filing of the notice, the appellee may designate additional portions of the proceedings. Copies of designations shall be served on the Clerk ~~of the Commission~~ along with a request that the Clerk provide a duplicate of the audio recording of the proceedings for transcription by a court reporter. Within 30 days of a designation, the designating party shall insure that the court reporter shall transcribe and deliver to the Clerk ~~of the Commission~~ the designated proceedings. In the alternative, the designating party may request that the Clerk ~~of the Commission~~ arrange transcription of the designated proceedings by the clerk's staff or other qualified person. The Clerk shall charge parties, other than claimants, no more than the actual costs for duplication of the audio recording of the proceedings or transcription of the proceedings. Costs shall be borne initially by the designating party, subject to taxation of costs as prescribed by Florida Rule of Appellate Procedure 9.400.

(4) No change.

Rulemaking ~~Specific~~ Authority 443.012(11) FS. Law Implemented 443.151(4)(c)-(e) FS. History–New 5-22-80, Formerly 38E-3.09, Amended 10-5-86, 1-5-93, Formerly 38E-3.009, 60BB-7.009, Amended_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Dorothy Johnson, Deputy General Counsel

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Unemployment Appeals Commission

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: May 23, 2012

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: May 11, 2012

Section III
Notices of Changes, Corrections and Withdrawals

DEPARTMENT OF STATE

Division of Cultural Affairs

RULE NO.: RULE TITLE:
1T-1.038 Individual Artist Fellowship Program

NOTICE OF CORRECTION

Notice is hereby given that the following correction has been made to the proposed rule in Vol. 38, No. 18, May 4, 2012 issue of the Florida Administrative Weekly. The proposed rule referenced above was originated by: Morgan Lewis, Division of Cultural Affairs, (850)245-6470 or Morgan.Lewis@dos.myflorida.com.

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE:: Ken Detzner, Secretary of State

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: April 16, 2012

STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION: The Agency has determined that this rule will not have an adverse impact on small business or likely increase directly or indirectly regulatory costs in excess of $200,000 in the aggregate within one year after the implementation of the rule. A SERC has not been prepared by the agency. The Agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs or if no SERC is required, the information expressly relied upon and described herein: Based upon the following, the Agency has determined that the proposed rule will not require legislative ratification pursuant to Section 120.541(3), F.S., or other applicable statutes: 1) no requirement for SERC was triggered under Section 120.541(1), F.S., and 2) based on past experiences with cultural-related activities and rules of this nature, the adverse impact or regulatory cost, if any, do not exceed nor would be expected to exceed any one of the economic analysis criteria set forth in Section 120.541(2)(a), F.S.

DEPARTMENT OF REVENUE

Property Tax Oversight Program

RULE NO.: RULE TITLE:
12D-16.002 Index to Forms

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 38, No. 14, April 6, 2012 issue of the Florida Administrative Weekly.

These changes are based on comments received by the Department from the Joint Administrative Procedures Committee of the Florida Legislature.

The changed rule text will be available at http://dor.myflorida.com/dor/property/legislation/rules/10ruledrafts.html and the changed forms will be available at http://dor.myflorida.com/dor/property/forms/forms4review.html.

This version shows each addition and deletion to the original version of the rule text and forms which were originally published in the Notice of Proposed Rule on April 6, 2012.

When adopted, existing subsections (33), (34)(c), (37) and new subsection (39)(e) of Rule 12D-16.002, will read as follows:

(33)	DR-498AR	Removal of Total or Partial Exemption [front side of form]; Automatic Renewal of ~~Receipt for~~ Total or Partial ~~Tax~~ Exemption [back side of form]; (r. xx/12 ~~1/93~~)	~~1/93~~

(34)(c)	DR-499AR	Removal of Agricultural or High-Water Recharge Classification ~~of Lands~~ [front side of form]; Automatic Renewal of Agricultural or High-Water Recharge Classification [back side of form]; (r. xx/12 ~~12/06~~)	~~10/07~~
(37)	DR-500AR	Removal of Homestead Exemption(s) [front side of form]; Automatic Renewal of Homestead Exemption [back side of form] ~~Automatic Renewal for Homestead and Related Tax Exemption~~ (r. xx/12 ~~1/93~~)	~~1/93~~
(39)(e)	DR-501M	Deployed Military Exemption Application (r. 5/12)	~~(6/11)~~

DEPARTMENT OF REVENUE

Property Tax Oversight Program

RULE NO.: RULE TITLE:

12D-16.002 Index to Forms

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 38, No. 14, April 6, 2012 issue of the Florida Administrative Weekly.

The proposed revisions to this rule were subsequently amended by publication of a notice of change in the Vol. 38, No. 20, May 18, 2012 issue of the Florida Administrative Weekly. The Department is removing new paragraph (j) of existing subsection (39) of Rule 12D-16.002, as added to this subsection on May 18, 2012. This removal will give interested parties an opportunity to comment on the proposed additional provisions at a public hearing to be scheduled in the near future.

A revised version of this proposed rule will be available at: http://dor.myflorida.com/dor/property/forms/forms4review.html.

When adopted, subsection (39) of Rule 12D-16.002, will read as follows:

(39)(a)	DR-501	Original Application for Homestead and Related ~~Ad Valorem~~	
		Tax Exemptions (r. xx/12 ~~12/06~~)	~~10/07~~
(b)	DR-501A	Statement of Gross Income (r. xx/12 ~~6/94~~)	~~12/95~~
(c)	DR-501CC	Ad Valorem Tax Exemption Application	
		Proprietary Continuing Care Facility (r. xx/12 ~~n. 9/98~~)	~~12/98~~
(d)	DR-501DV	Application for Homestead Tax Discount, Veterans	
		Age 65 and Older with a Combat-Related Disability (n. xx/12)	
(e)	DR-501M	Deployed Military Exemption Application (r. 5/12)	~~(6/11)~~
	~~DR-501SC~~	~~Sworn Statement of Adjusted Gross Income of Household and Return (12/04)~~	~~12/04~~
~~(f)(e)~~	DR-501PGP	Original Application for Assessment Reduction for Living Quarters of Parents or Grandparents (r. xx/12 ~~n. 12/03~~)	~~1/04~~
(g)	DR-501RVSH	Certificate for Transfer of Homestead Assessment Difference (r. 12/08)	
(h)	DR-501SC	Adjusted Gross Household Income Sworn Statement and Return (r. xx/12)	
(i)	DR-501T	Transfer of Homestead Assessment Difference, Attachment to Original Application for Homestead Tax Exemption (r. 12/08)	

WATER MANAGEMENT DISTRICTS

Southwest Florida Water Management District

RULE NO.: RULE TITLE:

40D-9.230 Firearms and Similar Equipment

NOTICE OF CORRECTION

Notice is hereby given that the following correction has been made to the proposed rule in Vol. 38, No. 17, April 27, 2012 issue of the Florida Administrative Weekly.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION:

The Agency has determined that this will not have an adverse impact on small business or likely increase directly or indirectly regulatory costs in excess of $200,000 in the aggregate within one year after the implementation of the rule. A SERC has not been prepared by the agency.

Any person who wishes to provide information regarding a statement of estimated regulatory costs, or provide a proposal for a lower cost regulatory alternative must do so in writing within 21 days of this notice. The rule amendments are proprietary in nature and were previously submitted to and approved by the Legislature pursuant to subsection 373.1391(6), F.S., negating the need for further ratification. Additionally, the proposed amendments remove burdens on the regulated public and will not result in any adverse economic impacts or regulatory cost increases that would require legislative ratification.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

RULE NO.: RULE TITLE:

62-304.600 Tampa Bay Basin TMDLs

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 35, No. 31, August 7, 2009 issue of the Florida Administrative Weekly.

Please note, a previous Notice of Change was published for this rule in the Vol. 36, No. 7, February 19, 2010 issue and the Vol. 36, No. 17, April 30, 2010 issue of the Florida Administrative Weekly.

