260 - Hazardous Waste Management System: General <input checked="" type="checkbox"/> 260.1 Purpose, Scope, and Applicability <input checked="" type="checkbox"/> 260.10 Definitions	Adopted Adopted	1200-1-11.01* 1200-1-11.01*	None None
Part 261 - Identification and Listing of Hazardous Waste <input checked="" type="checkbox"/> 261.2 Definition of Solid Waste	Adopted	1200-1-11.02*	None
Part 262 - Standards Applicable to Generators of Hazardous Waste <input checked="" type="checkbox"/> 262.10 Purpose, Scope, and Applicability <input checked="" type="checkbox"/> 262.20 General Requirements	Adopted Adopted	1200-1-11-.03* 1200-1-11-.03*	None None
Part 263 - Standards Applicable to Transporters of Hazardous Waste <input checked="" type="checkbox"/> 263.10 Scope	Adopted	1200-1-11-.04*	None
Part 264 - Standards for Owners and Operators of Hazardous Waste Treatment, Storage, and Disposal Facilities <input checked="" type="checkbox"/> 264.1 Purpose, Scope and Applicability <input checked="" type="checkbox"/> 264.70 Applicability <input checked="" type="checkbox"/> Subpart EE—Hazardous Waste Munitions and Explosives Storage <input checked="" type="checkbox"/> 264.1200 Applicability <input checked="" type="checkbox"/> 264.1201 Design and Operating Standards <input checked="" type="checkbox"/> 264.1202 Closure and Post-Closure Care	Adopted Adopted Adopted Adopted Adopted Adopted	1200-1-11-.06* 1200-1-11-.06* 1200-1-11-.06* 1200-1-11-.06* 1200-1-11-.06* 1200-1-11-.06*	None None None None None None
Part 265 - Interim Status Standards for Owners and Operators of Hazardous Waste Treatment, Storage, and Disposal Facilities <input checked="" type="checkbox"/> 265.1 Purpose, Scope, and Applicability <input checked="" type="checkbox"/> 265.70 Applicability <input checked="" type="checkbox"/> Subpart EE—Hazardous Waste Munitions and Explosives Storage <input checked="" type="checkbox"/> 265.1200 Applicability <input checked="" type="checkbox"/> 265.1201 Design and Operating Standards <input checked="" type="checkbox"/> 265.1202 Closure and Post-Closure Care	Adopted Adopted Adopted Adopted Adopted Adopted	1200-1-11.05* 1200-1-11.05* 1200-1-11.05* 1200-1-11.05* 1200-1-11.05* 1200-1-11.05*	None None None None None None
Part 266 - Standards for the Management of Specific Hazardous Wastes and Specific Types of Hazardous Waste Management Facilities <input checked="" type="checkbox"/> Subpart M--Military Munitions <input checked="" type="checkbox"/> 266.200 Applicability <input checked="" type="checkbox"/> 266.201 Definitions <input checked="" type="checkbox"/> 266.202 Definition of Solid Waste <input checked="" type="checkbox"/> 266.203 Standards Applicable to the Transportation of Solid Waste Military Munitions <input checked="" type="checkbox"/> 266.204 Standards Applicable to Emergency Responses <input checked="" type="checkbox"/> 266.205 Standards Applicable to the Storage of Solid Waste Military Munitions <input checked="" type="checkbox"/> 266.206 Standards Applicable to the Treatment and Disposal of Waste Military Munitions	Adopted Adopted Adopted Adopted Adopted Adopted Adopted	1200-1-11.09* 1200-1-11.09* 1200-1-11.09* 1200-1-11.09* 1200-1-11.09* 1200-1-11.09* 1200-1-11.09*	None None None None None None None
Part 270 - EPA Administered Permit Programs: The Hazardous Waste Permit Program <input checked="" type="checkbox"/> 270.1 Purpose and Scope of These Regulations <input checked="" type="checkbox"/> 270.2 Definitions <input checked="" type="checkbox"/> 270.42 Permit Modification At the Request of the Permittee	Adopted Adopted Adopted	1200-1-11.07* 1200-1-11.07* 1200-1-11.07*	None None None

* Copied the wording of the federal rule word for word, except state rules were referenced in the text

TEXAS

GENERAL

Texas has adopted the federal MR by both reference and by paraphrasing the text of the federal rule. The provisions of the MR are regulated under the Hazardous Waste Division of the Texas Natural Resources Conservation Commission (TNRCC). The TNRCC is authorized to administer and enforce the hazardous waste regulations the Texas state RCRA hazardous waste program.

Military munitions for the state of Texas can be found in Chapter 335 of the TNRCC rules.

DEFINITION OF A SOLID WASTE

Texas has adopted the definition of a solid waste from the federal rule. The state reference to the definition can be found in Chapter 335.1.

DEFINITION OF A HAZARDOUS WASTE

Texas has adopted the definition of a hazardous waste from the federal rule. The state reference to the definition can be found in Chapter 335.1.

STATE SPECIFIC ISSUES

The provision of the federal MR changed the requirements for manifesting hazardous wastes being transported on a public or private right-of-way within or along the border of contiguous property under the control of the same person, even if such contiguous property is divided by a public or private right-of-way were adopted in a separate rulemaking on April 28, 1999.

TEXAS

Regulations 40 CFR 260-266 & 270	Adopted or Amended	State Reference	Major Differences
Part 260 - Hazardous Waste Management System: General <input checked="" type="checkbox"/> 260.1 Purpose, Scope, and Applicability <input checked="" type="checkbox"/> 260.10 Definitions	Adopted Amended	§335.1 §335.1	None The Texas rule breaks the multi-sentence federal definitions into subsections without changing the meaning.
Part 261 - Identification and Listing of Hazardous Waste <input checked="" type="checkbox"/> 261.2 Definition of Solid Waste	Not yet adopted	§335.1	TNRCC must make a conforming change in the Texas regulations defining when materials become discarded. This will occur in another rulemaking. When adopted, this change will make completely clear that munitions become solid wastes under the conditions found in the federal MR (as incorporated by reference at §335.271 of the Texas regulations). In the interim, since §355.271 adopted the federal MR definition, this should be used as the criteria for defining when munitions become solid waste. None
Part 262 - Standards Applicable to Generators of Hazardous Waste <input checked="" type="checkbox"/> 262.10 Purpose, Scope, and Applicability <input checked="" type="checkbox"/> 262.20 General Requirements	Adopted Adopted	§335.6(h) §335.6(h)	The provision of the federal MR changed the requirements for manifesting hazardous wastes being transported on a public or private right-of-way within or along the border of contiguous property under the control of the same person, even if such contiguous property is divided by a public or private right-of-way were adopted in a separate rulemaking on April 28, 1999. None
Part 263 - Standards Applicable to Transporters of Hazardous Waste <input checked="" type="checkbox"/> 263.10 Scope	Adopted	335.91(f)	None
Part 264 - Standards for Owners and Operators of Hazardous Waste Treatment, Storage, and Disposal Facilities <input checked="" type="checkbox"/> 264.1 Purpose, Scope and Applicability <input checked="" type="checkbox"/> 264.70 Applicability <input checked="" type="checkbox"/> Subpart EE—Hazardous Waste Munitions and Explosives Storage <input checked="" type="checkbox"/> 264.1200 Applicability <input checked="" type="checkbox"/> 264.1201 Design and Operating Standards <input checked="" type="checkbox"/> 264.1202 Closure and Post-Closure Care	Adopted Adopted Adopted Adopted Adopted Adopted	§335.152(a)(20) §335.152(a)(20) §335.152(a)(20) §335.152(a)(20) §335.152(a)(20) §335.152(a)(20)	None None None None None None
Part 265 - Interim Status Standards for Owners and Operators of Hazardous Waste Treatment, Storage, and Disposal Facilities <input checked="" type="checkbox"/> 265.1 Purpose, Scope, and Applicability <input checked="" type="checkbox"/> 265.70 Applicability <input checked="" type="checkbox"/> Subpart EE—Hazardous Waste Munitions and Explosives Storage <input checked="" type="checkbox"/> 265.1200 Applicability <input checked="" type="checkbox"/> 265.1201 Design and Operating Standards <input checked="" type="checkbox"/> 265.1202 Closure and Post-Closure Care	Adopted Adopted Adopted Adopted Adopted Adopted	§335.112(a)(22) §335.112(a)(22) §335.112(a)(22) §335.112(a)(22) §335.112(a)(22) §335.112(a)(22)	None None None None None None

