



ADMINISTRATIVE RULES OF MONTANA

17.53.105 INCORPORATION BY REFERENCE

- (1) In accordance with the Act, these rules establish a hazardous waste management program that is the equivalent of the federal hazardous waste management program established by the United States Congress under the Resource Conservation and Recovery Act of 1976 (42 USC 6901-6987) , as amended and administered by the EPA.
- (2) In view of the Act's requirement of equivalency with the federal RCRA program and in order to simplify the rulemaking process and make the rules less cumbersome, in these rules, the department relies heavily upon adoption and incorporation by reference of federal requirements as set forth in Title 40 of the Code of Federal Regulations (CFR).
- (3) References in this chapter that incorporate 40 CFR 60, 61, 63, 124, 260 through 268, 270, 273, or 279 refer to the version of that publication revised as of July 1, 2021. References in this chapter to 40 CFR 124, 260 through 268, 270, 273, or 279 that incorporate publications refer to the version of the publication as specified at 40 CFR 260.11. Provisions within 40 CFR 60, 61, and 63 that are referenced in 40 CFR 124, 260 through 268, 270, 273, or 279 are also incorporated by reference.
- (4) Copies of the CFR are available from the U.S. Government Publishing Office--New Orders, P.O. Box 979050, St. Louis, MO 63197-9000, (866) 512-1800. The CFR can also be accessed at <https://www.govinfo.gov/app/collection/cfr> . Materials adopted and incorporated by reference in this chapter are also available for public inspection and copying at the Department of Environmental Quality, 1520 E. 6th Ave., P.O. Box 200901, Helena, MT 59620-0901.
- (5) Where exceptions to incorporated federal regulations are necessary, these exceptions are noted in the rules.
- (6) Cross-references within federal regulations adopted and incorporated by reference in these rules refer to the cross-referenced provision as adopted and incorporated by reference in this chapter with any indicated additions and exceptions.
- (7) The adoption and incorporation by reference of federal regulations as state rules does not negate the requirement to comply with federal regulations that are not incorporated in this chapter and that are retained as federal authority.

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, 2002 MAR p. 3044, Eff. 11/1/02; AMD, 2005 MAR p. 442, Eff. 4/1/05; AMD, 2006 MAR p. 3074, Eff. 12/22/06; AMD, 2009 MAR p. 2461, Eff. 12/25/09; AMD, 2013 MAR p. 963, Eff. 6/7/13; AMD, 2014 MAR p. 1835, Eff. 8/8/14; AMD, 2022 MAR p. 693, Eff. 5/14/22.