

(850)717-4650. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Sallie Bond, Chief of Child Welfare Policy, (850)717-4657

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS NOT AVAILABLE.

Section II Proposed Rules

DEPARTMENT OF EDUCATION

State Board of Education

RULE NO.: 6A-1.001 RULE TITLE: District Financial Records

PURPOSE AND EFFECT: The purpose and effect of this rule amendment is to update the publication titled "Financial and Program Cost Accounting and Reporting for Florida Schools, 2012," incorporated by reference.

SUMMARY: The proposed rule updates the publication titled "Financial and Program Cost Accounting and Reporting for Florida Schools, 2012," to reflect changes in law, accounting principles, district practices, and changes to the chart of accounts. Changes to the chart of accounts include: (1) changes to modify required supplementary information requirements in accordance with Governmental Accounting Standards Board (GASB); (2) changes to modify revenue accounts for federal programs based on changes in legislation and reporting; and (3) changes to modify local revenue accounts to reflect various taxing authorities.

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.

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 on past agency experiences with the adjustment of accounting and financial reporting requirements for school districts, the adverse impact or regulatory cost, if any, does not exceed, nor would it be expected to exceed, any one of the economic analysis criteria set forth in Section 120.541(2)(a), Florida Statutes.

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.

RULEMAKING AUTHORITY: 1010.01 FS.

LAW IMPLEMENTED: 1010.01 FS.

A HEARING WILL BE HELD AT THE DATE, TIME AND PLACE SHOWN BELOW:

DATE AND TIME: October 9, 2012, 8:00 a.m.

PLACE: Valencia College, 1800 S. Kirkman Rd, Orlando, FL
THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Mark Eggers, Bureau Chief of School Business Services, 325 West Gaines Street, Room 814, Tallahassee, FL 32399-0400, (850)245-0405

THE FULL TEXT OF THE PROPOSED RULE IS:

6A-1.001 District Financial Records.

The superintendent of schools of each school district shall be responsible for keeping adequate records and accounts of all financial transactions in the manner prescribed by the Commissioner in the publication titled; "Financial and Program Cost Accounting and Reporting for Florida Schools, 2012 ~~2011~~ (<http://www.flrules.org/Gateway/reference.asp?No=Ref-01620> ~~<http://www.flrules.org/Gateway/reference.asp?No=Ref-00649>~~)," which is hereby incorporated by reference in this rule ~~and made a part of the rules of the State Board~~. Copies of the publication manual may be obtained from the Office of Funding and Financial Reporting, Department of Education, 325 West Gaines Street, Tallahassee, Florida 32399, at a cost to be established by the Commissioner, but which shall not exceed actual costs.

Rulemaking Authority 1010.01 FS. Law Implemented 1010.01 FS. History--Amended 9-17-72, Repromulgated 12-5-74, Amended 4-28-77, 8-2-79, 7-21-80, 10-7-81, 8-10-83, 9-27-84, 10-1-85, Formerly 6A-1.01, Amended 11-8-88, 7-30-91, 10-6-92, 10-18-94, 1-26-98, 10-15-01, 12-20-11,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Linda Champion, Deputy Commissioner, Finance and Operations

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Gerard Robinson, Commissioner of Education

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 21, 2012

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: June 29, 2012

DEPARTMENT OF EDUCATION

State Board of Education

RULE NOS.: RULE TITLES:
 6A-1.004 School District Budget Requirements
 6A-1.0071 Fiscal Reporting Dates

PURPOSE AND EFFECT: Rule 6A-1.004, F.A.C., is amended to incorporate updated forms ESE 139, District Summary Budget; ESE 524, Resolution Determining Revenues and Millages Levied; and ESE 524(a), Resolution Determining Critical Needs Revenues and Millages Levied, for 2012. Rule 6A-1.0071, F.A.C. is amended to incorporate updated forms ESE 348, Report of Financial Data to the Commissioner of Education; ESE 145, Superintendent’s Annual Financial Report; ESE 374, Schedule of Maturities of Indebtedness; and ESE 523, Information Concerning Authorized Obligations Under Sections 1011.14 and 1011.15, F.S.

SUMMARY: The proposed amendments incorporate updated forms for Rule 6A-1.004 and 6A-1.0071, F.A.C., to reflect annual updates, fiscal year updates, and account additions and deletions.

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.

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 on past agency experiences with the updating of required forms for reporting for school districts, the adverse impact or regulatory cost, if any, does not exceed, nor would be expected to exceed, any one of the economic analysis criteria set forth in Section 120.541(2)(a), Florida Statutes.

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.

RULEMAKING AUTHORITY: 1001.02(1), 1011.03(4), 1011.60(1), (5) FS.

LAW IMPLEMENTED: 200.065, 1011.01(3), 1011.03(4), 1011.60(1), (5) FS.

A HEARING WILL BE HELD AT THE DATE, TIME AND PLACE SHOWN BELOW:

DATE AND TIME: October 9, 2012, 8:00 a.m.

PLACE: Valencia College, 1800 S. Kirkman Rd., Orlando, FL

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Mark Eggers, Bureau Chief of School Business Services, 325 West Gaines Street, Room 814, Tallahassee, FL 32399-0400, (850)245-0405

THE FULL TEXT OF THE PROPOSED RULE IS:

6A-1.004 School District Budget Requirements.

The Commissioner shall establish procedures so that the District Summary Budget is submitted ~~transmitted~~ to the Department of Education in the manner prescribed in Rule 6A-1.0071, F.A.C.

(1) The following items are included in the District Summary Budget:

- (a) Estimated revenue federal, state and local.
- (b) Estimated non-revenue-loans, bond sales, etc.
- (c) Operating appropriations.
- (d) Transfers, debt service, and capital projects appropriations.
- (e) Ending balances and reserves.

(2) A budget shall not be considered to be officially received until all required forms, schedules, analyses and certifications have been received including Forms ESE 139, District Summary Budget (<http://www.flrules.org/Gateway/reference.asp?No=Ref-01621> ~~http://www.flrules.org/Gateway/reference.asp?No=Ref-00968~~); ESE 524, Resolution Determining Revenues and Millages Levied (<http://www.flrules.org/Gateway/reference.asp?No=Ref-01622> ~~http://www.flrules.org/Gateway/reference.asp?No=Ref-00969~~); and ESE 524(a), Resolution Determining Critical Needs Revenues and Millages Levied (<http://www.flrules.org/Gateway/reference.asp?No=Ref-01623> ~~http://www.flrules.org/Gateway/reference.asp?No=Ref-00970~~), if applicable. Forms ESE 139, 524, and 524(a) are hereby incorporated by reference to become effective ~~November~~ **March** 2012, and may be obtained by contacting the Office of Funding and Financial ~~Reporting Program Accounting~~, Department of Education, 325 West Gaines Street, Tallahassee, Florida 32399.

Rulemaking Authority 1001.02(1), 1011.03(4) FS. Law Implemented 1011.01(3), 1011.03(4) FS. History—Amended 3-26-66, 9-17-72, 2-18-74, Repromulgated 12-5-74, Amended 11-29-78, 7-10-85, Formerly 6A-1.04, Amended 10-4-88, 9-22-08, 3-13-12, _____.

6A-1.0071 Fiscal Reporting Dates.

The following dates shall apply to the fiscal reporting and budgeting process of each school district.

(1) The final budget prepared under procedural steps and time intervals specified in Section 200.065, F.S., shall be submitted ~~transmitted~~ to the Commissioner no later than the third business day following the day of adoption by the school board.

(2) The annual financial report and all official parts thereof must be submitted to the Commissioner no later than September 11th of each year. The annual financial report is composed of the following forms: Forms ESE 348, Report of Financial Data to the Commissioner of Education (<http://www.flrules.org/Gateway/reference.asp?No=Ref-01624> ~~http://www.flrules.org/Gateway/reference.asp?No=Ref-00653~~);

ESE 145, Superintendent's Annual Financial Report (<http://www.flrules.org/Gateway/reference.asp?No=Ref-01625>); <http://www.flrules.org/Gateway/reference.asp?No=Ref-00654>); ESE 374, Schedule of Maturities of Indebtedness (<http://www.flrules.org/Gateway/reference.asp?No=Ref-01626>); <http://www.flrules.org/Gateway/reference.asp?No=Ref-00650>); and ESE 523, Information Concerning Authorized Obligations Under Sections 1011.14 and 1011.15, F.S. (<http://www.flrules.org/Gateway/reference.asp?No=Ref-01628>); <http://www.flrules.org/Gateway/reference.asp?No=Ref-00651>), which are incorporated by reference in this rule to become effective ~~November~~ ~~February~~ 1, 2012. These forms may be obtained from the Administrator of the Office of Funding and Financial Reporting, Department of Education, 325 West Gaines Street, Tallahassee, Florida 32399.

(3) In the event of an emergency or when unusual circumstances exist and upon written request by the superintendent of schools, the Commissioner shall have authority to grant an extension of reporting dates not specified by statute.

Rulemaking Authority 1001.02(1), 1011.60(1), (5) FS. Law Implemented 200.065, 1011.01(3), 1011.03(4), 1011.60(1), (5) FS. History—New 9-12-72, Amended 2-13-74, 12-5-74, 5-5-75, 10-7-75, 7-22-76, 6-7-77, 1-7-81, 7-10-85, Formerly 6A-1.071, Amended 3-12-86, 10-4-88, 9-22-08, 2-1-12, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Linda Champion, Deputy Commissioner, Finance and Operations

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Gerard Robinson, Commissioner of Education

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 21, 2012

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: July 20, 2012

DEPARTMENT OF EDUCATION

State Board of Education

RULE NO.: 6A-1.0941
RULE TITLE: Minimum Student Performance Standards

PURPOSE AND EFFECT: The purpose of this rule revision is to repeal the rule as the provisions are no longer relevant. The rule incorporated Minimum Performance Standards for students for the years 1994-1995 through 2002-2003 and the exceptional student education performance standards for the years 1996-1997 through 2001-2002. Student performance standards are now incorporated by reference in Rule 6A-1.09401, F.A.C. The effect is the repeal of a rule no longer in effect.

SUMMARY: The rule is to be repealed.

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.

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: 1) no requirement for SERC was triggered under Section 120.541(1), F.S., and 2) based on past experiences with 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.

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.

RULEMAKING AUTHORITY: 1001.03, 1008.25 FS.

LAW IMPLEMENTED: 1001.01, 1008.22, 1008.25 FS.

A HEARING WILL BE HELD AT THE DATE, TIME AND PLACE SHOWN BELOW:

DATE AND TIME: October 9, 2012, 8:00 a.m.

PLACE: Valencia College, 1800 S. Kirkman Rd., Orlando, FL
THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Mary Jane Tappen, Deputy Chancellor for Curriculum, Instruction, and Student Services, Department of Education, 325 West Gaines Street, Tallahassee, FL, (850)245-0509

THE FULL TEXT OF THE PROPOSED RULE IS:

6A-1.0941 Minimum Student Performance Standards.

Rulemaking Specific Authority 229.565(1), 232.245 FS. Law Implemented 229.053(2)(a), 229.565(1), 229.57(3)(a), (c), 232.246(6)(a), (b) FS. History—New 4-28-77, Amended 5-24-79, 7-16-79, 4-10-80, 3-4-84, 5-24-84, 11-27-85, Formerly 6A-1.941, Amended 5-16-89, 5-16-90, 6-14-94, 9-28-99, Repealed _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Mary Jane Tappen, Deputy Chancellor for Curriculum, Instruction, and Student Services, Department of Education

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Gerard Robinson, Commissioner of Education

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

DEPARTMENT OF EDUCATION

State Board of Education

RULE NO.: 6A-1.09942
 RULE TITLE: State Uniform Transfer of Students in the Middle Grades

PURPOSE AND EFFECT: The purpose of this rule revision is to reflect changes to Section 1008.22(3)(c)2.b., Florida Statutes, which was revised to add that the middle school principal shall determine, in accordance with State Board rule, whether a student who transfers to the middle school and who has successfully completed a civics education course at the student's previous school must take an end-of-course (EOC) assessment in civics education. The effect is a rule consistent with governing law.

SUMMARY: This rule establishes uniform procedures relating to the acceptance of transfer work and courses for students entering Florida's public schools comprised of grades six, seven, and eight.

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.

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: 1) no requirement for SERC was triggered under Section 120.541(1), F.S., and 2) based on past experiences with 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.

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.

RULEMAKING AUTHORITY: 1003.25, 1003.4156, 1008.22 FS.

LAW IMPLEMENTED: 1003.25, 1003.4156, 1008.22(3)(c)2.b. FS.

A HEARING WILL BE HELD AT THE DATE, TIME AND PLACE SHOWN BELOW:

DATE AND TIME: October 9, 2012, 8:00 a.m.

PLACE: Valencia College, 1800 S. Kirkman Rd., Orlando, FL

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Mary Jane Tappen, Deputy Chancellor for Curriculum, Instruction, and Student Services, Department of Education, 325 West Gaines Street, Tallahassee, FL, (850)245-0509

THE FULL TEXT OF THE PROPOSED RULE IS:

6A-1.09942 State Uniform Transfer of Students in the Middle Grades.

The purpose of this rule is to establish uniform procedures relating to the acceptance of transfer work and courses for students entering Florida's public schools composed of middle grades 6, 7, and 8 from out of state or out of country. The procedures shall be as follows:

(1) Grades earned and offered for acceptance shall be based on official transcripts and shall be accepted at face value subject to validation if required by the receiving school's accreditation. If validation of the official transcript is deemed necessary, or if the student does not possess an official transcript or is a home education student, successful completion of courses shall be validated through performance during the first grading period as outlined in subsection (2) of this rule. If a student transfers into a middle school who has successfully completed a civics education course, the decision as to whether the student must take a Civics End-of-Course (EOC) Assessment will be made at the discretion of the school principal. The EOC will not be required if the school principal determines that the student has demonstrated mastery of course content.

(2) Validation of courses shall be based on performance in classes at the receiving school. A student transferring into a school shall be placed at the appropriate sequential course level and should be passing each required course at the end of the first grading period. Students who do not meet this requirement shall have courses validated using the Alternative Validation Procedure, as outlined in subsection (3) of this rule.

(3) Alternative Validation Procedure. If validation based on performance as described above is not satisfactory, then any one of the following alternatives identified in the district student progression plan shall be used for validation purposes as determined by the teacher, principal, and parent:

- (a) Portfolio evaluation by the superintendent or designee;
- (b) Demonstrated performance in courses taken at other public or private accredited schools;
- (c) Demonstrated proficiencies on nationally-normed standardized subject area assessments;
- (d) Demonstrated proficiencies on the FCAT, FCAT 2.0 or an EOC assessment; or
- (e) Written review of the criteria utilized for a given subject provided by the former school.

Students must be provided at least ninety (90) days from date of transfer to prepare for assessments outlined in paragraphs (3)(c) and (d) of this rule if required.

Rulemaking Specific Authority 1003.4156(3), 1003.25(3), 1008.22 FS. Law Implemented 1003.25(3), 1003.4156, 1008.22 FS. History—New 10-20-08, Amended _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
 Mary Jane Tappen, Deputy Chancellor, for Curriculum,
 Instruction, and Student Services, Department of Education
 NAME OF AGENCY HEAD WHO APPROVED THE
 PROPOSED RULE: Gerard Robinson, Commissioner of
 Education
 DATE PROPOSED RULE APPROVED BY AGENCY
 HEAD: August 16, 2012
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT
 PUBLISHED IN FAW: December 22, 2011

DEPARTMENT OF EDUCATION

State Board of Education

RULE NO.: RULE TITLE:
 6A-1.099825 Voluntary Prekindergarten (VPK)
 Curriculum Approval Process

PURPOSE AND EFFECT: This is a new rule to identify the process to be used to approve and maintain a list of curricula for required use by those VPK providers that are placed on probation as a result of readiness rates falling below the minimum rate adopted by the State Board of Education. The effect is the adoption of specifications, policies and procedures relating to the VPK program.

SUMMARY: This new rule adopts specifications, policies and procedures that guide the curriculum approval process for VPK providers on probation.

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.

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: 1) no requirement for SERC was triggered under Section 120.541(1), F.S., 2) there are not associated regulatory costs with curriculum vendors choosing to take part in the curriculum approval process; and 3) based on past experiences with the VPK program and rules of this nature, the adverse impact of regulatory cost, if any, do not exceed nor would be expected to exceed any one of the economic analysis set forth in Section 120.541(2)(a), F.S.

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.

RULEMAKING AUTHORITY: 1002.67(2)(c), (3) FS.

LAW IMPLEMENTED: 1002.67(2)(c), (3) FS.

A HEARING WILL BE HELD AT THE DATE, TIME AND PLACE SHOWN BELOW:

DATE AND TIME: October 9, 2012, 8:00 a.m.

PLACE: Valencia College, 1800 S. Kirkman Rd., Orlando, FL

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Mary Jane Tappen, Deputy Chancellor for Curriculum, Instruction, and Student Services, Department of Education, 325 West Gaines Street, Tallahassee, FL, (850)245-0509

THE FULL TEXT OF THE PROPOSED RULE IS:

6A-1.099825 Voluntary Prekindergarten (VPK) Curriculum Approval Process.

The specifications, policies and procedures for the VPK curriculum approval process are contained in the documents, Florida Voluntary Prekindergarten (VPK) Education Program: Curriculum Approval Specifications 2012 (<http://www.flrules.org/Gateway/reference.asp?No=Ref-01632>) and Florida Voluntary Prekindergarten (VPK) Education Program: Policies and Procedures for Curriculum Approval 2012 (<http://www.flrules.org/Gateway/reference.asp?No=Ref-01633>) which are hereby incorporated by reference in this rule. Copies of the publications may be obtained by contacting the Office of Early Learning, Department of Education, 325 West Gaines Street, Tallahassee, Florida or from the Department's website at <http://www.fldoe.org/earlylearning/>.

Rulemaking Authority 1002.67(2)(c), (3) FS. Law Implemented 1002.67(2)(c), (3) FS. History--New _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
 Mary Jane Tappen, Deputy Chancellor, for Curriculum,
 Instruction, and Student Services, Department of Education
 NAME OF AGENCY HEAD WHO APPROVED THE
 PROPOSED RULE: Gerard Robinson, Commissioner of
 Education
 DATE PROPOSED RULE APPROVED BY AGENCY
 HEAD: August 16, 2012
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT
 PUBLISHED IN FAW: April 13, 2012

DEPARTMENT OF EDUCATION

State Board of Education

RULE NO.: RULE TITLE:
 6A-6.022 Required Instruction in Florida
 History and Government

PURPOSE AND EFFECT: The purpose of this rule revision is to repeal the rule as Sections 1003.42(2)(l) and 1003.42(2)(e), F.S., requires instruction in Florida history and in the elements of civil government. Additionally, the content is included in the Next Generation Sunshine State Standards for Social Studies. The effect is the elimination from the Florida Administrative Code a rule which is no longer necessary.

SUMMARY: The rule is to be repealed.

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.

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: 1) no requirement for SERC was triggered under Section 120.541(1), F.S., and 2) based on past experiences with 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.

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.

RULEMAKING AUTHORITY: 1001.02 FS.

LAW IMPLEMENTED: 20.15(4)(a), 1003.42 FS.

A HEARING WILL BE HELD AT THE DATE, TIME AND PLACE SHOWN BELOW:

DATE AND TIME: October 9, 2012, 8:00 a.m.

PLACE: Valencia College, 1800 S. Kirkman Rd., Orlando, FL
 THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Mary Jane Tappen, Deputy Chancellor for Curriculum, Instruction, and Student Services, Department of Education, 325 West Gaines Street, Tallahassee, FL, (850)245-0509

THE FULL TEXT OF THE PROPOSED RULE IS:

6A-6.022 Required Instruction in Florida History and Government.

Rulemaking Specific Authority 1001.02 FS. Law Implemented 20.15(4)(a), 1003.42 FS. History—New 4-17-72, Repromulgated 12-5-74, Formerly 6A-6.22, Repealed.

NAME OF PERSON ORIGINATING PROPOSED RULE: Mary Jane Tappen, Deputy Chancellor, for Curriculum, Instruction, and Student Services, Department of Education

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Gerard Robinson, Commissioner of Education

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

DEPARTMENT OF EDUCATION

State Board of Education

RULE NO.: 6A-6.0253
 RULE TITLE: Diabetes Management

PURPOSE AND EFFECT: The purpose of this new rule is to address the management and care of students with diabetes. The effect will be the development and implementation of local policy and procedures regarding diabetes management for students with diabetes.

SUMMARY: The proposed new rule was developed in cooperation with the Florida Department of Health (FDOH) to address the management and care of students with diabetes.

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 been prepared by the agency.

The implementation of the rule will have no financial impact on the Department of Education as implementation will be done with existing resources. School districts may have some costs associated with additional training of staff but any costs are expected to be de minimus. The Agency has determined that the proposed rule is not expected to require legislative ratification based on the Statement of Estimated Regulatory Cost.

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.

RULEMAKING AUTHORITY: 1002.20(3)(j) FS.

LAW IMPLEMENTED: 1002.20(3)(j) FS.

A HEARING WILL BE HELD AT THE DATE, TIME AND PLACE SHOWN BELOW:

DATE AND TIME: October 9, 2012, 8:00 a.m.

PLACE: Valencia College, 1800 S. Kirkman Rd., Orlando, FL
 THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Mary Jane Tappen, Deputy Chancellor, for Curriculum, Instruction, and Student Services, Department of Education, 325 West Gaines Street, Tallahassee, Florida 32399

THE FULL TEXT OF THE PROPOSED RULE IS:

6A-6.0253 Diabetes Management.

(1) Definitions.

(a) Diabetes. Diabetes is a disease that impairs the body's ability to produce or properly use insulin, a hormone that is needed to convert food into energy.

(b) Diabetes Medical Management Plan (DMMP). A DMMP is a medical authorization for diabetes treatment that includes medication orders from student’s healthcare provider for routine and emergency care.

(c) Emergency Care Plan (ECP). An ECP is a child-specific action plan to facilitate quick and appropriate responses for an individual emergency in the school setting. The ECP may be a component of the Individualized Healthcare Plan (IHP) that is developed in accordance with Section 1006.062(4), F.S., and Rule 64F-6.004, F.A.C. The ECP shall specify when the emergency number (911) will be called and describe a plan of action when the student is unable to self-administer medication or self-manage treatment as prescribed.

(d) Individualized Health Care Plan (IHP). An IHP is a written plan of care developed at the local level to outline the provision of student healthcare services intended to achieve specific student outcomes. The IHP is part of the nursing process that is detailed in the National Association of School Nurses Position Statement: Individualized Healthcare Plans (2008) (<http://www.flrules.org/Gateway/reference.asp?No=Ref-01619>), which is hereby incorporated by reference and available online at <http://www.nasn.org/Portals/0/positions/2008psindividualized.pdf>. The IHP is developed from the DMMP by a registered nurse (RN) in collaboration with the family, student, student’s health care providers, and school personnel for the management of diabetes while in school, participating in school-sponsored activities, and in transit to or from school or school-sponsored activities. The IHP is child-specific and includes a written format for nursing assessment (health status, risks, concerns, and strengths), nursing diagnoses, interventions, delegation, training, expected outcomes, and goals to meet the health care needs of a student with diabetes and to protect the safety of all students from the misuse or abuse of medication, supplies, and equipment.

(e) Self-Administration. Self-Administration means that a student with diabetes is able to self-manage medication, supplies, and equipment in the manner directed by a licensed healthcare provider without additional assistance or direction.

(2) In compliance with Section 1002.20(3)(j), F.S., and the local School Health Services Plan under Section 381.0056, F.S., school districts are to have appropriate personnel, whether licensed nurses or trained school personnel, assigned to each school a student with diabetes would otherwise attend if he or she did not have diabetes. School districts are to ensure that such personnel are available to provide the necessary diabetes care throughout the school day and during school-sponsored activities.

(3) With written consent from the healthcare provider and parent, a student with diabetes shall be allowed to carry and self-administer medication, supplies, and equipment based on the student’s diabetes medical management plan.

(4) The Department of Education, in collaboration with the Department of Health, shall develop technical assistance regarding the care of students with diabetes, and shall identify and provide sources to school districts for training school personnel.

Rulemaking Authority 1002.20(3)(j) FS. Law Implemented 1002.20(3)(j) FS. History—New _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Mary Jane Tappen, Deputy Chancellor, for Curriculum, Instruction, and Student Services, Department of Education

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Gerard Robinson, Commissioner of Education

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

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: June 8, 2012

DEPARTMENT OF EDUCATION

State Board of Education

RULE NO.: 6A-6.05282 RULE TITLE: College Reach-Out Program

PURPOSE AND EFFECT: The purpose of this new rule is to provide a definition for low-income educationally disadvantaged students and specific criteria and guidelines for selection of participants in the College Reach-Out Program to reflect statutory requirements. The effect will be a rule that is consistent with governing statute.

SUMMARY: This is a new rule to implement the requirements of Section 1007.34, Florida Statutes, relating to the College Reach-Out Program.

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.

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: 1) no requirement for SERC was triggered under Section 120.541(1), F.S., and 2) based on past experiences with 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.

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.

RULEMAKING AUTHORITY: 1007.34 FS.

LAW IMPLEMENTED: 1007.34 FS.