Regulations 40 CFR 260-266 & 270	Adopted or Amended	State Reference	Major Differences
<p>Part 266 - Standards for the Management of Specific Hazardous Wastes and Specific Types of Hazardous Waste and Specific Types of Hazardous Waste Management Facilities</p> <ul style="list-style-type: none"> <input checked="" type="checkbox"/> Subpart M--Military Munitions <input checked="" type="checkbox"/> 266.200 Applicability <input checked="" type="checkbox"/> 266.201 Definitions <input checked="" type="checkbox"/> 266.202 Definition of Solid Waste <input checked="" type="checkbox"/> 266.203 Standards Applicable to the Transportation of Solid Waste Military Munitions <input checked="" type="checkbox"/> 266.204 Standards Applicable to Emergency Responses <input checked="" type="checkbox"/> 266.205 Standards Applicable to the Storage of Solid Waste Military Munitions <input checked="" type="checkbox"/> 266.206 Standards Applicable to the Treatment and Disposal of Waste Military Munitions 	<ul style="list-style-type: none"> Adopted Adopted Adopted Adopted Adopted Adopted Adopted 	<ul style="list-style-type: none"> §335.271 §335.271 §335.271 §335.271 §335.271 §335.271 §335.271 	<p>Incorporated the entire federal MR by reference, but made some conforming changes (e.g., changed reference to effective date in federal MR to effective date of Texas rule, change references to sections of 40 CFR to analogous sections of Texas regulations). In addition, the TNRCC specifically adopted changes to other sections of 40 CFR Parts 260-270 that appeared in the MR.</p> <ul style="list-style-type: none"> None None None None None None None
<p>Part 270 - EPA Administered Permit Programs: The Hazardous Waste Permit Program</p> <ul style="list-style-type: none"> <input checked="" type="checkbox"/> 270.1 Purpose and Scope of These Regulations <input checked="" type="checkbox"/> 270.2 Definitions <input checked="" type="checkbox"/> 270.42 Permit Modification At the Request of the Permittee 	<ul style="list-style-type: none"> Adopted Adopted Adopted 	<ul style="list-style-type: none"> §305.69(j) §305.69(j) §305.69(j) 	<ul style="list-style-type: none"> None None None

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UTAH

GENERAL

Utah has not adopted the federal MR, nor have they developed any state specific military munitions regulations. At present, Utah regulates military munitions through the current hazardous waste management rules. Utah's hazardous waste management program is administered by the Division of Solid and Hazardous Waste of the Utah Department of Environmental Quality.

Hazardous waste regulations for the state of Utah are located in Chapter R315 – Environmental Quality, Solid and Hazardous Waste. Utah has formed a workgroup to develop their own state military munitions regulations.

DEFINITION OF A SOLID WASTE

Utah has adopted the definition of a solid waste from the federal rule. The state reference to the definition can be found in R315-2-2 of the Hazardous Waste Requirements.

DEFINITION OF A HAZARDOUS WASTE

Utah has adopted the definition of a hazardous waste from the federal rule. The state reference to the definition can be found in R315-2-3 of the Hazardous Waste Requirements.

STATE SPECIFIC ISSUES

Utah has drafted a military munitions rule in review. However, until the state finalizes their own rule, or decided to adopt the federal rule, they must adhere to the following: In the MR, EPA classified various provisions as:

- ◆ *less stringent* than the existing federal rules (e.g., conditional exemption),

- ◆ clarifications of the existing federal rules (e.g., definitions of when munitions become wastes), and
- ◆ *more stringent* than the existing federal rules (e.g., record keeping by explosives or munitions emergency responders).

EPA also did not classify some provisions of the MR (e.g., Subpart EE). For the *less stringent* provisions of the MR and for the provisions that EPA did not classify (especially Subpart EE), these provisions of the MR are not available under state law until a state formally adopts the provision. For example, the conditional exemption is not available at the state level until a state adopts its own regulations establishing the conditional exemption.

For the MR provisions that EPA considered equally stringent, are available only provided that the state law is not *more stringent* than the federal standard. For the provisions of the MR that are deemed *more stringent*, these rules are effective immediately at the federal level and states must adopt similar (or *more stringent*) requirement under state law.

VERMONT

GENERAL

Vermont has not adopted the federal MR nor have they developed any state specific military munitions regulations. At present, Vermont regulates military munitions under their Hazardous Waste Management Department of the Department of Environmental Conservation.

The Vermont Hazardous Waste Management Regulations were promulgated by the Vermont Agency of Natural Resources under authority granted by 10 V.S.A. Chapter 159 and were last revised in March 2000. The hazardous waste regulations can be found in 12032001 – Hazardous Management Regulations - Subchapters 1–7.

DEFINITION OF A SOLID WASTE

The Vermont definition of a solid waste is slightly reworded from the federal rule. The state reference to the definition can be found in 12 032 001 of the Vermont Hazardous Waste Management Regulations, Subchapter 1, Section 7-103.

DEFINITION OF A HAZARDOUS WASTE

Vermont has developed Their own system of different types of hazardous waste classifications. The state reference to the definitions of the different waste classifications can be found in 12 032 001 of the Vermont Hazardous Waste Management Regulations, Subchapter 2, Section 7-202.

In addition to the MR, EPA classified various provisions as :

- ◆ *less stringent* than the existing federal rules (e.g., conditional exemption),
- ◆ *clarifications* of the existing federal rules (e.g., definitions of when munitions become wastes), and
- ◆ *more stringent* than the existing federal rules (e.g., record keeping by explosives or munitions emergency responders).