THE FULL TEXT OF THE PROPOSED RULE IS:

62-304.600 Tampa Bay Basin TMDLs.

~~(2) Allen Creek (Tidal). The TMDL to address the low dissolved oxygen and nutrient impairments in Allen Creek (Tidal) is an annual average 0.97 mg/L of total nitrogen (TN), and is allocated as follows:~~

~~(a) The WLA for wastewater sources is not applicable,~~

~~(b) The WLA for discharges subject to the Department's NPDES Municipal Stormwater Permitting Program is to address anthropogenic sources in the basin such that in-stream concentrations meet the dissolved oxygen and nutrient criteria which, based on the measured concentrations from the 2000 to 2007 period, will require a 24.8 percent reduction of TN at sources contributing to exceedances of the criteria.~~

~~(c) The LA for nonpoint sources is to address anthropogenic sources in the basin such that in stream concentrations meet the dissolved oxygen and nutrient criteria which, based on the measured concentrations from the 2000 to 2007 period, will require a 24.8 percent reduction of TN at sources contributing to exceedances of the criteria, and~~

~~(d) The Margin of Safety is implicit.~~

~~(e) While the LA and WLA for TN have been expressed as the percent reductions needed to attain the applicable Class III criteria, it is the combined reductions from both anthropogenic point and nonpoint sources that will result in the required reduction of in-stream TN concentration. However, it is not the intent of the TMDL to abate natural background conditions.~~

~~(4) Alligator Creek. The TMDL to address the low dissolved oxygen and nutrient impairments in Alligator Creek is an annual average for TN of 0.87 mg/L and is allocated as follows:~~

~~(a) The WLA for wastewater sources is not applicable,~~

~~(b) The WLA for discharges subject to the Department's NPDES Municipal Stormwater Permitting Program is to address anthropogenic sources in the basin such that in-stream concentrations meet the dissolved oxygen and nutrient criteria which, based on the measured concentrations from the 2000 to 2007 period, will require a 28.0 percent reduction of TN at sources contributing to exceedances of the criteria.~~

~~(c) The LA for nonpoint sources is to address anthropogenic sources in the basin such that in stream concentrations meet the dissolved oxygen and nutrient criteria which, based on the measured concentrations from the 2000 to 2007 period, will require a 28.0 percent reduction of TN at sources contributing to exceedances of the criteria, and~~

~~(d) The Margin of Safety is implicit.~~

~~(e) While the LA and WLA for TN has been expressed as the percent reduction needed to attain the applicable Class III criteria, it is the combined reductions from both anthropogenic point and nonpoint sources that will result in the required reduction of in-stream TN concentrations. However, it is not the intent of the TMDL to abate natural background conditions.~~

~~(5) Alligator Lake. The TMDLs to address the low dissolved oxygen and nutrient impairments in Alligator Lake are an annual average of 0.72 mg/L for TN and an annual average 5-day biochemical oxygen demand (BOD_5), and are allocated as follows:~~

~~(a) The WLA for wastewater sources is not applicable,~~

~~(b) The WLAs for discharges subject to the Department's NPDES Municipal Stormwater Permitting Program are to address anthropogenic sources in the basin such that in-stream concentrations meet the dissolved oxygen and nutrient criteria which, based on the measured concentrations from the 2000 to 2007 period, will require a 32.7 percent reduction and 75.0 percent reduction of TN and BOD_5, respectively, at sources contributing to exceedances of the criteria.~~

~~(c) The LAs for nonpoint sources are to address anthropogenic sources in the basin such that in-stream concentrations meet the dissolved oxygen and nutrient criteria which, based on the measured concentrations from the 2000 to 2007 period, will require a 32.7 percent reduction and 75.0 percent reduction for TN and BOD_5, respectively, of sources contributing to exceedances of the criteria, and~~

~~(d) The Margin of Safety is implicit.~~

~~(e) While the LA and WLA for TN and BOD_5 have been expressed as the percent reductions needed to attain the applicable Class III criteria, it is the combined reductions from both anthropogenic point and nonpoint sources that will result in the required reduction of in-stream TN and BOD_5 concentrations. However, it is not the intent of the TMDL to abate natural background conditions.~~

~~(7) Bellows Lake Outlet (also known as East Lake Outfall). The TMDLs to address the low dissolved oxygen and nutrient impairments in Bellows Lake Outlet are an annual average TN of 1.16 mg/L and BOD_5 of 2.00 mg/L, and are allocated as follows:~~

~~(a) The WLA for wastewater point sources is not applicable,~~

~~(b) The WLAs for discharges subject to the Department's Municipal Stormwater Permitting Program are to address anthropogenic sources in the basin such that in-stream concentrations meet the dissolved oxygen and nutrient criteria which, based on the measured concentrations in the 2005 -2006 period, will require a 42.4 percent reduction of TN and a 63.3 percent reduction of BOD_5 at sources that are contributing to exceedances of the criteria.~~

~~(c) The LAs for nonpoint sources is to address anthropogenic sources in the basin such that in-stream concentrations meet the dissolved oxygen and nutrient criteria which, based on the measured concentrations in the 2005 -2006 period, will require a 42.4 percent reduction of TN and a 63.3 percent reduction of BOD_5 of sources that are contributing to exceedances of the criteria, and~~

~~(d) The Margin of Safety is implicit.~~

~~(c) While the WLA and LA have been expressed as the percent reductions needed to attain the applicable Class III criteria, it is the reductions from anthropogenic sources that will result in the required reduction of nutrients and BOD_5. However, it is not the intent of the TMDL to abate natural background conditions.~~

(18)~~(8)~~ Bellows Lake (also known as East Lake). The TMDLs to address the low dissolved oxygen (addresses downstream impairment) and nutrient impairments are an annual average TN of 1.40 mg/L, an annual average TP of 0.055 mg/L, and an annual average BOD_5 of 2.00 mg/L and are allocated as follows:

(a) The WLA for wastewater point sources is not applicable,

(b) The WLAs for discharges subject to the Department's NPDES Municipal Stormwater Permitting Program are to address anthropogenic sources in the basin such that in-stream concentrations meet the dissolved oxygen and nutrient criteria which, based on the measured concentrations in the 2005 -2006 period, will require a 30.5 percent reduction of TN, a 33.3 percent reduction in TP, and a 63.3 percent reduction of BOD_5 at sources that are contributing to exceedances of the criteria.

(c) The LAs for nonpoint sources are to address anthropogenic sources in the basin such that in-stream concentrations meet the dissolved oxygen and nutrient criteria which, based on the measured concentrations in the 2005 -2006 period, will require a 30.5 percent reduction of TN, a 33.3 percent reduction in TP, and a 63.3 percent reduction in BOD_5 of sources that are contributing to exceedances of the criteria, and

(d) The Margin of Safety is implicit.

(e) While the WLA and LA have been expressed as the percent reductions needed to attain the applicable Class III criteria, it is the reductions from anthropogenic sources that will result in the required reduction of nutrients and BOD_5. However, it is not the intent of the TMDL to abate natural background conditions.

