

of each year thereafter, the Administrator shall submit to the Committee on Environment and Public Works of the Senate and the Committee on Energy and Commerce of the House of Representatives a report that describes any enforcement action commenced under clause (i), including a description of the basis for the enforcement action.

**(II) Applicability**

Subclause (I) shall not apply for any calendar year during which the Administrator does not commence an enforcement action under clause (i).

**(5) Indian country**

The Administrator shall establish and carry out a permit program, in accordance with this subsection, for coal combustion residuals units in Indian country (as defined in section 1151 of title 18) to require each coal combustion residuals unit located in Indian country to achieve compliance with the applicable criteria established by the Administrator under part 257 of title 40, Code of Federal Regulations (or successor regulations promulgated pursuant to sections 6907(a)(3) and 6944(a) of this title).

**(6) Treatment of coal combustion residuals units**

A coal combustion residuals unit shall be considered to be a sanitary landfill for purposes of this chapter, including subsection (a), only if the coal combustion residuals unit is operating in accordance with—

(A) the requirements of a permit issued by—

- (i) the State in accordance with a program or system approved under paragraph (1)(B); or
- (ii) the Administrator pursuant to paragraph (2)(B) or paragraph (5); or

(B) the applicable criteria for coal combustion residuals units under part 257 of title 40, Code of Federal Regulations (or successor regulations promulgated pursuant to sections 6907(a)(3) and 6944(a) of this title).

**(7) Effect of subsection**

Nothing in this subsection affects any authority, regulatory determination, other law, or legal obligation in effect on the day before December 16, 2016.

(Pub. L. 89-272, title II, §4005, as added Pub. L. 94-580, §2, Oct. 21, 1976, 90 Stat. 2815; amended Pub. L. 96-482, §19(a), (b), Oct. 21, 1980, 94 Stat. 2345; Pub. L. 98-616, title III, §302(c), title IV, §403(c), title V, §502(c), Nov. 8, 1984, 98 Stat. 3268, 3272, 3276; Pub. L. 114-322, title II, §2301, Dec. 16, 2016, 130 Stat. 1736.)

**Editorial Notes**

**CODIFICATION**

Another section 19(b) of Pub. L. 96-482 amended section 6946 of this title.

**AMENDMENTS**

2016—Subsec. (d). Pub. L. 114-322 added subsec. (d).  
1984—Subsec. (a). Pub. L. 98-616, §403(c), inserted after first sentence “The prohibition contained in the pre-

ceding sentence shall be enforceable under section 6972 of this title against persons engaged in the act of open dumping.”

Pub. L. 98-616, §502(c), inserted a closing parenthesis before the period at end.

Subsec. (c). Pub. L. 98-616, §302(c), added subsec. (c).  
1980—Subsec. (a). Pub. L. 96-482, §19(a), (b)(1), struck out subsec. (a) which defined “open dump”, which is covered in section 6903(14) of this title, redesignated subsec. (c) as (a) and substituted “Upon promulgation of criteria under section 6907(a)(3) of this title, any” for “Any”, “section 6943(a)(2) and 6943(a)(3) of this title” for “section 6943(2) of this title”, and “criteria under section 6907(a)(3) of this title” for “the inventory under subsection (b)”.

Amendment by section 19(b)(1) of Pub. L. 96-482, directing that following reference to “4003(2)”, which had been editorially translated as section 6943(2) of this title, the phrase “and 4003(3)” be inserted, was executed by translating “4003(2) and 4003(3)” as section 6943(a)(2) and 6943(a)(3) of this title, in view of the designation of the existing provisions of section 6943 of this title as subsec. (a) of section 6943 of this title by section 5(b) of Pub. L. 96-463 and also by section 32(d)(2) of Pub. L. 96-482.

Subsec. (b). Pub. L. 96-482, §19(b)(2), inserted introductory phrase “To assist the States in complying with section 6943(a)(3) of this title”. Amendment referring to section “4003(3)” was executed by translating “4003(3)” as section 6943(a)(3) of this title, in view of the designation of the existing provisions of section 6943 of this title as subsec. (a) of section 6943 of this title by section 5(b) of Pub. L. 96-463 and also by section 32(d)(2) of Pub. L. 96-482.

Subsec. (c). Pub. L. 96-482, §19(a), redesignated subsec. (c) as (a).

**Executive Documents**

**TRANSFER OF FUNCTIONS**

For transfer of certain enforcement functions of Administrator or other official of Environmental Protection Agency under this chapter to Federal Inspector, Office of Federal Inspector for the Alaska Natural Gas Transportation System, and subsequent transfer to Secretary of Energy, then to Federal Coordinator for Alaska Natural Gas Transportation Projects, see note set out under section 6903 of this title.

**§6946. Procedure for development and implementation of State plan**

**(a) Identification of regions**

Within one hundred and eighty days after publication of guidelines under section 6942(a) of this title (relating to identification of regions), the Governor of each State, after consultation with local elected officials, shall promulgate regulations based on such guidelines identifying the boundaries of each area within the State which, as a result of urban concentrations, geographic conditions, markets, and other factors, is appropriate for carrying out regional solid waste management. Such regulations may be modified from time to time (identifying additional or different regions) pursuant to such guidelines.