EPA also did not classify some provision of the MR (e.g., Subpart EE). For the *less stringent* provisions of the MR and for the provisions that EPA did not classify (especially Subpart EE), these provisions of the MR are not available under state law until a state formally adopts the provision. For example, the conditional exemption is not available at the state level until a state adopts its own regulations establishing the conditional exemption

For the MR provision that EPA considered equally stringent, they are available only provided that the state law is not *more stringent* than the federal standard.

For the provisions of the MR that are deemed *more stringent*, these rules are effective immediately at the federal level and states must adopt similar (or *more stringent*) requirements under the law.

VIRGINIA

GENERAL

Virginia has adopted the federal MR into their state rule. The provisions of the federal MR can be found within Virginia's hazardous waste regulations. The Virginia Waste Management Board administers the purposes and provisions of Virginia's regulatory program for Virginia Hazardous Waste Management Regulations. The Board has its enforcement of the state's hazardous waste regulations under the authority of Title 10.1 of the Code of Virginia. Hazardous Waste Management in Virginia is a division of the Department of Environmental Quality.

Virginia's Hazardous Waste Management Regulations can be found in Title 9. Environment, Chapter 60 of the Virginia Administrative Code (VAC). These regulations were effective February 17, 1999 under the statutory authority §10.1-1402 of the VAC.

DEFINITION OF A SOLID WASTE

Virginia has adopted the definition of a solid waste from the federal rule. The state reference to the definition can be found in 9VAC 20-60-261.

DEFINITION OF A HAZARDOUS WASTE

Virginia has adopted the definition of a hazardous waste from the federal rule. The state reference to the definition can be found in 9VAC 20-60-261.

STATE SPECIFIC ISSUES

Virginia has adopted the federal MR by reference with very few modifications, additions, or exceptions. Specifically, they enacted broad scope regulations requiring hazardous waste transporters to obtain permits. They stipulated the prohibition of underground

injection wells for hazardous waste treatment, storage, or disposal. Though it is not a part of the federal MR, Virginia did not incorporate part of the federal rule 40 CFR 263.31 on discharge clean up into the state rule. 40 CFR 263.31 is referenced in 40 CFR 262.20 of the federal rule.

In 40 CFR §62.20(f) a provision not specific to munitions found in the federal MR, EPA changed the RCRA regulations to allow for the transportation of a hazardous wastes on a public or private right-of-way within or along the border of contiguous property under the control of the same person, even if such contiguous property is divided by a public or private right-of-way. Under this amendment, notwithstanding 40 CFR §263.10(a), the generator or transporter must comply with the requirements for transporters set forth in 40 CFR §263.30 and 40 CFR §263.31 in the event of a discharge of hazardous waste on a public or private right-of-way.

The Commonwealth of Virginia has modified the federal requirements for responding to discharges of hazardous waste during transportation. Under the Virginia regulations, 9 VAC, 20-60-490 creates very detailed requirements for reporting and responding to a release of a hazardous waste. These requirements would apply instead of the federal requirements found at 40 CFR §263.30 and 40 CFR §263.31.

VIRGINIA

Regulations 40 CFR 260-266 & 270	Adopted or Amended	State Reference	Major Differences
Part 260 - Hazardous Waste Management System: General <input checked="" type="checkbox"/> 260.1 Purpose, Scope, and Applicability <input checked="" type="checkbox"/> 260.10 Definitions	Adopted Amended	9VAC 20-60-260 9VAC 20-60-260	None None with the following modification: The term Administrator means USEPA, and the term Regional Administrator means regional administrator of Region III of the USEPA or his designee.
Part 261 - Identification and Listing of Hazardous Waste <input checked="" type="checkbox"/> 261.2 Definition of Solid Waste	Amended	9 VAC 20-60-261	None
Part 262 - Standards Applicable to Generators of Hazardous Waste <input checked="" type="checkbox"/> 262.10 Purpose, Scope, and Applicability <input checked="" type="checkbox"/> 262.20 General Requirements	Adopted Adopted	9VAC 20-6-262 9VAC 20-6-262	Adopted by reference with the following addition: In addition to the requirements of 40 CFR 262, the generator shall designate on the manifest all subsequent transporters of the hazardous waste shipment. Also, the management of hazardous wastes is required to comply with the regulations governing the transportation of hazardous materials (9 VAC 20-110-10 et. seq.) including packing and labeling for transport. None None
Part 263 - Standards Applicable to Transporters of Hazardous Waste <input checked="" type="checkbox"/> 263.10 Scope	Adopted	9 VAC 20-60-263	None Note: though not part of the regulations specific to the federal MR, 40 CFR 263.31 on discharge clean up has not been incorporated into the state rule. Virginia has <i>more stringent</i> requirements for transportation of hazardous waste than the federal rule.
Part 264 - Standards for Owners and Operators of Hazardous Waste Treatment, Storage, and Disposal Facilities <input checked="" type="checkbox"/> 264.1 Purpose, Scope and Applicability <input checked="" type="checkbox"/> 264.70 Applicability <input checked="" type="checkbox"/> Subpart EE—Hazardous Waste Munitions and Explosives Storage <input checked="" type="checkbox"/> 264.1200 Applicability <input checked="" type="checkbox"/> 264.1201 Design and Operating Standards <input checked="" type="checkbox"/> 264.1202 Closure and Post-Closure Care	Adopted Adopted Adopted Adopted Adopted Adopted	9 VAC 20-60-264 9 VAC 20-60-264 9 VAC 20-60-264 9 VAC 20-60-264 9 VAC 20-60-264 9 VAC 20-60-264	Virginia has added a prohibition of underground injection of hazardous waste for treatment, storage, or disposal, and added additional reporting and permitting requirements None None None None None None
Part 265 - Interim Status Standards for Owners and Operators of Hazardous Waste Treatment, Storage, and Disposal Facilities <input checked="" type="checkbox"/> 265.1 Purpose, Scope, and Applicability <input checked="" type="checkbox"/> 265.70 Applicability <input checked="" type="checkbox"/> Subpart EE—Hazardous Waste Munitions and Explosives Storage <input checked="" type="checkbox"/> 265.1200 Applicability <input checked="" type="checkbox"/> 265.1201 Design and Operating Standards <input checked="" type="checkbox"/> 265.1202 Closure and Post-Closure Care	Adopted Adopted Adopted Adopted Adopted Adopted	9 VAC 20-60-265 9 VAC 20-60-265 9 VAC 20-60-265 9 VAC 20-60-265 9 VAC 20-60-265 9 VAC 20-60-265	None None None None None None

WASHINGTON

GENERAL

Washington has adopted portions of the federal MR and amended other portions by developing state specific military munitions regulations. The provisions of the MR are regulated under the Hazardous Wastes and Toxic Reduction Division of the Washington Department of Ecology (WDEC). The WDEC is authorized to administer and enforce the Washington state RCRA hazardous waste program.

