



ADMINISTRATIVE RULES OF MONTANA



17.53.107 SUBSTITUTION OF STATE TERMS FOR FEDERAL TERMS

- (1) The following terms used in 40 CFR 124, 260 through 268, 270, 273, or 279, as adopted and incorporated by reference in this chapter, have the meanings specified below, unless otherwise indicated in these rules:
 - (a) "Act" means the Montana Hazardous Waste Act, Title 75, chapter 10, part 4, MCA.
 - (b) "Administrator" means the director of the Montana Department of Environmental Quality.
 - (c) "Agency" means the Montana Department of Environmental Quality.
 - (d) "Director" means the director of the Montana Department of Environmental Quality.
 - (e) "Environmental Protection Agency", "U.S. Environmental Protection Agency", or "EPA" means the Montana Department of Environmental Quality, except for:
 - (i) any references to "EPA form", "EPA identification number", "EPA hazardous waste number", "EPA publication", "EPA acknowledgement of consent"; and
 - (ii) any reference to EPA in 40 CFR 273.32(a) (3) .
 - (f) "Non-hazardous solid waste" means solid waste (see ARM 17.53.102(1)) .
 - (g) "He" means he, she, or it, without regard to gender.
 - (h) "Notification requirements of section 3010" means the notification requirements of this chapter.
 - (i) "RCRA permit" means state hazardous waste permit.
 - (j) "Regional administrator" means the director of the Montana Department of Environmental Quality.
 - (k) "She" means he, she, or it, without regard to gender.
 - (l) "Solid waste" means waste (see ARM 17.53.102(1)) .
 - (m) "State", "authorized state", "approved state", and "approved program" mean Montana, except at:
 - (i) 40 CFR 124.2 in the definitions of "director," "interstate agency," "person," and "state";
 - (ii) 40 CFR 260.10 in the definitions of "person," "state," and "United States";
 - (iii) 40 CFR 262;

- (iv) 40 CFR 264.143(e) (1) , 264.145(e) (1) , 264.147(a) (1) (ii) , 264.147(b) (1) (ii) , 264.147(g) (2) , 264.147(i) (4) , 265.143(d) (1) , 265.145(d) (1) , 265.147(a) (1) (ii) , 265.147(g) (2) , and 265.147(i) (4) ; and
 - (v) 40 CFR 270.2 in the definitions of "approved program" or "approved state," "director," "final authorization," "person," and "state".
- (n) Any reference to the "Department of Transportation" or "DOT" shall mean the U.S. Department of Transportation.
- (2) The definitions of the following terms found in 40 CFR 260.10 are excluded from substitution pursuant to (1) (b), (e), and (j) :
 - (a) Administrator;
 - (b) Electronic manifest (or e-Manifest);
 - (c) Electronic Manifest System (or e-Manifest System);
 - (d) EPA region;
 - (e) Manifest;
 - (f) Regional Administrator; and
 - (g) User of the electronic manifest system.
- (3) The substitution of terms in (1) does not apply in the following portions of 40 CFR 260 through 268, 270, 273, and 279, as adopted and incorporated by reference in this chapter:
 - (a) 40 CFR 260.2(c);
 - (b) 40 CFR 260.2(d);
 - (c) 40 CFR 260.4;
 - (d) 40 CFR 260.5;
 - (e) 40 CFR 261.4(b) (11) (ii) ;
 - (f) 40 CFR 261.6(a) (3) (i) (A) ;
 - (g) 40 CFR 261.6(a) (3) (i) (B) ;
 - (h) 40 CFR 261.10;
 - (i) 40 CFR 261.11;
 - (j) 40 CFR 261.39(a)(5);
 - (k) 40 CFR 261.41;
 - (l) 40 CFR 262.10(g) ;
 - (m) 40 CFR 262.11;
 - (n) 40 CFR 262.24(a)(3);
 - (o) 40 CFR 262.25;
 - (p) 40 CFR 262, subpart H;

- (q) 40 CFR 263.20(a)(4)(iv);
- (r) 40 CFR 264.12(a);
- (s) 40 CFR 264.71;
- (t) 40 CFR 265.12(a);
- (u) 40 CFR 265.71;
- (v) 40 CFR 267.71(a)(6);
- (w) 40 CFR 267.71(d);
- (x) 40 CFR 268.2(j) ;
- (y) the following 40 CFR 270.2 definitions:
 - (i) "administrator";
 - (ii) "approved program or approved State";
 - (iii) "director";
 - (iv) "Environmental Protection Agency";
 - (v) "EPA";
 - (vi) "final authorization";
 - (vii) "interim authorization";
 - (viii) "major facility";
 - (ix) "permit";
 - (x) "regional administrator"; and
 - (xi) "state/EPA agreement";
- (z) 40 CFR 270.10(e)(2) and (3) ;
- (aa) 40 CFR 270.10(f)(2) and (3) ;
- (bb) 40 CFR 270.10(g)(1)(i) and (ii) ;
- (cc) 40 CFR 270.11(a)(3);
- (dd) 40 CFR 270.32(b)(2);
- (ee) 40 CFR 270.32(c);
- (ff) 40 CFR 270.72(a)(5);
- (gg) 40 CFR 270.72(b)(5); and
- (hh) 40 CFR 279.43(c)(3)(ii).

Authorizing statute(s): 75-10-405, MCA

Implementing statute(s): 75-10-405, MCA

History: NEW, 2001 MAR p. 169, Eff. 1/26/01; AMD, 2002 MAR p. 789, Eff. 3/15/02; AMD, 2005 MAR p. 442, Eff. 4/1/05; AMD, 2022 MAR p. 693, Eff. 5/14/22.