

**§§ 272.402–272.449**

and made a part of the hazardous waste management program under Subtitle C of RCRA, 42 U.S.C. 6921 *et seq.* This incorporation by reference was approved by the Director of the Federal Register January 31, 1986.

(i) 7 Delaware Code Annotated sections 6301 through 6307 and 6310 through 6317 (1983 Replacement Volume).

(ii) Delaware Department of Natural Resources and Environmental Control Regulations Governing Hazardous Waste, Parts 260 through 265, 122 and 124, Order Number 83–SW–1, July 28, 1983. (Copies are available from the Delaware Department of Natural Resources and Environmental Control, PO Box 1401, Dover, Delaware 19901.)

(2) The following statutes and regulations, although not incorporated by reference, are part of the authorized State program.

(i) 7 Delaware Code Annotated sections 6308 and 6309 (1974 and Supp. 1983).

(ii) Delaware Administrative Procedures Act, 7 Delaware Code Annotated sections 10101 through 10161 (1974 and Supp. 1983).

(b) *Memorandum of Agreement.* The Memorandum of Agreement between EPA Region III and the Delaware Department of Natural Resources and Environmental Control, signed by the EPA Regional Administrator on December 14, 1983.

(c) *Statement of Legal Authority.* (1) “Attorney General’s Statement for Final Authorization”, signed by the Attorney General of Delaware of July 26, 1983.

(2) Letter from the Attorney General of Delaware to EPA, April 2, 1984.

(d) *Program Description.* The Program Description and any other materials submitted as part of the original application or as supplements thereto.

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**§§ 272.402–272.449 [Reserved]**

**Subpart J—District of Columbia**

**§§ 272.450–272.499 [Reserved]**

**Subpart K—Florida**

**§ 272.500 [Reserved]**

**§ 272.501 Florida State-administered program: Final authorization.**

(a) Pursuant to section 3006(b) of RCRA, 42 U.S.C. 6926(b), Florida has final authorization for the following elements as submitted to EPA in Florida’s base program application for final authorizations which was approved by EPA effective on February 12, 1985. Subsequent program revision applications were approved and effective January 30, 1988; October 30, 1988; January 3, 1989; February 12, 1991; April 6, 1992; April 7, 1992; July 20, 1992; January 10, 1994; September 9, 1994; October 17, 1994; December 27, 1994; and June 2, 1997.

(b) *State Statutes and Regulations.* (1) The Florida statutes and regulations cited in this paragraph are incorporated by reference as part of the hazardous waste management program under Subtitle C of RCRA, 42 U.S.C. 6921 *et seq.*

(i) EPA Approved Florida’s Statutory Requirements Applicable to the Hazardous Waste Management Program, dated December 1997.

(ii) EPA Approved Florida’s Regulatory Requirements Applicable to the Hazardous Waste Management Program, dated December 1997.

(2) The following statutes and regulations concerning State procedures and enforcement, although not incorporated by reference, are part of the authorized State program:

(i) Florida Statutes, 1993, Chapter 119: 119.01; 119.011; 119.0115 through 119.031; 119.041; 119.05; 119.06; 119.07(1), (2), (3)(a)–(j), (3)(k)(1) first sentence, (3)(l)–(u), (4), (5), and (8); 119.072; 119.08(1)(a), (2) and (3); 119.085; 119.09; 119.092; 119.10; and 119.11 through 119.14.

(ii) Florida Statutes, 1993, Chapter 120: 120.53; 120.57; 120.59; 120.68; and 120.69.

(iii) Florida Statutes, 1993, Chapter 403: 403.021(1)–(9); 403.051(1) and (2); 403.061(21); 403.087(1) second and third

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sentences, (2)-(4), and (8); 403.0875; 403.091; 403.121; 403.131; 403.141(1) and (2); 403.151; 403.161; 403.201(1)-(3); 403.412; 403.702; 403.703(1); 403.704 (except (8), (11), (20)-(23), (25), and (31)); 403.721(1); 403.721(2)-(4) (except (4)(a)); 403.721(5); 403.721(6)(a)-(g), (j), (k); 403.721(7); 403.722(7) and (9)-(11); 403.7222(3); 403.724(3)-(6); 403.726 (except 403.726(3)); 403.73; 403.7545; 403.8055; and 403.814.