A HEARING WILL BE HELD AT THE DATE, TIME AND PLACE SHOWN BELOW:

DATE AND TIME: October 9, 2012, 8:00 a.m.

PLACE: Valencia College, 1800 S. Kirkman Rd., Orlando, FL

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Mary Jane Tappen, Deputy Chancellor for Curriculum, Instruction, and Student Services, Department of Education, 325 West Gaines Street, Tallahassee, FL, (850)245-0509

THE FULL TEXT OF THE PROPOSED RULE IS:

6A-6.05282 College Reach-Out Program.

(1) Definitions. As used in this rule, the following definitions shall be used:

(a) “Low-income educationally disadvantaged student” is a student who meets at least one (1) criterion in subsections (3) and (4) of this rule.

(b) “Potential first-generation-in-college student” means:

1. An individual, neither of whose natural or adoptive parent received a baccalaureate degree;

2. An individual who, prior to the age of eighteen (18), regularly resided with, and received support from, only one parent and whose supporting parents did not receive a baccalaureate degree; or

3. An individual who, prior to the age of eighteen (18), did not regularly reside with, or receive support from, a natural or an adoptive parent.

(2) Eligibility criteria for low-income educationally disadvantaged student. In order to be eligible to participate in the College Reach-Out Program (CROP), a student must:

(a) Be in grades 6 through 12;

(b) Meet one or more of the academic criteria in subsection (3) of this rule; and

(c) Meet one or more of the economic criteria in subsection (4) of this rule.

(3) Academic criteria. The academic criteria for the College Reach-Out Program are as follows:

(a) The student is a potential first-generation-in-college student;

(b) The student’s cumulative grade point average for the preceding academic year is below 2.5;

(c) The student’s academic transcript at the time the student applies for participation in the program contains no mathematics or science courses at Level II or Level III in grades 9-11, as reflected in the Course Code Directory incorporated by reference in Rule 6A-1.09441, F.A.C.;

(d) The student has a below average reading, writing, or mathematics score on the Florida Comprehensive Assessment Test (FCAT) 2.0 or End-of-Course Assessment under Section 1008.25(4)(a), Florida Statutes;

(e) The student has been subject to grade retention and not promoted to the next grade during any academic year;

(f) The student has been suspended or expelled from school the previous school year;

(g) The student has incurred absences of more than twenty-five (25) school days in the previous school year; or

(h) The student has participated in a Dropout Prevention Program in the previous school year.

(4) Economic criteria. The economic criteria for the College Reach-Out Program are as follows:

(a) The student is eligible for the Free and Reduced-Price Lunch Program under the National School Lunch Act [42 U.S.C. 1758(b)];

(b) The student’s family income is at or below one hundred eighty-five (185) percent of the 2012 Health and Human Services (HHS) Poverty Guidelines for the 48 Contiguous States and the District of Columbia, as published annually in the Federal Register. The 2012 Health and Human Services Poverty Guidelines for the 48 Contiguous States and the District of Columbia (<http://www.flrules.org/Gateway/reference.asp?No=Ref-01634>) are hereby incorporated by reference and available at <http://aspe.hhs.gov/poverty>;

(c) The student’s family received temporary cash assistance under the Federal Temporary Assistance for Needy Families program under 42 U.S.C., ss. 601, et seq., during the preceding calendar year;

(d) The student’s family received other public assistance during the preceding calendar year (Supplemental Security Income and/or Housing Choice Voucher Program); or

(e) The student is an orphan or ward of the court with no taxable income.

Rulemaking Authority 1007.34 FS. Law Implemented 1007.34 FS. History—New _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Mary Jane Tappen, Deputy Chancellor, for Curriculum, Instruction, and Student Services, Department of Education
NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Gerard Robinson, Commissioner of Education

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 20, 2012

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: October 28, 2011

DEPARTMENT OF EDUCATION

State Board of Education

RULE NO.: 6A-10.0311
 RULE TITLE: Assessment of Student Attainment of College-Level Communication and Computation Skills

PURPOSE AND EFFECT: The purpose is to repeal the rule that governs attainment of college level communication and computation skills for associate in arts and baccalaureate degree seekers. This rule provided for minimum scores on a nationally standardized examination and grade point averages in specific English or mathematics courses. Section 1007.25(12)(a), Florida Statutes, which required successful completion of an examination and coursework prior to receipt of an associate in arts or baccalaureate degree requirements, was repealed in 2011. Without this statutory requirement the rule is unnecessary.

SUMMARY: The rule is to be repealed.

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.

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: The Department’s experience in repealing rules that are obsolete and that the adverse impact of regulatory cost, if any, does not exceed nor would be expected to exceed any one of the economic analysis criteria set forth in Section 120.54(2)(a), Florida Statutes.

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.

RULEMAKING AUTHORITY: 1001.02(6), 1007.25(12)(a) FS.

LAW IMPLEMENTED: 1001.02, 1007.25, 1012.56 FS.

A HEARING WILL BE HELD AT THE DATE, TIME AND PLACE SHOWN BELOW:

DATE AND TIME: October 9, 2012, 8:00 a.m.

PLACE: Valencia College, 1800 S. Kirkman Rd., Orlando, FL
THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Matthew Bouck, Office of Articulation, Department of Education, 325 West Gaines Street, Room 1401, Tallahassee, Florida 32399-0400

THE FULL TEXT OF THE PROPOSED RULE IS:

6A-10.0311 Assessment of Student Attainment of College-Level Communication and Computation Skills.

Rulemaking Authority 1001.02(6), 1007.25(12)(a) FS. Law Implemented 1001.02, 1007.25, 1012.56 FS. History—New 9-3-81, Amended 5-25-82, 10-7-82, 12-7-82, 12-20-83, 3-28-84, Formerly 6A-10.311, Amended 4-13-88, 4-1-91, 8-19-91, 10-18-94, 11-25-97, 3-28-00, 12-15-09, Repealed.

NAME OF PERSON ORIGINATING PROPOSED RULE: Matthew Bouck, Director, Office of Articulation

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Gerard Robinson, Commissioner of Education

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 27, 2012

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Architecture and Interior Design

RULE NO.: 61G1-24.001
 RULE TITLE: Continuing Education for Architects

PURPOSE AND EFFECT: The Board proposes the rule amendment to increase the number of continuing education hours required to become aligned with the NCARB model rules.

SUMMARY: Continuing education hours required will be increased from 20 to 24 to become aligned with the NCARB model rules.

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 been prepared by the agency.

The following is a summary of the SERC:

- The rule is not likely to have an adverse impact on economic growth, private-sector job creation or employment, or private-sector investment in excess of \$1 million in the aggregate within 5 years after implementation of the rule.
- The rule is not likely to have an adverse impact on business competitiveness, including the ability of persons doing business in the state to compete with persons doing business in other states or domestic markets, productivity, or innovation in excess of \$1 million in the aggregate within 5 years after implementation of the rule.
- The rule is not likely to reduce the quantity of goods or services Florida businesses are likely to produce.

- The only foreseen costs at this time are the increased costs to the individual licensees to obtain the additional two (2) hours per year as detailed on page 3, D. 1. It is estimated that each Florida licensed architect may incur an additional cost of \$50.00 per year to comply with the rule.
- The estimated number of small businesses that would be subject to the rule is unknown due to the fact that continuing education is an individual licensee requirement. For a business to be affected by the rule, it would depend on whether the business paid the costs of the continuing education for the individual licensee in its employ.
- A small county or small city will be impacted by this proposed rule only if the entity is paying the costs of an employee architect's continuing education.
- No good faith written proposals for a lower cost regulatory alternative to the proposed rule were received.

The agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs.

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.

RULEMAKING AUTHORITY: 481.2055 FS.

LAW IMPLEMENTED: 481.215(3), (4), (5), (6) FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE SCHEDULED AND ANNOUNCED IN THE FAW.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Anthony Spivey, Executive Director, Board of Architecture and Interior Design, 1940 North Monroe Street, Tallahassee, Florida 32399-0750

THE FULL TEXT OF THE PROPOSED RULE IS:

61G1-24.001 Continuing Education for Architects.

(1) Each architect in Florida shall be required to reestablish the architect's professional knowledge and competency in conformity with this rule by the completion of 24 ~~20~~ contact hours of continuing professional education per biennium. This requirement shall be met through either:

(a) Programs approved by the Board, provided that a minimum of two (2) of the 24 ~~20~~ required contact hours must be obtained by completing an approved provider's specialized or advanced course, approved by the Florida Building Commission, on the Florida Building Code, relating to the architect's respective area of practice; or

(b) Submission of proof of compliance with the continuing education requirements of another state in which the architect is licensed, provided that the requirements of the other state equal or exceed the completion of 24 ~~20~~ contact hours in a two year period, be that the education build upon the basic knowledge of architecture, and require that a minimum of two

(2) of the 24 ~~20~~ required contact hours be obtained by completing an approved provider's specialized or advanced course, approved by the Florida Building Commission, on the Florida Building Code, relating to the architect's respective area of practice.

(2) No change.

Rulemaking Specific Authority 481.2055 FS. Law Implemented 481.215(3), (4), (5), (6) FS. History—New 1-17-96, Amended 4-12-04, 12-13-04, 7-14-05, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Architecture and Interior Design

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Board of Architecture and Interior Design

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: July 17, 2012

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: October 21, 2011

DEPARTMENT OF ENVIRONMENTAL PROTECTION

RULE NOS.:	RULE TITLES:
62-770.140	Referenced Guidelines
62-770.160	Applicability
62-770.200	Acronyms and Definitions
62-770.220	Notices
62-770.250	Contamination Reporting
62-770.300	Interim Source Removal
62-770.400	Quality Assurance Requirements
62-770.490	Professional Certifications
62-770.600	Site Assessment
62-770.610	Fate and Transport Model and Statistical Method Requirements
62-770.650	Risk Assessment
62-770.680	No Further Action
62-770.690	Natural Attenuation Monitoring
62-770.700	Active Remediation
62-770.750	Post Active Remediation Monitoring
62-770.800	Time Schedules
62-770.890	Alternative Procedures and Requirements
62-770.900	Forms

PURPOSE AND EFFECT: Chapter 62-770, F.A.C., is being repealed with all of the current Risk-Based Corrective Action (RBCA) rule chapters being merged into Chapter 62-780, F.A.C., Contaminated Site Cleanup Criteria. The purpose is to achieve rule consolidation and consistency across cleanup programs, where possible, based on governing statutes. Concurrently, the Department is proposing the expansion of Chapter 62-780, F.A.C., to include program-specific provisions from the Petroleum, Drycleaning Solvent, and Brownfields RBCA cleanup rules.

SUMMARY: The existing petroleum contamination site rehabilitation criteria, process and procedures contained in Chapter 62-770, F.A.C., will be merged into Chapter 62-780, F.A.C., with the exception of Rule 62-770.890, F.A.C., which is being repealed outright due to a lack of statutory authority for this rule. Regulated parties may still seek relief from the rule using the variance and waiver process of Section 120.542, Fla. Stat.

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.

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: Chapter 62-770, F.A.C., is merely being merged into Chapter 62-780, F.A.C., and no substantive changes were made during the merger of these rules. The department expects no regulatory costs associated with this proposed rule repeal; therefore, a SERC and legislative ratification are not required.

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.

RULEMAKING AUTHORITY: 376.303, 376.30702, 376.3071, 403.061, 403.0877 FS.

LAW IMPLEMENTED: 376.30702, 376.3071, 376.30711, 403.087, 403.021, 403.062 FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE HELD AT THE DATE, TIME AND PLACE SHOWN BELOW (IF NOT REQUESTED, THIS HEARING WILL NOT BE HELD):

DATE AND TIME: Wednesday, October 3, 2012, 9:00 a.m. until conclusion, but no later than 5:00 p.m.

PLACE: Department of Environmental Protection, 2600 Blair Stone Road, Room 609, Tallahassee, FL

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Brian Dougherty at (850)245-7503 or brian.dougherty@dep.state.fl.us. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Tom Conrardy at (850)245-8899 or tom.conrardy@dep.state.fl.us

THE FULL TEXT OF THE PROPOSED RULES IS:

62-770.140 Referenced Guidelines.

Rulemaking Specific Authority 376.303, 376.3071 FS. Law Implemented 376.3071 FS. History–New 8-5-99, Amended 4-17-05, Repealed.

Editorial Note: see Rule 62-780.100, F.A.C.

62-770.160 Applicability.

Rulemaking Specific Authority 376.303, 376.3071 FS. Law Implemented 376.3071 FS. History–New 11-1-87, Formerly 17-70.004, Amended 2-21-90, Formerly 17-770.160, Amended 7-30-96, 9-23-97, 8-5-99, 4-17-05, Repealed.

Editorial Note: see Rule 62-780.150, F.A.C.

62-770.200 Acronyms and Definitions.

Rulemaking Specific Authority 376.303, 376.3071 FS. Law Implemented 376.3071 FS. History–New 11-1-87, Formerly 17-70.003, Amended 2-21-90, Formerly 17-770.200, Amended 9-23-97, 8-5-99, 4-17-05, Repealed.

Editorial Note: see Rule 62-780.200, F.A.C.

62-770.220 Notices.

Rulemaking Specific Authority 376.303, 376.30702, 376.3071 FS. Law Implemented 376.30702, 376.3071 FS. History–New 4-17-05, Amended 8-4-05, 12-27-07, Repealed.

Editorial Note: see Rule 62-780.220, F.A.C.

62-770.250 Contamination Reporting.

Rulemaking Specific Authority 376.303, 376.3071 FS. Law Implemented 376.305, 376.3071 FS. History–New 2-21-90, Formerly 17-770.250, Amended 9-23-97, 8-5-99, 4-17-05, Repealed.

Editorial Note: see Rule 62-780.210, F.A.C.

62-770.300 Interim Source Removal.

Rulemaking Specific Authority 376.303, 376.3071 FS. Law Implemented 376.3071, 376.30711 FS. History–New 11-1-87, Formerly 17-70.006, Amended 2-21-90, Formerly 17-770.300, Amended 9-3-96, 9-23-97, 8-5-99, 4-17-05, Repealed.

Editorial Note: see Rule 62-780.500, F.A.C.

62-770.400 Quality Assurance Requirements.

Rulemaking Specific Authority 376.303, 376.3071, 403.0877 FS. Law Implemented 376.3071 FS. History–New 11-1-87, Formerly 17-70.007, Amended 2-21-90, Formerly 17-770.400, Amended 9-23-97, 8-5-99, 4-17-05, Repealed.

Editorial Note: see Rule 62-780.300, F.A.C.

62-770.490 Professional Certifications.

Rulemaking Specific Authority 403.0877 FS. Law Implemented 376.3071, 403.0877 FS. History–New 8-5-99, Amended 4-17-05, Repealed.

Editorial Note: see Rule 62-780.400, F.A.C.

62-770.600 Site Assessment.

Rulemaking Specific Authority 376.303, 376.3071, 403.0877 FS. Law Implemented 376.3071, 403.0877 FS. History–New 11-1-87, Amended 2-4-88, Formerly 17-70.008, Amended 2-21-90, Formerly 17-770.600, Amended 9-3-96, 9-23-97, 8-5-99, 4-17-05, Repealed.

Editorial Note: see Rule 62-780.600, F.A.C.

62-770.610 Fate and Transport Model and Statistical Method Requirements.

Rulemaking Specific Authority 376.303, 376.3071 FS. Law Implemented 376.3071 FS. History–New 8-5-99, Amended 4-17-05, Repealed.

Editorial Note: see Rule 62-780.610, F.A.C.

62-770.650 Risk Assessment.

Rulemaking Specific Authority 376.303, 376.3071, 403.061 FS. Law Implemented 376.3071, 403.021, 403.061, 403.062 FS. History–New 9-23-97, Amended 8-5-99, 4-17-05, Repealed.

Editorial Note: see Rule 62-780.650, F.A.C.

62-770.680 No Further Action.

Rulemaking Specific Authority 376.303, 376.3071, 403.061, 403.0877 FS. Law Implemented 376.3071, 403.0877 FS. History–New 9-23-97, Amended 8-5-99, 4-17-05, Repealed.

Editorial Note: see Rule 62-780.680, F.A.C.

62-770.690 Natural Attenuation Monitoring.

Rulemaking Specific Authority 376.303, 376.3071, 403.061, 403.0877 FS. Law Implemented 376.3071, 403.0877 FS. History–New 9-23-97, Amended 8-5-99, 4-17-05, Repealed.

Editorial Note: see Rule 62-780.690, F.A.C.

62-770.700 Active Remediation.

Rulemaking Specific Authority 376.303, 376.3071, 403.0877 FS. Law Implemented 376.3071, 403.0877 FS. History–New 11-1-87, Amended 2-4-88, Formerly 17-70.010, Amended 2-21-90, Formerly 17-770.700, Amended 9-3-96, 9-23-97, 8-5-99, 4-17-05, Repealed.

Editorial Note: see Rule 62-780.700, F.A.C.

62-770.750 Post Active Remediation Monitoring.

Rulemaking Specific Authority 376.303, 376.3071, 403.061, 403.0877 FS. Law Implemented 376.3071, 403.0877 FS. History–New 9-23-97, Amended 8-5-99, 4-17-05, Repealed.

Editorial Note: see Rule 62-780.750, F.A.C.

62-770.800 Time Schedules.

Rulemaking Specific Authority 376.303, 376.3071 FS. Law Implemented 376.3071, 376.30711 FS. History–New 11-1-87, Formerly 17-70.013, Amended 2-21-90, Formerly 17-770.800, Amended 9-23-97, 8-5-99, 4-17-05, Repealed.

Editorial Note: see Rule 62-780.790, F.A.C.

62-770.890 Alternative Procedures and Requirements.

Rulemaking Specific Authority 376.303, 376.3071 FS. Law Implemented 376.3071 FS. History–New 11-1-87, Formerly 17-70.016, Amended 2-21-90, Formerly 17-770.890, Amended 9-23-97, 8-5-99, 4-17-05, Repealed.

62-770.900 Forms.

Rulemaking Specific Authority 376.303, 376.30702, 376.3071 FS. Law Implemented 376.30702, 376.3071 FS. History–New 2-21-90, Formerly 17-770.900, Amended 9-23-97, 8-5-99, 4-17-05, 12-27-07, Repealed.

Editorial Note: see Rule 62-780.900, F.A.C.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Jorge R. Caspary, Director, Division of Waste Management
NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Herschel T. Vinyard Jr., Secretary, Department of Environmental Protection
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 17, 2012
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: March 16, 2012

DEPARTMENT OF ENVIRONMENTAL PROTECTION

RULE NOS.:	RULE TITLES:
62-780.100	Referenced Guidelines
62-780.150	Applicability
62-780.200	Acronyms and Definitions
62-780.210	Contamination Reporting
62-780.220	Notices
62-780.300	Quality Assurance Requirements
62-780.400	Professional Certifications
62-780.450	Combined Document
62-780.500	Emergency Response Action or Interim Source Removal
62-780.550	Nonpetroleum De Minimis Discharges
62-780.560	Petroleum or Petroleum Product De Minimis Discharges

62-780.600	Site Assessment
62-780.610	Fate and Transport Model and Statistical Method Requirements
62-780.650	Risk Assessment
62-780.680	No Further Action and No Further Action with Controls
62-780.690	Natural Attenuation Monitoring
62-780.700	Active Remediation
62-780.750	Post Active Remediation Monitoring
62-780.790	Time Schedules
62-780.900	Forms

PURPOSE AND EFFECT: Changes to all sections of Chapter 62-780, F.A.C., Contaminated Site Cleanup Criteria, in order to merge Chapters 62-770 (Petroleum Contamination Site Cleanup Criteria), 62-782 (Drycleaning Solvent Cleanup Criteria), and 62-785 (Brownfields Cleanup Criteria Rule) into the existing Chapter 62-780, F.A.C. The purpose and effect is to achieve rule consolidation and consistency across these contaminated site cleanup programs, where possible, based on governing statutes. Concurrently, the Department is proposing to repeal Chapters 62-770, 62-782 and 62-785, F.A.C. The rule repeals are in support of the Governor’s Executive Order #11-01 (and subsequent Executive Orders 11-72 and 11-211).

SUMMARY: The proposed rule chapter consolidates the four current Risk-Based Corrective Action (RBCA) rule chapters into a single rule chapter that addresses the criteria and process for conducting site rehabilitation at all types of contaminated sites in Florida. This rulemaking focused on proposed procedural changes to merge the four RBCA rules, and does not propose new substantive changes to Chapter 62-780, F.A.C.

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.

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: The nature of this rulemaking is non-substantive and is simply to consolidate four rule chapters that govern cleanup of various types of contaminated sites into one rule chapter. The single rule chapter will eliminate language that is duplicative, provide clarity, simplicity and ease of reference for all parties involved in the cleanup of contaminated sites in Florida. Because no substantive changes are proposed, the department expects no regulatory costs associated with this proposed rule; therefore, a SERC and legislative ratification are not required.

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.

RULEMAKING AUTHORITY: 376.303, 376.30701, 376.30702, 376.3071, 376.3078(4), 376.3078(9), 376.81, 403.061, 403.0877, 403.7255 FS.

LAW IMPLEMENTED: 376.305, 376.30701, 376.30702, 376.3071, 376.30711, 376.3078(4), 376.3078(9), 376.80, 376.81, 403.021, 403.061, 403.062, 403.0877, 403.7255 FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE HELD AT THE DATE, TIME AND PLACE SHOWN BELOW (IF NOT REQUESTED, THIS HEARING WILL NOT BE HELD):

DATE AND TIME: Wednesday, October 3, 2012, 9:00 a.m. until conclusion, but no later than 5:00 p.m.

PLACE: Department of Environmental Protection, 2600 Blair Stone Road, Room 609, Tallahassee, FL

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Brian Dougherty at (850)245-7503 or brian.dougherty@dep.state.fl.us. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Brian Dougherty at (850)245-7503 or brian.dougherty@dep.state.fl.us

THE FULL TEXT OF THE PROPOSED RULES IS:

62-780.100 Referenced Guidelines.

Specific references to the guidelines listed below are made within this chapter. The guidelines are not standards as defined in Section 403.803, F.S. Use of these guidelines is not mandatory; the guidelines are included for informational purposes only.

(1) through (2) No change.

(3) Chapter 62-780, F.A.C., Contaminated Site Risk-Based Corrective Action (RBCA) Flow Process Flow Charts, dated ~~December 23, 2004~~ March 9, 2012.

(4) through (5) No change.

(6) Management of Contaminated Media ~~under~~ for RCRA, dated ~~August 21, 2002~~ August 9, 2006.

(7) No change.

(8) Institutional Controls Procedures Guidance, Division of Waste Management, Florida Department of Environmental Protection, dated ~~November 2004~~ June 2012.

(9) Guidance for Evaluating the Technical Impracticability of Ground-Water Restoration, Environmental Protection Agency, draft Interim Guidance, dated September 1993. (Note:

USEPA terminology used in this publication may be inconsistent with Department language used in this rule chapter.)

(10) No change.

Rulemaking Specific Authority 376.303, 376.3071, 376.30701, 376.3078(4), 376.81 FS. Law Implemented 376.3071, 376.30701, 376.3078(4), 376.81 FS. History—New 4-17-05, Amended _____.

Editorial Note: Portions of this rule were copied from 62-770.140; 62-782.100; and 62-785.100.

62-780.150 Applicability.

(1) This chapter applies to site rehabilitation conducted at sites contaminated with pollutants, hazardous substances, drycleaning solvents, petroleum and petroleum products, and supersedes Chapters 62-770, 62-782, and 62-785, F.A.C., subject to the grandfathering provisions of subsection 62-780.150(5), F.A.C. Any correspondence, reports, cleanup agreement documents, contracts or similar documents that reference superseded rules are not required to be amended to remain valid and in force.

(2)(+) Every person who has legal responsibility for site rehabilitation pursuant to Chapter 376 or 403, F.S., except those specifically excluded herein, shall comply with the provisions of this chapter and are subject to enforcement to compel compliance with the provisions of this chapter.

(3)(2) Any person who has no legal responsibility for site rehabilitation but who voluntarily rehabilitates a site shall comply with the provisions of this chapter if that person wishes the Department to review any documents concerning site rehabilitation or issue any order with respect to completion of the rehabilitation tasks. The cleanup criteria contained in this chapter shall apply to voluntary cleanups conducted at all sites contaminated with drycleaning solvents including site rehabilitation at drycleaning facilities or wholesale supply facilities governed by the terms of a Voluntary Cleanup Agreement (VCA) executed by the Person Responsible for Site Rehabilitation (PRSR) and the Department pursuant to Section 376.3078(11), F.S. The cleanup criteria contained in this chapter also shall apply to any voluntary brownfield site rehabilitation that is governed by the terms of a Brownfield Site Rehabilitation Agreement (BSRA), within a designated brownfield area. The BSRA shall be executed by the person responsible for brownfield site rehabilitation (i.e., the PRSR) and the Department pursuant to Section 376.80(5), F.S.

(4)(3) This chapter applies to site rehabilitation conducted as a state-managed cleanup by the Department.