Military munitions regulations for the state of Washington are located within the state's hazardous waste program regulations. They can be found in Chapter 173-303- Dangerous Waste Regulations of the Washington Administrative Code (WAC).

DEFINITION OF A SOLID WASTE

Washington has adopted the definition of a solid waste from the federal rule. The state reference to the definition can be found in WAC 173-303-016.

DEFINITION OF A HAZARDOUS WASTE

Washington has adopted the definition of a hazardous waste from the federal rule. The state reference to the definition can be found in WAC 173-303-016.

STATE SPECIFIC ISSUES

Because the state of Washington adopted most of the provisions of the federal MR, in those cases Air Force installations in the State of Washington must follow the procedures specified in the DoD Munitions Rule Implementation Plan for determining when unused munitions are to be classified as waste.

Washington added a provision amending 40 CFR 266, Subpart M, which considers munitions discharged during military activities, discarded material, and therefore a solid waste. This provision made all munitions on closed or transferred ranges, at installations with a permit issued by WDOE (under the DWR), a solid waste subject to corrective action. As a result, all Air Force facilities with State of Washington DWR-permitted waste management operations are required to:

Identify any closed ranges on the installation to WDOE per the DWR or permit requirements, have their permit amended to reflect corrective action requirements for these ranges, and initiate such response actions as are required to ensure protection of human health and the environment.

In addition, Washington has stipulated that the Washington state official may authorize the removal of the waste material by transporters who do not have EPA or state identification.

WDEC did not adopt the manifest exemption for munitions transported between military installations. They also allow the use of alternative tracking methods for submittal of the manifest when transporting munitions along the border of contiguous property.

WASHINGTON

Regulations 40 CFR 260-266 & 270	Adopted or Amended	State Reference	Major Differences
Part 260 - Hazardous Waste Management System: General <input checked="" type="checkbox"/> 260.1 Purpose, Scope, and Applicability <input checked="" type="checkbox"/> 260.10 Definitions	Adopted Adopted	WAC 173-303-040 WAC 173-303-040	None None
Part 261 - Identification and Listing of Hazardous Waste <input checked="" type="checkbox"/> 261.2 Definition of Solid Waste	Adopted	WAC 173-303-016 (5)(a)	None
Part 262 - Standards Applicable to Generators of Hazardous Waste <input checked="" type="checkbox"/> 262.10 Purpose, Scope, and Applicability <input checked="" type="checkbox"/> 262.20 General Requirements	Adopted Adopted	WAC 173-303-170 WAC 173-303-R180	None None
Part 263 - Standards Applicable to Transporters of Hazardous Waste <input checked="" type="checkbox"/> 263.10 Scope	Adopted	WAC 173-303-240 (10)	None
Part 264 - Standards for Owners and Operators of Hazardous Waste Treatment, Storage, and Disposal Facilities <input checked="" type="checkbox"/> 264.1 Purpose, Scope and Applicability <input checked="" type="checkbox"/> 264.70 Applicability <input checked="" type="checkbox"/> Subpart EE—Hazardous Waste Munitions and Explosives Storage <input checked="" type="checkbox"/> 264.1200 Applicability <input checked="" type="checkbox"/> 264.1201 Design and Operating Standards <input checked="" type="checkbox"/> 264.1202 Closure and Post-Closure Care	Adopted Adopted Adopted Adopted Adopted Adopted	WAC 173-303-600 WAC 173-303-600 WAC 173-303-693 WAC 173-303-693 WAC 173-303-693 WAC 173-303-693	None None None None None None
Part 265 - Interim Status Standards for Owners and Operators of Hazardous Waste Treatment, Storage, and Disposal Facilities <input checked="" type="checkbox"/> 265.1 Purpose, Scope, and Applicability <input type="checkbox"/> 265.70 Applicability <input checked="" type="checkbox"/> Subpart EE—Hazardous Waste Munitions and Explosives Storage <input checked="" type="checkbox"/> 265.1200 Applicability <input checked="" type="checkbox"/> 265.1201 Design and Operating Standards <input checked="" type="checkbox"/> 265.1202 Closure and Post-Closure Care	Adopted Not Adopted Amended Amended Amended Amended	WAC 173-303-400 WAC 173-303-400 WAC 173-303-400 WAC 173-303-400 WAC 173-303-400	None No Reference The official or specialist may authorize removal of the material by transporters who do not have EPA or state identification numbers. The words "effective date of these regulations" means Nov 19, 1980 for facilities which manage any wastes designated by 40 CFR 261: For wastes which become designated by 40 CFR 261 subsequent to Nov 19, 1980 the effective date is the date on which the wastes become regulated. March 12, 1982 for facilities, which manage wastes, designated only by WAC 173-303-080 through 173-303-100 and not designated by 40 CFR 261. The first sentence of 40 CFR 265.1202 is modified to exclude the exception for hazardous wastes managed under 261.3 (d).

Regulations 40 CFR 260-266 & 270	Adopted or Amended	State Reference	Major Differences
<p>Part 266 - Standards for the Management of Specific Hazardous Wastes and Specific Types of Hazardous Waste and Specific Types of Hazardous Waste Management Facilities</p> <p><input checked="" type="checkbox"/> Subpart M--Military Munitions</p> <p><input checked="" type="checkbox"/> 266.200 Applicability</p> <p><input checked="" type="checkbox"/> 266.201 Definitions</p> <p><input checked="" type="checkbox"/> 266.202 Definition of Solid Waste</p> <p><input checked="" type="checkbox"/> 266.203 Standards Applicable to the Transportation of Solid Waste Military Munitions</p> <p><input checked="" type="checkbox"/> 266.204 Standards Applicable to Emergency Responses</p> <p><input checked="" type="checkbox"/> 266.205 Standards Applicable to the Storage of Solid Waste Military Munitions</p> <p><input checked="" type="checkbox"/> 266.206 Standards Applicable to the Treatment and Disposal of Waste Military Munitions</p>	<p>Amended</p> <p>Adopted</p> <p>Adopted</p> <p>Adopted</p> <p>Amended</p> <p>Adopted</p> <p>Adopted</p> <p>Adopted</p>	<p>WAC 173-303-578</p> <p>WAC 173-303-578</p> <p>WAC 173-303-578</p> <p>WAC 173-303-578</p> <p>WAC 173-303-578</p> <p>WAC 173-303-578</p> <p>WAC 173-303-578</p> <p>WAC 173-303-578</p>	<p>Military Munitions at closed or transferring ranges. Munitions discharged during military activities are discarded material and therefore solid waste for purposes of WAC 173-303-64 under the following circumstances: The munition is left in place at the firing range at the time the range is closed or when the range is transferred from military control, whichever occurs first.</p> <p>None</p> <p>None</p> <p>None</p> <p>Reinstatement of conditional exemption application may be filed with the Department of Ecology.</p> <p>None</p> <p>None</p> <p>None</p>
<p>Part 270 - EPA Administered Permit Programs: The Hazardous Waste Permit Program</p> <p><input checked="" type="checkbox"/> 270.1 Purpose and Scope of These Regulations</p> <p><input checked="" type="checkbox"/> 270.2 Definitions</p> <p><input checked="" type="checkbox"/> 270.42 Permit Modification At the Request of the Permittee</p>	<p>Adopted</p> <p>Adopted</p> <p>Adopted</p>	<p>WAC 173-303-800</p> <p>WAC 173-303-800</p> <p>WAC 173-303-830</p>	<p>None</p> <p>None</p> <p>None</p>

WASHINGTON, D.C.