~~(11) Bishop Creek (Tidal). The TMDL to address the low dissolved oxygen impairments in Bishop Creek (Tidal) is an annual average 0.97 mg/L of TN and is allocated as follows:~~

~~(a) The WLA for wastewater sources is not applicable,~~

~~(b) The WLA for discharges subject to the Department's NPDES Municipal Stormwater Permitting Program is to address anthropogenic sources in the basin such that in-stream concentrations meet the dissolved oxygen criteria which, based on the measured concentrations from the 2000 to 2007 period, will require a 12.6 percent reduction of TN at sources contributing to exceedances of the criteria.~~

~~(c) The LA for nonpoint sources is to address anthropogenic sources in the basin such that in-stream concentrations meet the dissolved oxygen criteria which, based on the measured concentrations from the 2000 to 2007 period, will require a 12.6 percent reduction of TN at sources contributing to exceedances of the criteria, and~~

~~(d) The Margin of Safety is implicit.~~

~~(e) While the LA and WLA for TN have been expressed as the percent reductions needed to attain the applicable Class III criteria, it is the combined reductions from both anthropogenic point and nonpoint sources that will result in the required reduction of in-stream TN concentration. However, it is not the intent of the TMDL to abate natural background conditions.~~

~~(13) Brushy Creek. The TMDL to address the low dissolved oxygen impairment in Brushy Creek is an annual average 0.87 mg/L of TN and is allocated as follows:~~

~~(a) The WLA for the Hillsborough County Dale Mabry Advanced Wastewater Treatment Plant (FL0036820) is a five year rolling annual average of 16,000 lbs/year of TN.~~

~~(b) The WLA for discharges subject to the Department's NPDES Municipal Stormwater Permitting Program is to address anthropogenic sources in the basin such that in-stream concentrations meet the dissolved oxygen criteria which, based on the measured concentrations from the 2000 to 2007 period, will require a 16.3 percent reduction of TN at sources contributing to exceedances of the criteria.~~

~~(c) The LA for nonpoint sources is to address anthropogenic sources in the basin such that in-stream concentrations meet the dissolved oxygen criteria which, based on the measured concentrations from the 2000 to 2007 period, will require a 16.3 percent reduction of TN at sources contributing to exceedances of the criteria, and~~

~~(d) The Margin of Safety is implicit.~~

~~(e) While the LA and WLA for TN has been expressed as the percent reductions needed to attain the applicable Class III criteria, it is the combined reductions from both anthropogenic point and nonpoint sources that will result in the required reduction of in-stream TN concentration. However, it is not the intent of the TMDL to abate natural background conditions.~~

~~(16) Bullfrog Creek (tidal). The TMDL to address the low dissolved oxygen and nutrients in Bullfrog Creek (tidal) is an annual average TN concentration of 0.80 mg/L and is allocated as follows:~~

~~(a) The WLA for wastewater sources is not applicable,~~

~~(b) The WLA for discharges subject to the Department's NPDES Municipal Stormwater Permitting Program is to address anthropogenic sources in the basin such that in-stream concentrations meet the Class III marine dissolved oxygen and nutrient criteria which, based on the measured concentrations from the 2000 to 2007 period, will require a 45.6 percent reduction of TN at sources contributing to exceedances of the criteria.~~

~~(c) The LA for nonpoint sources is to address anthropogenic sources in the basin such that in-stream concentrations meet the Class III marine dissolved oxygen and nutrient criteria which, based on the measured concentrations~~

~~from the 2000 to 2007 period, will require a 45.6 percent reduction of TN at sources contributing to exceedances of the criteria, and~~

~~(d) The Margin of Safety is implicit.~~

~~(e) While the LA and WLA for TN have been expressed as the percent reductions needed to attain the applicable Class III criteria, it is the combined reductions from both anthropogenic point and nonpoint sources that will result in the required reduction of in-stream TN concentration. However, it is not the intent of the TMDL to abate natural background conditions.~~

~~(17) Cockroach Bay. The TMDLs to address the low dissolved oxygen and nutrient impairments are an annual average of 1.04 mg/L for TN and an annual average 2.0 mg/L for for BOD_5, respectively, and are allocated as follows:~~

~~(a) The WLA for wastewater point sources is not applicable,~~

~~(b) The WLAs for discharges subject to the Department's NPDES Municipal Stormwater Permitting Program are to address anthropogenic sources in the basin such that in-stream concentrations meet the dissolved oxygen and nutrient criteria which, based on measured concentrations from year 2000 to 2007, will require a 34.1 percent reduction in current anthropogenic loadings of TN and a 50.6 percent reduction in current anthropogenic loadings of BOD_5 of sources contributing to exceedances of the criteria.~~

~~(c) The LA for nonpoint sources are to address anthropogenic sources in the basin such that in-stream concentrations meet the dissolved oxygen and nutrient criteria which, based on measured concentrations from year 2000 to 2007, will require a 34.1 percent reduction of TN and a 50.6 percent reduction of BOD_5 of sources contributing to exceedances of the criteria, and~~

~~(d) The Margin of Safety is implicit.~~

~~(e) While the WLA and LA have been expressed as the percent reductions needed to attain the applicable Class II criteria, it is the reductions from anthropogenic sources that will result in the required reduction of nutrients and BOD_5. However, it is not the intent of the TMDL to abate natural background conditions.~~

~~(18) Coffee Pot Bayou. The TMDL to address the low dissolved oxygen and nutrient impairments are an annual average of 0.97 mg/L and 2.00 mg/L for TN and BOD_5, respectively, and are allocated as follows:~~

~~(a) The WLA for wastewater point sources is not applicable,~~

~~(b) The WLAs for discharges subject to the Department's NPDES Municipal Stormwater Permitting Program are to address anthropogenic sources in the basin such that in-stream concentrations meet the dissolved oxygen and nutrient criteria which, based on measured concentrations from the 2000 to 2007 period, will require a 16.4 percent reduction of TN and a 42.9 percent reduction of BOD_5 of sources contributing to exceedances of the criteria.~~

~~(c) The LAs for nonpoint sources are to address anthropogenic sources in the basin such that in-stream concentrations meet the dissolved oxygen and nutrient criteria which, based on measured concentrations from the 2000 to 2007 period, will require a 16.4 percent reduction of TN and a 42.9 percent reduction of BOD_5 of sources contributing to exceedances of the criteria, and~~

~~(d) The Margin of Safety is implicit.~~

~~(e) While the WLA and LA have been expressed as the percent reductions needed to attain the applicable Class II criteria, it is the reductions from anthropogenic sources that will result in the required reduction of nutrients and BOD_5. However, it is not the intent of the TMDL to abate natural background conditions.~~

~~(20) Cross Canal (North). The TMDL to address the low dissolved oxygen impairment in Cross Canal (North) is an annual average 0.97 mg/L of TN and is allocated as follows:~~

~~(a) The WLA for wastewater sources is not applicable,~~

~~(b) The WLA for discharges subject to the Department's NPDES Municipal Stormwater Permitting Program is to address anthropogenic sources in the basin such that in-stream concentrations meet the dissolved oxygen criteria which, based on the measured concentrations from the 2000 to 2007 period, will require a 41.6 percent reduction of sources contributing to exceedances of the criteria.~~

~~(c) The LA for nonpoint sources is to address anthropogenic sources in the basin such that in-stream concentrations meet the dissolved oxygen criteria which, based on the measured concentrations from the 2000 to 2007 period, will require a 41.6 percent reduction of sources contributing to exceedances of the criteria, and~~

~~(d) The Margin of Safety is implicit.~~

~~(e) While the LA and WLA for TN have been expressed as the percent reductions needed to attain the applicable Class III criteria, it is the combined reductions from both anthropogenic point and nonpoint sources that will result in the required reduction of in-stream TN concentration. However, it is not the intent of the TMDL to abate natural background conditions.~~

~~(22) Double branch. The TMDL to address the low dissolved oxygen and nutrient impairments in Double Branch is an annual average 0.97 mg/L of TN and is allocated as follows:~~

~~(a) The WLA for wastewater sources is not applicable,~~

~~(b) The WLA for discharges subject to the Department's NPDES Municipal Stormwater Permitting Program is to address anthropogenic sources in the basin such that in-stream concentrations meet the dissolved oxygen criteria which, based~~

~~on the measured concentrations from the 2000 to 2007 period, will require a 26.0 percent reduction of TN at sources contributing to exceedances of the criteria.~~

~~(c) The LA for nonpoint sources is to address anthropogenic sources in the basin such that in-stream concentrations meet the dissolved oxygen criteria which, based on the measured concentrations from the 2000 to 2007 period, will require a 26.0 percent reduction of TN at sources contributing to exceedances of the criteria, and~~

~~(d) The Margin of Safety is implicit.~~

~~(e) While the LA and WLA for TN have been expressed as the percent reductions needed to attain the applicable Class III criteria, it is the combined reductions from both anthropogenic point and nonpoint sources that will result in the required reduction of in-stream TN concentration. However, it is not the intent of the TMDL to abate natural background conditions.~~