(5)(4) This chapter and the CTLs developed pursuant to this chapter apply to cleanups conducted by persons legally responsible for site rehabilitation of contaminated sites, whether the release or discharge causing or contributing to the contamination occurred prior to, on, or after the effective date of this chapter, unless:

(a) The Department has accepted CTLs for a site in an approved technical document (for example, a Risk Assessment Report, a Natural Attenuation with Monitoring Plan, or a Remedial Action Plan), current permit, Superfund Record of Decision with which the Department has concurred, or other cleanup agreement document (CAD) written agreement with the Department, and the PRSR continues the activities necessary to achieve those CTLs in accordance with the approved technical document, permit, Superfund Record of Decision, or other CAD written agreement until those CTLs are achieved; or

(b) The site has received a “No Further Action” determination order or a “Site Rehabilitation Completion Order” order from the Department prior to April 17, 2005 the effective date of this rule chapter. However, the PRSR may elect to have the criteria of this chapter, including CTLs established pursuant thereto, apply in lieu of those in an approved technical document, current permit, or other CAD written agreement.

(6) This chapter shall be applied in conjunction with Chapter 62-777, F.A.C., to determine the appropriate CTLs for a contaminated site. Chapter 62-777, F.A.C., provides default groundwater, surface water, and soil CTLs, as well as natural attenuation default concentrations for groundwater, a listing of soil properties and test methods, a listing of site-specific conditions and geochemical parameters, and default parameters and equations that may be used to establish CTLs for contaminants not listed in Chapter 62-777, F.A.C., or alternative groundwater and soil CTLs for listed contaminants.

(7)(5) CTLs for each contaminant found in groundwater, surface water, or soil, as specified in Chapter 62-777, F.A.C., Tables I and II, or derived pursuant to Chapter 62-777, F.A.C., or alternative CTLs that may be established pursuant to Rule 62-780.650 or 62-780.680, F.A.C., are applicable in implementing the provisions of this chapter and are enforceable by the Department pursuant to this chapter at contaminated sites at which legal responsibility for site rehabilitation exists.

(8) For contaminants found at the site about which information regarding the actual circumstances of exposure has been provided to the PRSR, the CTLs for the affected medium or media, except where a state water quality standard is applicable, shall be adjusted (if appropriate) to take into account the site-specific exposure conditions including multiple pathways of exposure that affect the same individual or subpopulation, and site-specific CTLs shall be calculated taking into account, through apportionment, potential additive effects of contaminants.

(9)(6) If a Consent Order or permit that requires assessment and rehabilitation of a site has been entered into with the Department prior to April 17, 2005 the effective date

of this chapter, compliance with the terms of the Consent Order or permit shall constitute compliance with the provisions of this chapter.

~~(7) This chapter does not apply to site rehabilitation being performed pursuant to Chapter 62-770, 62-782, or 62-785, F.A.C.~~

~~(8) This chapter does not apply to site rehabilitation being performed pursuant to Chapter 62-730, F.A.C., except to the extent that rules promulgated under Section 376.30701, F.S., are referred to or incorporated by reference in Chapter 62-730, F.A.C.~~

~~(10)(9)~~ This chapter does not apply to the rehabilitation of sites contaminated with radiological substances to the extent that such rehabilitation is governed by Chapter 404, F.S., or the Federal Atomic Energy Act of 1954, Chapter 1073, Statute 923, as amended.

(11) Receipt of approval pursuant to this chapter does not relieve the PRSR from the obligation to comply with other Department rules (for example, Chapters 62-701, 62-713, and 62-730, F.A.C.) [refer to the contaminated media guidance referenced in subsection 62-780.100(6), F.A.C.] regarding disposal, relocation, or treatment of contaminated media. The PRSR is advised that other federal, state, or local laws and regulations may apply to these activities.

Rulemaking Specific Authority 376.303, 376.3071, 376.30701, 376.3078(4), 376.81 FS. Law Implemented 376.3071, 376.30701, 376.3078(4), 376.81 FS. History—New 4-17-05, Amended .

Editorial Note: Portions of this rule were copied from 62-770.160, Formerly 17-70.004 and Formerly 17-770.160; 62-782.150; and 62-785.150.

62-780.200 Acronyms and Definitions.

All words and phrases defined in Sections 376.301 and 376.79, F.S., shall have the same meaning when used in this chapter unless specifically stated otherwise in this chapter. See Sections 376.301 and 376.79, F.S., for definitions of the following terms: “Additive effects,” “Antagonistic effects,” “Brownfield area,” “Brownfield site,” “Cleanup target level,” “Contaminant,” “Contaminated site,” “Discharge,” “Drycleaning facility,” “Drycleaning solvents,” “Hazardous substances,” “Institutional control,” “Natural attenuation,” “Person responsible for brownfield site rehabilitation,” “Petroleum,” “Petroleum product,” “Pollutants,” “Risk reduction,” “Site rehabilitation,” “Synergistic effects,” “Temporary point of compliance,” and “Wholesale supply facility.” The following words and phrases used in this chapter shall, unless the context clearly indicates otherwise, have the following meanings:

(1) “Action level” means a specified concentration of a contaminant that, if exceeded during natural attenuation with monitoring or post active remediation monitoring, may require additional site assessment or active remediation. Action levels are established during the approval process for Natural

Attenuation with Monitoring Plans pursuant to Rule 62-780.690, F.A.C., and Post Active Remediation Monitoring Plans pursuant to Rule 62-780.750, F.A.C. “Action levels” are not equivalent to “cleanup target levels”.

~~(2) “Additive effect” means a scientific principle that the toxicity that occurs as a result of exposure is the sum of the toxicities of the individual chemicals to which an individual is exposed.~~

~~(3) “Antagonistic effect” means a scientific principle that the toxicity that occurs as a result of exposure is less than the sum of the toxicities of the individual chemicals to which an individual is exposed.~~

~~(2)(4)~~ “Apportioned” means CTLs adjusted such that for noncarcinogenic contaminants with the same target organ(s)/systems or effects, the hazard index (sum of the hazard quotients) is ~~one (1) or less~~, and for carcinogens, the cumulative lifetime excess cancer risk level is 1.0E-6, as applicable.

(5) through (6) renumbered (3) through (4) No change.

(5) “Brownfield Site Rehabilitation Agreement” (BSRA) means an agreement entered into between the person responsible for brownfield site rehabilitation and the Department. The BSRA shall at a minimum establish the time frames, schedules, and milestones for completion of site rehabilitation tasks and submission of technical reports, and other commitments or provisions pursuant to Section 376.80(5), F.S., and this chapter.

(6) “BSRA” means Brownfield Site Rehabilitation Agreement.

(7) No change.

(8) “Cleanup agreement document” (CAD) means any order or agreement issued to or entered into by the Department with a Person Responsible for Site Rehabilitation, including a voluntary cleanup agreement, permit, consent order, final order, or final judgment. For brownfield sites subject to a BSRA, CAD shall mean the BSRA. The CAD shall at a minimum establish the time frames, schedules, and milestones for completion of site rehabilitation tasks and submission of technical documents, and other commitments or provisions pursuant to this chapter.

~~(9) “Cleanup target level” (CTL) means the concentration for each contaminant identified by an applicable analytical test method, in the medium of concern, at which a site rehabilitation program is deemed complete.~~

~~(10) “Contaminant” means any physical, chemical, biological, or radiological substance present in any medium that may result in adverse effects to human health or the environment, or that creates an adverse nuisance, organoleptic, or aesthetic condition in groundwater.~~

(9)(11) “Contaminated” or “contamination” means the presence of free product or any contaminant in surface water, groundwater, soil, sediment, or upon the land, in concentrations that exceed the applicable CTLs specified in

Chapter 62-777, F.A.C., or water quality standards in Chapter 62-302 or 62-520, F.A.C., or in concentrations that may result in contaminated sediment. This definition is solely for use within Chapter 62-780, F.A.C., and pursuant to Section 376.30701(1)(a), F.S. ~~subsection 62-780.110(2), F.A.C.~~, shall not be used to establish legal responsibility for conducting site rehabilitation.

~~(10)(12)~~ “Contaminated sediment” means sediment that is contaminated as determined by the concentrations of the contaminants, actual circumstances of exposure, biological diversity studies, toxicity testing, or other evidence of harmful effects, as applicable. [Refer to the sediment guidelines referenced in subsections 62-780.100(1) and (7), F.A.C., for guidance on the evaluation of contaminant concentrations, sediment quality conditions, and testing methods.]

~~(13)~~ “Contaminated site” means any contiguous land, sediment, surface water, or groundwater area that contains contaminants that may be harmful to human health or the environment.

~~(11)(14)~~ “CTL” means cleanup target level as defined in Section 376.301, F.S.

~~(15)~~ “De minimis discharge” means a discharge that is removed from the soil, sediment, surface water, and groundwater to CTLs or background concentrations pursuant to subsection 62-780.680(1), F.A.C., within a period of 30 days from the discovery of the discharge.

~~(12)~~ “Department” means the FDEP, or a county or Department of Health local program established under a contract pursuant to Section 376.3073, F.S., to assist the FDEP in the administration of the petroleum contamination site cleanup program, or a local pollution control program that has received delegated authority from the FDEP pursuant to Sections 376.80(9) and 403.182, F.S., to administer all or part of the brownfields program. For more information, visit the FDEP website.

~~(16)~~ “Discharge” includes, but is not limited to, any spilling, leaking, seeping, misapplying, pouring, emitting, emptying, releasing, or dumping of any pollutant or hazardous substance which occurs and which affects lands and the surface waters and groundwaters of the state not regulated by Sections 376.011-21, F.S.

~~(17)~~ “Domestic purposes” means that the water is used for human consumption such as bathing, cooking, or drinking, and is provided through pipes or other constructed conveyances.

~~(13)(18)~~ No change.

~~(14)(19)~~ “Engineering control” means use of existing features (such as buildings) or modifications to a site to reduce or eliminate the potential for migration of, or exposure to, contaminants. Examples of modifications include physical or hydraulic control measures, capping, point-of-use treatments, or slurry walls.

(15) “Excessively contaminated soil” for the purposes of Section 376.3071(11)(b)2., F.S., that only applies to sites scored 29 or less (unless laboratory results verify that the organic vapor analysis data are not relevant), means soil saturated with petroleum or petroleum products or soil that causes a total corrected hydrocarbon measurement of 500 parts per million (ppm) or higher for Gasoline Analytical Group or 50 ppm or higher for Kerosene Analytical Group. Readings shall be obtained at the site on an organic vapor analysis instrument with a flame ionization detector in the survey mode upon sampling the headspace in half-filled, 8-ounce or 16-ounce jars. Each soil sample shall be split into two jars, the two subsamples shall be brought to a temperature of between 20° C. (68° F.) and 32° C. (90° F.), and the readings shall be obtained 5 to 30 minutes thereafter. One of the readings shall be obtained with the use of an activated charcoal filter unless the unfiltered reading is nondetect. The total corrected hydrocarbon measurement shall be determined by subtracting the filtered reading from the unfiltered reading. Instruments with a photo ionization detector may be used, but shall not be used in situations where humidity will interfere with the instruments’ sensitivity (including periods of rain, measuring wet or moist soil). If an instrument with a photo ionization detector is used, a filtered reading is not warranted and therefore sample splitting is not necessary. Analytical instruments shall be calibrated in accordance with the manufacturer’s instructions.

~~(16)(20)~~ No change.

(17) “FDEP” means the Florida Department of Environmental Protection.

~~(18)(21)~~ No change.

(19) “Gasoline Analytical Group” means aviation gasoline, gasohol, and motor gasoline or equivalent petroleum products.

~~(20)(22)~~ No change.

~~(23) “Initial remedial action” means the same as “emergency response action.”~~

(21)(24) “Innovative technology” means a process that has been tested and used as a treatment for contamination, but lacks an established history of full-scale use and information about its cost and how well it works sufficient to support prediction of its performance under a variety of operating conditions. An innovative technology is one that is undergoing pilot scale treatability studies, that usually are performed in the field or the laboratory and require installation of the technology, and that provide performance, cost, and design objectives for the technology prior to full scale use.

~~(25) “Institutional control” means the restriction on use of, or access to, a site to eliminate or minimize exposure to contaminants. Examples of restrictions include deed restrictions, restrictive covenants, and conservation easements.~~

~~(22)(26)~~ No change.

(23) “Kerosene Analytical Group” means diesel, Jet-A, Jet-B, JP-4, JP-5, and kerosene or equivalent petroleum products.

(27) through (28) renumbered (24) through (25) No change.

(26) “MTBE” means Methyl tert-butyl ether.

~~(29) “Natural attenuation” means a verifiable approach to site rehabilitation that allows natural processes to contain the spread of contamination and reduce the concentrations of contaminants in contaminated groundwater and soil. Natural attenuation processes may include sorption, biodegradation, diffusion, dispersion, volatilization, and chemical reactions with subsurface materials.~~

(30) through (31) renumbered (27) through (28) No change.

(29) “PAHs” means Polycyclic Aromatic Hydrocarbons.

(30) “PCBs” means Polychlorinated Biphenyls.

~~(31)(32) “Person Responsible for Site Rehabilitation” (PRSR) means the Department when conducting site rehabilitation, or any of the following, which may include an agent or authorized representative, unless prohibited by statute or rule:~~

~~(a) Any person who has legal responsibility for site rehabilitation pursuant to Chapter 376 or 403, F.S., or any person who voluntarily rehabilitates a site pursuant to the requirements of this chapter and seeks an acknowledgement from the Department for approval of site rehabilitation program tasks;~~

~~(b) The individual or entity that is designated by a local government in its resolution establishing a brownfield area to enter into the brownfield site rehabilitation agreement with the Department, and that enters into an agreement with the local government for redevelopment of the site pursuant to Section 376.80(5)(i), F.S.;~~

~~(c) The real property owner, the facility owner, the facility operator, the discharger, or other person or entity responsible for site rehabilitation, or the Department when the Department is conducting the site rehabilitation at facilities with discharges eligible for state-funded cleanup pursuant to Sections 376.305(6), 376.3071(9), 376.3071(13), and 376.3072, F.S.; or~~

~~(d) A responsible party, a real property owner, or any individual or entity that has entered into a Voluntary Cleanup Agreement with the Department pursuant to Section 376.3078(11)(b), F.S., that is conducting site rehabilitation at a drycleaning solvent contaminated site pursuant to this chapter.~~

(32) “Petroleum products’ contaminants of concern” means the contaminants listed in Table B of this chapter and similar chemicals found in additives, provided the contaminants are present as a result of a discharge of petroleum or petroleum products as defined in Section 376.301, F.S.

(33) No change.

(34) “Plume” means the portion of an aquifer or aquifers in which groundwater contamination above applicable CTLs, and background concentrations as defined in subsection 62-780.200(3) 62-780.200(5), F.A.C., has been detected.

(35) “Poor quality” means groundwater within the affected monitoring zone with background concentrations, as defined in subsection 62-780.200(3) 62-780.200(5), F.A.C., that exceed any of Florida’s Primary or Secondary Drinking Water Standards referenced in Chapter 62-550, F.A.C.

(36) “PQL” means practical quantitation limit.

(36) through (37) renumbered (37) through (38) No change.

(39) “PRSR” means person responsible for site rehabilitation.

~~(40)(38) “Real property owner” means the person or entity that is vested with ownership, dominion, or legal or rightful title to the real property. For a drycleaning facility, this includes an individual or entity that has a ground lease interest in the real property, on which a drycleaning facility or wholesale supply facility is or has ever been located.~~

~~(41)(39) No change.~~

~~(40) “Risk reduction” means the lowering or elimination of the level of risk posed to human health or the environment through interim remedial action (interim source removal), remedial action, or institutional and, if appropriate, engineering controls.~~

~~(42)(41) No change.~~

~~(43)(42) “Site” means refers to the definition for “contaminated site” as defined in Section 376.301, F.S.~~

~~(44)(43) No change.~~

~~(44) “Site rehabilitation” means the assessment of site contamination and the remediation activities that reduce the levels of contaminants at a site through accepted treatment methods to meet the CTLs established for that site.~~

(45) through (46) No change.

~~(47) “Synergistic effect” means a scientific principle that the toxicity that occurs as a result of exposure is more than the sum of the toxicities of the individual chemicals to which an individual is exposed.~~

~~(48) “Temporary point of compliance” (TPOC) is the boundary represented by one or more designated monitoring wells at which groundwater CTLs may not be exceeded while site rehabilitation is proceeding.~~

(49) through (51) renumbered (47) through (49) No change.

(50) “Used oil” means any lubricants for use in internal combustion engines that have been refined from crude oil and, as a result of use, storage, or handling, have become unsuitable for their original purpose due to the presence of impurities or loss of properties, but that may be suitable for further use as a fuel or are economically recyclable for use as a fuel. “Used oil” shall not include any used oil that has been mixed with any

material that is a hazardous waste, unless the material is a hazardous waste solely due to the characteristic of ignitability as defined in 40 CFR Part 261, Subpart C.

(51) “VCA” means Voluntary Cleanup Agreement.

(52) “VOHs” means Volatile Organic Halocarbons.

(53) “Voluntary Cleanup Agreement” (VCA) means an agreement entered into between a PRSR and the Department for the purpose of rehabilitating a site contaminated with drycleaning solvents. The VCA shall at a minimum establish the time frames, schedules, and milestones for completion of site rehabilitation tasks and submission of technical reports, and other commitments or provisions pursuant to Section 376.3078(11), F.S., and this chapter.

(54)(52) No change.

Rulemaking Specific Authority 376.303, 376.3071, 376.30701, 376.3078(4), 376.81 FS. Law Implemented 376.3071, 376.30701, 376.3078(4), 376.81 FS. History—New 4-17-05, Amended

Editorial Note: Portions of this rule were copied from 62-770.200, Formerly 17-70.003 and Formerly 17-770.200; 62-782.200; and 62-785.200.

62-780.210 Contamination Reporting.

(1) Upon discovery of petroleum or petroleum products contamination (unless the contamination is the result of a previously reported discharge for which site rehabilitation completion has not been achieved) or upon a discharge of petroleum or petroleum products, notification shall be submitted using the Discharge Report Form incorporated in Rule 62-761.900, F.A.C. [Form Number 62-761.900(1)], unless the discharge was less than 25 gallons onto a pervious surface and will be addressed pursuant to subsection 62-780.560(1), F.A.C. If the discharge will be addressed under the de minimis provisions of subsection 62-780.560(2), F.A.C., the discharge shall be reported to the State Watch Office and the Discharge Report Form shall be submitted to the FDEP Office of Emergency Response.

(a) If the discharge was from a storage tank system regulated pursuant to Chapter 62-761 or 62-762, F.A.C., the discharge shall be reported by the facility owner or operator pursuant to the applicable requirements of Chapters 62-761 and 62-762, F.A.C.; or

(b) All other discharges of petroleum or petroleum products of less than 25 gallons that are not addressed pursuant to subsection 62-780.560(1), F.A.C., shall be reported within one week of discovery. Discharges of petroleum or petroleum products equal to, or exceeding, 25 gallons onto pervious surfaces or any discharge to surface waters shall be reported to the State Watch Office or FDEP Office of Emergency Response as soon as possible, but no later than 24 hours after occurrence. The discharge shall be reported by:

1. The discharger; or

2. The owner or operator if the discharger is unknown or if the discovery was the result of a previously unreported discharge.

(2) A discharge of drycleaning solvents greater than one quart outside of a containment structure shall be reported to the state through the State Watch Office pursuant to Section 376.3078(9)(c), F.S.

(3) Except as provided in subsection (2), discharges of pollutants or hazardous substances, other than petroleum or petroleum products, that are being addressed pursuant to Chapter 62-780, F.A.C., are not subject to the notification and reporting requirements of this rule section. A discharge of petroleum or petroleum products contaminated with significant quantities of other substances is also not subject to the notification and reporting requirements of this rule section.

(4) Notwithstanding the provisions of subsections 62-780.210(1)-(3), F.A.C., nothing herein shall be construed to negate reporting requirements under other local, state or federal laws, such as Chapter 62-150, F.A.C., Hazardous Substance Release Notification, the Emergency Planning and Community Right-To-Know Act, Title III of the Superfund Amendments and Reauthorization Act of 1986, 42 U.S.C. s. 11001, et seq. (SARA), the Florida Hazardous Materials Emergency Response and Community Right-to-Know Act of 1988, Chapter 252, Part II, F.S., and the reporting requirements for discharges of oil to navigable waters pursuant to 40 C.F.R. Parts 110 and 112.

(5) For the purposes of Rule 62-780.210, F.A.C.:

(a) “Discharger” means the person who has dominion or control over the petroleum or petroleum products at the time of the discharge into the environment.

(b) “Discovery” means:

1. Observance or detection of free product in boreholes, wells, open drainage ditches, open excavations or trenches, or on nearby surface water, or petroleum or petroleum products in excess of 0.01 foot in thickness in sewer lines, subsurface utility conduits or vaults, unless the product has been removed and it was confirmed that a release into the environment did not occur;

2. Observance of visually stained soil or odor of petroleum products resulting from a discharge of used oil equal to, or exceeding, 25 gallons on a pervious surface [see subsection 62-780.560(1), F.A.C., for cleanup requirements applicable to discharges of less than 25 gallons];

3. Discharges of petroleum or petroleum products equal to, or exceeding, 25 gallons on a pervious surface [see subsection 62-780.560(1), F.A.C., for cleanup requirements applicable to discharges of less than 25 gallons];

4. Results of analytical test on a groundwater sample that exceed the CTLs referenced in Chapter 62-777, F.A.C., Table I, groundwater criteria column for the petroleum products’ contaminants of concern listed in Table B of this chapter; or

5. Results of analytical test on a soil sample that exceed the lower of the direct exposure residential CTLs and leachability based on groundwater criteria CTLs specified in Chapter 62-777, F.A.C., Table II for the petroleum products' contaminants of concern listed in Table B of this chapter.

Rulemaking Authority 376.303, 376.3071, 376.3078 FS. Law Implemented 376.305, 376.3071, 376.3078 FS. History—New _____.

Editorial Note: Portions of this rule were copied from 62-770.250, Formerly 17-770.250.

62-780.220 Notices.

(1) No change.

(2) Initial Notice of Contamination Beyond Property Boundaries. Section 376.30702, F.S., provides specific notice requirements upon a PRSR's discovery from laboratory analytical results that comply with appropriate quality assurance protocols pursuant to Chapter 62-160, F.A.C., that contamination exists in any medium beyond the boundaries of the property at which site rehabilitation was initiated pursuant to this chapter. Upon such discovery, the PRSR shall notify the FDEP as soon as possible, but not later than 10 days after discovery. The notice shall be provided on Form 62-780.900(1) titled "Initial Notice of Contamination Beyond Property Boundaries" effective date _____, hereby adopted and incorporated by reference (<http://www.flrules.org/Gateway/reference.asp?No=Ref-01488>). Forms may be obtained from the Division of Waste Management website at www.dep.state.fl.us/waste. The PRSR shall simultaneously mail a copy of such notice to the appropriate FDEP district office, county health department, and all known lessees and tenants of the source property. Refer to Section 376.30702(2), F.S., for additional details about this requirement and the information that must be included in the notice. At any time during site rehabilitation conducted pursuant to this chapter, if the PRSR, its authorized agent, or other representative discovers from laboratory analytical results that comply with appropriate quality assurance protocols pursuant to Chapter 62-160, F.A.C., that contamination [as defined in subsection 62-780.200(11), F.A.C.] exists in any medium beyond the boundaries of the property at which site rehabilitation was initiated pursuant to this chapter, the PRSR shall give actual notice as soon as possible, but no later than 10 days from such discovery, to the Division of Waste Management at the Department's Tallahassee Office. The actual notice shall be provided on Form 62-780.900(1) titled "Initial Notice of Contamination Beyond Property Boundaries" effective date 12-27-07, hereby adopted and incorporated by reference. Copies of this form are available from the Department of Environmental Protection, Bureau of Waste Cleanup, MS 4505, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400. The form shall be mailed to the Department by "Certified Mail, Return Receipt Requested." A copy of such

notice shall be mailed simultaneously to the appropriate Department District Office, the County Health Department and to all known lessees and tenants of the property at which site rehabilitation was initiated. The notice shall include the following information:

(a) The location of the property at which site rehabilitation was initiated pursuant to this chapter and contact information for the PRSR, its authorized agent, or other representative;

(b) A listing of all record owners of any real property, other than the property at which site rehabilitation was initiated pursuant to this chapter, at which contamination has been discovered; the parcel identification number for any such real property; the owner's address listed in the current county property tax office records; and the owner's telephone number. This paragraph does not apply to notice provided to the lessees and tenants of the property at which site rehabilitation was initiated pursuant to this chapter;

(c) Separate table(s) by medium (groundwater, soil, surface water, or sediment) that list all the sampling locations; sampling date(s); names of contaminants detected above CTLs; their corresponding CTLs; the contaminant concentration(s); and whether the CTL is based on health or nuisance, organoleptic, or aesthetic concerns; and

(d) A vicinity map that shows all the sampling locations with corresponding laboratory analytical results and the date(s) on which the sample(s) was (were) collected, and that identifies the property boundaries of the property at which site rehabilitation was initiated pursuant to this chapter and the other property(ies) at which contamination has been discovered during such site rehabilitation.