GENERAL

Washington D.C. has adopted the federal MR by copying the federal rule into the district regulations. Washington D.C. has not developed any additional state-specific military munitions regulations. The provisions of the MR are regulated by the Bureau of Hazardous Materials and Toxic Substances of the Environmental Health Administration, Washington D.C. Department of Health (DOH). The DOH is authorized to administer and enforce the Washington D.C. RCRA Hazardous Materials program.

Military munitions regulations for Washington D.C can be found in Title 20, Subtitle E – Hazardous Waste, and Chapters 4100–4600, and 5400.

The Washington D.C. regulations are not available for free online. They can be purchased online on the DOH website

DEFINITION OF A SOLID WASTE

Solid waste in Washington D.C. is described as a discarded material, and military munitions are described as discarded material. This district reference to the definition of a solid waste can be found in Title 20, Chapter 4100.6.

DEFINITION OF A HAZARDOUS WASTE

Washington D.C. has amended the federal definition of a hazardous waste by including burial sites, in addition to ranges, in the definition describing transporting military munitions. This district reference can be found in Title 20-E-4100.5.

STATE SPECIFIC ISSUES

The District of Columbia, Washington D.C., has adopted the majority of the federal MR by copying it word for word. They have

added a few amendments to the federal rule that may affect Air Force operations. Washington D.C. has stated that a District official, in addition to a military official, is authorized to declare a munition a solid waste. Washington D.C. has also added a provision that states “U.S. Code proscribes storage of military munitions within 3 miles of the U.S. Capitol.” The Air Force was unable to locate the reference for this provision in the U.S. Code. If you believe this provision may apply to your operation, contact the installation legal department.

WASHINGTON D.C.

Regulations 40 CFR 260-266 & 270	Adopted or Amended	State Reference	Major Differences
Part 260 - Hazardous Waste Management System: General <input checked="" type="checkbox"/> 260.1 Purpose, Scope, and Applicability <input checked="" type="checkbox"/> 260.10 Definitions	Adopted Adopted	Title 20-E-5400.1* Title 20-E-5400.1*	None None
Part 261 - Identification and Listing of Hazardous Waste <input checked="" type="checkbox"/> 261.2 Definition of Solid Waste	Amended	Title 20-E-4100.5	Washington D.C. has included burial sites in addition to ranges in the definition describing transporting military munitions.
Part 262 - Standards Applicable to Generators of Hazardous Waste <input checked="" type="checkbox"/> 262.10 Purpose, Scope, and Applicability <input checked="" type="checkbox"/> 262.20 General Requirements	Adopted Adopted	Title 20-E-4200.9* Title 20-E-4200.9*	None None
Part 263 - Standards Applicable to Transporters of Hazardous Waste <input checked="" type="checkbox"/> 263.10 Scope	Adopted	Title 20-E-4300.6-.7*	None
Part 264 - Standards for Owners and Operators of Hazardous Waste Treatment, Storage, and Disposal Facilities <input checked="" type="checkbox"/> 264.1 Purpose, Scope and Applicability <input type="checkbox"/> 264.70 Applicability <input checked="" type="checkbox"/> Subpart EE—Hazardous Waste Munitions and Explosives Storage <input checked="" type="checkbox"/> 264.1200 Applicability <input checked="" type="checkbox"/> 264.1201 Design and Operating Standards <input checked="" type="checkbox"/> 264.1202 Closure and Post-Closure Care	Adopted Not Adopted Adopted Adopted Adopted Adopted	Title 20-E-4400.7,.10* Title 20-E-4495.0* Title 20-E-4495.1* Title 20-E-4495.2-.7* Title 20-E-4495.8,.9*	“District” is used instead of “state” No Reference None None None None
Part 265 - Interim Status Standards for Owners and Operators of Hazardous Waste Treatment, Storage, and Disposal Facilities <input checked="" type="checkbox"/> 265.1 Purpose, Scope, and Applicability <input type="checkbox"/> 265.70 Applicability <input checked="" type="checkbox"/> Subpart EE—Hazardous Waste Munitions and Explosives Storage <input checked="" type="checkbox"/> 265.1200 Applicability <input checked="" type="checkbox"/> 265.1201 Design and Operating Standards <input checked="" type="checkbox"/> 265.1202 Closure and Post-Closure Care	Adopted Not Adopted Adopted Adopted Adopted Adopted	Title 20-E-4400.7,.10* Title 20-E-4495.0* Title 20-E-4495.1* Title 20-E-4495.2-.7* Title 20-E-4495.8,.9*	None No Reference None None None None
Part 266 - Standards for the Management of Specific Hazardous Wastes and Specific Types of Hazardous Waste Management Facilities <input checked="" type="checkbox"/> Subpart M--Military Munitions <input checked="" type="checkbox"/> 266.200 Applicability <input type="checkbox"/> 266.201 Definitions <input checked="" type="checkbox"/> 266.202 Definition of Solid Waste <input checked="" type="checkbox"/> 266.203 Standards Applicable to the Transportation of Solid Waste Military Munitions <input checked="" type="checkbox"/> 266.204 Standards Applicable to Emergency Responses <input checked="" type="checkbox"/> 266.205 Standards Applicable to the Storage of Solid Waste Military Munitions <input checked="" type="checkbox"/> 266.206 Standards Applicable to the Treatment and Disposal of Waste Military Munitions	Adopted Adopted Not Adopted Amended Adopted Adopted Amended Adopted	Title 20-E-4512.0* Title 20-E-4512.1,.3* Title 20-E-4512.3-.6 Title 20-E-4512.7* Title 20-E-45.12.8* Title 20-E-4512.8* Title 20-E-4512.10*	None None No Reference A munition can be declared a solid waste by a Washington D.C. Official in addition to a military official None None All of 40 CFR 266.205 has been copied word for word from the federal rule, however, Washington D.C. has added the following clause: “U.S. Coded proscribes storage of military munitions within 3 miles of the U.S. Capitol” None

Regulations 40 CFR 260-266 & 270	Adopted or Amended	State Reference	Major Differences
Part 270 - EPA Administered Permit Programs: The Hazardous Waste Permit Program <input checked="" type="checkbox"/> 270.1 Purpose and Scope of These Regulations <input type="checkbox"/> 270.2 Definitions <input checked="" type="checkbox"/> 270.42 Permit Modification At the Request of the Permittee	Adopted Not Adopted Adopted	Title 20-E-4600.8,.9* Title 20-E-4617.14*	None No Reference None

* Copied the wording of the federal rule word for word, except state rules were referenced in the text

WEST VIRGINIA

GENERAL

West Virginia adopted the federal MR and has not developed any state-specific military munitions regulations. The provisions of the MR are regulated through the hazardous waste management division of the West Virginia Environmental Protection Division.