~~(23) Lake Tarpon Canal (Freshwater). The TMDL to address the low dissolved oxygen and nutrient impairments in Lake Tarpon Canal (Freshwater) is an annual average 0.87 mg/L of TN and is allocated as follows:~~

~~(a) The WLA for wastewater sources is not applicable,~~

~~(b) The WLA for discharges subject to the Department's NPDES Municipal Stormwater Permitting Program is to address anthropogenic sources in the basin such that in-stream concentrations meet the dissolved oxygen and nutrients criteria which, based on the measured concentrations from the 2000 to 2007 period, will require a 25.6 percent reduction of TN at sources contributing to exceedances of the criteria.~~

~~(c) The LA for nonpoint sources is to address anthropogenic sources in the basin such that in stream concentrations meet the dissolved oxygen and nutrients criteria which, based on the measured concentrations from the 2000 to 2007 period, will require a 25.6 percent reduction of TN at sources contributing to exceedances of the criteria, and~~

~~(d) The Margin of Safety is implicit.~~

~~(e) While the LA and WLA for TN have been expressed as the percent reductions needed to attain the applicable Class III criteria, it is the combined reductions from both anthropogenic point and nonpoint sources that will result in the required reduction of in-stream TN concentration. However, it is not the intent of the TMDL to abate natural background conditions.~~

~~(24) Lake Tarpon Canal (Marine). The TMDLs to address the low dissolved oxygen and nutrient impairments in Lake Tarpon Canal (Marine) is an annual average 0.97 mg/L of TN and is allocated as follows:~~

~~(a) The WLA for wastewater sources is not applicable,~~

~~(b) The WLAs for discharges subject to the Department's NPDES Municipal Stormwater Permitting Program are to address anthropogenic sources in the basin such that in-stream concentrations meet the dissolved oxygen and nutrient criteria which, based on the measured concentrations from the 2000 to 2007 period, will require a 12.6 percent reduction of TN of sources contributing to exceedances of the criteria.~~

~~(d) The Margin of Safety is implicit.(c) The LA for nonpoint sources is to address anthropogenic sources in the basin such that in-stream concentrations meet the dissolved oxygen and nutrient criteria which, based on the measured concentrations from the 2000 to 2007 period, will require a 12.6 percent reduction of TN of sources contributing to exceedances of the criteria, and~~

~~(e) While the LA and WLA for TN and TP have been expressed as the percent reductions needed to attain the applicable Class III criteria, it is the combined reductions from both anthropogenic point and nonpoint sources that will result in the required reduction of in-stream TN and TP concentrations. However, it is not the intent of the TMDL to abate natural background conditions.~~

~~(27) Lower Rocky Creek. The TMDL to address the low dissolved oxygen and nutrient impairments in Lower Rocky Creek is an annual average 0.97 mg/L of TN and is allocated as follows:~~

~~(a) The WLA for wastewater sources is not applicable,~~

~~(b) The WLA for discharges subject to the Department's NPDES Municipal Stormwater Permitting Program is to address anthropogenic sources in the basin such that in-stream concentrations meet the dissolved oxygen and nutrient criteria which, based on the measured concentrations from the 2000 to 2007 period, will require a 41.2 percent reduction of TN at sources contributing to exceedances of the criteria.~~

~~(c) The LA for nonpoint sources is to address anthropogenic sources in the basin such that in-stream concentrations meet the dissolved oxygen and nutrient criteria which, based on the measured concentrations from the 2000 to 2007 period, will require a 41.2 percent reduction of TN at sources contributing to exceedances of the criteria, and~~

~~(d) The Margin of Safety is implicit.~~

~~(e) While the LA and WLA for TN have been expressed as the percent reductions needed to attain the applicable Class III criteria, it is the combined reductions from both anthropogenic point and nonpoint sources that will result in the required reduction of in-stream TN concentration. However, it is not the intent of the TMDL to abate natural background conditions.~~

~~(29) Moccasin Creek. The TMDL to address the low dissolved oxygen and nutrient impairments in Moccasin Creek is an annual average 0.97 mg/L of TN and is allocated as follows:~~

~~(a) The WLA for wastewater sources is not applicable,~~

~~(b) The WLAs for discharges subject to the Department's NPDES Municipal Stormwater Permitting Program are to address anthropogenic sources in the basin such that in-stream concentrations meet the dissolved oxygen and nutrient criteria which, based on the measured concentrations from the 2000 to 2007 period, will require a 39.4 percent reduction of TN of sources contributing to exceedances of the criteria,~~

(c) The LA for nonpoint sources is to address anthropogenic sources in the basin such that in-stream concentrations meet the dissolved oxygen and nutrient criteria which, based on the measured concentrations from the 2000 to 2007 period, will require a 39.4 percent reduction of TN of sources contributing to exceedances of the criteria, and

(d) The Margin of Safety is implicit.

(e) While the LA and WLA for TN and TP have been expressed as the percent reductions needed to attain the applicable Class III criteria, it is the combined reductions from both anthropogenic point and nonpoint sources that will result in the required reduction of in-stream TN and TP concentration. However, it is not the intent of the TMDL to abate natural background conditions.

(32) Mullet Creek (Tidal). The TMDL to address the low dissolved oxygen impairment in Mullet Creek Tidal is an annual average 0.97 mg/L of TN and is allocated as follows:

(a) The WLA for wastewater sources is not applicable,

(b) The WLA for discharges subject to the Department's NPDES Municipal Stormwater Permitting Program is to address anthropogenic sources in the basin such that in-stream concentrations meet the dissolved oxygen criteria which, based on the measured concentrations from the 2000 to 2007 period, will require a 18.5 percent reduction of TN at sources contributing to exceedances of the criteria.

(c) The LA for nonpoint sources is to address anthropogenic sources in the basin such that in-stream concentrations meet the dissolved oxygen criteria which, based on the measured concentrations from the 2000 to 2007 period, will require a 18.5 percent reduction of TN at sources contributing to exceedances of the criteria, and

(d) The Margin of Safety is implicit.

(e) While the LA and WLA for TN have been expressed as the percent reductions needed to attain the applicable Class III criteria, it is the combined reductions from both anthropogenic point and nonpoint sources that will result in the required reduction of in-stream TN concentration. However, it is not the intent of the TMDL to abate natural background conditions.

(34) Smacks Bayou. The fecal coliform TMDL for Smacks Bayou is 43 counts/100mL, and is allocated as follows:

(a) The WLA for wastewater sources is not applicable,

(b) The WLA for discharges subject to the Department's NPDES Municipal Stormwater Permitting Program is to address anthropogenic sources in the basin such that in-stream concentrations meet the fecal coliform criteria which, based on the measured concentrations from the 1995 to 1996 period, will require a 94 percent reduction at sources contributing to exceedances of the criteria,

(c) The LA for nonpoint sources is to address anthropogenic sources in the basin such that in-stream concentrations meet the fecal coliform criteria which, based on the measured concentrations from the 1995 to 1996 period, will require a 94 percent reduction of sources contributing to exceedances of the criteria, and

(d) The Margin of Safety is implicit.

(e) While the LA and WLA for fecal coliform have been expressed as the percent reductions needed to attain the applicable Class III criteria, it is the combined reductions from both anthropogenic point and nonpoint sources that will result in the required reduction of in-stream fecal concentration. However, it is not the intent of the TMDL to abate natural background conditions.

(35) Smacks Bayou. The TMDLs to address the low dissolved oxygen and nutrient impairments are an annual average of 0.97 mg/L and an annual average of 2.00 mg/L for TN and BOD_5, respectively. These TMDLs are applicable to sources in the 45th Avenue Northeast Canal subbasin and the 54th Avenue East Canal subbasin within the Smacks Bayou watershed and are allocated as follows:

(a) The WLA for wastewater point sources is not applicable,

(b) The WLAs for discharges subject to the Department's NPDES Municipal Stormwater Permitting Program are to address anthropogenic sources in the basin such that in-stream concentrations meet the dissolved oxygen and nutrient criteria which, based on measured concentrations in the canals from the 2000 to 2007 period, will require a 32.2 percent reduction of TN and a 33.3 percent reduction of BOD_5 at sources contributing to exceedances of the criteria.