(3) Subsequent Notice of Contamination Beyond Source Property Boundaries for Establishment of a Temporary Point of Compliance (TPOC). Prior to the Department authorizing a temporary extension of the point of compliance beyond the boundary of the source property (i.e., the location from which the contamination originates) in conjunction with Natural Attenuation with Monitoring pursuant to Rule 62-780.690, F.A.C., or Active Remediation pursuant to Rule 62-780.700, F.A.C., the PRSR shall provide the following notices:

(a) Actual notice in written form mailed by "Certified Mail, Return Receipt Requested" or other form of delivery that provides confirmation of receipt to the appropriate County Health Department and all record owners of any real property into which the point of compliance is allowed to extend (mailed to the owner's address listed in the current county property tax office records). The notice shall include the following information:

(3)(a)1. through 5. No change.

(b) Constructive notice to residents [if different from the real property owner(s) notified pursuant to paragraph 62-780.220(3)(a), F.A.C.] and business tenants of any real property into which the point of compliance is allowed to extend. Such constructive notice is not required for site

rehabilitation being conducted for petroleum or petroleum products contamination not associated with a brownfield site. Such constructive notice, which shall include the same information as required in the actual notice, shall be provided by complying with the following:

1. through 2. No change.

(c) Copies of notices, both actual and constructive, must be provided to the Department as proof of compliance with this subsection ~~rule~~. For purposes of the constructive notice, the PRSR shall provide a copy of the version printed in the newspaper or submit the actual newspaper page itself.

(4) Status Update Five-Year Notice. When utilizing a TPOC beyond the boundary of the source property to facilitate natural attenuation with monitoring or active remediation, an additional notice concerning the status of the site rehabilitation shall be similarly provided every five years to the classes of persons who received notice pursuant to subsection 62-780.220(3), F.A.C., unless in the intervening time, such persons have been informed that the contamination no longer affects the property into which the point of compliance was allowed to extend.

(5) Warning Signs at Hazardous Waste Sites. At sites where a risk of exposure to the public exists due to contamination of the soil, sediment, or surface water with hazardous waste as defined in Section 403.703(13) 403.703(24), F.S., the PRSR shall place warning signs pursuant to Section 403.7255, F.S. Chapter 62-730, F.A.C.

(6) Notice Requirements for Schools. If the property at which contamination has been discovered is the site of a school as defined in Section 1003.01, F.S., regardless of whether the school property is the site at which site rehabilitation was initiated, then the school board of the district in which the property is located shall provide actual notice of the contamination to teachers and parents or guardians of students attending the school during the period of site rehabilitation. Such notice must be provided within 30 days of discovery or receipt of notification from the Department, whichever is earlier, and shall conform to the requirements in Section 376.30702(2)(a), (c), and (d), F.S. paragraphs 62-780.220(2)(a), (c) and (d), F.A.C. At least annually during the period of site rehabilitation, the school board of the district in which the property is located shall continue to provide such actual notice of the contamination, updated as appropriate, to teachers and parents or guardians of students attending the school. A representative copy of all notices shall be submitted to the Department at the time the notice is provided to the teachers and parents or guardians.

(7) Prior to the Department's approval of a No Further Action Proposal with institutional controls or with institutional and engineering controls, the PRSR shall provide constructive notice of the Department's intent for such approval to the local government(s) with jurisdiction over the property(ies) subject to the institutional control, to real property owner(s) of any

property subject to the institutional control, and to residents of any property subject to the institutional control. The PRSR shall provide the Department with proof of such notice that meets the requirements of subsections 62-110.106(5), (8), and (9), F.A.C., except that the notice shall be prepared and published by the PRSR within 30 days after the Department's provisional approval of the No Further Action Proposal with institutional controls. The notice shall provide the local government(s) with jurisdiction over the property(ies) subject to the institutional control, real property owner(s) of any property subject to the institutional control, and residents of any property subject to the institutional control, the opportunity to comment to the Department within 30 days after receipt of the notice of the Department's intent of approval. Where subsection 62-110.106(8), F.A.C., requires a description of the agency action proposed, the notice shall contain "to issue a Site Rehabilitation Completion Order with institutional controls for a contaminated site." Additionally, the notice of rights language shall be replaced with "Local governments, real property owner(s) of any property subject to the institutional control, and residents of any property subject to the institutional control have 30 days from publication of this notice to provide comments to the Department." The notice also shall provide the appropriate mailing address to which comments should be sent. See subsection 62-780.100(8), F.A.C., Institutional Controls Procedures Guidance, for sample notice templates.

Rulemaking Specific Authority 376.303, 376.3071, 376.30701, 376.30702, 376.3078(4), 376.81, 403.7255 FS. Law Implemented 376.3071, 376.30701, 376.30702, 376.3078(4), 376.81, 403.7255 FS. History--New 4-17-05, Amended 12-27-07, _____.

Editorial Note: Portions of this rule were copied from 62-770.220; 62-782.220; and 62-785.220.

62-780.300 Quality Assurance Requirements.

(1) No change.

(2) Unless otherwise specified in this chapter, reports that are submitted to the Department and that contain analytical data shall include the following forms and information, as applicable:

(a) Laboratory reports that include all applicable information specified in subsections 62-160.340(1) and (2), F.A.C., and are in the format specified in Chapter 62-160, F.A.C. (Soil analytical results shall be reported on a dry weight basis.);

(b) Copies of the completed chain of custody record form(s) [Form 62-780.900(2) 62-780.900(3), effective date _____, hereby adopted and incorporated by reference (<http://www.flrules.org/Gateway/reference.asp?No=Ref-01489>), or an equivalent chain of custody form that includes all the items required by Form 62-780.900(2) 62-780.900(3)]. Forms may be obtained from the Division of Waste Management website at www.dep.state.fl.us/waste/;

(c) Copies of the completed groundwater water sampling log(s) (Form FD 9000-24) referenced in the Groundwater Sampling SOP, FS 2200 form(s) pursuant to Chapter 62-160, F.A.C.; and

(d) Results from screening tests or on-site onsite analyses performed pursuant to this chapter.

Rulemaking Specific Authority 376.303, 376.3071, 376.30701, 376.3078(4), 376.81, 403.0877 FS. Law Implemented 376.3071, 376.30701, 376.3078(4), 376.81 FS. History--New 4-17-05, Amended

Editorial Note: Portions of this rule were copied from 62-770.400, Formerly 17-70.007 and Formerly 17-770.400; 62-782.300; and 62-785.300.

62-780.400 Professional Certifications.

(1) through (2) No change.

Rulemaking Specific Authority 376.3071, 376.30701, 376.3078(4), 376.81, 403.0877 FS. Law Implemented 376.3071, 376.30701, 376.3078(4), 376.80, 376.81, 403.0877 FS. History--New 4-17-05.

Editorial Note: Portions of this rule were copied from 62-770.490; 62-782.400; and 62-785.400.

62-780.450 Combined Document.

(1) Except for petroleum contamination sites, tThe Interim Source Removal Report, the Site Assessment Report, the Risk Assessment Report, and the Remedial Action Plan, as applicable, may be submitted by the PRSR to the Department for review either separately as each program task is completed, or as a combined document. Other individual program task documents may be included in a combined document if agreed to in writing by the Department. A combined document may be submitted for cleanup of a petroleum contamination site subject to a BSRA.

(2) The combined document may incorporate, as applicable, the required content for the Interim Source Removal Report, Site Assessment Report, Risk Assessment Report, and Remedial Action Plan program tasks pursuant to Rules 62-780.500, 62-780.600, 62-780.650, and 62-780.700, F.A.C., respectively, including an Interim Source Removal Proposal, a No Further Action Proposal, or a Natural Attenuation ~~with~~ Monitoring Plan associated with the Site Assessment Report or the Risk Assessment Report.

(3) No change.

(4) Within the time frames of Table A or the CAD, the PRSR shall submit an electronic copy two copies of the combined document to the Department for review, including all applicable professional certifications as required pursuant to Rule 62-780.400, F.A.C.

(5) The Department shall:

(a) Provide the PRSR with written approval of the individual program task or the combined document; or

(b) Notify the PRSR in writing, stating:

1. The reason(s) why one or more individual program tasks or the combined document does not conform with the requirements of the applicable criteria of Rule 62-780.500, 62-780.600, 62-780.650, or 62-780.700, F.A.C.; or

2. The reason(s) why a No Further Action Proposal or a Natural Attenuation ~~with~~ Monitoring Plan does not meet the applicable criteria of Rule 62-780.680 or 62-780.690, F.A.C., respectively.

(6) If the individual program task or combined document is incomplete in any respect, or is insufficient to satisfy the requirements of the applicable criteria of Rule 62-780.500, 62-780.600, 62-780.650, or 62-780.700, F.A.C., the Department shall inform the PRSR pursuant to paragraph 62-780.450(5)(b), F.A.C., and the PRSR shall submit to the Department for review an electronic copy two copies of a Combined Document Addendum that addresses the deficiencies within 60 days after receipt of the notice.

Rulemaking Specific Authority 376.3071, 376.30701, 376.3078(4), 376.81, 403.0877 FS. Law Implemented 376.3071, 376.30701, 376.3078(4), 376.81, 403.0877 FS. History--New 4-17-05, Amended

Editorial Note: Portions of this rule were copied from 62-782.450; and 62-785.450.

62-780.500 Emergency Response Action or Interim Source Removal.

(1) No change.

(2) Free Product Removal and Disposal.

(a) No change.

(b) The following passive and active methods of free product recovery may be implemented without requesting approval from the Department:

1. through 3. No change.

4. Fluid vacuum techniques (for example, vacuum pump trucks) or total fluid displacement pumps, as long as the technique used shall not smear or spread free product, or contaminate previously uncontaminated or less contaminated media. If this method is used for petroleum or petroleum product contamination sites (except sites subject to a BSRA), the volume of groundwater recovered shall not be greater than two times the volume of free product recovered, except that the first 1,000 gallons of the total fluid recovered per discharge are exempt from meeting the required ratio of groundwater to free product.

(c) In addition to the free product recovery methods specified in paragraph 62-780.500(2)(b), F.A.C., the PRSR may evaluate, propose, and submit other product recovery methods to the Department for approval prior to implementation. The submittal, as an Interim Source Removal Proposal, shall include the results of the evaluation performed to determine the potential for product smearing or spreading and the potential for air emissions. The free product recovery methods proposed may include:

1. No change.
2. Air/fluid extraction with air emissions treatment; ~~or~~
3. Excavation of soil saturated with non-aqueous phase liquid into, or below, the water table; ~~-~~

4. Recovery of petroleum or petroleum products that exceeds the water-to-product ratio indicated in subparagraph 62-780.500(2)(b)4., F.A.C.; or

5. On-site treatment and discharge of contaminated water that results from dewatering to excavate free product from below the water table, or on-site treatment and discharge of contaminated water that is separated from recovered free product.

(d) through (e) No change.

(f) Within the time frames specified in Table A or the CAD, written notification of initiation of free product recovery shall be provided by the PRSR to the Department ~~on Form 62-780.900(2).~~

(g) Within the time frames and frequencies specified in Table A or the CAD, the PRSR shall submit to the Department for review an electronic copy of an Interim Source Removal Status Report documenting the recovery progress and summarizing all recovery activities for a specified period shall be submitted by the PRSR to the Department for review.

(3) Short-term Groundwater Recovery.

(a) The PRSR may, and for emergency response actions shall, if necessary to alleviate a threat to human health, public safety, or the environment, perform a short-term groundwater recovery event as an interim source removal activity. Groundwater recovery from well(s) within the plume with screened intervals that intercept the water table, with the intent of achieving cleanup progress, may be performed prior to Department approval of a Remedial Action Plan submitted pursuant to Rule 62-780.700, F.A.C., provided the following criteria are met:

1. No change.

2. The groundwater contamination has been established to be less than one-fourth (1/4) acre and confined to shallow aquifer well(s) with screened intervals that intercept the water table, such that the pumping of a shallow aquifer well(s) within the plume may result in the site meeting the No Further Action criteria of Rule 62-780.680, F.A.C., or the Natural Attenuation ~~with~~ Monitoring criteria of Rule 62-780.690, F.A.C.;

3. through 6. No change.

(b) Within the time frames and frequencies specified in Table A or the CAD, the PRSR shall submit to the Department for review an electronic copy ~~two copies~~ of an Interim Source Removal Status Report that documents the recovery progress and summarizes all recovery activities for a specified period.

(4) Interim Groundwater Remediation ~~Groundwater Recovery, Treatment, and Disposal.~~

(a) Prior to approval of a Remedial Action Plan prepared and submitted pursuant to Rule 62-780.700, F.A.C., when any of the criteria of subparagraphs 62-780.500(3)(a)2. through 4., F.A.C., are not met, the PRSR may perform groundwater recovery and on-site treatment and disposal or any other means of interim in situ groundwater remediation, prior to the approval of a Remedial Action Plan prepared and submitted pursuant to Rule 62-780.700, F.A.C., provided the PRSR submits an Interim Source Removal Proposal that includes the same level of engineering detail as a Remedial Action Plan pursuant to Rule 62-780.700, F.A.C. Applicable sections shall be signed and sealed pursuant to Rule 62-780.400, F.A.C.

(b) No change.

(c) Within the time frames and frequencies specified in Table A or the CAD, the PRSR shall submit to the Department for review an electronic copy ~~two copies~~ of an Interim Source Removal Status Report documenting the recovery progress and summarizing all recovery activities for a specified period.

(5) Soil and Sediment Removal, Treatment, and Disposal.

(a) The PRSR may, and for emergency response actions shall, excavate contaminated soil or contaminated sediment for proper treatment or proper disposal as an interim source removal activity provided the following criteria are met:

1. through 3. No change.

4. When a soil vacuum extraction system is necessary to abate an imminent threat to human life, health, or safety within a structure or utility conduit, then the vacuum extraction system shall be designed and operated only to abate the imminent threat. The Department shall be notified, within 24 hours, of the imminent threat and the intent to use a soil vacuum extraction system. The air emissions monitoring and frequency of monitoring shall be performed pursuant to paragraphs 62-780.700(4)(a) and (11)(i) ~~(12)(i)~~, F.A.C.;

5. No change.

6. A determination shall be made as to whether or not the contaminated soil or sediment contains hazardous waste. If the soil or sediment is known to be contaminated by hazardous waste, listed in 40 ~~CFR~~ ~~C.F.R.~~ Part 261 Subpart D, testing is not required to make the determination. If the soil or sediment is not known to be contaminated with listed hazardous waste, but is contaminated with any of the toxic constituents identified in 40 ~~CFR~~ ~~C.F.R.~~ 261.24(b) (and the contamination does not result solely from manufactured gas plant waste), then USEPA Test Method 1311, Toxicity Characteristic Leaching Procedure (TCLP) and subsequent analysis of the leachate, shall be performed on a number of samples sufficient to determine whether or not the contaminated soil or sediment exceeds maximum concentrations for the toxicity characteristics. Pursuant to 40 CFR 261.4(b)(10), petroleum contaminated media and debris, associated with an underground storage tank system, that fail the test for the Toxicity Characteristic of 40 CFR 261.24 (Hazardous Waste Codes D018 and D043 only) are solid waste, not hazardous

waste. Contaminated soil associated with an underground storage tank system, which will be managed as solid waste, is not subject to the requirement that TCLP extraction and subsequent analysis of the leachate be performed. [Refer to the contaminated media guidelines referenced in subsection 62-780.100(6), F.A.C., for guidance in managing soil or sediment that contains hazardous waste.]; and

7. When excavated contaminated soil or sediment is temporarily stored or stockpiled on-site ~~onsite~~, the soil or sediment shall be placed on an impermeable surface to prevent leachate infiltration and secured in a manner that prevents human exposure to contaminated soil or sediment and prevents soil or sediment exposure to precipitation that may cause surface runoff. Any excavation shall be secured to prevent entry by the public. Excavated contaminated soil [including excessively contaminated soil as defined in subsection 62-780.200(15), F.A.C.] may be returned to the original excavation when petroleum storage tank systems have been removed or replaced, and when contaminated soil is encountered during construction activities at a petroleum storage or dispensing facility, to be addressed later pursuant to Rule 62-780.700, F.A.C. The temporary storage or stockpiling of excavated contaminated soil or sediment shall not exceed 60 days, unless it is stockpiled on a right-of-way, in which case it shall be removed for proper treatment or proper disposal as soon as practical but no later than 30 days after excavation, or unless the excavated contaminated soil or sediment contains hazardous waste and a different time frame is authorized pursuant to Chapter 62-730, F.A.C. Excavated petroleum contaminated soil [including excessively contaminated soil as defined in subsection 62-780.200(15), F.A.C.] may be containerized in water tight drums and stored on-site for 90 days, after which time proper treatment or proper disposal of the contaminated soil shall occur, or it may be land farmed pursuant to paragraph 62-780.500(5)(b), F.A.C. The PRSR is advised that other federal or local laws and regulations may apply to these activities.

(b) Land farming of soil contaminated by petroleum products is allowed, provided the land farming operation is located on the same property as the source of contaminated soil unless it is land farmed at a permitted stationary facility. The following criteria shall be met for contaminated soil land farmed on the source property:

1. The land farm operation shall be at least 200 feet from any residence, school, or park;
2. An area large enough to spread the soil to a thickness of 6 to 12 inches shall be available;
3. The land farming area shall be secured in a manner that prevents entry by the public and prevents human exposure to contaminated soil;
4. The materials used to construct the land farm treatment area shall withstand the rigors of the land farming and weather;

5. The land farmed soil shall be placed over an impermeable liner or surface, and surrounded at all times by an impermeable liner supported by berms;

6. The land farmed soil shall be tilled at least biweekly;

7. The land farmed soil shall be covered when not being tilled to prevent water from entering or leaving the area;

8. A monitoring and sampling program shall be established to evaluate the effectiveness of the land farming operation and the effect on the environment, including monitoring of groundwater to confirm leaching is not occurring and of off-gas emissions for air regulatory compliance. Before the land farming operation commences, the PRSR shall submit to the Department for review the monitoring and sampling program, design specifications of the treatment area, and types and amounts of any proposed additives to the soil, to demonstrate that the objectives of this subparagraph will be met. Prior approval is not required for quantities less than 20 cubic yards, but the design specifications and results of the monitoring and sampling program shall be submitted in the Interim Source Removal Report;

9. Land farming of soil is limited to 180 days, at the end of which time proper disposal is required except if written approval pursuant to the provisions of subsection 62-780.790(3), F.A.C., to exceed this time frame is obtained from the Department; and

10. Land farmed soil that does not exceed the lower of the direct exposure residential CTLs and leachability based on groundwater criteria CTLs specified in Chapter 62-777, F.A.C., Table II may be disposed on-site or off-site. The PRSR is advised that other federal or local laws and regulations may apply to these activities. Land farmed soil that exceeds the applicable CTLs specified in Chapter 62-777, F.A.C., Table II shall not be disposed or returned to the original excavation without obtaining approval from the Department.

(c)(b) Consistent with the goals set forth in Section 403.061(33), F.S., the Department encourages treatment over disposal options to address contaminated soil.

(d)(e) Soil or sediment treatment, storage, or disposal techniques not authorized by applicable rules of the Department require approval in an Interim Source Removal Proposal submitted pursuant to paragraph 62-780.500(5)(e)(d), F.A.C., or in a Remedial Action Plan submitted pursuant to Rule 62-780.700, F.A.C.

(e)(d) The Interim Source Removal Proposal shall include the information outlined in subsections 62-780.700(3) and (4), F.A.C., as applicable.

(f)(e) The Department shall:

1. Provide the PRSR with written approval of the Interim Source Removal Proposal submitted pursuant to paragraph 62-780.500(5)(e)(d), F.A.C.; or

2. Notify the PRSR in writing, stating the reason(s) why the Interim Source Removal Proposal does not contain information adequate to support the selection of an alternative soil or sediment treatment or disposal technique.

(6) Authorization or receipt of approval pursuant to Rule 62-780.500, F.A.C., does not relieve the PRSR from the obligation to comply with other Department rules (for example, Chapters 62-701 and 62-730, F.A.C.) for product recovery, product disposal, groundwater recovery, or the handling, storage, disposal, or treatment of contaminated media. [Refer to the contaminated media guidelines referenced in subsection 62-780.100(6), F.A.C., for guidance on management of environmental media that contain hazardous waste.] The PRSR is advised that other federal or local laws and regulations may apply to these activities.

(7) Interim Source Removal Report.

(a) Within the time frames specified in Table A or the CAD, the PRSR shall submit an electronic copy two copies of an Interim Source Removal Report ~~shall be submitted by the PRSR~~ to the Department for review. If analytical results obtained pursuant to subparagraphs 62-780.500(3)(a)6., 62-780.500(5)(a)5., and 62-780.600(5)(m)3. ~~62-780.600(5)(l)3.~~, F.A.C., as applicable, after completion of the interim source removal, demonstrate that the No Further Action criteria of subsection 62-780.680(1), F.A.C., are met, a Site Assessment Report pursuant to subsection 62-780.600(7), F.A.C., may be submitted in lieu of an Interim Source Removal Report. The Interim Source Removal Report shall contain the following information in detail, as applicable:

1. through 12. No change.

13. A scaled site map (including a graphical representation of the scale used) that shows the locations and results of confirmatory soil or sediment samples in relation to the area of the soil or sediment removal; ~~and~~

14. Documentation or certification that confirms the proper treatment or proper disposal of the non-aqueous phase liquids, contaminated groundwater, contaminated soil, or contaminated sediment, including disposal manifests for non-aqueous phase liquids or hazardous waste, and a copy of the documentation or certification of treatment or acceptance of the contaminated soil or contaminated sediment; ~~and-~~

15. For land farmed soil, a copy of the pre-treatment and post-treatment analytical results.

(b) No change.

(8) If the Interim Source Removal Report is incomplete in any respect, or is insufficient to satisfy the criteria of paragraph 62-780.500(7)(a), F.A.C., the Department shall inform the PRSR pursuant to subparagraph 62-780.500(7)(b)2., F.A.C., and the PRSR shall submit to the Department for review an electronic copy two copies of an Interim Source Removal Report Addendum that addresses the deficiencies within 60 days after receipt of the notice.

(9) If the interim source removal is performed after submittal of the Site Assessment Report, the PRSR shall submit to the Department for review an electronic copy two ~~copies~~ of a Site Assessment Report Addendum that updates the Site Assessment Report by summarizing the interim source removal activities and all sampling results obtained after submittal of the Site Assessment Report, and that includes a recommendation pursuant to paragraph 62-780.600(8)(b), F.A.C.

Rulemaking Specific Authority 376.303, 376.3071, 376.30701, 376.3078(4), 376.3078(9), 376.81 FS. Law Implemented 376.3071, 376.30701, 376.30711, 376.3078(4), 376.3078(9), 376.81 FS. History--New 4-17-05, Amended _____.

Editorial Note: Portions of this rule were copied from 62-770.300, Formerly 17-70.006 and Formerly 17-770.300; 62-782.500; and 62-785.500.

62-780.550 Nonpetroleum De Minimis Discharges.

(1) A discharge of pollutants or hazardous substances other than petroleum or petroleum products as defined in Section 376.301, F.S., that is removed from the soil, sediment, surface water, and groundwater to CTLs or background concentrations pursuant to subsection 62-780.680(1), F.A.C., within a period of 30 days from the discovery of the discharge is considered de minimis.

(2)(~~1~~) Nonpetroleum de De minimis discharges shall be addressed in an interim source removal and shall be subject to the applicable requirements of Rule 62-780.500, F.A.C., except for the notification and reporting requirements of that section. De minimis discharges also shall be exempt from and the notification requirements of subsection 62-780.220(1), F.A.C. De minimis discharges of drycleaning solvents shall not be exempt from the reporting requirements of subsection 62-780.210(2), F.A.C.

(3)(~~2~~) The PRSR shall maintain records of the actions that were taken in response to the discharge including the information required pursuant to paragraph 62-780.500(7)(a), F.A.C., for five years from the date of the discharge. The records shall be made available to the Department upon request.

Rulemaking Specific Authority 376.30701, 376.3078(4), 376.81 FS. Law Implemented 376.30701, 376.3078(4), 376.81 FS. History--New 4-17-05, Amended _____.

62-780.560 Petroleum or Petroleum Product De Minimis Discharges.

(1) Discharges of petroleum or petroleum products of less than 25 gallons onto a pervious surface are considered de minimis discharges and are exempt from the notification requirements of subsection 62-780.220(1) and Rule 62-780.500, F.A.C., as long as the discharge is removed and properly treated or properly disposed, or otherwise remediated.

pursuant to the applicable provisions of Rule 62-780.500, F.A.C., so that CTLs or background concentrations pursuant to subsection 62-780.680(1), F.A.C., are achieved.

(2) Discharges of petroleum or petroleum products of 25 to 500 gallons onto a pervious surface that are not associated with a regulated petroleum storage system and have not impacted groundwater, and for which the FDEP Office of Emergency Response oversees the response actions, are considered de minimis discharges if at the conclusion of the emergency response action, CTLs or background concentrations pursuant to subsection 62-780.680(1), F.A.C., are achieved. These de minimis discharges shall be addressed as an interim source removal and shall be subject to the applicable requirements of Rule 62-780.500, F.A.C., including notification and reporting. If the information presented in the Interim Source Removal Report confirms that no contamination remains at the conclusion of the emergency response action, the Department will indicate in writing that information provided on a Discharge Reporting Form, incorporated in Rule 62-761.900, F.A.C. [Form Number 62-761.900(1)], or other discharge record will no longer be tracked by the Division of Waste Management and that no other site rehabilitation requirements of this chapter are required to be followed.

Rulemaking Authority 376.303, 376.3071 FS. Law Implemented 376.303, 376.3071 FS. History--New _____.