(iv) Florida Statutes, 1994 Supplement to 1993, Chapter 403: 403.061(14); 403.088; 403.707; 403.722(12); 403.7222(3); and 403.727.

(v) Florida Administrative Code, Chapter 62-4, effective July 4, 1995: 62-4.050(1)-(3); 62-4.070(4); and 62-4.070(5).

(vi) Florida Administrative Code, Chapter 62-103, effective October 20, 1996: 62-103.150; and 62-103.155.

(vii) Florida Administrative Code, Chapter 62-730, effective September 7, 1995: 62-730.020(2); 62-730.184; 62-730.200(3); 62-730.220(4); 62-730.220(9); 62-730.231(10); 62-730.240(3); and 62-730.310.

(3) The following statutory and regulatory provisions are broader in scope

than the Federal program, are not part of the authorized program, and are not codified herein for enforcement purposes.

(i) Florida Statutes, 1993, Chapter 403: 403.087(5); 403.201(4) (only the phrase "may require by rule a processing fee for and"); 403.704(8); 403.721(4)(a); 403.7215(1)-(4); 403.722(8); 403.723; 403.724(7); 403.754(1)-(7); 403.767(1)-(3)(c); 403.78 through 403.7893; and 403.7895.

(ii) Florida Administrative Code, Chapter 62-4, effective July 4, 1995: 17-4.050(4)(k), (n)-(p), (r) and (s)-(x); 62-4.050(5)-(7).

(iii) Florida Administrative Code, Chapter 62-730, effective September 7, 1995: 62-730.170(2) and (3); 62-730.180(10); 62-730.290 (only the phrase "and submittal of the appropriate permit modification fee").

(4) Unauthorized State Provisions. The State's adoption of the following Federal rules is not approved by EPA and are, therefore, not enforceable:

Federal requirement	Federal Register reference	Publication date
HSWA Codification Rule: Corrective Action (Checklist 17 L)	50 FR 28702 .....	7/15/85
HSWA Codification Rule 2: Corrective Action Beyond Facility Boundary (Checklist 44 B); Corrective Action for Injection Wells (Checklist 44 C); and Permit Modification (Checklist 44 D).	52 FR 45788 .....	12/1/87
Burning of Hazardous Waste in Boilers and Industrial Furnaces (Checklist 85).	56 FR 7134 .....	2/12/91
Burning of Hazardous Waste in Boilers and Industrial Furnaces; Corrections and Technical Amendments I (Checklist 94).	56 FR 32688 .....	7/1/91
Burning of Hazardous Waste in Boilers and Industrial Furnaces; Technical Amendments II (Checklist 96).	56 FR 42504 .....	8/27/91
Coke Ovens Administrative Stay (Checklist 98) .....	56 FR 43874 .....	9/5/91
Recycled Coke By-Product Exclusion (Checklist 105) .....	57 FR 27880 .....	6/22/92
Burning Hazardous Waste in Boilers and Industrial Furnaces; Technical Amendment III (Checklist 111).	57 FR 38558 .....	8/25/92
Recycled Used Oil Management Standards (Checklist 112)	57 FR 41566: Amendments to 40 CFR Parts 260, 261, and 266. ....	9/10/92
Burning of Hazardous Waste in Boilers and Industrial Furnaces; Technical Amendment IV (Checklist 114).	57 FR 44999 .....	9/30/92
Corrective Action Management Units and Temporary Units (Checklist 121).	58 FR 8658 .....	2/16/93
Recycled Used Oil Management Standards; Technical Amendments and Corrections I (Checklist 122).	58 FR 26420: Amendments to 40 CFR Parts 261, 264, and 265. ....	5/3/93

(5) Memorandum of Agreement. The Memorandum of Agreement between EPA Region IV and the Florida Department of Environmental Protection, signed by the EPA Regional Administrator on October 23, 1993, as amended on November 28, 1994, and on December 9, 1994, is referenced as part of the au-

thorized hazardous waste management program under Subtitle C of RCRA, 42 U.S.C. 6921 *et seq.*

(6) Statement of Legal Authority. "Attorney General's Statement for Final Authorization" certifications signed by the General Counsel of Florida on June 21, 1984; March 12, 1987;

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June 16, 1988; February 21, 1989; May 30, 1989; June 13, 1990; May 28, 1991; October 9, 1991; July 14, 1992; September 24, 1993; December 20, 1993; February 27, 1994; January 25, 1996; and May 20, 1996, is referenced as part of the authorized hazardous waste management program under Subtitle C of RCRA, 42 U.S.C. 6921.

