

62-730.020 Definitions.

(1) The Department adopts by reference the definitions contained in 40 Code of Federal Regulations (CFR) 260.10 revised as of July 1, 2019, <http://www.flrules.org/Gateway/reference.asp?No=Ref-12292>, and as amended in the 84 Federal Register dated December 9, 2019 (67202-67220) <http://www.flrules.org/Gateway/reference.asp?No=Ref-12299>, except for the optional addition of “or 267.101” to subsection (2), of the definition of “facility” in the Federal Register dated September 8, 2005 (70 FR 53419).

(2) When the same word, phrase, or term is defined in Part IV of Chapter 403, F.S., and 40 C.F.R. 260.10 and the definitions are not identical, the definitions as given in the state statute shall apply.

(3)(a) References to 40 C.F.R. Part 261 [as adopted in subsection 62-730.030(1), F.A.C.] shall mean rules adopted by DEP regarding identification of hazardous wastes; references to 40 C.F.R. Part 262 [as adopted in subsection 62-730.160(1), F.A.C.] shall mean rules adopted by DEP regarding generators of hazardous wastes; references to 40 C.F.R. Part 263 [as adopted in subsection 62-730.170(1), F.A.C.] shall mean rules adopted by DEP regarding transporters of hazardous wastes; references to 40 C.F.R. Parts 264 [as adopted in subsection 62-730.180(1), F.A.C.] and 265 [as adopted in subsection 62-730.180(2), F.A.C.] shall mean rules adopted by DEP regarding treaters, storers, and disposers of hazardous wastes; references to 40 C.F.R. Part 266 [as adopted in subsection 62-730.181(1), F.A.C.] shall mean rules adopted by DEP regarding standards for the management of specific hazardous wastes; references to 40 C.F.R. Part 268 [as adopted in subsection 62-730.183, F.A.C.] shall mean rules adopted by DEP regarding land disposal restrictions; references to 40 CFR Part 273 [as adopted in subsection 62-730.185(1), F.A.C.] shall mean rules adopted by DEP regarding standards for universal waste management; and references to 40 C.F.R. Parts 270 [as adopted in subsection 62-730.220(1), F.A.C.] and 124 [as adopted in subsection 62-730.200(3), F.A.C.] shall mean rules adopted by DEP regarding permitting of hazardous waste facilities or Section 403.722, F.S.

(b) Unless specifically indicated otherwise, when used in any provisions as may be adopted in this chapter from 40 C.F.R. Parts 124 and 260 through 273: “U.S. Environmental Protection Agency” or “EPA” shall mean DEP, except in reference to regulations on international shipments, manifest registry functions, or the electronic manifest system; and “Administrator” or “Regional Administrator” or “State Director” shall mean Secretary (including the Secretary’s designee, where appropriate), except in reference to regulations on international shipments.

1. Substitutions as described in paragraph (3)(b) of this rule, shall not be made in 40 C.F.R.: 124.6(e); 124.10(c)(1)(ii); 260.11(a); 261.4(a)(24)(v)(B); 261.4(h)(4)(iii); 261.10; 261.11; 261.143(e)(4); 261.143(g); 261.147(a)(1)(i); 261.147(b)(1)(i); 261.147(f)(4); Part 261, Appendix IX; 262.32(b)(1); 264.1082(c)(4)(ii); 265.1083(c)(4)(ii); 268.1(e)(3); 268.2(j); 268.13; 268.40(b); 270.2; 270.10(e)(2) and (3); 270.10(f)(2) and (3); 270.10(g)(1); 270.11(a)(3); 270.32(b)(2); 270.72(a)(5) and (b)(5); and 273.32(a)(3).

2. Substitutions as described in paragraph (3)(b) of this rule, shall not be made and alternative substitutions or deletions shall be made as described in the following:

- a. Replace “Waste Identification Branch (5304)” with “Characteristics Section (OS-333)” in 40 C.F.R. 261.4(b)(11)(ii).
- b. Delete “in the Region where the sample is collected” in 40 C.F.R. 261.4(e)(3)(iii).
- c. Delete “for the Region in which the generator is located” in 40 C.F.R. 262.42(a)(2) and (b).
- d. Replace “a State” with “Florida” in 40 C.F.R. 264.1(g)(1) and 265.1(c)(5).
- e. Replace “regional EPA Office” and “EPA regional office” with “Department district office” in 40 C.F.R. 273.18(g), 273.38(g) and 273.61(c).

3. “Department” shall not be substituted for “EPA” in 40 C.F.R. 263.10(a) or in the 40 C.F.R. as adopted for the following phrases: “EPA Identification Number,” “EPA identification number(s),” “EPA ID number,” “EPA hazardous waste number(s),” “EPA hazardous waste codes,” “EPA publication,” “EPA Acknowledgement of Consent,” and “EPA form.”

(c) Any reference to the Federal Solid Waste Disposal Act as amended by the Resource Conservation and Recovery Act of 1976 (RCRA) and its amendments, within 40 C.F.R. Part 124 and Parts 260 through 273 as adopted by reference herein, shall be construed to refer to comparable provisions of the Florida Resource Recovery and Management Act (FRRMA) as established in Part IV of Chapter 403, F.S., and the Federal Solid Waste Disposal Act, as amended.

(d) References to Section 1004(5) of RCRA, which is the definition of hazardous waste, shall mean Section 403.703(21), F.S.

(e) References to Section 3010 of RCRA shall mean notification requirements of Florida Law.

(f) References to “RCRA Subtitle C Site Identification Form (EPA Form 8700-12),” “Site Identification Form,” “EPA Form 8700-12,” and “form 8700-12” shall mean Form 62-730.900(1)(b), “8700-12FL – Florida Notification of Regulated Waste Activity” [adopted by reference in paragraph 62-730.150(2)(a), F.A.C.] and references to “EPA Form 8700-13A/B” shall mean Form 62-

730.900(8), “RCRA Subtitle C Site Identification and Hazardous Waste Report” [adopted by reference in paragraph 62-730.150(3), F.A.C.].

(4) References in this chapter to individual sections of F.S., and rule chapters shall be construed to include the qualifying phrase “as the statute, section, or rule chapter may be amended or renumbered from time to time” unless the mention in this chapter specifically states that the statute, section or rule chapter is “incorporated by reference.”

(5) Federal regulations adopted and incorporated by reference in this rule shall become effective 20 days after filing with the Secretary of State unless the Secretary stipulates a different date in the filing. However, no such federal regulation adopted as a state rule shall become effective earlier than the effective date of the federal regulation.

Rulemaking Authority 403.704, 403.721, 403.8055 FS. Law Implemented 403.704, 403.72, 403.721 FS. History—New 5-28-81, Amended 9-8-81, 12-6-81, 11-25-82, 5-19-83, 1-5-84, 8-24-84, 7-5-85, Formerly 17-30.02, Amended 9-19-86, 10-31-86, 4-13-88, Formerly 17-30.020, Amended 1-25-89, 8-13-90, 9-10-91, 10-14-92, 10-7-93, Formerly 17-730.020, Amended 1-5-95, 9-7-95, 4-30-97, 8-19-98, 2-4-00, 12-20-00, 8-1-02, 10-1-04, 1-29-06, 4-6-06, 5-1-07, 4-25-08, 5-8-09, 10-12-11, 4-23-13, 11-27-13, 6-17-15, 4-5-16, 6-18-18, 6-26-19, 10-30-20.