62-780.600 Site Assessment.

(1) For all sites except brownfield sites, unless the discharge is a de minimis discharge addressed pursuant to the requirements of Rule 62-780.550 or 62-780.560, F.A.C., the PRSR shall commence a site assessment within 60 days after a discharge is discovered. For purposes of a site assessment, "commence" means that the PRSR has employed or contracted with a professional engineer or geologist to design, implement, and complete the requirements of this section, and has given the professional the authority to proceed with the required work. The PRSR shall conduct the site assessment in accordance with the requirements of this rule and the time frames of Table A or the CAD, if applicable. For brownfield sites, because site assessment or assessment activities may have already been completed at a brownfield site or sites within a designated brownfield area prior to the execution of a BSRA, a PRSR may choose to submit to the Department for review the associated assessment documents as its Site Assessment Report pursuant to subsection 62-780.600(8), F.A.C. If site assessment work is necessary to define the nature and extent of contamination at a brownfield site or sites within a designated brownfield area, the site assessment shall be completed in accordance with the time frames specified in the BSRA.

(2) No change.

(3) The objectives of the site assessment shall be the following, as applicable:

(a) through (b) No change.

(c) To determine or confirm the origin(s) of the source(s) of contamination, if technologically feasible. For discharges of petroleum or petroleum products, to determine or confirm the source(s) of contamination to the extent practicable and to estimate the volume of petroleum or petroleum products that was released. That confirmation shall include a determination of the structural integrity, in accordance with the testing procedures specified in Chapters 62-761 and 62-762, F.A.C., of any petroleum storage tank system that exists at the property and is likely to be the source of the contamination;

(d) through (g) No change.

(h) To determine by means of a well survey whether any public water supply wells, as defined in Chapter 62-550, F.A.C., are present within a one-half mile radius of the site, whether the site is located within the regulated wellhead protection zone of a public water supply well or well field, and whether any private water supply wells (including potable, irrigation, and industrial wells) are present within a one-quarter mile radius of the site, unless the site meets the No Further Action criteria of subsection 62-780.680(1), F.A.C. If contamination beyond the boundaries of the property at which site rehabilitation was initiated pursuant to this chapter is discovered at any time, within 60 days of such discovery the PRSR shall conduct the well survey pursuant to paragraph 62-780.600(5)(o) ~~62-780.600(5)(n)~~, F.A.C., and submit a report to the Department and to the County Health Department that provides the results of the well survey in accordance with the requirements of subparagraphs 62-780.600(8)(a)10. and 62-780.600(8)(a)11., F.A.C., and that provides the results of any required sampling pursuant to paragraph 62-780.600(5)(p) ~~62-780.600(5)(o)~~, F.A.C., based on the results of the well survey. These results shall include a listing of the sampled wells, the rationale for their selection, the contaminants analyzed, and the analytical results;

(i) No change.

(j) To report any off-property ~~offsite~~ activities (for example, dewatering, active remediation, or flood control pumping) in the immediate vicinity of the site that may have an effect on the groundwater flow at the site, unless the site meets the No Further Action criteria of subsection 62-780.680(1), F.A.C.; and

(k) No change.

(4) The analyses for contaminants in surface water, groundwater, soil, and sediment samples, as applicable, shall be performed using the appropriate analytical procedures referenced or listed in Chapter 62-160, F.A.C. The initial analyses of contaminants, including their reaction and degradation products, shall be based on the site history.

(a) For discharges of drycleaning solvents, analyses shall be performed for the applicable contaminants of concern listed in Table B of this chapter.

(b) For discharges of petroleum or petroleum products, analyses shall be performed for the applicable contaminants of concern listed in Table B of this chapter, as follows:

1. If petroleum product discharges are from the Gasoline or Kerosene Analytical Groups, analyses shall be performed as described in Table C, except that:

a. If the site is anticipated to meet the No Further Action criteria of Rule 62-780.680, F.A.C., and the site is contaminated by products solely from the Gasoline Analytical Group, analytical screening of the monitoring wells for Benzene, Ethylbenzene, Toluene, total Xylenes, MTBE, and PAHs (using applicable methods in Table C) may be performed; or

b. If the site is anticipated to meet the No Further Action criteria of Rule 62-780.680, F.A.C., and the site is contaminated by products from the Kerosene Analytical Group, analytical screening of the monitoring wells for Benzene, Ethylbenzene, Toluene, total Xylenes, MTBE, PAHs, and TRPHs (using applicable methods in Table C) may be performed.

2. If petroleum product discharges are from used oil, from an identified product not listed in the Gasoline or Kerosene Analytical Groups, or from a product for which the specific identity is unknown, analyses shall be performed as described in Table D.

3. If the contamination is derived from petroleum, analyses shall be performed as described in Table E.

(5) The site assessment shall include tasks that are necessary to achieve objectives described in subsection 62-780.600(3), F.A.C., and include the following, as applicable:

(a) through (b) No change.

(c) Sampling of soil from the unsaturated zone for the following criteria, as applicable:

1. Appropriate laboratory analyses to determine the degree and extent of soil contamination and, as applicable, the background concentrations. Soil samples shall be collected from a sufficient number of locations in the unsaturated zone based on the horizontal and vertical extent of contamination. Samples shall be collected at two-foot intervals unless the sampling intervals are adjusted, as necessary, to account for factors such as discrete variations in the lithology, depth to the water table, the point of discharge, and the chemical and physical properties of the contaminants. If a surficial discharge of metals or semi-volatile organic compounds is known or suspected, the sampling intervals shall be as follows: land surface to six inches, six inches to two feet, and two-foot intervals thereafter to the extent necessary to define the soil contamination. If the 95 percent Upper Confidence Limit (UCL) approach pursuant to subparagraphs

62-780.680(1)(b)1., 62-780.680(2)(b)1., and 62-780.680(3)(b)1., F.A.C., is utilized, the soil sampling shall be sufficient to identify the area(s) of highest contaminant concentrations and to allow the calculation of an exposure unit average concentration. [Refer to the technical report referenced in subsection 62-780.100(2), F.A.C., for guidance.];

2. through 5. No change.

(d) Sampling of undisturbed soil above and below the water table using hand augers, hollow stem augers with split spoons or Shelby tubes, direct push technology, or other available technologies to obtain information on site stratigraphy and nonaqueous phase liquids entrapped below the water table, to determine geotechnical parameters and vertical hydraulic conductivity of confining or semi-confining zones, and to assess the appropriateness of natural attenuation ~~with~~ monitoring;

(e) through (f) No change.

(g) Use of visual observations to determine whether soil contaminated or saturated with used oil is present. If the presence of soil contaminated or saturated with used oil is identified, then at least one grab sample from the most visibly stained area shall be collected for analyses for the used oil parameters as listed in Table D. If no visual signs of contamination are identified, then a soil sample for laboratory analyses is not required unless used oil contamination was previously reported, in which case one grab sample shall be collected for laboratory analyses from the location where used oil contamination was identified in the past, and shall be analyzed for VOHs, PAHs, TRPHs, PCBs, arsenic, cadmium, chromium, and lead. If soil visually stained or saturated with used oil is excavated pursuant to paragraph 62-780.500(5)(a), F.A.C., then at least one grab sample from the bottom of the excavation (if the water table was not reached) and at least one grab sample from the wall of the excavation at an equivalent depth to the stained or saturated soil that was removed, shall be collected for analyses. Sample(s) shall be analyzed for the contaminants detected in the sample collected from the most visibly stained area or in the sample(s) collected for disposal purposes, to confirm that all contaminated soil was removed;

(g) through (i) renumbered (h) through (j) No change.

(k)(+) Survey of every top-of-casing to the National Geodetic Vertical Datum (NGVD) of 1929 or to the North American Vertical Datum (NAVD) of 1988 or, for petroleum or petroleum product discharges, to a single benchmark of an arbitrary elevation. If the latter option is used, the survey shall be completed by closing the loop for each pair of adjacent monitoring wells or piezometers or with the first top-of-casing surveyed;

~~(l)(+)~~ No change.

(m)(+) Sampling of monitoring wells for the appropriate laboratory analyses, with the most recent sampling of representative monitoring wells having occurred no more than

270 days prior to Site Assessment Report submittal, to determine the degree and extent of groundwater contamination and the background concentrations, if applicable, such that:

1. Drill cuttings and drilling mud generated during monitoring well installation shall be handled and disposed of in such a manner that contamination is not spread into previously uncontaminated or less contaminated media. Authorization pursuant to this rule does not relieve the PRSR from the obligation to comply with other Department rules (for example, Chapters 62-701 ~~and~~, 62-730, ~~62-770, 62-782, and 62-785~~, F.A.C.) for handling and disposal of contaminated media. [Refer to the contaminated media guidelines referenced in subsection 62-780.100(6), F.A.C., for guidance.] The PRSR is advised that other federal or local laws and regulations may apply; and

2. Development water and purge water shall be handled and disposed of in such a manner that contamination is not spread into previously uncontaminated or less contaminated media. Authorization pursuant to this rule does not relieve the PRSR from the obligation to comply with other Department rules (for example, Chapters 62-701 ~~and~~, 62-730, ~~62-770, 62-782, and 62-785~~, F.A.C.) for handling and disposal of contaminated media. [Refer to the contaminated media guidelines referenced in subsection 62-780.100(6), F.A.C., for guidance.] The PRSR is advised that other federal or local laws and regulations may apply; and

3. No change.

(m) through (q) renumbered (n) through (r) No change.

~~(s)(†)~~ Review of historical land use records and existing aerial photographs to determine past uses of the property(ies) and location(s) of previous storage systems; ~~and~~

~~(t)~~ Performance of a professional land survey of a petroleum contamination site in order to develop an accurate base map, if the Department determines that the site map provided in a report is not accurate; and

~~(u)(§)~~ No change.

(6) No change.

(7) Within the time frames specified in Table A or the CAD, the PRSR shall submit to the Department ~~for review an electronic copy two copies~~ of a Site Assessment Report (that may reference previously submitted documents) ~~for review~~.

(8) The Site Assessment Report shall:

(a) Summarize all tasks that were completed pursuant to subsections 62-780.600(3), (4), and (5), F.A.C., and summarize the results obtained. All maps shall indicate the North direction, be drawn to scale, and include a graphical representation of the scale used. The following shall be included, when applicable, to the discharge(s) being assessed:

1. through 2. No change.

3. A vicinity map that shows pertinent features, such as local drainage features, land cover, property boundaries, supply wells and, particularly, any potential ~~off-site~~ off-property sources of contamination identified during the

assessment (if applicable and available, FDEP identification numbers shall be provided). If the PRSR prefers, aerial photographs may be submitted to complement the vicinity map. If the subject site meets the No Further Action criteria of subsection 62-780.680(1), F.A.C., a vicinity map is not required;

4. One or more scaled site maps that show pertinent surface and subsurface features such as buildings, former and current tank farms, integral piping, dispensers, utilities, sewers, floor drains, drain lines, above and underground structures, and storage areas, monitoring wells, land cover, streets, rights-of-way, locations and elevations (if significantly different) of property boundaries and surrounding properties, present in the immediate vicinity of the contamination;

5. through 6. No change.

7. Data and calculations used to determine the top-of-casing elevations and the accuracy of the survey performed pursuant to paragraph ~~62-780.600(5)(k)~~ 62-780.600(5)(j), F.A.C.;

8. through 16. No change.

17. At least two cross-sections relative to NGVD of 1929 or NAVD of 1988 or, for petroleum or petroleum product discharges, to a single benchmark of an arbitrary elevation, that illustrate the site-specific stratigraphy and approximate concentrations of applicable contaminants;

18. through 19. No change.

20. One or more scaled site maps that show all soil sampling locations for field screening or laboratory analyses, in relation to the former and current sources of contamination and any excavated areas, and that illustrate the horizontal and vertical extent of unsaturated zone soil contamination when soil contamination is detected;

21. through 22. No change.

23. A table that is updated any time additional piezometers, monitoring wells, or recovery wells are installed and that summarizes the well construction details (including the top-of-casing elevation referenced to NGVD of 1929 or NAVD of 1988 or, for petroleum or petroleum product discharges, to a single benchmark of an arbitrary elevation, depth of the top of the screen below land surface, total depth and screen length, and ground surface elevation referenced to NGVD of 1929 or NAVD of 1988 or, for petroleum or petroleum product discharges, to a single benchmark of an arbitrary elevation) of all monitoring wells (including storage tank compliance wells or other compliance wells required by permit), piezometers, and recovery wells;

24. through 28. No change.

(b) Summarize conclusions regarding site assessment objectives outlined in subsection 62-780.600(3), F.A.C., and include one of the following:

1. No change.

2. A Natural Attenuation ~~with~~ Monitoring Plan may be included if the site meets the Natural Attenuation ~~with~~ Monitoring criteria of Rule 62-780.690, F.A.C.;

3. A recommendation to prepare a ~~R~~isk ~~A~~ssessment or a Risk Assessment ~~W~~ork ~~P~~lan shall be included if the PRSR chooses to justify alternative CTLs using risk assessment studies demonstrating that human health, public safety, and the environment are protected to at least the same degree provided by the CTLs referenced in this chapter. The work plan shall include a schedule for completion of a ~~R~~isk ~~A~~ssessment and documentation adequate to support the request to do one or more of the task elements of subsection 62-780.650(1), F.A.C., and shall specify the parameters or exposure assumptions that will be used to develop the alternative CTLs pursuant to Rule 62-780.650, F.A.C.; or

4. No change.

(9) The Department shall:

(a) Provide the PRSR with written approval of the Site Assessment Report and:

1. If the No Further Action Proposal is approved, with a Site Rehabilitation Completion Order as referenced in subsection 62-780.680(7), F.A.C.;

2. If the Natural Attenuation ~~with~~ Monitoring Plan is approved, with a Natural Attenuation ~~with~~ Monitoring Plan Approval as referenced in paragraph 62-780.690(5)(a), F.A.C.;

3. If the Risk Assessment ~~W~~ork ~~P~~lan or the recommendation to prepare a Risk Assessment is approved, with a written notification that the Risk Assessment shall be prepared pursuant to Rule 62-780.650, F.A.C.; or

4. If the recommendation to prepare a Remedial Action Plan is approved, with a written notification that the Remedial Action Plan shall be prepared pursuant to Rule 62-780.700, F.A.C.; or

(b) No change.

(10) If the Site Assessment Report is incomplete in any respect, or is insufficient to satisfy the objectives of subsection 62-780.600(3), F.A.C., the Department shall inform the PRSR pursuant to paragraph 62-780.600(9)(b), F.A.C., and the PRSR shall submit to the Department for review an electronic copy ~~two copies~~ of a Site Assessment Report Addendum that addresses the deficiencies within 60 days after receipt of the notice.

Rulemaking Specific Authority 376.303, 376.3071, 376.30701, 376.3078(4), 376.81, 403.0877 FS. Law Implemented 376.3071, 376.30701, 376.3078(4), 376.81, 403.0877 FS. History—New 4-17-05, Amended _____.

Editorial Note: Portions of this rule were copied from 62-770.600, Formerly 17-70.008 and Formerly 17-770.600; 62-782.600; and 62-785.600.

62-780.610 Fate and Transport Model and Statistical Method Requirements.

(1) Fate and Transport Models.

(a) No change.

(b) Fate and transport models not listed in the ASTM document referenced in subsection 62-780.100(4), F.A.C., or on the list of approved fate and transport models maintained by the Department, may be submitted to the Department for approval and for inclusion on the list of approved fate and transport models maintained by the Department. ~~To be considered for approval by the Department, documentation that adequately demonstrates that the above criteria have been met shall be submitted to the Bureau of Waste Cleanup, 2600 Blair Stone Road, MS 4505, Tallahassee, Florida 32399 2400.~~ Any such request for Department approval shall set forth at a minimum the following information:

1. through 9. No change.

(2) Statistical Methods.

(a) No change.

(b) Statistical methods not on the list of approved statistical methods maintained by the Department may be submitted to the Department for approval and for inclusion on the list of approved statistical methods maintained by the Department. ~~To be considered for approval by the Department, documentation that adequately demonstrates that the above criteria have been met shall be submitted to the Bureau of Waste Cleanup, 2600 Blair Stone Road, MS 4505, Tallahassee, Florida 32399 2400.~~ Any such request for Department approval shall set forth at a minimum the following information:

1. through 9. No change.

(3) through (5) No change.

Rulemaking Specific Authority 376.303, 376.3071, 376.30701, 376.3078(4), 376.81, 403.0877 FS. Law Implemented 376.3071, 376.30701, 376.3078(4), 376.81, 403.0877 FS. History—New 4-17-05, Amended _____.

Editorial Note: Portions of this rule were copied from 62-770.610; 62-782.610; and 62-785.610.

62-780.650 Risk Assessment.

(1) During the risk assessment process, the PRSR is encouraged to have discussions with the Department at various decision points to establish applicable exposure factors, relevant receptors, and risk management options based on the current and projected land use(s) at the site. If a risk assessment is performed, the following risk assessment task elements shall be performed, as appropriate:

(a) through (c) No change.

(d) A justification for apportioned alternative CTLs, as applicable, for groundwater or soil. The justification for the alternative CTLs shall be based upon the site-specific characteristics affecting the site. In establishing the alternative CTLs for groundwater or soil, the following factors shall be used, as applicable: calculations using a lifetime excess cancer risk level of 1.0E-6 and a hazard index of 1 ~~or less~~, and (for groundwater only) nuisance, organoleptic, and aesthetic

considerations. However, the Department shall not require site rehabilitation to achieve a CTL for an individual contaminant that is more stringent than the site-specific background concentration for that contaminant or the best achievable detection limit for that contaminant. The justification shall be based on:

1. through 2. No change.

(2) Fate and transport models for contaminants may be employed, pursuant to Rule 62-780.610, F.A.C., to document that human health and environmental risks from the establishment of alternative CTLs are acceptable. If a fate and transport model for contaminants is used, the model shall be validated during subsequent monitoring to justify a No Further Action Proposal, or during natural attenuation ~~with~~ monitoring or active remediation monitoring, and adjusted as appropriate using empirical data as the data are obtained.

(3) Within the time frames specified in Table A or the CAD, the PRSR shall submit to the Department for review an electronic copy ~~three copies~~ of the Risk Assessment Report ~~for review~~.

(4) The Risk Assessment Report shall contain a description of the task elements undertaken, summarize the conclusions obtained, include the tables required pursuant to subparagraph 62-780.600(8)(a)27., F.A.C., updated as applicable, include a scaled site map for each contaminated medium, that illustrates the degree and extent of contamination (and, for groundwater, the flow direction), and include one of the following:

(a) No change.

(b) A Natural Attenuation ~~with~~ Monitoring Plan may be included if the site meets the Natural Attenuation ~~with~~ Monitoring criteria of Rule 62-780.690, F.A.C.; or

(c) No change.

(5) The Department shall:

(a) Provide the PRSR with written approval of the Risk Assessment Report and:

1. No change.

2. If the Natural Attenuation ~~with~~ Monitoring Plan is approved, with a Natural Attenuation ~~with~~ Monitoring Plan Approval as referenced in paragraph 62-780.690(5)(a), F.A.C.; or

3. No change.

(b) No change.

(6) If the Risk Assessment Report is incomplete in any respect, or is insufficient to satisfy the objectives set forth in subsection 62-780.650(4), F.A.C., the Department shall inform the PRSR pursuant to paragraph 62-780.650(5)(b), F.A.C., and the PRSR shall submit to the Department for review an electronic copy ~~three copies~~ of a Risk Assessment Report Addendum that addresses the deficiencies within 60 days after receipt of the notice.

Rulemaking Specific Authority 376.303, 376.3071, 376.30701, 376.3078(4), 376.81, 403.061 FS. Law Implemented 376.3071, 376.30701, 376.3078(4), 376.81, 403.021, 403.061, 403.062 FS. History--New 4-17-05, Amended _____.

Editorial Note: Portions of this rule were copied from 62-770.650; 62-782.650; and 62-785.650.

62-780.680 No Further Action and No Further Action with Controls.

(1) Risk Management Options Level I – A No Further Action without institutional controls or without institutional and engineering controls shall apply if the following conditions are met:

(a) through (b) No change.

(c) Contaminated groundwater is not present, as demonstrated by the analyses of groundwater samples collected from representative sampling locations (unless the Department has concurred that groundwater sampling is unnecessary based on the site-specific conditions), that show that criteria 1. and 2. are met:

1. Groundwater contaminant concentrations do not exceed the less stringent of:

a. The groundwater CTLs specified in Chapter 62-777, F.A.C., Table I groundwater criteria column, except that for brownfields, groundwater contaminant concentrations may exceed the groundwater CTLs derived from nuisance, organoleptic, or aesthetic considerations if the following additional criteria are met:-

(I) Concentrations of contaminants meet all applicable health-based groundwater CTLs provided in Chapter 62-777, F.A.C., Table I groundwater criteria column, and Chapter 62-780, F.A.C., Table F, and if applicable, surface water CTLs pursuant to paragraph 62-780.680(1)(d), F.A.C.;

(II) The PRSR has demonstrated by a minimum of one year of groundwater monitoring data that groundwater concentrations at the property boundary do not, and will not, exceed the groundwater CTLs pursuant to subparagraph 62-780.680(1)(c)1. or 2., F.A.C., and, if applicable, the surface water CTLs pursuant to paragraph 62-780.680(1)(d), F.A.C.;

(III) The property has access to and is connected to an off-site water supply for domestic purposes and private wells are not used for domestic purposes. For purposes of this rule, “domestic purposes” means that the water is used for human consumption such as bathing, cooking, or drinking, and is provided through pipes or other constructed conveyances; and

(IV) The real property owner provides written acceptance of the No Further Action Proposal to the Department;

b. The background concentrations; or

c. The best achievable detection limits; and

2. Groundwater contaminant concentrations do not exceed the surface water CTLs specified in Chapter 62-777, F.A.C., Table I freshwater surface water criteria column or marine surface water criteria column, as applicable, if the site’s

groundwater contaminant concentrations are ~~contamination is~~ affecting or may potentially affect a surface water body based on monitoring well data, groundwater flow rate and direction, or fate and transport modeling;

(d) Contaminated surface water is not present, as demonstrated by the analyses of surface water samples collected from representative sampling locations (unless the Department has concurred that surface water sampling is unnecessary based on the site-specific conditions), that show that contaminant concentrations do not exceed the less stringent of:

1. The applicable surface water CTLs specified in Chapter 62-777, F.A.C., Table I freshwater surface water criteria column or marine surface water criteria column;
2. The background concentrations; or
3. The best achievable detection limits; and-

(e) Contaminated sediment is not present, as demonstrated by the analyses of sediment samples collected from representative sampling locations (unless the Department has concurred that sediment sampling is unnecessary based on the site-specific conditions), or the concentrations of contaminants in sediment do not exceed the background concentrations.

(2) No change.

(3) Risk Management Options Level III – A No Further Action with institutional controls and, if appropriate, engineering controls shall apply if the controls are protective of human health, public safety, and the environment and are agreed to by the current real property owner(s) of all properties subject to the institutional or engineering controls. Fate and transport models, as defined in Rule 62-780.610, F.A.C., supported by a minimum of one year of monitoring data, may be utilized to justify the No Further Action Proposal. It shall be demonstrated to the Department that the following conditions are met for those contaminants that do not meet Risk Management Options Level I or Level II criteria of subsection 62-780.680(1) or 62-780.680(2), F.A.C.:

(a) No change.

(b) Alternative soil CTLs have been established by the PRSR and the following criteria are met for soil in the unsaturated zone:

1. No change.
2. One or more of the following criteria for leachability are met, as applicable:

a. No change.

b. Direct leachability testing results pursuant to subparagraph 62-780.600(5)(c)4., F.A.C., demonstrate that leachate concentrations do not exceed the alternative groundwater CTLs established pursuant to paragraph 62-780.680(3)(c) ~~62-780.680(3)(b)~~, F.A.C., and, if applicable, the appropriate surface water CTLs pursuant to paragraph 62-780.680(1)(d), F.A.C.;

c. through e. No change.

f. It has been demonstrated to the Department by a minimum of one year of groundwater monitoring data and, if applicable, fate and transport modeling results that, based upon the site-specific conditions, contaminants will not leach into the groundwater at concentrations that exceed the alternative groundwater CTLs established pursuant to paragraph 62-780.680(3)(c), F.A.C., and, if applicable, the appropriate surface water CTLs pursuant to paragraph 62-780.680(1)(d), F.A.C.; and

(c) No change.

(4) Unless the No Further Action Proposal is included in a Site Assessment Report pursuant to subparagraph 62-780.600(8)(b)1., F.A.C., or a Risk Assessment Report pursuant to paragraph 62-780.650(4)(a), F.A.C., or a Site Rehabilitation Completion Report pursuant to subsection 62-780.690(10) or 62-780.750(6), F.A.C., the PRSR shall submit to the Department for review an electronic copy ~~two copies~~ of the No Further Action Proposal ~~for review~~ when the criteria for No Further Action have been met. The No Further Action Proposal shall include the tables required pursuant to subparagraph 62-780.600(8)(a)27., F.A.C., updated as applicable. Prior to approval of a No Further Action Proposal with an institutional control or an engineering control accompanied by an institutional control, documentation of the agreement with the real property owner(s) of all properties subject to the institutional or engineering controls shall be submitted to the Department.

