

Glossary

Addendum to the State's EPA-Approved Hazardous Waste Management Program - a supplementary document to the EPA binder containing the text of the authorized version of each State provision to which unauthorized amendments have been made. The Addendum consists of an explanatory statement, a table of contents and a text section and is kept in the Office of the EPA Region developing the codification package.

Attorney General's (AG) Statement - A statement prepared by the State Attorney General (or the attorney for the State agencies which have independent legal counsel) as part of the authorization application that identifies and interprets State legal authorities, and explains how these authorities are equivalent to, broader in scope, or more stringent than, the Federal standards. The AG Statements are optionally referenced in the codification but are not incorporated by reference.

Authorization package - the application materials submitted by the State to the EPA for review for State authorization. The package typically includes State statutes, regulations, an AG Statement or addendum, Revision Checklist, program description and a memorandum of agreement.

Base program authorization - the RCRA program initially made available for final authorization, reflecting Federal regulations as of July 26, 1982.

Base program checklists - the set of checklists submitted for State base program authorization, including Checklists I, II, III, IVA, IVB and V.

Broader in scope (BIS) - provisions that (1) allows the State to regulate more entities or wastes than the Federal code or (2) add an aspect to a State's statutes or regulations for which there is no Federal counterpart in the RCRA statutes or regulations. Broader-in-scope provisions are referenced in the codification but are not incorporated by reference.

CFR (see Code of Federal Regulations)

Checklists - used to document the State analogs to the Federal requirements. They include a column to indicate whether the State requirement is equivalent to, more stringent, or broader in scope than the analogous Federal requirement. (Also see Revision Checklists, Base program checklists, State Legislation Checklist, HSWA statutory checklist, and Consolidated checklists.)

Code of Federal Regulations (CFR) - a codification of final rules published in the *Federal Register* by the Executive departments and agencies of the Federal government.

Codification - a process of placing a rule in the Code of Federal Regulations (CFR). The CFR identifies the specific elements of the State program that EPA has approved as RCRA Subtitle C requirements. This is useful for the regulated community and the public, as

they can see what elements of the RCRA program a State administers. Codification also clarifies EPA's enforcement role by identifying which, if any, of the State requirements are broader in scope than the Federal program. EPA cannot enforce such broader-in-scope requirements. Codifying State program is accomplished by "incorporating by reference" approved State statutes and regulations. Other signed State documents, such as the AG Statement, MOA and Program Description may be referenced by title and date but are not incorporated by reference.

Codification package - the package submitted to the Office of the Federal Register consisting of the codification *Federal Register* notice, the EPA binder, a chargeback form and a letter to the Director of the *Federal Register* requesting approval of the incorporation by reference.

Consolidated checklists - a checklist, based on each Part of the CFR, reflecting the Federal RCRA requirements as of a specific CFR date (e.g., June 30, 1993). They are numbered from C1 through C10. For example, Consolidated Checklist C9 includes the Federal requirements in Parts 270 and 124 needed for authorization.

Crosswalk - see **regulatory crosswalk**, **statutory crosswalk** and **preliminary crosswalk**.

Enforcement provisions - address such things as civil penalties, criminal penalties, enforcement procedures, court proceedings, and enforcement proceedings. Enforcement provisions are referenced in the codification but are not incorporated by reference.

EPA binder - a dated, labeled, three-ring binder consisting of the EPA-approved State regulatory and statutory requirements applicable to the hazardous waste management program that is submitted to the Office of the Federal Register for incorporation by reference. The EPA binder contains a redlined copy of the State's statutes with its associated table of contents, and a redlined copy of the State's regulations with its associated table of contents.

EPA Liaison - the EPA staff person to whom all questions should be directed regarding Office of the Federal Register guidelines (e.g. requirements for copies of statutes and regulations, development of codification EPA binders) and to whom the codification package is sent when it is completed.

Federal Register - a document published daily by the Federal government that contains proposed and final regulations and notices. Tentative authorization, final authorization and codification decisions are published in the *Federal Register*.

HSWA program or HSWA provisions - elements of the Federal RCRA program that are implemented pursuant to the Hazardous and Solid Waste Amendments of 1984.

HSWA statutory checklist - used to document State enabling authority when seeking authorization for a HSWA provision for the first time. It provides State analogs to the Federal HSWA statutory provisions.

Incorporation by reference - the process by which a State's statutes and regulations are codified. Incorporation by reference has the same legal effect as if the incorporated materials were published in full in the CFR. The incorporated materials are kept on file in the Office of the Federal Register, as well as in EPA Offices, and are available to the public.

