§ 27-0903. Identification and listing of hazardous waste.

1. The commissioner shall promulgate regulations in a manner consistent with the state administrative procedure act, setting forth the criteria for identification and listing of hazardous wastes. Based on these criteria, the commissioner shall promulgate a list of hazardous wastes (which list shall also include a sublist of acute hazardous wastes) and shall identify hazardous waste by characteristic, in a manner at least as stringent as promulgated by the administrator pursuant to RCRA. The list of hazardous wastes and the identification of hazardous waste by characteristic shall determine those hazardous wastes which shall be subject to this title.

2. Where appropriate and consistent with the provisions of RCRA, such regulations shall provide for exemptions from the provisions of this title for the management of small quantities of wastes listed or identified as hazardous when generated by research and limited use operations.

3. The regulations setting forth the criteria for identification and listing, and the list of, hazardous wastes subject to this title may be amended by the commissioner from time to time as appropriate, based upon hazardous waste conditions of particular relevance to the state. The commissioner may promulgate the appropriately amended regulations only upon a showing of the circumstances constituting the hazardous waste conditions of particular relevance to this state, and then in a manner consistent with the state administrative procedure act.

4. Uniform treatment of waste. All waste resulting from the exploration, development, extraction or production of crude oil or natural gas, including but not limited to drilling fluids and produced waters, shall be considered hazardous waste under the law of this state and subject to all pertinent generation, transportation, treatment, storage, and disposal laws and regulations, if such waste meets the definition of hazardous waste set forth in subdivision three of section 27-0901 of this chapter. Within six months from the effective date of this subdivision, the department shall make all necessary changes to

bring its regulations into compliance with this section.