(5) No change.

(6) If the No Further Action Proposal is incomplete in any respect, or is insufficient to satisfy the objectives of subsection 62-780.680(1), 62-780.680(2), or 62-780.680(3), F.A.C., the Department shall inform the PRSR pursuant to paragraph 62-780.680(5)(b), F.A.C., and the PRSR shall submit to the Department for review an electronic copy ~~two copies~~ of a revised No Further Action Proposal that addresses the deficiencies within 30 days after receipt of the notice. If the deficiencies are not timely corrected, or cannot be corrected, the PRSR shall submit to the Department for review, as appropriate, an electronic copy ~~two copies~~ of a Natural Attenuation ~~with~~ Monitoring Plan pursuant to Rule 62-780.690, F.A.C., or an electronic copy ~~two copies~~ of a Remedial Action Plan pursuant to Rule 62-780.700, F.A.C., within 60 days after receipt of the notice.

(7) No change.

(8) Prior to the Department's approval of a No Further Action Proposal with institutional controls or with institutional and engineering controls, the PRSR shall provide constructive notice of the Department's intent for such approval in accordance with subsection 62-780.220(7), F.A.C. ~~to the local government(s) with jurisdiction over the property(ies) subject to the institutional control, to real property owner(s) of any property subject to the institutional control, and to residents of any property subject to the institutional control.~~ The PRSR

shall provide the Department with proof of such notice that meets the requirements of subsections 62-110.106(5), (8), and (9), F.A.C., except that the notice shall be prepared and published by the PRSR within 30 days after the Department's conditional approval of the No Further Action Proposal with institutional controls. The notice shall provide the local government(s) with jurisdiction over the property(ies) subject to the institutional control, real property owners of any property subject to the institutional control, and residents of any property subject to the institutional control, the opportunity to comment to the Department within 30 days after receipt of the notice of the Department's intent of approval. Where subsection 62-110.106(8), F.A.C., requires a description of the agency action proposed, the notice shall contain "to issue a Site Rehabilitation Completion Order with institutional controls for a contaminated site." Additionally, the notice of rights language shall be replaced with "Local governments, real property owner(s) of any property subject to the institutional control, and residents of any property subject to the institutional control have 30 days from publication of this notice to provide comments to the Department." The notice also shall provide the appropriate mailing address to which comments should be sent.

(9) No change.

Rulemaking Specific Authority 376.303, 376.3071, 376.30701, 376.3078(4), 376.81, 403.061, 403.0877 FS. Law Implemented 376.3071, 376.30701, 376.3078(4), 376.81, 403.0877 FS. History—New 4-17-05, Amended.

Editorial Note: Portions of this rule were copied from 62-770.680; 62-782.680; and 62-785.680.

62-780.690 Natural Attenuation with Monitoring.

(1) Natural Attenuation with Monitoring is an allowable strategy for site rehabilitation depending on the individual site characteristics, provided human health, public safety, and the environment are protected. The individual site characteristics may include the current and projected use of the affected groundwater and surface water in the vicinity of the site, the current and projected land use of the area affected by the contamination, the exposed population, the location of the plume, the degree and extent of contamination, the rate of migration of the plume, the apparent or potential rate of degradation of contaminants through natural attenuation, and the potential for further migration in relation to the site's property boundary. Fate and transport models as defined in Rule 62-780.610, F.A.C., may be utilized to support the appropriateness of natural attenuation with monitoring. Natural attenuation with monitoring is allowable provided the following criteria are met:

(a) through (e) No change.

(f) One of the following is met:

1. The site is anticipated to ~~meet~~ achieve the applicable No Further Action criteria of Rule 62-780.680, F.A.C., as a result of natural attenuation in five years or less, the background concentrations or the applicable CTLs are not exceeded at the temporary point of compliance as established pursuant to subsection 62-780.690(2) or 62-780.690(3), F.A.C., and contaminant concentrations do not exceed the criteria specified in Chapter 62-777, F.A.C., Table V; or

2. If the criteria of subparagraph 62-780.690(1)(f)1., F.A.C., are not met, the appropriateness of natural attenuation with monitoring may be demonstrated by the following:

a. through c. No change.

(2) Provided human health, public safety, and the environment are protected, the point of compliance may be temporarily moved from the source of the contamination.

(a) through (b) No change.

(c) The temporary point of compliance may extend beyond the property boundary when accompanied by monitoring, if such extension is needed to facilitate monitoring of natural attenuation or to address the current conditions of the plume, provided human health, public safety, and the environment are protected. If the point of compliance is proposed to be temporarily extended beyond the property boundary, it cannot be extended further than the lateral extent of the plume at the time of execution of a CAD cleanup agreement, if known, or the lateral extent of the plume as defined at the time of the approved site assessment. Prior to the Department authorizing a temporary extension of the point of compliance beyond the property boundary, the PRSR shall provide notice and an opportunity to comment pursuant to subsection 62-780.220(3), F.A.C.

(d) Pursuant to subsection 62-780.220(4), F.A.C., ~~a~~Additional notice concerning the status of the natural attenuation processes shall be similarly provided every five years to persons receiving notice pursuant to paragraph 62-780.690(2)(c), F.A.C.

(3) No change.

(4) If the criteria of subsection 62-780.690(1), F.A.C., are met, a Natural Attenuation ~~with~~ Monitoring Plan, prepared pursuant to subsection 62-780.690(8), F.A.C., may be submitted. Unless the Natural Attenuation ~~with~~ Monitoring Plan is included in a Site Assessment Report pursuant to subparagraph 62-780.600(8)(b)2., F.A.C., or in a Risk Assessment Report pursuant to paragraph 62-780.650(4)(b) 62-780.650(3)(b), F.A.C., the PRSR shall submit to the Department for review an electronic copy two copies of the Natural Attenuation ~~with~~ Monitoring Plan ~~for review~~.

(5) The Department shall:

(a) Provide the PRSR with written approval of the Natural Attenuation ~~with~~ Monitoring Plan; or

(b) Notify the PRSR in writing, stating the reason(s) why the Natural Attenuation ~~with~~ Monitoring Plan does not contain information adequate to support the conclusion that the applicable Natural Attenuation ~~with~~ Monitoring criteria of Rule 62-780.690, F.A.C., have been met.

(6) If the Natural Attenuation ~~with~~ Monitoring Plan is incomplete in any respect, or is insufficient to satisfy the criteria of subsection 62-780.690(1), F.A.C., the Department shall inform the PRSR pursuant to paragraph 62-780.690(5)(b), F.A.C., and the PRSR shall submit to the Department for review an electronic copy ~~two copies~~ of a revised Natural Attenuation ~~with~~ Monitoring Plan that addresses the deficiencies within 30 days after receipt of the notice. If the deficiencies are not timely corrected, or cannot be corrected, the PRSR shall, as appropriate, continue the implementation of the approved Remedial Action Plan or submit to the Department for review an electronic copy ~~two copies~~ of a Remedial Action Plan pursuant to Rule 62-780.700, F.A.C., within 60 days after receipt of the notice.

(7) If the Natural Attenuation ~~with~~ Monitoring Plan meets the criteria of subsection 62-780.690(1), F.A.C., a Natural Attenuation ~~with~~ Monitoring Plan approval shall be issued. The objective of the monitoring program shall be to meet the applicable No Further Action criteria of Rule 62-780.680, F.A.C.

(8) The monitoring program shall be performed as specified in the Natural Attenuation Monitoring Plan approval, as follows:

(a) No change.

(b) The designated monitoring wells shall be sampled for analyses of applicable contaminants no more frequent than quarterly, as specified in the Natural Attenuation ~~with~~ Monitoring Plan approval;

(c) Water-level measurements in all designated wells and piezometers shall be made within 24 hours of initiating each sampling event;

(d) Within the time frames specified in Table A or the CAD, the PRSR shall submit to the Department for review an electronic copy ~~two copies~~ of a Natural Attenuation ~~with~~ Monitoring Report. The report shall include ~~the~~ analytical results (laboratory report), chain of custody record form [Form 62-780.900(2) ~~62-780.900(3)~~ or an equivalent chain of custody form that includes all the items required by Form 62-780.900(2) ~~62-780.900(3)~~], the tables required pursuant to subparagraph 62-780.600(8)(a)27., F.A.C., updated as applicable, site maps that illustrate the analytical results, and the water-level elevation information (summary table and flow map);

(e) If analyses of groundwater samples indicate that concentrations of applicable contaminants exceed any action levels specified in the Natural Attenuation ~~with~~ Monitoring Plan approval, the well or wells shall be resampled no later than 30 days after the initial positive result is known. If the

results of the resampling confirm that the applicable action levels are exceeded, then the monitoring report referenced in paragraph 62-780.690(8)(d), F.A.C., shall be signed and sealed by an appropriate registered professional pursuant to Rule 62-780.400, F.A.C., and shall include a proposal to:

1. Perform a supplemental site assessment and submit a supplemental Site Assessment Report pursuant to Rule 62-780.600, F.A.C.;

2. Continue the implementation of the approved Natural Attenuation ~~with~~ Monitoring Plan; or

3. Prepare and submit a Remedial Action Plan pursuant to Rule 62-780.700, F.A.C.

(f) As specified in the approved Natural Attenuation Monitoring Plan ~~On an annual basis~~, the analytical data shall be evaluated in reference to the expected reductions in contaminant concentrations in monitoring wells pursuant to subparagraph 62-780.690(1)(f)1., F.A.C., or sub-subparagraph 62-780.690(1)(f)2.b., F.A.C., as applicable, to verify progress of site rehabilitation by natural attenuation. If the ~~annual~~ rate of expected cleanup progress is not achieved, then the monitoring report referenced in paragraph 62-780.690(8)(d), F.A.C., shall be signed and sealed by an appropriate registered professional pursuant to Rule 62-780.400, F.A.C., and shall include a proposal to:

1. Perform a supplemental site assessment and submit a supplemental Site Assessment Report pursuant to Rule 62-780.600, F.A.C.;

2. Continue the implementation of the approved Natural Attenuation ~~with~~ Monitoring Plan; or

3. Prepare and submit a Remedial Action Plan pursuant to Rule 62-780.700, F.A.C.; and

(g) If natural attenuation ~~with~~ monitoring follows site assessment, a minimum of two sampling events is required and site rehabilitation shall be considered complete when the No Further Action criteria of subsection 62-780.680(1), 62-780.680(2), or 62-780.680(3), F.A.C., have been met for two consecutive sampling events. If natural attenuation ~~with~~ monitoring follows active remediation, a minimum of four sampling events is required and site rehabilitation shall be considered complete when the No Further Action criteria of subsection 62-780.680(1), 62-780.680(2), or 62-780.680(3), F.A.C., have been met for at least the last two sampling events. If soil contamination was present at the beginning of the monitoring program, prior to submitting the Site Rehabilitation Completion Report soil samples shall be collected at appropriate locations and depths and analyzed for the applicable contaminants to demonstrate to the Department that applicable soil CTLs are met.

(9) If during implementation of the Natural Attenuation ~~with~~ Monitoring Plan the PRSR submits to the Department for review a Remedial Action Plan pursuant to subsection 62-780.700(6), F.A.C., to enhance natural attenuation processes, and the Remedial Action Plan is approved, natural

attenuation ~~with~~ monitoring shall be suspended during the implementation of the enhancement and the PRSR shall perform active remediation monitoring pursuant to the approved Remedial Action Plan.

(10) When Natural Attenuation ~~with~~ Monitoring is considered complete pursuant to paragraph 62-780.690(8)(g), F.A.C., within the time frames specified in Table A or the CAD, the PRSR shall submit to the Department for review an electronic copy ~~two copies~~ of a Site Rehabilitation Completion Report with a No Further Action Proposal. The Site Rehabilitation Completion Report shall include the documentation required in paragraph 62-780.690(8)(d), F.A.C., to support the opinion that site cleanup objectives have been achieved.

(11) No change.

(12) If the Site Rehabilitation Completion Report is incomplete in any respect, or is insufficient to satisfy the objectives of subsection 62-780.690(10), F.A.C., the Department shall inform the PRSR pursuant to paragraph 62-780.690(11)(b), F.A.C., and the PRSR shall submit to the Department for review an electronic copy ~~two copies~~ of a revised Site Rehabilitation Completion Report that addresses the deficiencies within 30 days after receipt of the notice. If the deficiencies are not timely corrected, or cannot be corrected, the PRSR shall resume the implementation of the approved Natural Attenuation ~~with~~ Monitoring Plan within 30 days after receipt of the notice.

(13) For brownfield sites, the Site Rehabilitation Completion Order shall contain the following statement, as applicable: "Based upon the information provided by (real property owner) concerning property located at (insert address), it is the opinion of the Florida Department of Environmental Protection that (party) has successfully and satisfactorily implemented the approved brownfield site rehabilitation agreement schedule and, accordingly, no further action is required to assure that any land use identified in the brownfield site rehabilitation agreement is consistent with existing and proposed uses. If the real property owner proposes to remove the institutional or engineering controls, the real property owner shall obtain prior approval from the Department. The removal of the controls shall be accompanied by the immediate resumption of site rehabilitation, or implementation of other approved controls, unless the criteria of subsection 62-780.680(1), F.A.C., are met."

~~(14)~~(13) No change.

Rulemaking Specific Authority 376.303, 376.3071, 376.30701, 376.3078(4), 376.81, 403.061, 403.0877 FS. Law Implemented 376.3071, 376.30701, 376.3078(4), 376.81, 403.0877 FS. History—New 4-17-05, Amended _____.

Editorial Note: Portions of this rule were copied from 62-770.690; 62-782.690; and 62-785.690.

62-780.700 Active Remediation.

(1) If the conditions at a site do not satisfy the No Further Action criteria of Rule 62-780.680, F.A.C., or the Natural Attenuation ~~with~~ Monitoring criteria of Rule 62-780.690, F.A.C., within the time frames specified in Table A or the CAD, the PRSR shall prepare and submit to the Department for review an electronic copy ~~two copies~~ of a Remedial Action Plan. The Remedial Action Plan shall be prepared pursuant to this rule ~~section~~ and shall contain all of the information required herein. The objective of the active remediation shall be to meet the applicable No Further Action criteria of Rule 62-780.680, F.A.C., or the Natural Attenuation ~~with~~ Monitoring criteria of Rule 62-780.690, F.A.C. The Remedial Action Plan shall provide a design that addresses cleanup of all contaminated soil, sediment, groundwater, or surface water as a result of the discharge of ~~pollutants or hazardous substances~~ for which the PRSR is conducting site rehabilitation. Additionally, if the Remedial Action Plan addresses contamination that has migrated into any medium beyond the boundary of the source property (i.e., the location from which the contamination is emanating), then the point of compliance may be temporarily extended beyond the property boundary with appropriate monitoring, if such extension is needed to address the current conditions of the plume, provided human health, public safety, and the environment are protected. If the point of compliance is proposed to be temporarily extended beyond the property boundary, it cannot be extended further than the lateral extent of the plume at the time of execution of a CAD, if known, or the lateral extent of the plume as defined at the time of the approved site assessment. Prior to the Department authorizing a temporary extension of the point of compliance beyond the property boundary, the PRSR shall provide notice and an opportunity to comment pursuant to subsection 62-780.220(3), F.A.C.

(2) Prior to performing any pilot study, within the time frames specified in Table A or the CAD, the PRSR shall submit to the Department for review an electronic copy ~~two copies~~ of a Pilot Study Work Plan to determine the need for any applicable Department permits or authorizations (for example, underground injection control, National Pollutant Discharge Elimination System, or air emissions), and to ensure that human health and the environment are adequately protected. The Department shall:

(a) through (b) No change.

(3) The Remedial Action Plan shall:

(a) through (e) No change.

(f) Summarize the design, construction details, and operational details of the equipment to be used during active remediation, including, if applicable:

1. through 5. No change.

(g) No change.

(h) Provide the details of any proposed treatment or disposition of contaminated soil or sediment. If contaminated soil exists at the site and active remediation does not include treatment or removal of such soil, the Remedial Action Plan shall include a proposal to implement an institutional control or both an institutional and an engineering control, pursuant to subsection 62-780.680(2) or 62-780.680(3), F.A.C., unless only leachability-based soil CTLs are exceeded and the site is expected to meet the criteria for Natural Attenuation with Monitoring after active remediation has been implemented.

(4) No change.

(5) The Remedial Action Plan may propose active remediation followed by natural attenuation with monitoring. The active remediation may consist solely of soil remediation, short-term or intermittent groundwater remediation, other remedial enhancements, or combinations of these. The discontinuation of active remediation may be appropriate at any time depending on the site-specific characteristics and conditions. The Remedial Action Plan shall include a discussion of when the active remediation will be discontinued. If the PRSR chooses to utilize the provisions of this subsection, natural attenuation monitoring shall be performed pursuant to subsection 62-780.690(8), F.A.C., when the Natural Attenuation Monitoring criteria of Rule 62-780.690, F.A.C., have been met.

(6) The Remedial Action Plan may propose the use of new and innovative technologies or approaches to meet the No Further Action criteria of Rule 62-780.680, F.A.C., or the Natural Attenuation with Monitoring criteria of Rule 62-780.690, F.A.C. The Remedial Action Plan shall include a demonstration that the proposed technology or approach meets the criteria of subsections 62-780.700(1)-(5) and (5), F.A.C. These technologies or approaches may include low-cost enhancements to natural attenuation. Natural attenuation with monitoring shall be suspended during the implementation of the enhancement, pursuant to subsection 62-780.690(9), F.A.C.

~~(7) The remedial action plan summary form [Form 62-780.900(4)] shall be completed and submitted as part of the Remedial Action Plan. The information provided in the remedial action plan summary form shall be updated to be consistent with the final approved Remedial Action Plan and any subsequent modifications to the approved Remedial Action Plan, and the updated summary form shall be submitted to the Department.~~

~~(7)(8) No change.~~

~~(8)(9) If the Remedial Action Plan is incomplete in any respect, or is insufficient to satisfy the objectives of subsection 62-780.700(3), F.A.C., the Department shall inform the PRSR pursuant to paragraph 62-780.700(7)(b) 62-780.700(8)(b), F.A.C., and the PRSR shall submit to the Department for~~

review an electronic copy ~~two copies~~ of a Remedial Action Plan Addendum that addresses the deficiencies within 60 days after receipt of the notice.

~~(9)(10) No change.~~

~~(10)(11) Within the time frames specified in Table A or the CAD, an electronic copy of engineering drawings (As-Built Drawings) for installed mechanical remediation systems and associated structures (e.g., slurry wall, permeable reactive barrier) shall be submitted by the PRSR to the Department two copies of engineering drawings. The engineering drawings shall include all construction and equipment design specifications of the installed active remediation system(s) and any operational parameters different from those in the approved Remedial Action Plan. A summary of the system(s) startup activities shall be attached to the engineering drawings. For other types of remedial action including episodic treatment with mobile equipment, injection of chemical or biological remediation products, or contaminated soil excavation, revised site figures shall be provided indicating placement of remediation wells, injection wells, or boundaries of excavation.~~

~~(11)(12) Within the time frames specified in Table A or the CAD, the operation of the active remediation system(s) shall be initiated unless, after the exercise of reasonable diligence, applicable permits required pursuant to subsection 62-780.700(9) 62-780.700(10), F.A.C., have not been obtained. The following shall be obtained or determined during active remediation at the specified frequencies and turnaround times, as applicable, unless otherwise provided in the approved Remedial Action Plan:~~

~~(a) Water-level data collected from all designated wells, piezometers, and staff gauge locations each time monitoring wells and recovery wells are sampled (water-level measurements shall be made within a 24-hour period). If water-level data or operational parameters remain unchanged, the PRSR may propose, pursuant to paragraph 62-780.700(14)(b) 62-780.700(15)(b), F.A.C., that the requirement be modified or discontinued;~~

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

~~(g) Operational parameters for in situ system(s), which include measurements of biological, chemical, or physical indicators that will verify radius of influence at representative monitoring locations, weekly for the first month, monthly for the next two months, quarterly for the first two years, and semiannually thereafter. If a demonstration is provided to the Department that operational parameters remain unchanged, the PRSR may propose, pursuant to paragraph 62-780.700(14)(b) 62-780.700(15)(b), F.A.C., that the monitoring be modified or discontinued;~~

~~(h) Operational parameters for bioremediation system(s), including measurements of dissolved oxygen at representative monitoring locations, rates of biological, chemical, or nutrient enhancement additions, and any other indicators of biological activity as proposed in the approved Remedial Action Plan;~~

weekly for the first month, monthly for the next two months, and quarterly thereafter or at an alternative frequency as proposed in the approved Remedial Action Plan. If a demonstration is provided to the Department that operational parameters remain unchanged, the PRSR may propose, pursuant to paragraph ~~62-780.700(14)(b)~~ ~~62-780.700(15)(b)~~, F.A.C., that the monitoring be modified or discontinued;

(i) Concentrations of recovered vapors from a vacuum extraction system, and post-treatment air emissions if air emissions treatment is provided, weekly for the first month, monthly for the next two months, and quarterly thereafter (if applicable air quality standards are not exceeded for two consecutive monthly or quarterly sampling events, the PRSR may submit to the Department for review a proposal for a different sampling frequency; for activated carbon off-gas treatment, additional sampling events may be performed based on the estimated time of breakthrough), as follows:

1. Concentrations of recovered vapors from individual wells shall be determined using an organic vapor analyzer with a flame ionization detector, or other applicable field detection device, in order to optimize the air flow rate and contaminant recovery; and

2. ~~The~~ Influent and effluent samples shall be collected using appropriate air sampling protocols and shall be analyzed for contaminants using an appropriate analytical method referenced in the approved Remedial Action Plan and specified in Chapter 62-160, F.A.C.; and

3. ~~The samples shall be collected using appropriate air sampling protocols specified in Chapter 62-160, F.A.C.;~~

(j) No change.

(k) Results of analyses of soil samples taken to verify that the applicable No Further Action criteria of Rule 62-780.680, F.A.C., or the applicable Natural Attenuation ~~with~~ Monitoring criteria of Rule 62-780.690, F.A.C., have been met, based on one of the following:

1. through 3. No change.

~~(12)(13)~~ During implementation of the Remedial Action Plan, within the time frames specified in Table A or the CAD the PRSR shall submit to the Department for review an electronic copy two copies of status reports of remedial action. The Remedial Action Status Report shall contain the following, as applicable:

(a) A summary of the data requested in paragraphs ~~62-780.700(11)(a)-(k)~~ ~~62-780.700(12)(a)-(k)~~, F.A.C.;

(b) All applicable information required by subsection 62-780.300(2), F.A.C.;

(c) A summary of the estimated mass of contaminants recovered in all phases, including free product, dissolved, and vapor phases, by all the on-site remediation equipment, ~~and a comparison to the original estimate of mass of contaminants onsite;~~

(d) One or more scaled site maps that shows groundwater flow direction(s), and the current degree and extent of the contamination;

(e) Conclusions as to the effectiveness of the active remediation for the specified period covered in the status report; and

(f) Recommendations to continue or discontinue the operation of the treatment system(s) or to modify the site rehabilitation; ~~and~~

~~(g) Form 62-780.900(5), summarizing the information from the annual remedial action tasks.~~

~~(13)(14)~~ If effluent concentrations or air concentrations exceed those in the approved Remedial Action Plan, or plume migration occurs during remediation system startup or during operation of the treatment system(s), corrective actions shall be taken and the Department shall be notified by the PRSR within seven days. If the condition may represent an imminent threat to human health, public safety, or the environment, the Department shall be notified within 24 hours. Details of all such incidents shall be included in the status report described in subsection ~~62-780.700(12)~~ ~~62-780.700(13)~~, F.A.C.

~~(14)(15)~~ During implementation of the Remedial Action Plan, the PRSR may propose and justify:

(a) Supplemental assessment to determine alternative CTLs pursuant to Rule 62-780.650, F.A.C.;

(b) Modifications to existing treatment or recovery system(s), or modifications or discontinuation of requirements monitoring of operational parameters as outlined in the remedial action status report prepared pursuant to subsection ~~62-780.700(12)~~ ~~62-780.700(13)~~, F.A.C.;

(c) Innovative technologies pursuant to subsection 62-780.700(6), F.A.C., or other alternative technologies or approaches; or

(d) Discontinuation of active remediation and commencement of Natural Attenuation ~~with~~ Monitoring. The proposal shall include a Natural Attenuation ~~with~~ Monitoring Plan pursuant to subsection 62-780.690(4), F.A.C.

~~(15)(16)~~ The Department shall:

(a) Provide the PRSR with written approval of the proposal; or

(b) Notify the PRSR in writing, stating the reason(s) why the proposal does not contain information adequate to comply with applicable requirements of subsection ~~62-780.700(14)~~ ~~62-780.700(15)~~, F.A.C.

~~(16)(17)~~ If the proposal is incomplete in any respect, or is insufficient to satisfy the applicable requirements of subsection ~~62-780.700(14)~~ ~~62-780.700(15)~~, F.A.C., the Department shall inform the PRSR pursuant to paragraph ~~62-780.700(15)(b)~~ ~~62-780.700(16)(b)~~, F.A.C., and the PRSR shall submit to the Department for review an electronic copy two copies of a revised Natural Attenuation ~~with~~ Monitoring Plan or other proposal pursuant to paragraphs ~~62-780.700(14)(a)-(c)~~ ~~62-780.700(15)(a)-(e)~~, F.A.C., that addresses the deficiencies,

within 60 days after receipt of the notice. If the deficiencies are not timely corrected, or cannot be corrected, the PRSR shall continue the implementation of the approved Remedial Action Plan within 30 days after receipt of the notice.