Legislation checklist (see State Legislation Checklist)

Memorandum of Agreement (MOA) - a document submitted as part of the State's authorization application package which provides for coordination and cooperation between the State Director and the EPA Regional Administrator regarding the administration and enforcement of the authorized State program. The most recent version of the document signed by the State and the EPA is needed only if a Region chooses to reference it in the codification notice. The MOA is not incorporated by reference but may be referenced in the codification.

Model X codification *Federal Register* (FR) notice - a model *FR* notice used to prepare a codification notice for a State that is not being authorized for a program revision at the same time as the codification.

Model Y codification *Federal Register* (FR) notice - a model *FR* notice used to prepare a combined program authorization for State-initiated changes and codification notice.

Office of Regional Counsel (ORC) representative - the ORC staff member on the Regional codification team who is responsible for reviewing the statutory and regulatory crosswalks to assure accurate classification of all provisions as either (1) authorized, (2) procedural/enforcement, (3) broader in scope, or (4) other unauthorized and extra provision.

Official version of the State statutes and regulations - the version of the State's statutes and regulations that is acknowledged by the State as legally enforceable and used in court.

Preliminary crosswalk - provides an initial structure for a regulatory or statutory crosswalk so that when the regulations or statutes are examined on a section-by-section basis, the focus can be on classifying each section/paragraph (*See regulatory crosswalk; statutory crosswalk*).

Procedural provisions - address public notice, public hearings and appeals. Provisions that give a State Agency or Commission specific authorities are also considered procedural. Procedural provisions are referenced in the codification but are not incorporated by reference.

Program Description - a document submitted as part of the State's authorization application package which explains the program the State proposes to administer, together with any forms used to administer the program under State law. It designates the lead agency for

the program, and often identifies where the State is broader in scope. Program Descriptions may be referenced in the codification *Federal Register* notice but are not incorporated by reference.

RCRA - the Resource Conservation and Recovery Act of 1976, and all amendments of that Act.

Redline - to cross out those portions of the State statutes or regulations that are not incorporated by reference. These portions include: (1) procedural or enforcement provisions (2) broader in scope provisions, (3) provisions that are outside the scope of RCRA and (4) other unauthorized provisions.

Regional codification team - a group of EPA and State staff members established to work together to help resolve the problems and issues which will arise during the codification process. The team typically consists of the Regional representative responsible for the codification, a State authorization specialist from the State being codified, and a representative from the Office of Regional Counsel.

Regional representative - the EPA Region staff member on the Regional codification team responsible for overseeing the entire codification process.

Regulatory checklist - used to describe a base program checklist or a revision checklist.

Regulatory crosswalk - an organized approach for classifying each section/paragraph of State regulations so that the authorized program can be accurately identified and so that the information can be easily checked and entered into the codification *Federal Register* notice. The following information is included for each section/paragraph cited: the amendment or effective date of the authorized version; documentation of the authorization history of the provision; a description or RCRA analogous citation; and whether the section/paragraph is authorized, procedural/enforcement, broader in scope or other unauthorized or extra provision.

Revision Checklists - represent checklists based on specific Federal rules published in the *Federal Register* that addressed changes made to the Federal RCRA program beyond the base program. Revision checklists are presented and numbered in chronological order by date of promulgation.

State authorization specialist - a State staff person on the Regional codification team who provides support in obtaining background documents and the official versions of the State's statutes and regulations.

State Legislation Checklist - used to document State hazardous waste enabling authority for final authorization under section 3006(b) of RCRA. It provides a crosswalk between a State's statutes and RCRA and is typically submitted as part of the State base program authorization.

StATS - the **State Authorization Tracking System** is an information management system designed to document the progress of each State and territory in establishing and maintaining RCRA-authorized hazardous waste management programs. StATS tracks the status of each State with regard to each change made to the Federal hazardous waste regulations, from the State's first submission of draft regulations for review through the final authorization and codification of the State's program in the *Federal Register*.

Statutory checklist (HSWA) (see HSWA statutory checklist)

Statutory crosswalk - an organized approach for classifying each section/paragraph of State statutes so that the authorized program can be accurately identified and so that the information can be easily checked and entered into the codification *Federal Register* notice. The following information is included for each section/paragraph cited: the amendment or effective date of the authorized version of the provision; a description or RCRA analog; the basis for the classification (authorization history); and whether the section/paragraph is authorized, procedural/enforcement, broader in scope or other unauthorized or extra provision.