Regulations pertaining to military munitions for the state of West Virginia were promulgated pursuant to the West Virginia Hazardous Waste Management Act, WV Code §22-R18-1 et seq. They can be found in Title 33 – Legislative Rule Division of Environmental Protection, Office of Waste Management, Series 20 – Hazardous Waste Management Rule.

DEFINITION OF A SOLID WASTE

West Virginia adopted the definition of a solid waste from the federal rule. The state reference to the definition can be found in 33-20-3.

DEFINITION OF A HAZARDOUS WASTE

West Virginia adopted the definition of a hazardous waste from the federal rule. The state reference to the definition can be found in 33-20-3.

STATE SPECIFIC ISSUES

West Virginia has adopted the federal MR in its entirety. The only amendment in the state rule that pertains to WMM states that “Class 2 permits as defined in the federal rule are not subject to the requirements of this section (33-20-11 of the state rule) in the West Virginia Rule.” The class 2 permits amendment simply means that West Virginia permitting can deny permit applications without explanation, however, the decision can be appealed.

WEST VIRGINIA

Regulations 40 CFR 260-266 & 270	Adopted or Amended	State Reference	Major Differences
Part 260 - Hazardous Waste Management System: General <input checked="" type="checkbox"/> 260.1 Purpose, Scope, and Applicability <input checked="" type="checkbox"/> 260.10 Definitions	Adopted Adopted	33-20-2.1* 33-20-2.1*	None None
Part 261 - Identification and Listing of Hazardous Waste <input checked="" type="checkbox"/> 261.2 Definition of Solid Waste	Adopted	33-20-3*	None
Part 262 - Standards Applicable to Generators of Hazardous Waste <input checked="" type="checkbox"/> 262.10 Purpose, Scope, and Applicability <input checked="" type="checkbox"/> 262.20 General Requirements	Adopted Adopted	33-20-5* 33-20-5*	None None
Part 263 - Standards Applicable to Transporters of Hazardous Waste <input checked="" type="checkbox"/> 263.10 Scope	Adopted	33-20-6*	None
Part 264 - Standards for Owners and Operators of Hazardous Waste Treatment, Storage, and Disposal Facilities <input checked="" type="checkbox"/> 264.1 Purpose, Scope and Applicability <input checked="" type="checkbox"/> 264.70 Applicability <input checked="" type="checkbox"/> Subpart EE—Hazardous Waste Munitions and Explosives Storage <input checked="" type="checkbox"/> 264.1200 Applicability <input checked="" type="checkbox"/> 264.1201 Design and Operating Standards <input checked="" type="checkbox"/> 264.1202 Closure and Post-Closure Care	Adopted Adopted Adopted Adopted Adopted Adopted	33-20-7* 33-20-7* 33-20-7* 33-20-7* 33-20-7* 33-20-7*	None None None None None None
Part 265 - Interim Status Standards for Owners and Operators of Hazardous Waste Treatment, Storage, and Disposal Facilities <input checked="" type="checkbox"/> 265.1 Purpose, Scope, and Applicability <input checked="" type="checkbox"/> 265.70 Applicability <input checked="" type="checkbox"/> Subpart EE—Hazardous Waste Munitions and Explosives Storage <input checked="" type="checkbox"/> 265.1200 Applicability <input checked="" type="checkbox"/> 265.1201 Design and Operating Standards <input checked="" type="checkbox"/> 265.1202 Closure and Post-Closure Care	Adopted Adopted Adopted Adopted Adopted Adopted	33-20-8* 33-20-8* 33-20-8* 33-20-8* 33-20-8* 33-20-8*	None None None None None None
Part 266 - Standards for the Management of Specific Hazardous Wastes and Specific Types of Hazardous Waste and Specific Types of Hazardous Waste Management Facilities <input checked="" type="checkbox"/> Subpart M--Military Munitions <input checked="" type="checkbox"/> 266.200 Applicability <input checked="" type="checkbox"/> 266.201 Definitions <input checked="" type="checkbox"/> 266.202 Definition of Solid Waste <input checked="" type="checkbox"/> 266.203 Standards Applicable to the Transportation of Solid Waste Military Munitions <input checked="" type="checkbox"/> 266.204 Standards Applicable to Emergency Responses <input checked="" type="checkbox"/> 266.205 Standards Applicable to the Storage of Solid Waste Military Munitions <input checked="" type="checkbox"/> 266.206 Standards Applicable to the Treatment and Disposal of Waste Military Munitions	Adopted Adopted Adopted Adopted Adopted Adopted Adopted	33-20-9* 33-20-9* 33-20-9* 33-20-9* 33-20-9* 33-20-9* 33-20-9*	None None None None None None None
Part 270 - EPA Administered Permit Programs: The Hazardous Waste Permit Program <input checked="" type="checkbox"/> 270.1 Purpose and Scope of These Regulations <input checked="" type="checkbox"/> 270.2 Definitions <input checked="" type="checkbox"/> 270.42 Permit Modification At the Request of the Permittee	Adopted Adopted Adopted	33-20-11 33-20-11 33-20-11	None None Class 2 permits as defined in the federal rule are not subject to the requirements of this section in the West Virginia Rule

* Copied the wording of the federal rule word for word, except state rules were referenced in the text

WISCONSIN

GENERAL

The Wisconsin Department of Natural Resources administers and enforces the hazardous waste management program for the state of Wisconsin. Wisconsin has not adopted the federal MR, but instead regulates military munitions using the state's current hazardous waste rules. The state's hazardous waste management regulations can be found in the environmental protection chapter of the Wisconsin Administrative Code, Chapter NR 600 - 690.

DEFINITION OF A SOLID WASTE

Wisconsin adopted the definition of a solid waste from the federal rule. The state reference to the definition can be found in Chapter NR605.03.

DEFINITION OF A HAZARDOUS WASTE

Wisconsin adopted the definition of a hazardous waste from the federal rule. The state reference to the definition can be found in Chapter NR605.04.

STATE SPECIFIC ISSUES

In the MR, EPA classified various provisions as:

- ◆ *less stringent* than the existing federal rules (e.g., conditional exemption),
- ◆ *clarifications* of the existing federal rules (e.g., definitions of when munitions become wastes), and
- ◆ *more stringent* than the existing federal rules (e.g., record keeping by explosives or munitions emergency responders).

EPA also did not classify some provisions of the MR (e.g., Subpart EE).

For the *less stringent* provisions of the MR and for the provisions that EPA did not classify (especially Subpart EE), these provisions of the MR are not available under state law until a state formally adopts the provision. For example, the conditional exemption is not available at the state level until a state adopts its own regulations establishing the conditional exemption.