~~(17)(18)~~ Active remediation shall be deemed complete when the No Further Action criteria of subsection 62-780.680(1), 62-780.680(2), or 62-780.680(3), F.A.C., have been met, or may be deemed complete when the Natural Attenuation ~~with~~ Monitoring criteria of Rule 62-780.690, F.A.C., have been met.

~~(18)(19)~~ For sites conducting active groundwater remediation, if the site does not meet the No Further Action criteria of subsection 62-780.680(1), F.A.C., or the Natural Attenuation ~~with~~ Monitoring criteria of Rule 62-780.690, F.A.C., the PRSR may submit to the Department for review an electronic copy ~~two copies~~ of a proposal to discontinue active groundwater remediation, provided the following demonstration and analyses are met:

(a) No change.

(b) After a minimum of one year of groundwater treatment, concentrations of contaminants in designated monitoring wells and recovery wells have leveled off. This demonstration shall be based on subsequent monthly sampling results obtained for a minimum of 180 days, unless an alternative frequency has been approved in the Remedial Action Plan or pursuant to subsection ~~62-780.700(14)~~ ~~62-780.700(15)~~, F.A.C. “Leveling off ~~Leveling off~~” shall mean that the graph of contaminant concentrations versus time generally fits a curve defined by the equation $C = C_f + C_0 e^{-kt}$ ~~$C = C_f + C_0 e^{-kt}$~~ , that the lower limb of the curve is substantially linear, and that the slope of the final portion of the curve approaches zero. Applicable statistical methods shall be applied to demonstrate this conclusion. In the preceding equation, symbols are defined as follows:

1. C: concentration of the applicable contaminant at time t;
2. C_f ~~C_f~~ : coefficient representing final concentration that the curve approaches asymptotically;
3. C_0 ~~C_0~~ : coefficient representing concentration difference between the final concentration and the concentration at time zero;
4. e: 2.718, the base of natural logarithms;
5. k: coefficient representing the exponential factor that indicates how fast the concentration approaches C_f ~~C_f~~ ;
6. t: time in days from some fixed starting point.

(c) No change.

~~(19)(20)~~ If a demonstration pursuant to subsection ~~62-780.700(18)~~ ~~62-780.700(19)~~, F.A.C., was completed, the PRSR shall compile the results of the demonstration and analyses described in paragraphs ~~62-780.700(18)(a)-(c)~~ ~~62-780.700(19)(a)-(e)~~, F.A.C., in a report and shall submit an electronic copy ~~two copies~~ of the report to the Department for review within the time frames of Table A or the CAD. The

Department shall determine, using the criteria specified in paragraph ~~62-780.700(18)(c)~~ ~~62-780.700(19)(e)~~, F.A.C., whether modifications to the Remedial Action Plan are required pursuant to subsection ~~62-780.700(14)~~ ~~62-780.700(15)~~, F.A.C., to effect further treatment; however, if alternative methods are not required, active remediation shall be deemed complete.

~~(20)(21)~~ When the No Further Action criteria of subsection 62-780.680(1), F.A.C., or the leveling off criteria of subsection ~~62-780.700(18)~~ ~~62-780.700(19)~~, F.A.C., have been met, an electronic copy ~~two copies~~ of a Post Active Remediation Monitoring Plan prepared pursuant to the Post Active Remediation Monitoring criteria described in Rule 62-780.750, F.A.C., shall be submitted by the PRSR to the Department for review (unless the Department has concurred that Post Active Remediation Monitoring of sampling for ~~groundwater~~ is unnecessary based on the site-specific conditions). If the Department agrees that groundwater sampling is unnecessary and the site meets the No Further Action criteria of subsection 62-780.680(1), F.A.C., a Site Rehabilitation Completion Order shall be issued as referenced in subsection 62-780.680(7), F.A.C.

Rulemaking Specific Authority ~~376.303, 376.3071, 376.30701, 376.3078(4), 376.81, 403.0877~~ FS. Law Implemented ~~376.3071, 376.30701, 376.3078(4), 376.81, 403.0877~~ FS. History—New 4-17-05, Amended _____.

Editorial Note: Portions of this rule were copied from ~~62-770.700, Formerly 17-70.010 and Formerly 17-770.700; 62-782.700; and 62-785.700.~~

62-780.750 Post Active Remediation Monitoring.

(1) Groundwater monitoring shall be performed following the completion of active groundwater remediation or soil remediation as described in Rule 62-780.700, F.A.C., unless the Department has concurred that groundwater sampling is unnecessary based on the site-specific conditions. When active groundwater remediation has met the No Further Action criteria of subsection 62-780.680(1), F.A.C., or the leveling off criteria of subsection ~~62-780.700(18)~~ ~~62-780.700(19)~~, F.A.C., an electronic copy ~~two copies~~ of a Post Active Remediation Monitoring Plan prepared pursuant to the provisions of subsection 62-780.750(4), F.A.C., and including analytical results demonstrating this conclusion, shall be submitted by the PRSR to the Department for review.

(2) No change.

(3) If the Post Active Remediation Monitoring Plan is incomplete in any respect, or is insufficient to satisfy the objectives of subsection 62-780.750(1), F.A.C., the Department shall inform the PRSR pursuant to paragraph 62-780.750(2)(b), F.A.C., and the PRSR shall submit to the Department for review an electronic copy ~~two copies~~ of a revised Post Active Remediation Monitoring Plan that addresses the deficiencies within 30 days after receipt of the

notice. If the deficiencies are not timely corrected, or cannot be corrected, the PRSR shall resume the implementation of the approved Remedial Action Plan within 30 days after receipt of the notice.

(4) The monitoring program shall be performed as specified in the Post Active Remediation Monitoring Plan approval, as follows:

(a) A minimum of two monitoring wells is required:

1. At least one well shall be located at the downgradient edge of the plume; and

2. At least one well shall be located in the area(s) of highest groundwater contamination or directly adjacent to it if the area of highest groundwater contamination is inaccessible (for example, under a structure);-

(b) No change.

(c) Water-level measurements in all designated wells and piezometers shall be made within 24 hours of initiating each sampling event;

(d) Within the time frames specified in Table A or the CAD, the PRSR shall submit to the Department for review an electronic copy ~~two copies~~ of a Post Active Remediation Monitoring Report. The report shall include the analytical results (laboratory report), chain of custody record form [Form 62-780.900(2) ~~62-780.900(3)~~ or an equivalent chain of custody form that includes all the items required by Form 62-780.900(2) ~~62-780.900(3)~~], the tables required pursuant to subparagraph 62-780.600(8)(a)27., F.A.C., updated as applicable, site maps that illustrate the analytical results, and the water-level elevation information (summary table and flow map);

(e) through (f) No change.

(5) The remediation equipment may be maintained in an inactive but operational status during the duration of post active remediation monitoring to avoid the possibility of having to re-install it if when ~~when~~ contaminant concentrations rebound.

(6) When post active remediation monitoring is considered complete pursuant to paragraph 62-780.750(4)(f), F.A.C., within the time frames specified in Table A or the CAD, the PRSR shall submit to the Department for review an electronic copy ~~two copies~~ of a Site Rehabilitation Completion Report with a No Further Action Proposal. The Site Rehabilitation Completion Report shall include the documentation required in paragraph 62-780.750(4)(d), F.A.C., to support the opinion that site cleanup objectives have been achieved.

(7) No change.

(8) If the Site Rehabilitation Completion Report is incomplete in any respect, or is insufficient to satisfy the objectives of subsection 62-780.750(6), F.A.C., the

Department shall inform the PRSR pursuant to paragraph subsection 62-780.750(7)(b), F.A.C., and the PRSR shall submit to the Department for review an electronic copy ~~two copies~~ of a revised Site Rehabilitation Completion Report that addresses the deficiencies within 30 days after receipt of the notice. If the deficiencies are not timely corrected, or cannot be corrected, the PRSR shall resume the implementation of the approved Post Active Remediation Monitoring Plan within 30 days after receipt of the notice.

(9) For brownfields, the Site Rehabilitation Completion Order shall contain the following statement, as applicable: “Based upon the information provided by (real property owner) concerning property located at (insert address), it is the opinion of the Florida Department of Environmental Protection that (party) has successfully and satisfactorily implemented the approved brownfield site rehabilitation agreement schedule and, accordingly, no further action is required to assure that any land use identified in the brownfield site rehabilitation agreement is consistent with existing and proposed uses. If the real property owner proposes to remove the institutional or engineering controls, the real property owner shall obtain prior approval from the Department. The removal of the controls shall be accompanied by the immediate resumption of site rehabilitation, or implementation of other approved controls, unless the criteria of subsection 62-780.680(1), F.A.C., are met.”

(10)(9) The Site Rehabilitation Completion Order shall constitute final agency action regarding cleanup activities at the site.

Rulemaking Specific Authority 376.303, 376.3071, 376.30701, 376.3078(4), 376.81, 403.061, 403.0877 FS. Law Implemented 376.3071, 376.30701, 376.3078(4), 376.81, 403.0877 FS. History–New 4-17-05, Amended _____.

Editorial Note: Portions of this rule were copied from 62-770.750; 62-782.750; and 62-785.750.

62-780.790 Time Schedules.

(1) Site rehabilitation performed pursuant to this chapter shall be conducted within the time frames specified in Table A of this chapter, except that:

(a) If the PRSR has entered into a CAD with the Department for site rehabilitation, the time frames specified in the CAD shall take precedence over the time frames specified in Table A of this chapter; or

(b) If the Department is the PRSR, the time frames specified in this chapter do not apply.

(2) If the PRSR has entered into a CAD with the Department for site rehabilitation, the time frames specified in the CAD shall take precedence over the time frames specified in Table A of this chapter.

(3) through (4) renumbered (2) through (3) No change.

~~(4)(5)~~ The failure of the PRSR to submit requested information or meet any time frame herein shall be a violation of Chapters 376 and 403, F.S., and shall be enforceable by the Department pursuant to Sections 376.303 and 403.121, F.S., unless otherwise addressed by a CAD.

~~(5)(6)~~ No change.

Rulemaking Specific Authority 376.303, 376.3071, 376.30701, 376.3078(4) FS. Law Implemented 376.3071, 376.30701, 376.30711, 376.3078(4) FS. History--New 4-17-05, Amended _____.

Editorial Note: Portions of this rule were copied from 62-770.800, Formerly 17-70.013 and Formerly 17-770.800; and 62-782.790.

62-780.900 Forms.

The forms used by the Department in ~~its~~ the Contaminated Site Cleanup Criteria programs are adopted and incorporated by reference in this rule. Each form is listed by ~~subsection rule~~ number, which is also the form number, and with the subject, title, and effective date. Forms may be obtained from the Division of Waste Management website at

www.dep.state.fl.us/waste. Copies of forms may be obtained by writing to the Department of Environmental Protection, Bureau of Waste Cleanup, MS 4505, 2600 Blair Stone Road, Tallahassee, FL 32399-2400; or to the applicable local district office of the Department.

(1) Form 62-780.900(1), Initial Notice of Contamination Beyond Property Boundaries (effective date ~~_____ 12-27-07~~).

~~(2) Form 62-780.900(2), Free Product Removal Notification Form for Contaminated Sites (effective date 4-17-05).~~

~~(2)(3)~~ Form 62-780.900(2) ~~62-780.900(3)~~, Chain of Custody Record (effective date ~~_____ 4-17-05~~).

~~(4) Form 62-780.900(4), Remedial Action Plan Summary (effective date 4-17-05).~~

~~(5) Form 62-780.900(5), Active Remediation Status Report Summary (effective date 4-17-05).~~

Rulemaking Specific Authority 376.303, 376.3071, 376.30701, 376.30702, 376.3078(4), 376.81 FS. Law Implemented 376.3071, 376.30701, 376.30702, 376.3078(4), 376.81 FS. History--New 4-17-05, Amended 12-27-07, _____.

Editorial Note: Portions of this rule were copied from 62-770.900, Formerly 17-770.900; 62-782.900; and 62-785.900.

TABLE A- Submittals and Time Frames for PRSR (Unless superseded by a CAD)	
Type of Report or Activity	PRSR Action or Submittal Time Frames
Notice of Initiation of Emergency Response Action or Interim Source Removal Action	Within 24 hours of initiation of the action
Interim Source Removal Proposal Plan	When seeking approval before implementation of an alternative product recovery method, groundwater recovery, soil treatment or disposal technique (Rule 62-780.500, F.A.C.)
Interim Source Removal Status Report	Within 60 days of initiating interim source removal activities and every 60 days thereafter or when the field activity is terminated, whichever occurs first
Interim Source Removal Report	Within 60 days of completion of interim source removal activities
Site Assessment Commenced	Within 60 days after a discharge is discovered
Site Assessment Report (SAR)	SAR submitted within 270 days of discharge or discovery
Risk Assessment Report (RAR)	Optional (within 60 days of SAR approval or within the scheduled approved in the Risk Assessment W ork P lan)
Well Survey and Sampling Results pursuant to paragraph 62-780.600(3)(h), F.A.C.	Within 60 days of discovery of contamination beyond the property boundaries
No Further Action (NFA) Proposal	When the site meets the criteria for NFA (Rule 62-780.680, F.A.C.)
Natural Attenuation with Monitoring (NAM) Plan	When the site meets the criteria for NAM (Rule 62-780.690, F.A.C.)
Natural Attenuation with Monitoring (NAM) Report	Within 60 days of sample collection
Remedial Action Plan (RAP)	Within 90 days of approval of a SAR or RAR
As-Built Drawings	Within 120 days of initiating operation of active remediation system
Initiate Operation of Active Remediation System	Within 120 days of RAP approval
Remedial Action Status Report	Within 60 days of the anniversary date of initiating operation of active remediation system
Proposals submitted pursuant to subsection 62-780.700(14) 62-780.700(15) , F.A.C.	Optional during active remediation
Post Active Remediation Monitoring (PARM) Plan	When the site meets the criteria for NFA (Rule 62-780.680, F.A.C.) or Leveling Off Leveling-Off (subsection 62- 62-780.700(18) 62-780.700(19) , F.A.C.)
Post Active Remediation Monitoring (PARM) Report	Within 60 days of sample collection
Leveling Off Determination	Within 60 days of sample collection
Post Active Remediation Monitoring Plan resampling proposal (paragraph 62-780.750(4)(e), F.A.C.)	Within 60 days of sample collection
Site Rehabilitation Completion Report (SRCR)	Within 60 days of the final sampling event. If SRCR is not approved then submit modifications, etc. within 60 days of Department's response
Pilot Study Work Plan	When seeking approval before implementation of a Pilot Study pursuant to subsection 62-780.700(2), F.A.C.
Combined Document (optional submittal)	Submitted within 270 days of discharge or discovery
Notices for Field Activities (except for Initiation of Emergency Response Action, De M inimis Discharges or Interim Source Removal Action)	Notice to the Department within seven days but not less than 24 hours prior to performing field activity
Submittal to the Department of addenda, responses, or modification to plans or reports, pursuant to Rule 62-780.790, F.A.C.	Within 60 days of receipt of the Department's response
Submittal of Form and Actual Notice required in subsection 62-780.220(2), F.A.C.	See text of rule for "Initial Notice of Contamination Beyond Property Boundaries" in subsection 62-780.220(2), F.A.C.
Submittal of Actual or Constructive Notices required in subsection 62-780.220(3), F.A.C.	See text of rule for "Subsequent Notice of Contamination Beyond Source Property Boundaries for Establishment of a Temporary Point of Compliance (TPOC)" in subsection 62-780.220(3), F.A.C.

<u>TABLE B</u>	
<u>Petroleum, Petroleum Product and Drycleaning Solvent Contaminants of Concern (COCs)</u>	
<u>Petroleum or Petroleum Product COCs</u>	<u>Drycleaning Solvent COCs</u>
<u>Petroleum or Petroleum Product Sites</u> <u>Benzene</u> <u>Ethylbenzene</u> <u>Toluene</u> <u>Xylenes, total</u> <u>Acenaphthene</u> <u>Acenaphthylene</u> <u>Anthracene</u> <u>Benzo(a)anthracene</u> <u>Benzo(a)pyrene</u> <u>Benzo(b)fluoranthene</u> <u>Benzo(g,h,i)perylene</u> <u>Benzo(k)fluoranthene</u> <u>Chrysene</u> <u>Dibenz(a,h)anthracene</u> <u>Fluoranthene</u> <u>Fluorene</u> <u>Indeno(1,2,3-cd)pyrene</u> <u>Methylnaphthalene, 1-</u> <u>Methylnaphthalene, 2-</u> <u>Naphthalene</u> <u>Phenanthrene</u> <u>Pyrene</u> <u>Dibromoethane, 1,2- [or EDB]</u> <u>Dichloroethane, 1,2- [or EDC]</u> <u>Methyl tert-butyl ether [or MTBE]</u> <u>TRPHs</u> <u>Arsenic</u> <u>Cadmium</u> <u>Chromium</u> <u>Lead</u> <u>Chloride</u> <u>Sulfate</u> <u>Total Dissolved Solids [or TDS]</u>	<u>Chlorinated Solvent Sites</u> <u>Carbon tetrachloride</u> <u>Chloroform</u> <u>Dichloroethane, 1,1-</u> <u>Dichloroethane, 1,2- [or EDC]</u> <u>Dichloroethene, 1,1-</u> <u>Dichloroethene, cis-1,2-</u> <u>Dichloroethene, trans-1,2-</u> <u>Ethyl chloride [or Chloroethane]</u> <u>Methyl chloride [or Chloromethane]</u> <u>Methylene chloride</u> <u>Tetrachloroethene [or PCE]</u> <u>Trichloro-1,2,2-trifluoroethane, 1,1,2 [or CFC 113]</u> <u>Trichloroethane, 1,1,1- [or Methyl chloroform]</u> <u>Trichloroethene [or TCE]</u> <u>Vinyl chloride</u> <u>Petroleum Solvent Sites</u> <u>Benzene</u> <u>Ethylbenzene</u> <u>Toluene</u> <u>Xylenes, total</u> <u>Acenaphthene</u> <u>Acenaphthylene</u> <u>Methylnaphthalene, 1-</u> <u>Methylnaphthalene, 2-</u> <u>Naphthalene</u> <u>TRPHs</u>

<u>TABLE C</u> For Gasoline and Kerosene Analytical Groups		
<u>Contaminants of Concern</u>	<u>Groundwater and Surface Water</u>	<u>Soil and Sediment</u>
<u>Benzene, Ethylbenzene, Toluene, total Xylenes, and MTBE</u>	<u>EPA 602, 624, 8021, or 8260</u>	<u>EPA 8021 or 8260</u>
<u>1-methylnaphthalene, 2-methylnaphthalene, and the 16 method-listed PAHs included in Table B</u>	<u>EPA 610 (by HPLC), 625, 8270, or 8310</u>	<u>EPA 8270 or 8310</u>
<u>1,2-dichloroethane and other listed Priority Pollutant Volatile Organic Halocarbons</u>	<u>EPA 601, 624, 8021, or 8260</u>	<u>NOT REQUIRED</u>
<u>1,2-dibromoethane [or EDB]</u>	<u>EPA 504, 504.1, or 8011</u>	<u>NOT REQUIRED</u>
<u>Lead, total</u>	<u>EPA 200.7, 200.8, 6010, or 6020</u>	<u>NOT REQUIRED</u>
<u>TRPHs</u>	<u>FL-PRO</u>	<u>FL-PRO</u>
<u>NOTE 1: Practical quantitation limits shall meet the specified cleanup target levels.</u>		
<u>NOTE 2: Appropriate sample preparation and cleanup methods (e.g., extraction, digestion) shall be performed prior to analysis.</u>		
<u>NOTE 3: Equivalent methods may be used if approved through protocols described in Chapter 62-160, F.A.C.</u>		

<u>TABLE D</u> For used oil, as defined in Rule 62-780.200(50), F.A.C., for identified products not listed in the Gasoline or Kerosene Analytical Groups, and for products for which the specific identity is unknown			
<u>Contaminants of Concern</u>	<u>Groundwater and Surface Water</u>	<u>Soil and Sediment</u>	
<u>Arsenic, total</u>	<u>EPA 200.7, 200.8, 6010, or 6020</u>	<u>EPA 6010 or 6020</u>	
<u>Cadmium, total</u>	<u>EPA 200.7, 200.8, 6010, or 6020</u>	<u>EPA 6010 or 6020</u>	
<u>Chromium, total</u>	<u>EPA 200.7, 200.8, 6010, or 6020</u>	<u>EPA 6010 or 6020</u>	
<u>Lead, total</u>	<u>EPA 200.7, 200.8, 6010, or 6020</u>	<u>EPA 6010 or 6020</u>	
<u>Priority Pollutant Volatile Organics</u>	<u>EPA 624 or 8260</u>	<u>EPA 8260</u>	
<u>Priority Pollutant Extractable Organics</u>	<u>EPA 625 + 608, 625 + 8081 + 8082, 8270 + 608 (unless certified for Organochlorine Pesticides and PCBs by 8270), or 8270 + 8081 (unless certified for Organochlorine Pesticides by 8270) + 8082 (unless certified for PCBs by 8270)</u>	<u>EPA 8270 + 8081 (unless certified for Organochlorine Pesticides by 8270) + 8082 (unless certified for PCBs by 8270)</u>	
<u>Nonpriority Pollutant Organics (with GC/MS peaks greater than 10 ug/L)</u>	<u>EPA 624 or 8260, and 625 or 8270</u>	<u>NOT REQUIRED</u>	
<u>Priority Pollutant Volatile Organic Halocarbons</u>	<u>EPA 601, 624, 8021, or 8260</u>	<u>EPA 8021 or 8260</u>	

<u>1-methylnaphthalene, 2-methylnaphthalene, and the 16 method-listed PAHs included in Table B</u>	<u>EPA 610 (by HPLC), 625, 8270, or 8310</u>	<u>EPA 8270 or 8310</u>	
<u>PCBs</u>	<u>EPA 608 or 8082</u>	<u>EPA 8082</u>	
<u>TRPHs</u>	<u>FL-PRO</u>	<u>FL-PRO</u>	

<u>Toxicity Characteristic Leaching Procedure (TCLP) and the subsequent analyses for metals shall be performed on soil samples to determine if the soil is a hazardous waste and to evaluate leaching potential when the total concentration of any contaminant of concern in the samples meets the following conditions (the applicable analytical method shall be used following sample preparation by EPA Method 1311 and any appropriate digestion procedure):</u>		
<u>IF:</u>		<u>Test Criteria:Use:Exceeds:</u>
<u>Total Arsenic</u>		<u>5.0 mg/LEPA 6010 or 6020100 mg/kg</u>
<u>Total Cadmium</u>		<u>1.0 mg/LEPA 6010 or 602020 mg/kg</u>
<u>Total Chromium</u>		<u>5.0 mg/LEPA 6010 or 6020100 mg/kg</u>
<u>Total Lead</u>		<u>5.0 mg/LEPA 6010 or 6020100 mg/kg</u>

NOTE 1: Practical quantitation limits shall meet the specified cleanup target levels.

NOTE 2: Appropriate sample preparation and cleanup methods (e.g., extraction, digestion) shall be performed prior to analysis.

NOTE 3: Equivalent methods may be used if approved through protocols described in Chapter 62-160, F.A.C.

<u>Contaminants of Concern</u>	<u>Groundwater and Surface Water</u>	<u>Soil and Sediment</u>
<u>Benzene, Ethylbenzene, Toluene, total Xylenes, and MTBE</u>	<u>EPA 602, 624, 8021, or 8260</u>	<u>EPA 8021 or 8260</u>
<u>1-methylnaphthalene, 2-methylnaphthalene, and the 16 method-listed PAHs included in Table B</u>	<u>EPA 610 (by HPLC), 625, 8270, or 8310</u>	<u>EPA 8270 or 8310</u>
<u>1,2-dichloroethane and other listed Priority Pollutant Volatile Organic Halocarbons</u>	<u>EPA 601, 624, 8021, or 8260</u>	<u>EPA 8021 or 8260</u>
<u>1,2-dibromoethane [or EDB]</u>	<u>EPA 504, 504.1, or 8011</u>	<u>NOT REQUIRED</u>
<u>Arsenic, total</u>	<u>EPA 200.7, 200.8, 6010, or 6020</u>	<u>EPA 6010 or 6020</u>
<u>Cadmium, total</u>	<u>EPA 200.7, 200.8, 6010, or 6020</u>	<u>EPA 6010 or 6020</u>
<u>Chromium, total</u>	<u>EPA 200.7, 200.8, 6010, or 6020</u>	<u>EPA 6010 or 6020</u>
<u>Lead, total</u>	<u>EPA 200.7, 200.8, 6010, or 6020</u>	<u>EPA 6010 or 6020</u>
<u>TRPHs</u>	<u>FL-PRO</u>	<u>FL-PRO</u>

Chloride	EPA 300.0, 9056, 9251, or 9253, or SM 4500-Cl B, 4500-Cl C, or 4500-Cl E	NOT REQUIRED
Sulfate	EPA 300.0, 300.1, 375.2, 9038, or 9056, or SM 4500-SO4 C	NOT REQUIRED
Total Dissolved Solids [or TDS]	SM 2540 C	NOT APPLICABLE

NOTE 1: Practical quantitation limits shall meet the specified cleanup target levels.

