



# State Authorization and Regulation Adoption Process

# What is State Authorization?

Through the authorization process established in 40 CFR 271, EPA can authorize a state to administer RCRA Subtitle C requirements in lieu of the federal government

# What is Connecticut's Current Authorization Status?

- December 31, 1990 – Final authorization for the RCRA base program and revisions through July 1, 1989
- September 28, 2004 – Final authorization for federal revisions through January 1, 2001

# What is the authorization process for modifications to the State's hazardous waste regulations?

Connecticut must prepare and submit an authorization application package to EPA for approval. The authorization package includes:

- A letter from the Commissioner to the EPA Regional Administrator transmitting the revision with a clear statement of the nature of the modification;
- An Attorney General's Statement certifying that Connecticut's modified hazardous waste program is at least as stringent as the federal requirements and that state law provides adequate authority to carry out the program revision;
- Copies of state statutes and the modified regulations, showing equivalence to the federal requirements;
- Rule Checklists;
- Program Description; and
- Memorandum of Agreement between EPA and DEP.

# Where is Connecticut in the current authorization process?

- Modified regulations were drafted and sent to EPA Region 1 for review and comment. The draft regulations included adopting federal rules through July 1, 2004 and a format change from incorporation by reference to a fully written out state regulation.
- In response to comments from EPA Region 1, the draft regulations were modified to include federal rules effective through July 1, 2008.
- Draft regulations, including federal rules through July 1, 2008, are currently undergoing legal review by DEP's attorney.

# What is Connecticut's regulation adoption process?

- ⦿ Draft Regulations
- ⦿ DEP / EPA Legal Review
- ⦿ Commissioner Approval
- ⦿ Approval by Governor's Office and Office of Policy & Management
- ⦿ Informal Attorney General's ("AG") Review
- ⦿ Public Notice / Public Hearing / Statement of Reasons
- ⦿ AG Formal Approval
- ⦿ Approval by Legislative Regulations Review Committee
- ⦿ Regulation Submitted to Secretary of State (Regulation effective date)
- ⦿ Published in CT Law Journal (Date Enforceable)

# What major rules are not being picked up by Connecticut with its next authorization approval?

- Academic Laboratory Rule – affects management of laboratory wastes (final 12/1/08)
- DSW Rule – changes to definition of solid waste (final 10/30/08)
- Amendment to Universal Waste Rule – addition of pharmaceuticals (proposed 12/2/08)

# For More Questions

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