For the MR provisions that EPA considered equally stringent, are available only provided that the state law is not *more stringent* than the federal standard. For the provisions of the MR that are deemed *more stringent*, these rules are effective immediately at the federal level and states must adopt similar (or *more stringent*) requirement under state law.

WYOMING

GENERAL

Wyoming has not adopted the federal MR, nor have they developed any state specific military munitions regulations. At present, Wyoming regulates military munitions through their current hazardous waste management regulations. Wyoming's hazardous waste management program is administered by the Solid and Hazardous Waste Division of the Wyoming Department of Environmental Quality.

Wyoming hazardous waste regulations can be found in Department of Environmental Quality Section of the State rule, Chapters 1 through 13.

DEFINITION OF A SOLID WASTE

Wyoming has adopted the federal definition of a solid waste from the federal rule. The state reference to the definition can be found in Chapter 1, Part 260.10.

DEFINITION OF A HAZARDOUS WASTE

Wyoming has adopted the federal definition of a hazardous waste from the federal rule. The state reference to the definition can be found in Chapter 1, Part 260.10.

STATE SPECIFIC ISSUES

In the MR, EPA classified various provisions as:

- ◆ *less stringent* than the existing federal rules (e.g., conditional exemption),
- ◆ *clarifications* of the existing federal rules (e.g., definitions of when munitions become wastes), and
- ◆ *more stringent* than the existing federal rules (e.g., record keeping by explosives or munitions emergency responders).

EPA also did not classify some provisions of the MR (e.g., Subpart EE). For the *less stringent* provisions of the MR and for the provisions that EPA did not classify (especially Subpart EE), these provisions of the MR are not available under state law until a state formally adopts the provision. For example, the conditional exemption is not available at the state level until a state adopts its own regulations establishing the conditional exemption.

The MR provisions that EPA considered *equally stringent*, are available only provided that the state law is not *more stringent* than the federal standard. The provisions of the MR that are deemed *more stringent*, these rules are effective immediately at the federal level and states must adopt similar (or *more stringent*) requirement under state law.

APPENDIX

State Rule References

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APPENDIX: STATE RULE REFERENCES

STATE	MILITARY MUNITIONS RULE CITATION	ENVIRONMENTAL REGULATORY AGENCY	CONTACT PHONE NUMBER	STATE REGULATIONS AVAILABLE ONLINE
Alabama	ADEM 355-14-13, 355-14-6-31	Alabama Department of Environmental Management	(334) 271-7736	http://www.adem.state.al.us/RegsPermit/ADEMRegs/Div14/rdiv14.html
Alaska	Alaska Solid Waste Division, Title R18, Chapter 62, Articles 1	Alaska Solid Waste Division	(907) 271-6329	http://www.state.ak.us/dec/title18/aac60ndx.htm
Arizona	ADEQ Title R18, Chapter 8, parts 260-266, and 270	Arizona Department of Environmental Quality	(602) 207-4153	http://www.sosaz.com/public_services/Title_18/18-08.htm
Arkansas	APCEC, Hazardous Waste Division, Regulation 23	Arkansas Department of Environmental Quality	(501) 682-0876	http://www.adeq.state.ar.us/hazwaste/default.htm
California	CCR Title 22, Div 4.5, Chap, 31, Article, 67100.2	California Environmental Protection Agency	(916) 324-0705	http://www.calregs.com/
Colorado	HMWMD 6 CCR, sections 1007-3, 262.20F, 267 Subpart M	Colorado Department of Public Health and Environment	(303) 692-3345	http://www.cdphe.state.co.us/op/solidwastehazmatregs.asp
Connecticut	CDEP Title 22a, Chapter 445, Hazardous Waste	Connecticut Department of Environmental Protection	(860) 424-3023	http://www.cga.state.ct.us/2001/pub/titles.htm
Delaware	DNREC, DR 122, 260.10, 261, 262, 266 Subpart M, 268	Delaware Department of Natural Resources and Environmental Control	(302) 739-3689	http://www.dnrec.state.de.us/DNREC2000/Divisions/AWM/hw/hw/drghw.htm
Florida	FDEP Waste Management Division, Chapter 62-730	Florida Department of Environmental Protection, Waste Management Division	(850) 488-0300	http://www.dep.state.fl.us/legal/legaldocuments/rules/waste/62-730.pdf
Georgia	Georgia Environmental Regulations, Chapter 391-3-11	Georgia Department of Natural Resources	(404) 656-7802	http://www.dnr.state.ga.us/
Hawaii	HDEH, Hazardous Waste Program, Title 11, Chapters 260-266, and 270	Hawaii Department of Health, Solid and Hazardous Waste Branch	(808) 586-4226	http://www.hawaii.gov/health/rules/ADMRULES.html
Idaho	IDEQ, IDAC Chapter 58.01.05	Idaho Department of Environmental Quality	(208) 373-0502	http://www2.state.id.us/deq/waste/waste1.htm

STATE	MILITARY MUNITIONS RULE CITATION	ENVIRONMENTAL REGULATORY AGENCY	CONTACT PHONE NUMBER	STATE REGULATIONS AVAILABLE ONLINE
Illinois	ILEPA, IAC, Title 35, Subtitle G: Waste Disposal	Illinois Environmental Protection Agency	(217) 524-3306	http://www.ipcb.state.il.us/Title_35/main.htm
Indiana	IDEM, IAC, Title 329, Subpart 3.1	Indiana Department of Environmental Management	(317) 308-3341	http://www.IN.gov/idem/rules/index.html#iac
Iowa	IDNR, Waste Management Division, Title 567, Chapter 141.1-6, .8, and .14	Iowa Department of Natural Resources, Waste Management Division	(515) 281-4968	http://www.state.ia.us/dnr/organiza/wmad/main/laws/index.htm
Kansas	KDHE, Bureau of Waste Management, Chapter 28-31	Kansas Department of Health and Environment, Bureau of Waste Management	(785) 296-1608	http://www.kdhe.state.ks.us/waste/
Kentucky	KDEP, KAR Title 401, Rules 30-39	Kentucky Department of Environmental Protection	(502) 564-6716	http://www.lrc.state.ky.us/kar/TITLE401.HTM
Louisiana	LDEQ, LAC Title 33 Part 5 Chapter 53	Louisiana Department of Environmental Quality	(225) 765-2907	http://www.deq.state.la.us/planning/regs/index.htm
Maine	MDEP, BRWM Rules, Chapters 850-857	Maine Department of Environmental Protection	(207) 287-4851	http://www.state.me.us/dep/rwm/rules.htm
Maryland	MDE, Division of Waste Management, Title 26, Subtitle 13, Chapters 1-7 and 10	Maryland Department of the Environment	(410) 631-3345	https://constmail.gov.state.md.us/comar/dsd_web/default.htm
Massachusetts	MDEP, Bureau of Waste Prevention, CMR Title 310 section 30.000	Massachusetts Department of Environmental Protection	(617) 556-1096	http://www.state.ma.us/dep/bwp/dhm/files/310cmr30.pdf
Michigan	MDEQ, MAR Part 111, R299.9817-299.9821	Michigan Department of Environmental Quality	(517) 373-9548	http://www.deq.state.mi.us/wmd/pub/hazwaste/Part111Rules00.pdf
Minnesota	MPCA, MN state rules, Chapter 7045	Minnesota Pollution Control Agency	(651) 296-6300	http://www.revisor.leg.state.mn.us/arule/7045/
Mississippi	MDEQ, Para 260-266, and 270	Mississippi Department of Environmental Quality	(601) 961-5377	http://www.deq.state.ms.us/newweb/homepages.nsf
Missouri	MDNR, Hazardous Waste Regulations Title 10, Division 25, Chapters 3-7	Missouri Department of Natural Resources	(573) 751-3553	http://mosl.sos.state.mo.us/csr/10csr.htm#10-25