(c) The LAs for nonpoint sources are to address anthropogenic sources in the basin such that in-stream concentrations meet the dissolved oxygen and nutrient criteria which, based on measured concentrations in the canals from the 2000 to 2007 period, will require a 32.2 percent reduction of TN and a 33.3 percent reduction of BOD_5 at sources contributing to exceedances of the criteria, and

(d) The Margin of Safety is implicit.

(e) While the WLA and LA have been expressed as the percent reductions needed to attain the applicable Class II criteria, it is the reductions from anthropogenic sources that will result in the required reduction of nutrients and BOD_5. However, it is not the intent of the TMDL to abate natural background conditions.

(37) Sweetwater Creek. The TMDL to address the low dissolved oxygen impairment in Sweetwater Creek is an annual average 0.87 mg/L of TN and is allocated as follows:

(a) The WLA for wastewater sources is not applicable,

(b) The WLA for discharges subject to the Department's NPDES Municipal Stormwater Permitting Program is to address anthropogenic sources in the basin such that in-stream concentrations meet the dissolved oxygen criteria which, based

~~on the measured concentrations from the 2000 to 2007 period, will require a 19.4 percent reduction of TN at sources contributing to exceedances of the criteria.~~

~~(c) The LA for nonpoint sources is to address anthropogenic sources in the basin such that in-stream concentrations meet the dissolved oxygen criteria which, based on the measured concentrations from the 2000 to 2007 period, will require a 19.4 percent reduction of TN at sources contributing to exceedances of the criteria, and~~

~~(d) The Margin of Safety is implicit.~~

~~(e) While the LA and WLA for TN have been expressed as the percent reductions needed to attain the applicable Class III criteria, it is the combined reductions from both anthropogenic point and nonpoint sources that will result in the required reduction of in-stream TN concentration. However, it is not the intent of the TMDL to abate natural background conditions.~~

~~(38) Tampa Bypass Canal Tributary. The TMDL to address the low dissolved oxygen and nutrient impairments in the Tampa Bypass Canal Tributary is an annual average TN concentration of 1.16 mg/L and is allocated as follows:~~

~~(a) The WLA for wastewater sources is not applicable,~~

~~(b) The WLA for discharges subject to the Department's NPDES Municipal Stormwater Permitting Program is to address anthropogenic sources in the basin such that in-stream concentrations meet the dissolved oxygen criteria which, based on the measured concentrations from the 2000 to 2007 period, will require a 51.9 percent reduction of TN at sources contributing to exceedances of the criteria.~~

~~(c) The LA for nonpoint sources is to address anthropogenic sources in the basin such that in-stream concentrations meet the dissolved oxygen criteria which, based on the measured concentrations from the year 2005, will require a 51.9 percent reduction of TN at sources contributing to exceedances of the criteria, and~~

~~(d) The Margin of Safety is implicit.~~

~~(e) While the LA and WLA for TN and TP have been expressed as the percent reductions needed to attain the applicable Class III criteria, it is the combined reductions from both anthropogenic point and nonpoint sources that will result in the required reduction of in-stream TN and TP concentrations. However, it is not the intent of the TMDL to abate natural backgro und conditions.~~

Rulemaking Authority 403.061, 403.067 FS. Law Implemented 403.061, 403.062, 403.067 FS. History–New 11-11-10, Amended_____.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

RULE NO.:	RULE TITLE:
62-304.610	Hillsborough River Basin TMDLs

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 35, No. 31, August 7, 2009 issue of the Florida Administrative Weekly.

Please note, a previous Notice of Change was published for this rule in the Vol. 36, No. 7, February 19, 2010 issue and the Vol. 36, No. 17, April 30, 2010 issue of the Florida Administrative Weekly.

THE FULL TEXT OF THE PROPOSED RULE IS:

62-304.610 Hillsborough River Basin TMDLs.

(1) through (9) No change.

~~(10) Baker Creek. The Total Maximum Daily Loads (TMDLs) to address the low dissolved oxygen and nutrient impairments are an annual average 1.16 mg/L of Total Nitrogen (TN) and an annual average 0.473 mg/L of Total Phosphorus (TP) and are allocated as follows:~~

~~(a) The Wasteload Allocation (WLA) for wastewater point sources is not applicable.~~

~~(b) The WLAs for discharges subject to the Department's National Pollutant Discharge Elimination System (NPDES) Municipal Stormwater Permitting Program are a 26.1 percent reduction in anthropogenic loadings of TN and a 14.7 percent reduction in anthropogenic loadings of TP for the 2000 to 2007 period at sources contributing to exceedances of the criteria,~~

~~(c) The Load Allocations (LAs) for nonpoint sources are an 26.1 percent reduction in anthropogenic loadings of TN and an 14.7 percent reduction in anthropogenic loadings of TP for the 2000 to 2007 period at sources contributing to exceedances of the criteria, and~~

~~(d) The Margin of Safety is implicit.~~

~~(e) While the LA and WLA for have been expressed as the percent reductions needed to attain the applicable Class III criteria, it is the combined reductions from both anthropogenic point and nonpoint sources that will result in the required reductions of in-stream TN and TP concentrations. However, it is not the intent of the TMDL to abate natural background conditions.~~

~~(11) Big Ditch. The TMDLs to address the low dissolved oxygen and nutrient impairments are an annual average 1.16 mg/L of TN and an annual average 0.473 mg/L of TP and are allocated as follows:~~

~~(a) The WLAs for the CF Industries, Inc. Plant City Chemical Complex (FL0000078) are a five year rolling annual average of 1,800 pounds per year of TN and a five year rolling annual average of 5,438 pounds per year of TP,~~

~~(b) The WLAs for discharges subject to the Department's NPDES Municipal Stormwater Permitting Program are a 39.7 percent reduction in anthropogenic loadings of TN and a 76.3 percent reduction in anthropogenic loadings of TP for the 2000 to 2007 period at sources contributing to exceedances of the criteria,~~

~~(c) The LAs for nonpoint sources are a 39.7 percent reduction in anthropogenic loadings of TN and a 76.3 percent reduction in anthropogenic loadings of TP for the 2000 to 2007 period at sources contributing to exceedances of the criteria, and~~

~~(d) The Margin of Safety is implicit.~~

~~(e) While the LA and WLA have been expressed as the percent reductions needed to attain the applicable Class III criteria, it is the combined reductions from both anthropogenic point and nonpoint sources that will result in the required reductions of in-stream TN and TP concentrations. However, it is not the intent of the TMDL to abate natural background conditions.~~

(12) Channelized Stream. The TMDLs to address the low dissolved oxygen and nutrient impairments are an annual average 1.16 mg/L of TN and an annual average of 0.473 mg/L of TP and are allocated as follows:

(a) The WLA for wastewater point sources is not applicable.

(b) The WLAs for discharges subject to the Department's NPDES Municipal Stormwater Permitting Program are a 52.1 percent reduction in anthropogenic loadings of TN and a 60.5 percent reduction in anthropogenic loadings of TP for the 2000-2007 period at sources contributing to exceedances of the criteria, and

(c) The LAs for nonpoint sources are a 52.1 percent reduction in anthropogenic loadings of TN and a 60.5 percent reduction in anthropogenic loadings of TP for the 2000-2007 period at sources contributing to exceedances of the criteria, and

(d) The Margin of Safety is implicit.

(e) While the LA and WLA have been expressed as the percent reductions needed to attain the applicable Class III criteria, it is the combined reductions from both anthropogenic point and nonpoint sources that will result in the required reductions of in-stream TN and TP concentrations. However, it is not the intent of the TMDL to abate natural background conditions.