NOTE 2: Appropriate sample preparation and cleanup methods (e.g., extraction, digestion) shall be performed prior to analysis.

NOTE 3: Equivalent methods may be used if approved through protocols described in Chapter 62-160, F.A.C.

Table F
Health-Based Values For Groundwater Cleanup Target Levels at Brownfield Sites

<u>Contaminant</u>	<u>CAS#</u>	<u>Chapter 62-777, F.A.C., (ug/L)</u>	<u>Health-Based GCTL (ug/L)</u>	<u>Target Organ/System or Effect</u>
Acenaphthene	83-32-9	20 <u>Organoleptic</u>	420	-Liver
Aluminum	7429-90-5	200 <u>Secondary Standard</u>	7000	-Body Weight
Biphenyl, 1,1- [or Diphenyl]	92-52-4	0.5 <u>Organoleptic</u>	350	-Kidney
Butyl acetate, n-	123-86-4	43 <u>Organoleptic</u>	NA	-None Specified
Chloride	16887-00-6	250000 <u>Secondary Standard</u>	NA	-None Specified
Chlorophenol, 3-	108-43-0	0.1 <u>Organoleptic</u>	35	-Reproductive
Chlorophenol, 4-	106-48-9	0.1 <u>Organoleptic</u>	35	-Reproductive
Chloropicrin	27913	7.3 <u>Organoleptic</u>	NA	-None Specified
Copper	7440-50-8	1000 <u>Secondary Standard</u>	280 (a)	-Gastrointestinal
Cumene [or Isopropyl benzene]	98-82-8	0.8 <u>Organoleptic</u>	700	-Adrenals -Kidney
Dichlorophenol, 2,3-	576-24-9	0.04 <u>Organoleptic</u>	21	-Immunological
Dichlorophenol, 2,4-	120-83-2	0.3 <u>Organoleptic</u>	21	-Immunological
Dichlorophenol, 2,5-	583-78-8	0.5 <u>Organoleptic</u>	21	-Immunological
Dichlorophenol, 2,6-	87-65-0	0.2 <u>Organoleptic</u>	21	-Immunological

<u>Dichlorophenol, 3,4-</u>	<u>95-77-2</u>	<u>0.3</u> <u>Organoleptic</u>	<u>21</u>	<u>- Immunological</u>
<u>Ethanol</u>	<u>64-17-5</u>	<u>10000</u> <u>Organoleptic</u>	<u>400000</u>	<u>-Developmental</u>
<u>Ethyl acrylate</u>	<u>140-88-5</u>	<u>0.4</u> <u>Organoleptic</u>	<u>0.7</u>	<u>-Carcinogen</u>
<u>Ethyl ether</u>	<u>60-29-7</u>	<u>750</u> <u>Organoleptic</u>	<u>1400</u>	<u>-Body Weight</u>
<u>Ethylbenzene</u>	<u>100-41-4</u>	<u>30</u> <u>Secondary Standard</u>	<u>700</u> <u>(700)</u>	<u>-Developmental -Kidney -</u> <u>Liver</u>
<u>Fluoride</u>	<u>7782-41-4</u>	<u>2000</u> <u>Secondary Standard</u>	<u>420</u> <u>(a)</u>	<u>-Teeth mottling</u>
<u>Formaldehyde</u>	<u>50-00-0</u>	<u>600</u> <u>Organoleptic</u>	<u>1400</u>	<u>-Body Weight-Carcinogen</u> <u>-Gastrointestinal</u>
<u>Hexane, n-</u>	<u>110-54-3</u>	<u>6</u> <u>Organoleptic</u>	<u>420</u>	<u>-Neurological</u>
<u>Iron</u>	<u>7439-89-6</u>	<u>300</u> <u>Secondary Standard</u>	<u>4200</u>	<u>-Gastrointestinal</u>
<u>Manganese</u>	<u>7439-96-5</u>	<u>50</u> <u>Secondary Standard</u>	<u>330</u>	<u>-Neurological</u>
<u>Methyl acetate</u>	<u>79-20-9</u>	<u>3000</u> <u>Organoleptic</u>	<u>7000</u>	<u>-Liver</u>
<u>Methyl methacrylate</u>	<u>80-62-6</u>	<u>25</u> <u>Organoleptic</u>	<u>9800</u>	<u>-None specified</u>
<u>Methyl tert-butyl ether</u> <u>[or MTBE]</u>	<u>1634-04-4</u>	<u>20</u> <u>Organoleptic</u>	<u>NA</u>	<u>-Eye-Kidney-Liver</u>
<u>Phenol</u>	<u>108-95-2</u>	<u>10</u> <u>Organoleptic</u>	<u>2100</u>	<u>-Developmental</u>
<u>Silver</u>	<u>7440-22-4</u>	<u>100</u> <u>Secondary Standard</u>	<u>35</u> <u>(a)</u>	<u>-Skin</u>
<u>Sulfate</u>	<u>14808-79-8</u>	<u>250000</u> <u>Secondary Standard</u>	<u>NA</u>	<u>-None Specified</u>
<u>Toluene</u>	<u>108-88-3</u>	<u>40</u> <u>Secondary Standard</u>	<u>1400</u> <u>(1000) (b)</u>	<u>-Kidney-Liver-Neurological</u>
<u>Total dissolved solids</u> <u>[or TDS]</u>	<u>C-010</u>	<u>500000</u> <u>Secondary Standard</u>	<u>NA</u>	<u>-None Specified</u>
<u>Trichlorophenol, 2,4,5-</u>	<u>95-95-4</u>	<u>1</u> <u>Organoleptic</u>	<u>700</u>	<u>-Kidney -Liver</u>
<u>Trimethylbenzene,</u> <u>1,2,3-</u>	<u>526-73-8</u>	<u>10</u> <u>Organoleptic</u>	<u>350</u>	<u>-None Specified</u>
<u>Trimethylbenzene,</u> <u>1,2,4-</u>	<u>95-63-6</u>	<u>10</u> <u>Organoleptic</u>	<u>350</u>	<u>-None Specified</u>
<u>Trimethylbenzene,</u> <u>1,3,5-</u>	<u>108-67-8</u>	<u>10</u> <u>Organoleptic</u>	<u>350</u>	<u>-None Specified</u>

<u>Vinyl acetate</u>	<u>108-05-4</u>	<u>88</u> <u>Organoleptic</u>	<u>7000</u>	<u>-Body Weight-Kidney-Nasal</u>
<u>Xylenes, total</u>	<u>1330-20-7</u>	<u>20</u> <u>Secondary Standard</u>	<u>1400</u> <u>(10000) (c)</u>	<u>-Body Weight-Mortality</u> <u>-Neurological</u>
<u>Zinc</u>	<u>7440-66-6</u>	<u>5000</u> <u>Secondary Standard</u>	<u>2100</u> <u>(a)</u>	<u>Blood</u>

Note: GCTLs based organoleptic considerations are lower than the health-based values.

Table F in Chapter 62-780, F.A.C., was duplicated in Table 7 of the technical report referenced in this chapter. Table F is for use only when making decisions for brownfield sites regarding sub-subparagraph 62-780.680(1)(c)1.a., F.A.C.

NA = Not available at time of rule adoption.

(a) = Health-based GCTL lower than the Secondary Standard. The Secondary Standard shall be used for this contaminant.

(b) = Health-based GCTL higher than Primary Standard (value). The Primary Standard shall be used for this contaminant.

(c) = Health-based GCTL lower than Primary Standard (value). The Primary Standard shall be used for this contaminant.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Jorge R. Caspary, Director, Division of Waste Management
NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Herschel T. Vinyard Jr., Secretary, Department of Environmental Protection
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 17, 2012
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: March 9, 2012

DEPARTMENT OF ENVIRONMENTAL PROTECTION

RULE NOS.:	RULE TITLES:
62-782.100	Referenced Guidelines
62-782.150	Applicability
62-782.200	Acronyms and Definitions
62-782.220	Notices
62-782.300	Quality Assurance Requirements
62-782.400	Professional Certifications
62-782.450	Combined Document
62-782.500	Interim Source Removal
62-782.600	Site Assessment
62-782.610	Fate and Transport Model and Statistical Method
62-782.650	Risk Assessment
62-782.680	No Further Action and No Further Action with Controls Criteria

62-782.690 Natural Attenuation with Monitoring Criteria
62-782.700 Active Remediation
62-782.750 Post Active Remediation Monitoring
62-782.790 Time Schedules
62-782.900 Forms

PURPOSE AND EFFECT: Chapter 62-782, F.A.C., is being repealed with all of the current Risk-Based Corrective Action (RBCA) rule chapters being merged into Chapter 62-780, F.A.C., Contaminated Site Cleanup Criteria. The purpose is to achieve rule consolidation and consistency across cleanup programs, where possible, based on governing statutes. Concurrently, the Department is proposing the expansion of Chapter 62-780, F.A.C., to include program-specific provisions from the Petroleum, Drycleaning Solvent, and Brownfields RBCA cleanup rules.

SUMMARY: The existing drycleaning solvent contamination site rehabilitation criteria, process and procedures contained in Chapter 62-782, F.A.C., will be merged into Chapter 62-780, F.A.C.

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.

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: Chapter 62-782, F.A.C., is merely being merged into Chapter 62-780, F.A.C., and no substantive changes were made during the merger of these rules. The department expects no regulatory costs associated with this proposed rule repeal; therefore, a SERC and legislative ratification are not required.

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.

RULEMAKING AUTHORITY: 376.3078(4), 376.30702, 403.7255, 403.061, 376.3078(9) FS.

LAW IMPLEMENTED: 376.3078(4), 376.30702, 403.7255, 403.0877, 376.3078(9) FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE HELD AT THE DATE, TIME AND PLACE SHOWN BELOW (IF NOT REQUESTED, THIS HEARING WILL NOT BE HELD):

DATE AND TIME: Wednesday, October 3, 2012, 9:00 a.m. until conclusion, but no later than 5:00 p.m.

PLACE: Department of Environmental Protection, 2600 Blair Stone Road, Room 609, Tallahassee, FL

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Brian Dougherty at (850)245-7503 or brian.dougherty@dep.state.fl.us. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Brian Dougherty at (850)245-7503 or brian.dougherty@dep.state.fl.us

THE FULL TEXT OF THE PROPOSED RULES IS:

62-782.100 Referenced Guidelines.

Rulemaking Specific Authority 376.3078(4) FS. Law Implemented 376.3078(4) FS. History–New 8-5-99, Amended 4-17-05, Repealed _____.

Editorial Note: see Rule 62-780.100, F.A.C.

62-782.150 Applicability.

Rulemaking Specific Authority 376.3078(4) FS. Law Implemented 376.3078(4) FS. History–New 8-5-99, Amended 4-17-05, Repealed _____.

Editorial Note: see Rule 62-780.150, F.A.C.

62-782.200 Acronyms and Definitions.

Rulemaking Specific Authority 376.3078(4) FS. Law Implemented 376.3078(4) FS. History–New 8-5-99, Amended 4-17-05, Repealed _____.

Editorial Note: see Rule 62-780.200, F.A.C.

62-782.220 Notices.

Rulemaking Specific Authority 376.30702, 376.3078(4), 403.7255 FS. Law Implemented 376.30702, 376.3078(4), 403.7255 FS. History–New 4-17-05, Amended 12-27-07, Repealed _____.

Editorial Note: see Rule 62-780.220, F.A.C.

62-782.300 Quality Assurance Requirements.

Rulemaking Specific Authority 376.3078(4) FS. Law Implemented 376.3078(4) FS. History–New 8-5-99, Amended 4-17-05, Repealed _____.

Editorial Note: see Rule 62-780.300, F.A.C.

62-782.400 Professional Certifications.

Rulemaking Specific Authority 403.061 FS. Law Implemented 403.0877 FS. History–New 8-5-99, Amended 4-17-05, Repealed _____.

Editorial Note: see Rule 62-780.400, F.A.C.

62-782.450 Combined Document.

Rulemaking Specific Authority 376.3078(4) FS. Law Implemented 376.3078(4) FS. History–New 8-5-99, Amended 4-17-05, Repealed _____.

Editorial Note: see Rule 62-780.450, F.A.C.

62-782.500 Interim Source Removal.

Rulemaking Specific Authority 376.3078(4), 376.3078(9) FS. Law Implemented 376.3078(4), 376.3078(9) FS. History–New 8-5-99, Amended 4-17-05, Repealed _____.

Editorial Note: see Rule 62-780.500, F.A.C.

62-782.600 Site Assessment.

Rulemaking Specific Authority 376.3078(4) FS. Law Implemented 376.3078(4) FS. History–New 8-5-99, Amended 4-17-05, Repealed _____.

Editorial Note: see Rule 62-780.600, F.A.C.

62-782.610 Fate and Transport Model and Statistical Method.

Rulemaking Specific Authority 376.3078(4) FS. Law Implemented 376.3078(4) FS. History–New 4-17-05, Repealed _____.

Editorial Note: see Rule 62-780.610, F.A.C.

62-782.650 Risk Assessment.

Rulemaking Specific Authority 376.3078(4) FS. Law Implemented 376.3078(4) FS. History–New 8-5-99, Amended 4-17-05, Repealed _____.

Editorial Note: see Rule 62-780.650, F.A.C.

62-782.680 No Further Action and No Further Action with Controls Criteria.

Rulemaking Specific Authority 376.3078(4) FS. Law Implemented 376.3078(4) FS. History–New 8-5-99, Amended 4-17-05, Repealed _____.

Editorial Note: see Rule 62-780.680, F.A.C.

62-782.690 Natural Attenuation with Monitoring Criteria.

Rulemaking Specific Authority 376.3078(4) FS. Law Implemented 376.3078(4) FS. History–New 8-5-99, Amended 4-17-05, Repealed _____.

Editorial Note: see Rule 62-780.690, F.A.C.

62-782.700 Active Remediation.

Rulemaking Specific Authority 376.3078(4) FS. Law Implemented 376.3078(4) FS. History–New 8-5-99, Amended 4-17-05, Repealed.

Editorial Note: see Rule 62-780.700, F.A.C.

62-782.750 Post Active Remediation Monitoring.

Rulemaking Specific Authority 376.3078(4) FS. Law Implemented 376.3078(4) FS. History–New 8-5-99, Amended 4-17-05, Repealed.

Editorial Note: see Rule 62-780.750, F.A.C.

62-782.790 Time Schedules.

Rulemaking Specific Authority 376.3078(4) FS. Law Implemented 376.3078(4) FS. History–New 8-5-99, Amended 4-17-05, Repealed.

Editorial Note: see Rule 62-780.790, F.A.C.

62-782.900 Forms.

Rulemaking Specific Authority 376.30702, 376.3078(4) FS. Law Implemented 376.30702, 376.3078(4) FS. History–New 8-5-99, Amended 4-17-05, 12-27-07, Repealed.

Editorial Note: see Rule 62-780.900, F.A.C.

NAME OF PERSON ORIGINATING PROPOSED RULE: Jorge R. Caspary, Director, Division of Waste Management
 NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Herschel T. Vinyard Jr., Secretary, Department of Environmental Protection
 DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 17, 2012
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: March 16, 2012

DEPARTMENT OF ENVIRONMENTAL PROTECTION

RULE NOS.:	RULE TITLES:
62-785.100	Referenced Guidelines
62-785.150	Applicability
62-785.200	Acronyms and Definitions
62-785.220	Notices
62-785.300	Quality Assurance Requirements
62-785.400	Professional Certifications
62-785.450	Combined Document
62-785.500	Interim Source Removal
62-785.600	Site Assessment
62-785.610	Fate and Transport Model and Statistical Method
62-785.650	Risk Assessment

62-785.680	No Further Action and No Further Action with Controls
62-785.690	Natural Attenuation with Monitoring Criteria
62-785.700	Active Remediation
62-785.750	Post Active Remediation Monitoring
62-785.900	Forms

PURPOSE AND EFFECT: Chapter 62-785, F.A.C., is being repealed with all of the current Risk-Based Corrective Action (RBCA) rule chapters being merged into Chapter 62-780, F.A.C., Contaminated Site Cleanup Criteria. The purpose is to achieve rule consolidation and consistency across cleanup programs, where possible, based on governing statutes. Concurrently, the Department is proposing the expansion of Chapter 62-780, F.A.C., to include program-specific provisions from the Petroleum, Drycleaning Solvent, and Brownfields RBCA cleanup rules.

SUMMARY: The existing brownfields contamination site rehabilitation criteria, process and procedures contained in Chapter 62-785, F.A.C., will be merged into Chapter 62-780, F.A.C.

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.

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: Chapter 62-785, F.A.C., is merely being merged into Chapter 62-780, F.A.C., and no substantive changes were made during the merger of these rules. The department expects no regulatory costs associated with this proposed rule repeal; therefore, a SERC and legislative ratification are not required.

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.

RULEMAKING AUTHORITY: 376.30702, 376.81, 403.7255 FS.

LAW IMPLEMENTED: 376.30702, 376.80, 376.81, 403.7255, 403.0877 FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE HELD AT THE DATE, TIME AND PLACE SHOWN BELOW (IF NOT REQUESTED, THIS HEARING WILL NOT BE HELD):

DATE AND TIME: Wednesday, October 3, 2012, 9:00 a.m. until conclusion, but no later than 5:00 p.m.

PLACE: Department of Environmental Protection, 2600 Blair Stone Road, Room 609, Tallahassee, FL

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Brian Dougherty at (850)245-7503 or brian.dougherty@dep.state.fl.us. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Brian Dougherty at (850)245-7503 or brian.dougherty@dep.state.fl.us.

THE FULL TEXT OF THE PROPOSED RULES IS:

62-785.100 Referenced Guidelines.

Rulemaking Specific Authority 376.81 FS. Law Implemented 376.81 FS. History–New 7-6-98, Amended 8-5-99, 4-17-05, Repealed.

Editorial Note: see Rule 62-780.100, F.A.C.

62-785.150 Applicability.

Rulemaking Specific Authority 376.81 FS. Law Implemented 376.81 FS. History–New 7-6-98, Amended 8-5-99, 4-17-05, Repealed.

Editorial Note: see Rule 62-780.150, F.A.C.

62-785.200 Acronyms and Definitions.

Rulemaking Specific Authority 376.81 FS. Law Implemented 376.81 FS. History–New 7-6-98, Amended 8-5-99, 4-17-05, Repealed.

Editorial Note: see Rule 62-780.200, F.A.C.

62-785.220 Notices.

Rulemaking Specific Authority 376.30702, 376.81, 403.7255 FS. Law Implemented 376.30702, 376.81, 403.7255 FS. History–New 4-17-05, Amended 12-27-07, Repealed.

Editorial Note: see Rule 62-780.220, F.A.C.

62-785.300 Quality Assurance Requirements.

Rulemaking Specific Authority 376.81 FS. Law Implemented 376.81 FS. History–New 7-6-98, Amended 8-5-99, 4-17-05, Repealed.

Editorial Note: see Rule 62-780.300, F.A.C.

62-785.400 Professional Certifications.

Rulemaking Specific Authority 376.81 FS. Law Implemented 376.80, 376.81, 403.0877 FS. History–New 7-6-98, Amended 8-5-99, 4-17-05, Repealed.

Editorial Note: see Rule 62-780.400, F.A.C.

62-785.450 Combined Document.

Rulemaking Specific Authority 376.81 FS. Law Implemented 376.81 FS. History–New 7-6-98, Amended 8-5-99, 4-17-05, Repealed.

Editorial Note: see Rule 62-780.450, F.A.C.

62-785.500 Interim Source Removal.

Rulemaking Specific Authority 376.81 FS. Law Implemented 376.81 FS. History–New 7-6-98, Amended 8-5-99, 4-17-05, Repealed.

Editorial Note: see Rule 62-780.500, F.A.C.

62-785.600 Site Assessment.

Rulemaking Specific Authority 376.81 FS. Law Implemented 376.81 FS. History–New 7-6-98, Amended 8-5-99, 4-17-05, Repealed.

Editorial Note: see Rule 62-780.600, F.A.C.

62-785.610 Fate and Transport Model and Statistical Method.

Rulemaking Specific Authority 376.81 FS. Law Implemented 376.81 FS. History–New 4-17-05, Repealed.

Editorial Note: see Rule 62-780.610, F.A.C.

62-785.650 Risk Assessment.

Rulemaking Specific Authority 376.81 FS. Law Implemented 376.81 FS. History–New 7-6-98, Amended 8-5-99, 4-17-05, Repealed.

Editorial Note: see Rule 62-780.650, F.A.C.

62-785.680 No Further Action and No Further Action with Controls.

Rulemaking Specific Authority 376.81 FS. Law Implemented 376.81, 403.0877 FS. History–New 7-6-98, Amended 8-5-99, 4-17-05, Repealed.

Editorial Note: see Rule 62-780.680, F.A.C.

62-785.690 Natural Attenuation with Monitoring Criteria.

Rulemaking Specific Authority 376.81 FS. Law Implemented 376.81 FS. History–New 7-6-98, Amended 8-5-99, 4-17-05, Repealed.

Editorial Note: see Rule 62-780.690, F.A.C.

62-785.700 Active Remediation.

Rulemaking Specific Authority 376.81 FS. Law Implemented 376.81 FS. History–New 7-6-98, Amended 8-5-99, 4-17-05, Repealed.

Editorial Note: see Rule 62-780.700, F.A.C.

62-785.750 Post Active Remediation Monitoring.

Rulemaking Specific Authority 376.81 FS. Law Implemented 376.81 FS. History—New 7-6-98, Amended 8-5-99, 4-17-05, Repealed.

Editorial Note: see Rule 62-780.750, F.A.C.

62-785.900 Forms.

Rulemaking Specific Authority 376.30702, 376.81 FS. Law Implemented 376.30702, 376.81 FS. History—New 7-6-98, Amended 8-5-99, 4-17-05, 12-27-07, Repealed.

Editorial Note: see Rule 62-780.900, F.A.C.

NAME OF PERSON ORIGINATING PROPOSED RULE:
 Jorge R. Caspary, Director, Division of Waste Management
 NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Herschel T. Vinyard Jr., Secretary, Department of Environmental Protection
 DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 17, 2012
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: March 16, 2012

Section III
Notices of Changes, Corrections and Withdrawals

DEPARTMENT OF LEGAL AFFAIRS

Division of Victim Services and Criminal Justice Programs

RULE NO.: 2A-5.011
 RULE TITLE: Enforcement

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. 32, August 10, 2012 issue of the Florida Administrative Weekly.

(1) Before the Department may take action to enforce a provision of the “Convenience Business Security Act,” Sections 812.1701-.175, F.S., an inspection of a convenience business or businesses must be performed and properly documented on the form entitled “Convenience Business Security Inspection Form,” CBS-2 (Revised 4/09), effective 8-4-09, which is incorporated by reference in these rules.

(2) The owner or principal operator of a convenience business must respond to a notice of violation and provide proof of compliance by submitting to the Office of the Attorney General a completed form entitled “Voluntary Compliance Agreement,” CBS-3 (Revised 4/09), effective 8-4-09, which is incorporated by reference in these rules.

(3) Upon a showing that the owner or principal operator of a convenience business has a good faith intention to correct a violation and there is no evidence of unnecessary delay, the Office of the Attorney General shall may grant a 90 30-day extension of time for correcting violations. However, if a violation is not timely corrected, civil fines shall may be imposed in the following amounts:

(a) \$1,000 for violation of any of the security requirements of Section 812.173(1) and (2), F.S.;

(b) \$2,000 for violation of the silent alarm requirements in Section 812.173(3), F.S.; or the employee training requirement in Section 812.174, F.S.;

(c) \$5,000 for violation of any of the security requirements in Section 812.173(4), F.S.;

(d) \$5,000 for any violation of the requirements indicated in paragraphs (a)-(c) above if the violation is found during the investigation of any of the crimes specified in subsection 812.173(4), F.S.

(4) When a civil fine is imposed, the Office of the Attorney General shall issue a certified, return receipt requested letter to the owner or principal operator demanding payment to the State of Florida within 21 days of receipt.

(5) The allegations contained in a notice of civil fine will become binding and final, and the right to an administrative hearing will be deemed waived, unless a request for administrative hearing under Sections 120.569 and 120.57, F.S., is filed with the Office of the Attorney General within 21 days after receipt of the notice of civil fine.

Rulemaking Authority 812.176 FS. Law Implemented 120.57, 812.175 FS. History—New 4-20-93, Amended 6-25-96, 4-28-98, 8-4-09, .

DEPARTMENT OF HIGHWAY SAFETY AND MOTOR VEHICLES

Division of Motor Vehicles

RULE NOS.:	RULE TITLES:
15C-20.001	Secondary Metals Recyclers or Salvage Motor Vehicle Dealers
15C-20.002	Secondary Metals Recycler and Salvage Motor Vehicle Dealer Participation Requirements
15C-20.003	Electronic Notification System Vendors; Certification; Requirements
15C-20.004	Electronic System Procedure Requirements
15C-20.005	Derelict Motor Vehicles
15C-20.006	Derelict Motor Vehicle Certificates
15C-20.007	Electronic Application for Derelict Motor Vehicle Certificates
15C-20.008	Enforcement/Compliance