

ENVIRONMENTAL QUALITY

CHAPTER 53

HAZARDOUS WASTE

Sub-Chapter 11

Land Disposal Restrictions

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## Sub-Chapter 11

## Land Disposal Restrictions

17.53.1101 ADOPTION OF FEDERAL LAND DISPOSAL RESTRICTIONS  
(40 CFR 268) (1) Except as provided otherwise in ARM 17.53.1102, the department hereby adopts and incorporates by reference 40 CFR 268, pertaining to land disposal restrictions. (History: 75-10-405, MCA; IMP, 75-10-405, MCA; NEW, 2001 MAR p. 169, Eff. 1/26/01.)

17.53.1102 EXCEPTIONS AND ADDITIONS TO ADOPTION OF FEDERAL LAND DISPOSAL RESTRICTIONS (1) The department is not adopting and incorporating by reference the authority to grant the following exemptions to land disposal restrictions, which may be granted only by the administrator of EPA:

(a) case-by-case extensions of federal effective dates, pursuant to 40 CFR 268.5;

(b) allowance of land disposal of a waste prohibited under 40 CFR 268, subpart C, pursuant to a petition filed under 40 CFR 268.6;

(c) approval of alternate treatment methods, pursuant to 40 CFR 268.42(b); and

(d) variance from a treatment standard, pursuant to 40 CFR 268.44.

(2) For the reason described in (1), the following federal regulations are not adopted and incorporated by reference:

(a) 40 CFR 268.5;

(b) 40 CFR 268.6;

(c) 40 CFR 268.42(b); and

(d) 40 CFR 268.44.

(3) "Hazardous wastes for which land disposal prohibitions or treatment standards have not been promulgated in 40 CFR 268, subparts C or D, as incorporated by reference in ARM 17.53.1001(1);" is substituted for 40 CFR 268.1(e)(3), pertaining to hazardous waste not subject to land disposal restrictions.

(4) In 40 CFR 268.9(d), pertaining to special rules regarding wastes that exhibit a characteristic, "department" is substituted for "EPA Region or authorized state".

(5) In 40 CFR 268.40, pertaining to treatment standards, the term "Administrator" is retained. (History: 75-10-405, MCA; IMP, 75-10-405, MCA; NEW, 2001 MAR p. 169, Eff. 1/26/01; AMD, 2005 MAR p. 442, Eff. 4/1/05.)