**(b) Identification of State and local agencies and responsibilities**

(1) Within one hundred and eighty days after the Governor promulgates regulations under subsection (a), for purposes of facilitating the development and implementation of a State plan which will meet the minimum requirements of section 6943 of this title, the State, together with appropriate elected officials of gen-

eral purpose units of local government, shall jointly (A) identify an agency to develop the State plan and identify one or more agencies to implement such plan, and (B) identify which solid waste management activities will, under such State plan, be planned for and carried out by the State and which such management activities will, under such State plan, be planned for and carried out by a regional or local authority or a combination of regional or local and State authorities. If a multi-functional regional agency authorized by State law to conduct solid waste planning and management (the members of which are appointed by the Governor) is in existence on October 21, 1976, the Governor shall identify such authority for purposes of carrying out within such region clause (A) of this paragraph. Where feasible, designation of the agency for the affected area designated under section 1288 of title 33 shall be considered. A State agency identified under this paragraph shall be established or designated by the Governor of such State. Local or regional agencies identified under this paragraph shall be composed of individuals at least a majority of whom are elected local officials.

(2) If planning and implementation agencies are not identified and designated or established as required under paragraph (1) for any affected area, the governor shall, before the date two hundred and seventy days after promulgation of regulations under subsection (a), establish or designate a State agency to develop and implement the State plan for such area.

**(c) Interstate regions**

(1) In the case of any region which, pursuant to the guidelines published by the Administrator under section 6942(a) of this title (relating to identification of regions), would be located in two or more States, the Governors of the respective States, after consultation with local elected officials, shall consult, cooperate, and enter into agreements identifying the boundaries of such region pursuant to subsection (a).

(2) Within one hundred and eighty days after an interstate region is identified by agreement under paragraph (1), appropriate elected officials of general purpose units of local government within such region shall jointly establish or designate an agency to develop a plan for such region. If no such agency is established or designated within such period by such officials, the Governors of the respective States may, by agreement, establish or designate for such purpose a single representative organization including elected officials of general purpose units of local government within such region.

(3) Implementation of interstate regional solid waste management plans shall be conducted by units of local government for any portion of a region within their jurisdiction, or by multi-jurisdictional agencies or authorities designated in accordance with State law, including those designated by agreement by such units of local government for such purpose. If no such unit, agency, or authority is so designated, the respective Governors shall designate or establish a single interstate agency to implement such plan.

(4) For purposes of this subchapter, so much of an interstate regional plan as is carried out

within a particular State shall be deemed part of the State plan for such State.

(Pub. L. 89-272, title II, § 4006, as added Pub. L. 94-580, § 2, Oct. 21, 1976, 90 Stat. 2816; amended Pub. L. 96-482, § 19(b), Oct. 21, 1980, 94 Stat. 2345.)

**Editorial Notes**

**CODIFICATION**

Another section 19(b) of Pub. L. 96-482 amended section 6945 of this title.

**AMENDMENTS**

1980—Subsec. (b)(1)(B). Pub. L. 96-482 substituted “management activities” for “functions” in two places.

**Executive Documents**

**TRANSFER OF FUNCTIONS**

For transfer of certain enforcement functions of Administrator or other official of Environmental Protection Agency under this chapter to Federal Inspector, Office of Federal Inspector for the Alaska Natural Gas Transportation System, and subsequent transfer to Secretary of Energy, then to Federal Coordinator for Alaska Natural Gas Transportation Projects, see note set out under section 6903 of this title.

**§ 6947. Approval of State plan; Federal assistance**

**(a) Plan approval**

The Administrator shall, within six months after a State plan has been submitted for approval, approve or disapprove the plan. The Administrator shall approve a plan if he determines that—

(1) it meets the requirements of paragraphs (1), (2), (3), and (5) of section 6943(a) of this title; and

(2) it contains provision for revision of such plan, after notice and public hearing, whenever the Administrator, by regulation, determines—

(A) that revised regulations respecting minimum requirements have been promulgated under paragraphs (1), (2), (3), and (5) of section 6943(a) of this title with which the State plan is not in compliance;

(B) that information has become available which demonstrates the inadequacy of the plan to effectuate the purposes of this subchapter; or

(C) that such revision is otherwise necessary.

The Administrator shall review approved plans from time to time and if he determines that revision or corrections are necessary to bring such plan into compliance with the minimum requirements promulgated under section 6943 of this title (including new or revised requirements), he shall, after notice and opportunity for public hearing, withdraw his approval of such plan. Such withdrawal of approval shall cease to be effective upon the Administrator's determination that such complies with such minimum requirements.

**(b) Eligibility of States for Federal financial assistance**

(1) The Administrator shall approve a State application for financial assistance under this subchapter, and make grants to such State, if