(7) Program Description. The Program Description and any other materials submitted as part of the original application, or as supplements thereto, are referenced as part of the authorized hazardous waste management program under Subtitle C of RCRA, 42 U.S.C. 6921 *et seq.*

[63 FR 2898, Jan. 20, 1998]

**§§ 272.502–272.549 [Reserved]**

**Subpart L—Georgia**

**§§ 272.550–272.599 [Reserved]**

**Subpart M—Hawaii**

**§§ 272.600–272.649 [Reserved]**

**Subpart N—Idaho**

SOURCE: 55 FR 50328, Dec. 6, 1990, unless otherwise noted.

**§ 272.651 Idaho State-Administered Program: Final Authorization.**

(a) Pursuant to section 3006(b) of RCRA, 42 U.S.C. 6926(b), Idaho has final authorization for the following elements as submitted to EPA in Idaho's base program application for final authorization which was approved by EPA effective on April 9, 1990. Subsequent program revision applications were approved effective on June 5, 1992, August 10, 1992, June 11, 1995, January 19, 1999, July 1, 2002, and March 10, 2004.

(b) The State of Idaho has primary responsibility for enforcing its hazardous waste management program. However, EPA retains the authority to exercise its inspection and enforcement authorities in accordance with sections 3007, 3008, 3013, 7003 of RCRA, 42 U.S.C. 6927, 6928, 6934, 6973, and any other applicable statutory and regulatory provisions, regardless of whether the State has taken its own actions, as well as in

accordance with other statutory and regulatory provisions.

(c) *State Statutes and Regulations.*

(1) The Idaho statutes and regulations cited in this paragraph are incorporated by reference as part of the hazardous waste management program under subtitle C of RCRA, 42 U.S.C. 6921 *et seq.*

(i) The EPA-Approved Idaho Statutory and Regulatory Requirements Applicable to the Hazardous Waste Management Program, March 2004.

(ii) [Reserved]

(2) EPA considered the following statutes and regulations in evaluating the State program but is not incorporating them herein for enforcement purposes:

(i) Idaho Code (I.C.) containing the General Laws of Idaho Annotated, Title 39, Chapter 44, "Hazardous Waste Management", published in 2002 by the Michie Company, Law Publishers: sections 39-4404; 39-4405 (except 39-4405(8)); 39-4406; 39-4407; 39-4408(4); 39-4409(2) (except first sentence); 39-4409(3); 39-4409(4) (first sentence); 39-4410; 39-4411(1); 39-4411(3); 39-4411(6); 39-4412 through 39-4416; 39-4418; 39-4419; 39-4421; 39-4422; and 39-4423(3)(a)&(b).

(ii) Idaho Code (I.C.) containing the General Laws of Idaho Annotated, Title 39, Chapter 58, "Hazardous Waste Facility Siting Act", published in 2002 by the Michie Company, Law Publishers: sections 39-5804; 39-5809; 39-5810; 39-5813(2); 39-5814; 39-5816; 39-5817; and 39-5818(1).

(iii) Idaho Code (I.C.) containing the General Laws of Idaho Annotated, Volume 2, Title 9, Chapter 3, "Public Writings", published in 1990 by the Michie Company, Law Publishers, Charlottesville, Virginia: sections 9-337(10); 9-337(11); 9-338; 9-339; and 9-344(2).

(iv) 2002 Cumulative Pocket Supplement to the Idaho Code (I.C.), Volume 2, Title 9, Chapter 3, "Public Writing", published in 2002 by the Michie Company, Law Publishers, Charlottesville, Virginia: sections 9-340A, 9-340B, and 9-343.

(v) Idaho Department of Environmental Quality Rules and Regulations, Idaho Administrative Code, IDAPA 58,