~~(14) Mill Creek. The TMDLs to address the low dissolved oxygen and nutrient impairments are an annual average 1.16 mg/L of TN and an annual average 0.473 mg/L of TP and are allocated as follows:~~

~~(a) The WLAs for the Kerry I & F Contracting Company (FL0037389) are a five-year rolling annual average 3,600 pounds per year of TN and a five-year rolling annual average 431 pounds per year of TP,~~

~~(b) The WLAs for discharges subject to the Department's NPDES Municipal Stormwater Permitting Program are a 41.1 percent reduction in anthropogenic loadings of TN and a 6.2 percent reduction in anthropogenic loadings of TP for the 2000 to 2007 period for sources contributing to exceedances of the criteria, and~~

~~(c) The LAs for nonpoint sources are a 41.1 percent reduction in anthropogenic loadings of TN and a 6.2 percent reduction in anthropogenic loadings of TP for the 2000 to 2007 period for sources contributing to exceedances of the criteria, and~~

~~(d) The Margin of Safety is implicit.~~

~~(e) While the LA and WLA have been expressed as the percent reductions needed to attain the applicable Class III criteria, it is the combined reductions from both anthropogenic point and nonpoint sources that will result in the required reductions of in-stream TN and TP concentrations. However, it is not the intent of the TMDL to abate natural background conditions.~~

~~(15) Spartman Branch. The TMDL to address the low dissolved oxygen impairment is an annual average 1.16 mg/L of TN and allocated as follows:~~

~~(a) The WLA for wastewater point sources is not applicable.~~

~~(b) The WLA for discharges subject to the Department's NPDES Municipal Stormwater Permitting Program is a 19.9 percent reduction in anthropogenic loadings of TN for the 2000-2007 period at sources contributing to exceedances of the criteria, and~~

~~(c) The LA for nonpoint sources is a 19.9 percent reduction in anthropogenic loadings of TN for the 2000-2007 period at sources contributing to exceedances of the criteria, and~~

~~(d) The Margin of Safety is implicit.~~

~~(e) While the LA and WLA have been expressed as the percent reductions needed to attain the applicable Class III criteria, it is the combined reductions from both anthropogenic point and nonpoint sources that will result in the required reductions of in-stream TN and TP concentrations. However, it is not the intent of the TMDL to abate natural background conditions.~~

~~(17) Trout Creek. The TMDLs to address the low dissolved oxygen and nutrient impairments are an annual average 0.87 mg/L of TN and an annual average 0.181 mg/L of TP and are allocated as follows:~~

~~(a) The WLAs for the Pebble Creek Village Wastewater Treatment Facility (FL0039896) are a five-year rolling annual average 800 pounds per year of TN and a five-year rolling annual average 411pounds per year of TP,~~

~~(b) The WLAs for discharges subject to the Department's NPDES Municipal Stormwater Permitting Program are a 33.3 percent reduction in anthropogenic loadings of TN and a 1.4~~

~~percent reduction in anthropogenic loadings of TP for the 2000-2007 period at sources contributing to exceedances of the criteria, and~~

~~(c) The LAs for nonpoint sources are a 33.3 percent reduction in anthropogenic loadings of TN and a 1.4 percent reduction in anthropogenic loadings of TP for the 2000-2007 period at sources contributing to exceedances of the criteria, and~~

~~(d) The Margin of Safety is implicit.~~

~~(e) While the LA and WLA have been expressed as the percent reductions needed to attain the applicable Class III criteria, it is the combined reductions from both anthropogenic point and nonpoint sources that will result in the required reductions of in-stream TN and TP concentrations. However, it is not the intent of the TMDL to abate natural background conditions.~~

~~(18) Two Hole Branch. The TMDL to address the low dissolved oxygen and nutrient impairments is an annual average 1.16 mg/L of TN and is allocated as follows:~~

~~(a) The WLA for wastewater point sources is not applicable.~~

~~(b) The WLA for discharges subject to the Department's NPDES Municipal Stormwater Permitting Program is a 4.4 percent reduction in anthropogenic loadings of TN for the 2000-2007 period at sources contributing to exceedances of the criteria, and~~

~~(c) The LA for nonpoint sources is a 4.4 percent reduction in anthropogenic loadings of TN for the 2000-2007 period at sources contributing to exceedances of the criteria, and~~

~~(d) The Margin of Safety is implicit.~~

~~(e) While the LA and WLA have been expressed as the percent reductions needed to attain the applicable Class III criteria, it is the combined reductions from both anthropogenic point and nonpoint sources that will result in the required reductions of in-stream TN and TP concentrations. However, it is not the intent of the TMDL to abate natural background conditions.~~

Rulemaking Authority 403.061, 403.067 FS. Law Implemented 403.061, 403.062, 403.067 FS. History–New 12-22-04, Amended 7-7-10, _____.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

RULE NO.:	RULE TITLE:
62-344.600	Procedures for Identifying and Reconciling Duplicative Permitting and Incorporation of Stricter Local Standards

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 38, No. 1, January 6, 2012 issue of the Florida Administrative Weekly.

62-344.600 Procedures for Identifying and Reconciling Duplicative Permitting and Incorporating Stricter Local Standards.

If the Department determines to delegate all or a portion of the environmental resource permit program to a local government, the following procedures shall be followed to identify and reconcile duplicative permitting and incorporate stricter local standards.

(1) through (3) No change.

(4) A local government that receives delegation of all or a portion of the environmental resource permit program shall not require an applicant to obtain a corresponding separate local permit for those activities during the period the delegation is in effect, unless ~~when~~ any of the following exist:

(a) through (c) No change.

This change will add the word "unless" in place of text that was inadvertently stricken in the Notice of Change published in Vol. 38, No. 17, April 27, 2012 issue of the Florida Administrative Weekly.

CONTACT: Alice Heathcock, Bureau of Submerged Lands and Environmental Resources, 2600 Blair Stone Road, MS 2500, Tallahassee, FL 32399-2400, telephone (850)245-8483, facsimile (850)245-8499 or e-mail alice.heathcock@dep.state.fl.us. (OGC No. 10-2686)

DEPARTMENT OF ENVIRONMENTAL PROTECTION

RULE NOS.:	RULE TITLES:
62-701.200	Definitions
62-701.210	Documents Incorporated by Reference
62-701.315	Permit Fees for Solid Waste Management Facilities
62-701.320	Solid Waste Management Facility Permit Requirements, General
62-701.330	Landfill Permit Requirements
62-701.500	Landfill Operation Requirements
62-701.510	Water Quality and Leachate Monitoring Requirements
62-701.600	Landfill Final Closure
62-701.620	Long-term Care
62-701.630	Financial Assurance
62-701.710	Waste Processing Facilities
62-701.730	Construction and Demolition Debris Disposal and Recycling
62-701.900	Forms

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 38, No. 3, January 20, 2012 issue of the Florida Administrative Weekly.

62-701.200 Definitions.

(50) "Indoor" means within a structure that has been constructed with a roof over an impervious surface and has outside walls on a minimum of all but one of the sides of the facility. The roof and outside walls must be constructed with materials having structural strength like wood, block, fiberglass, plastic or metal rather than materials like canvas or tarpaulin, and may include windows and doors. An impervious surface means a surface like a poured concrete pad or asphaltic concrete ~~asphalt concrete paving~~.

62-701.210 Documents Incorporated by Reference.

(19) GRI Test Method GM19 revision 6 3 dated October 3, 2011 ~~June 4, 2010~~.

62-701.315 Permit Fees for Solid Waste Management Facilities.

~~(7) through (11) No change.~~

(7) Construction permit and/or an operation permit for a facility which has multiple solid waste management components that normally would require individual solid waste permits. A single application may be submitted and the permit fee will be the sum of all individual permits~~; however, the total permit fees for the facility shall not exceed $25,000, exclusive of modifications and renewals~~.

(8) through (11) No change.

(12) Fees for permits to construct, operate, or close that are issued for periods longer than five years shall be calculated as follows: the fee listed in this section, plus 20% of the fee listed in this section for each year over five years for which a permit is sought. For example, an applicant for a 20-year permit for landfill operation would pay a fee of $40,000 ($10,000 for the first 5 years, plus 20% of $10,000 for each of the additional 15 years).