STATE	MILITARY MUNITIONS RULE CITATION	ENVIRONMENTAL REGULATORY AGENCY	CONTACT PHONE NUMBER	STATE REGULATIONS AVAILABLE ONLINE
Montana	MDEQ, ARM Title 17, Chapter 53 – Hazardous Waste	Montana Department of Environmental Quality	(406) 444-2874	http://www.deq.state.mt.us/dir/legal/Chapters/Ch53-toc.asp
Nebraska	NDEQ, Title 128, Chapter 1–3, 6–13, and 14	Nebraska Department of Environmental Quality	(402) 471-4265	http://www.deq.state.ne.us/RuleAndR.nsf/pages/128-TOC-1
Nevada	NDEP, Bureau of Waste Management, NAC Chapter 459	Nevada Division of Environmental Protection	(775) 687-4670 ext. 3004	http://ndep.state.nv.us/admin/nrs.htm
New Hampshire	New Hampshire, HWCS, Part Env.-Wm Chapters 110, 211, 353, 400, 500–700, and 900	New Hampshire Department of Environmental Services	(603) 271-2946	http://www.des.state.nh.us/hwrb/hwrules.pdf
New Jersey	NJDEP, Division of Solid and Hazardous Waste, NJAC Section 7:26G-4.1–10.1, and 12.1	New Jersey Department of Environmental Protection	(609) 292-8341	http://www.state.nj.us/dep/dshw/resource/rules.htm
New Mexico	NMED, Solid and Hazardous Waste Bureau, Title 20.4	New Mexico Environment Department	(505) 827-1551	http://www.nmenv.state.nm.us/
New York	NYDEC, DSHM Title 6 Parts 371–374 and, 364	New York State Department of Environmental Conservation	(518) 485-8988	http://www.dec.state.ny.us/website/dshm/regs/374_1.pdf
North Carolina	NCDENR 15A NCAC 15A NCAC 13A Parts .0102, .0106, .0111, and .0113	North Carolina Department of Environment and Natural Resources	(919) 733-1278 ext. 247	http://wastenot.enr.state.nc.us/HWHOME/WEBRules/NCHWRule.html
North Dakota	North Dakota DOH, Division of Waste, NDCC Chapter 33-24-01–33-24-07	North Dakota Department of Health	(702) 328-5210	http://www.health.state.nd.us/ndhd/envIRON/wm/hwp/hwrules.htm
Ohio	OEPA, OAC Section 3745, Parts 50–54, 65, and 248	Ohio Environmental Protection Agency	(614) 644-2917	http://www.epa.state.oh.us/dhwm/dhwmrules/index1.htm
Oklahoma	ODEQ, Land Protection Division, Title 252, Chapter 205	Oklahoma Department of Environmental Quality	(405) 702-9123	http://www.deq.state.ok.us/mainlinks/deqrules.htm
Oregon	ODEQ, OAR Chapter 340, Division 100–105.	Oregon Department of Environmental Protection	(503) 229-6534	http://www.deq.state.or.us/about/rules.htm
Pennsylvania	PDEP, Bureau of Land Recycling and Waste, Title 25, Part I, Subpart D, Article VII	Pennsylvania Department of Environmental Protection	(717) 783-2300	http://www.dep.state.pa.us/dep/deputate/airwaste/wm/HW/HW.htm

STATE	MILITARY MUNITIONS RULE CITATION	ENVIRONMENTAL REGULATORY AGENCY	CONTACT PHONE NUMBER	STATE REGULATIONS AVAILABLE ONLINE
Rhode Island	RIDEM, Division of Air and Hazardous Materials, Sections 1.00–13.00	Rhode Island Department of Environmental Management	(401) 222-2797	http://www.state.ri.us/dem/pubs/regs/index.htm#WM
South Carolina	SCDHEC, Bureau of Land and Waste Management, Chapter 61	South Carolina Department of Health and Environmental Control	(803) 896-4141	http://www.scdhec.net/lwm/html/regs.html
South Dakota	SDDENR, SDAR Article 74-28.	South Dakota Department of Environment and Natural Resources	(605) 773-3153	http://www.state.sd.us/denr/enviro/hazardwregs.htm
Tennessee	TDEC, Chapter 1200-1-11, Sections .01–.09	Tennessee Department of Environment and Conservation	(615) 532-0854	http://www.state.tn.us/sos/rules/1200/1200-01/1200-01-11/
Texas	TNRCC, Hazardous Waste Division, Chapter 335	Texas Natural Resource Conservation Commission	(512) 239-6612	http://www.tnrcc.state.tx.us/oprd/index.html
Utah	Utah Hazardous Waste Rules 315-1–315-102	Utah Department of Environmental Quality	(801) 538-6170	http://www.eq.state.ut.us/eqshw/hwrules.htm
Vermont	VANR, Vermont Environmental Protection Rules, Subchapters 1–7	Vermont Agency of Natural Resources	(802) 241-3878	http://www.anr.state.vt.us/dec/wastediv/rcra/hazregs/FINAL2000regs.htm
Virginia	VDEQ, Waste Management Division, VAC Title 9, Chapter 60	Virginia Department of Environmental Quality	(804) 698-4206	http://www.deq.state.va.us/waste/wastereg60.html
Washington	WDEC, Dangerous Waste Division, WAC Chapter 173-303, Dangerous Waste	Washington Department of Ecology	(360) 407-6756	http://www.ecy.wa.gov/pubs/wac173303.pdf
Washington D.C.	DCDOH, Title 20, Subtitle E Chapter 41–46, and 54	District of Columbia Department of Health		http://www.abfa.com/dcdocs/dcmrlist.htm#Title20
West Virginia	WVDEP, Office of Waste Management, Title 33, Series 20	West Virginia Department of Environmental Protection	(304) 558-5989	http://www.dep.state.wv.us/wm/index.html
Wisconsin	WDNR, WAC Chapter NR 600–690	Wisconsin Department of Natural Resources	(715) 635-2101	http://www.legis.state.wi.us/rsb/code/nr/nr600.html
Wyoming	Wyoming Hazardous Waste Rules, Chapters 1–14	Wyoming Department of Environmental Quality	(307) 777-7541	http://deq.state.wy.us/shwd.htm