

an underground storage tank as ineligible for delivery, deposit, or acceptance of a regulated substance if such treatment would jeopardize the availability of, or access to, fuel in any rural and remote areas unless an urgent threat to public health, as determined by the Administrator, exists.

(B) Applicability

Subparagraph (A) shall apply only during the 180-day period following the date of a determination by the Administrator or the appropriate State under subparagraph (A).

(b) Effect on State authority

Nothing in this section shall affect or preempt the authority of a State to prohibit the delivery, deposit, or acceptance of a regulated substance to an underground storage tank.

(c) Defense to violation

A person shall not be in violation of subsection (a)(1) of this section if the person has not been provided with notice pursuant to subsection (a)(2)(D) of this section of the ineligibility of a facility for delivery, deposit, or acceptance of a regulated substance as determined by the Administrator or a State, as appropriate, under this section.

(Pub. L. 89-272, title II, §9012, as added Pub. L. 109-58, title XV, §1527(a), Aug. 8, 2005, 119 Stat. 1098; amended Pub. L. 109-168, §1(a)(1), Jan. 10, 2006, 119 Stat. 3580.)

AMENDMENTS

2006—Subsec. (a)(2)(D). Pub. L. 109-168 substituted “of a regulated” for “or a regulated”.

§ 6991f. Tanks on tribal lands

(a) Strategy

The Administrator, in coordination with Indian tribes, shall, not later than 1 year after August 8, 2005, develop and implement a strategy—

(1) giving priority to releases that present the greatest threat to human health or the environment, to take necessary corrective action in response to releases from leaking underground storage tanks located wholly within the boundaries of—

- (A) an Indian reservation; or
- (B) any other area under the jurisdiction of an Indian tribe; and

(2) to implement and enforce requirements concerning underground storage tanks located wholly within the boundaries of—

- (A) an Indian reservation; or
- (B) any other area under the jurisdiction of an Indian tribe.

(b) Report

Not later than 2 years after August 8, 2005, the Administrator shall submit to Congress a report that summarizes the status of implementation and enforcement of this subchapter in areas located wholly within—

- (1) the boundaries of Indian reservations; and
- (2) any other areas under the jurisdiction of an Indian tribe.

The Administrator shall make the report under this subsection available to the public.

(c) Not a safe harbor

This section does not relieve any person from any obligation or requirement under this subchapter.

(d) State authority

Nothing in this section applies to any underground storage tank that is located in an area under the jurisdiction of a State, or that is subject to regulation by a State, as of August 8, 2005.

(Pub. L. 89-272, title II, §9013, as added Pub. L. 109-58, title XV, §1529(a), Aug. 8, 2005, 119 Stat. 1101.)

§ 6991m. Authorization of appropriations

There are authorized to be appropriated to the Administrator the following amounts:

(1) To carry out this subchapter (except sections 6991b(h), 6991d(c), 6991j, and 6991k of this title) \$50,000,000 for each of fiscal years 2006 through 2011.

(2) From the Trust Fund—

(A) to carry out section 6991b(h) of this title (except section 6991b(h)(12) of this title) \$200,000,000 for each of fiscal years 2006 through 2011;

(B) to carry out section 6991b(h)(12) of this title, \$200,000,000 for each of fiscal years 2006 through 2011;

(C) to carry out sections 6991b(i), 6991c(f), and 6991d(c) of this title \$100,000,000 for each of fiscal years 2006 through 2011; and

(D) to carry out sections 6991i, 6991j, 6991k, and 6991l of this title \$55,000,000 for each of fiscal years 2006 through 2011.

(Pub. L. 89-272, title II, §9014, as added Pub. L. 109-58, title XV, §1531(a), Aug. 8, 2005, 119 Stat. 1104; amended Pub. L. 109-168, §1(a)(3), Jan. 10, 2006, 119 Stat. 3580; Pub. L. 109-432, div. A, title II, §210(b), Dec. 20, 2006, 120 Stat. 2947; Pub. L. 109-433, §1(b), Dec. 20, 2006, 120 Stat. 3196.)

AMENDMENTS

2006—Par. (2). Pub. L. 109-432 and Pub. L. 109-433 amended par. (2) identically, substituting “Fund” for “Fund, notwithstanding section 9508(c)(1) of title 26” in introductory provisions.

Pub. L. 109-168 substituted “2006 through 2011” for “2005 through 2009” wherever appearing.

SUBCHAPTER X—DEMONSTRATION
MEDICAL WASTE TRACKING PROGRAM

§ 6992. Scope of demonstration program for medical waste

(a) Covered States

The States within the demonstration program established under this subchapter for tracking medical wastes shall be New York, New Jersey, Connecticut, the States contiguous to the Great Lakes and any State included in the program through the petition procedure described in subsection (c) of this section, except for any of such States in which the Governor notifies the Administrator under subsection (b) of this section that such State shall not be covered by the program.

(b) Opt out

(1) If the Governor of any State covered under subsection (a) of this section which is not con-