(13) Applicants for permits of more than five years may elect to pay the entire permit fee at the time of application. Applicants may also elect to pay the fee listed above at the time of application, and make payments of 100% of the fee listed above every five years thereafter for the duration of the permit. For example, an applicant for a 20-year permit for landfill operation could pay $40,000 at the time of application, or could pay $10,000 at the time of application, plus $10,000 every five years thereafter until the time for permit renewal. Any future amendments to this section that result in increases in permit fees will not increase the fees for applicants until a renewal permit or permit modification is applied for. Failure to make such subsequent payments in a timely manner will be considered a violation of this rule and may subject the applicant to enforcement action by the Department.

62-701.320 Solid Waste Management Facility Permit Requirements, General.

(1) through (4)~~(8)~~ No change.

(5) Permit application.

(a) through (b) No change.

(c) Combination facilities. An application for a permit to construct or operate a solid waste management facility having multiple solid waste management components which, if standing alone, would require solid waste management facility permits, shall include all information required to be submitted had each component been proposed as a separate facility, independent of the other components. Such information may be combined or otherwise presented so as to avoid duplicative or repetitive submittals. Additionally, such applications shall be accompanied by such fees as would be required for each facility component~~; however, the total permit fees for a facility shall not exceed $25,000, exclusive of modifications and renewals~~.

(6) through (8) No change.

(9) Permits for construction, modification, operation, and closure. Complete permit applications for construction or operation of a solid waste management facility, renewal of an operation permit for an existing facility, modification of an existing facility, or closure of a facility shall be evaluated by the respective Department district office in accordance with Chapters 62-4 and 62-701, F.A.C. ~~Except as provided in Rule 62-701.620, F.A.C., the time period for permits shall be no longer than five years from the date of issuance by the Department. However, a construction/operation permit shall be issued for a longer period, not to exceed ten years, so that the permit will allow up to five years of operation after initial construction has been completed.~~

(a) through (c) No change.

(d) Permit durations shall be as follows:

1. For any facility with a leachate control system that applies for an operation or construction permit or renews an existing operation or construction permit on or after October 1, 2012, up to 20 years;

2. For any facility without a leachate control system that meets the requirements of Section 403.707(3)(c), F.S., up to 10 years;

3. For closure permits authorizing only long-term care for landfills, up to 10 years; and

4. For all other permits, up to 5 years.

(10) Permit renewals.

(b) Applicants for permit renewal shall demonstrate how they will comply with any applicable new or revised laws or rules relating to construction, operation, or closure of solid waste management facilities. Closure plans shall be updated at least once every five years ~~the time of permit renewal~~ to reflect changes in closure design, long-term care requirements, and financial assurance requirements.

62-701.330 Landfill Permit Requirements.

(2) Permitted footprint. Applicants seeking permits for lined landfills are not limited to the amount of area they may need for disposal during the life of the ~~in a 5 year~~ permit ~~period~~. Rather, applicants may seek a permit with as large a disposal area as they desire subject to the following conditions.

(a) All of the information normally needed in the permit application shall be supplied for the entire area of the proposed footprint, even if only a smaller portion of the entire footprint will be constructed during the ~~5-year~~ permit period.

~~(a) through~~ (b) No change.

(c) During the life of the ~~5 year~~ permit, the applicant must notify the Department in writing before beginning construction of another permitted phase of the landfill. Construction may proceed, without further action being required by the Department, if it is in accordance with the conditions of the permit. However, if rule changes occur after the ~~5 year~~ permit is issued which affect the design of the construction, then permit modifications may be required. Upon completion of the construction of a permitted phase of the landfill, a Certification of Construction Completion document must be prepared for the phase and submitted to the Department for approval. Department approval in accordance with paragraph 62-701.320(9)(b), F.A.C., is required before the applicant may begin use of the newly constructed phase. No permit fees will be required for authorizing use of these phases.

(d) At the end of the ~~5-year~~ permit period, the applicant may apply for renewal of the permit. The information for the construction of the entire footprint will not have to be resubmitted if no substantial change is proposed in the planning or design of future phases. However, the applicant will be required to update the operation plan for the landfill, evaluate water quality data, ensure the financial assurance cost estimates and mechanism are current and provide reasonable assurance for compliance with any new rules or statutes that may be required of the facility which were not in effect at the time the previous permit was issued. Should there be new liner requirements at the time of permit renewal, the Department will not impose them on phases that are already constructed.

~~(d) through~~ (e) No change.

62-701.500 Landfill Operation Requirements.

(8) Leachate management.

(a) through (g) No change.

(h) New leachate collection systems shall be water pressure cleaned or inspected by video recording after construction but prior to initial placement of wastes. Existing leachate collection systems shall be water pressure cleaned or inspected by video recording at least once every five years ~~the time of permit renewal~~. Results of the collection system cleanings or inspections shall be available to the Department upon request.

(9)~~(8)~~ through (12) No change.

62-701.510 Water Quality and Leachate Monitoring Requirements.

(8) Water quality monitoring reporting.

(a) The landfill owner or operator shall report all representative water quality monitoring results to the Department within 60 days from completion of laboratory analyses, unless a different due date is specified in the permit. In accordance with subsections 62-160.240(3) and 62-160.340(4), F.A.C., water quality data shall be provided to the Department in an electronic format consistent with requirements for importing into Department databases, unless an alternate form of submittal is specified in the permit. The permittee shall include Form 62-701.900(31), Water Quality Monitoring Certification, effective date January 6, 2010, hereby adopted and incorporated by reference, with each report certifying that the laboratory results have been reviewed and approved by the permittee. Copies of this form are available from a local District Office or by writing to the Department of Environmental Protection, Solid Waste Section, MS 4565, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400. The operator of the landfill shall notify the Department at least 14 days before the sampling is scheduled to occur so that the Department may collect split samples. ~~If water quality data is not provided in an electronic format, the permittee shall submit a separate report that includes~~ The report shall include at least the following:

62-701.600 Landfill Final Closure.

(2) Closure permit requirements. Prior to initiating closure of a solid waste disposal unit, or part of a solid waste disposal unit, the owner or operator must receive authorization from the Department in one of the following manners. The owner or operator may submit an application to the Department for a closure permit on Form 62-701.900(1), which application shall include a closure plan. If the landfill is operating under a Department permit, the owner or operator may request a modification of the permit to address substantive changes in the closure plan, or the owner or operator may demonstrate that the closure plan in the existing operation permit includes sufficient detail to provide reasonable assurance of compliance with the provisions of this section. The application or request for modification shall include an updated closure plan which is made up of ~~In all cases, the closure plan shall include~~ the following:

(8) Cost adjustments for corrective action.

(b) At the time of permit renewal, or every fifth year when a permit is issued with a duration greater than 5 years, or if the corrective action plan is modified during the corrective action period, the owner or operator shall revise the corrective action cost estimate. Revisions shall be made and submitted as specified in subparagraph (8)(a)1. of this section. The use of cost estimates that are submitted in accordance with this

subsection and used as the basis for comparison against the balance of the funding mechanisms specified in subsection (9) of this section does not constitute estimate approval.

~~(b) through~~ (c) No change.

62-701.620 Long-Term Care.

(4) Modified ground water monitoring plan.

(a) The owner or operator of a landfill may apply for a modification to its ground water monitoring plan to remove a parameter from the list specified in subsection 62-701.510(7)~~(8)~~, F.A.C. The Department will grant such modification upon a demonstration that leachate and ground water have consistently been sampled and analyzed for the parameter, and that the parameter has never been detected in the leachate or in any ground water well or surface water point during the active life of the landfill.

62-701.630 Financial Assurance.

(8) Cost adjustments for corrective action.

(b) At the time of permit renewal, or every fifth year when a permit is issued with a duration greater than five years, or if the corrective action plan is modified during the corrective action period, the owner or operator shall revise the corrective action cost estimate. Revisions shall be made and submitted as specified in subparagraph (8)(a)1. of this section. The use of cost estimates that are submitted in accordance with this subsection and used as the basis for comparison against the balance of the funding mechanisms specified in subsection (9) of this section does not constitute estimate approval.

~~(b) through~~ (c) No change.

62-701.710 Waste Processing Facilities.

(1) Applicability

(d) The following facility types are subject to special requirements or are exempt from some requirements of this section.

3. Waste-to-energy facilities are exempt from the requirement to have a trained operator and a trained spotter set forth in paragraph 62-701.710(4)(c), F.A.C. This does not exempt such facilities from operator training requirements set forth in other Department rules.

(6) Closure requirements.

(c) Closure must be completed within 180 days after receiving the final solid waste shipment. Closure will include removal of all recovered materials from the site, as well as performing any contamination evaluation required by paragraph 62-701.710(1)~~(2)~~(d)2., F.A.C. The owner or operator shall certify in writing to the Department when closure is complete.

(11) Transfer stations that consolidate waste directly from one mobile container or vehicle into another mobile container or vehicle are exempt from the ~~permitting~~ requirements of this section provided:

a. The owner or operator notifies the Department, and renews any existing notification by July 1 of each year, on Form 62-701.900(35), Notification of Container-to-Container Waste Transfer ~~Processing~~ Facility, effective [eff. date], hereby adopted and incorporated by reference. Copies of this form are available from a local District Office or by writing to the Department of Environmental Protection, Solid Waste Section, MS 4565, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400. A site plan showing the property and area where waste transfer operations will be conducted shall be included in accordance with the directions on Form 62-701.900(35);

b. The facility is operated to minimize the discharge of leachate to the environment and to control objectionable odors, litter, dust, and other fugitive particulates;

c. Only construction and demolition debris and Class III solid waste is accepted at the facility;

d. Waste is stored only in mobile containers or vehicles, and is not stored, placed, or located on the ground, or in an ~~a permanent~~ immobile container or structure, or on a tipping floor~~, except for the occasional storage of bulky items that do not generate leachate~~;

e. No solid waste, including waste in mobile containers or vehicles, is stored at the facility, or on any adjacent property, for more than 7 days;

f. The largest mobile container or vehicle on-site that is used for consolidation and transfer does not hold more than 40 cubic yards;

g. No more than ten mobile containers or vehicles containing waste or recovered materials, and no more than 200 cubic yards of waste and recovered materials, are stored at the facility ~~on the site~~ at any one time; ~~and,~~

h. No more than 1,500 cubic yards of waste may be received at the facility during any calendar month;

i. The waste received at the facility has been collected by the owner or operator and shall not be received from any third party hauler of the waste;

j. Each mobile container or vehicle received or stored at the facility is owned or leased by the operator of the facility and;

k. Operational records shall be maintained on-site documenting the quantity in cubic yards of waste received, stored, and removed from the site, and where it was sent for recycling or disposal. Such records shall be retained at the facility for three years.

62-701.730 Construction and Demolition Debris Disposal and Recycling.

(4) Other requirements. Except as specified in this section, the requirements of Rules 62-701.330 through 62-701.630, F.A.C., do not apply to construction and demolition debris disposal facilities.

(b) A water quality monitoring plan that meets the criteria set forth in Rule 62-701.510 and Chapter 62-520, F.A.C., shall be included with the permit application, and shall be implemented and maintained by the owner or operator, with the following exceptions:

5. Background water quality shall be established in accordance with the provisions of paragraph 62-701.510(6)(b), F.A.C., except that the analysis shall also include sulfate and aluminum. In addition, all background and detection wells shall be sampled and analyzed at least once every five years ~~prior to permit renewal~~ for those parameters listed in paragraph 62-701.510(7)(a), F.A.C., as well as sulfate and aluminum.

(6) ~~through (8)~~ No change.

(7) Operation requirements. Owners and operators of construction and demolition debris disposal facilities shall comply with the following requirements:

(a) An operation plan describing the facility operations and maintenance, emergency and contingency plans, and types of equipment that will be used shall be kept at the facility at all times and made available for inspection. The operation plan shall describe the method and sequence of filling waste and shall state the maximum allowed lift depth. Lift depth shall not exceed 10 feet unless authorized in the operation plan. Lift depths greater than 10 feet may be allowed depending on specific operations, daily volume of waste, width of working face, and good safety practices. All activities at the facility shall be performed in accordance with this plan and the permit conditions. The plan shall be updated as operations change but no less frequently than every five years ~~upon renewal of the permit~~. The operation permit shall be modified to reflect any substantive changes to the plan, other than those required for routine maintenance.

(b) through (j) No change.

(8) No change.

(11) Financial Assurance.

(a) As a condition for issuance of an off-site construction and demolition debris disposal facility permit, ~~permit transfer,~~ or permit modification authorizing expansion, the owner or operator shall provide the Department with closure cost estimates for the permitted portions of the facility as part of the application ~~proof of financial assurance issued in favor of the State of Florida in the amount of the closing and long-term care cost estimates for the facility~~. Proof of financial assurance issued in favor of the Florida Department of Environmental Protection in the amount of the closing and long-term care cost estimates for each permitted disposal unit shall be provided at least 60 days prior to the initial receipt of waste at such unit. ~~This proof shall be submitted to the Department as part of the permit application process.~~ No solid waste shall be stored or disposed of at a solid waste disposal unit until the permittee has received written approval of the financial assurance mechanism from the Department. The financial mechanism shall either be:

62-701.900 Forms.

(1) Form 62-701.900(1), Application to Construct, Operate, Modify, or Close a Solid Waste Management Facility, effective [eff. date] ~~January 6, 2010~~.

(5) Form 62-701.900(5), Financial Mechanisms for Solid Waste Management Facilities Requiring Closure and/or Long-term Care, effective [eff. date] ~~January 6, 2010~~.

(a) Solid Waste Facility Irrevocable Letter of Credit.

(b) Solid Waste Facility Financial Guarantee Bond.

(c) Solid Waste Facility Performance Bond.

(d) Solid Waste Facility Closure/Long-Term Care Insurance Certificate.

(e) Solid Waste Facility Financial Test.

(f) Solid Waste Facility Corporate Guarantee.

(g) Solid Waste Facility Trust Fund Agreement.

(h) Solid Waste Facility Standby Trust Fund Agreement.

(6) Form 62-701.900(6), Application to Construct, Operate, or Modify a Construction and Demolition Debris Disposal or Disposal with Recycling Facility, effective [eff. date] ~~May 27, 2001~~.

(25) Form 62-701.900(35), Notification of Container-to-Container Waste Transfer ~~Processing~~ Facility, effective [eff. date].

Section IV
Emergency Rules

DEPARTMENT OF REVENUE

Property Tax Oversight Program

RULE NO.:	RULE TITLE:
12DER12-3	Exemption for Deployed Servicemembers

SPECIFIC REASONS FOR FINDING AN IMMEDIATE DANGER TO THE PUBLIC HEALTH, SAFETY OR WELFARE: Chapter 2011-93 (House Bill 1141), Laws of Florida, authorized the Department of Revenue to adopt emergency rules that could remain in effect for 6 months and that could be renewed during the pendency of procedures to adopt permanent rules addressing the subject of the emergency rules. This act further provides that all conditions imposed by Sections 120.536(1) and 120.54, Florida Statutes, (Section 4 of Chapter 2011-93) were deemed to be met.

REASON FOR CONCLUDING THAT THE PROCEDURE IS FAIR UNDER THE CIRCUMSTANCES: The Legislature expressly authorized the Department of Revenue to adopt emergency rules that implement the provisions of Chapter 2011-93 (House Bill 1141), Laws of Florida, which created Section 196.173, Florida Statutes. Section 196.173, Florida Statute, has been further amended by chapter 2012-193 (House Bill 7097), Laws of Florida. The law provides that these emergency rules remain in effect for a period of 6 months and that they may be renewed during the pendency of procedures to