

shall administer the application process, to allow (HOME) Home Ownership funds to be used for acquisition with new construction and existing home owner rehabilitation of single family housing for low income home buyers.

SUBJECT AREA TO BE ADDRESSED: Prior to the opening of an Application Cycle, the Corporation (1) researches the market need for affordable housing throughout the state of Florida and (2) evaluates prior application cycles to determine what changes or additions should be made to the Rule or Application. The proposed amendments to the Rule and adopted reference material include changes relative to the development of the 2000 application and program requirements.

SPECIFIC AUTHORITY: 420.507(12),(14) FS.

LAW IMPLEMENTED: 420.5089 (2) FS.

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

TIME AND DATE: 2:00 p.m., August 1, 2000

PLACE: Florida Housing Finance Corporation, 227 North Bronough Street, 6th Floor Seltzer Room, Tallahassee, Florida 32301-1329

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Beverly B. Cliett, Deputy Development Officer, Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, FL 32301-1329, (850)488-4197

FISH AND WILDLIFE CONSERVATION COMMISSION

Freshwater Fish and Wildlife

RULE TITLE: Introduction of Non-Native Aquatic Species in the Waters of the State; Provisions for Sale and Inspection of Fish for Bait or Propagation Purposes; Diseased Fish

RULE NO.: 68A-23.008

PURPOSE AND EFFECT: The purpose of the proposed rule is to prohibit the introduction of mitten crabs, specifically the Chinese mitten crab, into Florida. The deletion of the "freshwater" references in the rule title will allow both freshwater and marine species to be addressed within the rule.

SUBJECT AREA TO BE ADDRESSED: Introduction of Non-Native Aquatic Species in the Waters of the State.

SPECIFIC AUTHORITY: Art. IV, Sec. 9, Fla. Const.

LAW IMPLEMENTED: Art. IV, Sec. 9, Fla. Const.

TIME AND DATE: 9:00 a.m., each day, September 6-8, 2000

PLACE: Holiday Inn DeLand Convention Center, 350 East International Speedway Boulevard, DeLand, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: The preliminary text of the proposed rule development will be available and can be obtained from James V. Antista, General Counsel, 620 South Meridian Street, Tallahassee, FL 32399-1600

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

**Section II
Proposed Rules**

DEPARTMENT OF STATE

Division of Elections

RULE TITLE: Placement of Races on Primary Ballots

RULE NO.: 1S-2.002

PURPOSE AND EFFECT: To establish standards for the order and appearance of races of ballots in elections held by all governing bodies, political subdivisions and municipalities of the State of Florida.

SUMMARY: Constitutional Revision No. 11, Article VI, section 5(b) of the Florida Constitution was created in 1998 (effective January 1999) to provide, "If all candidates for an office have the same party affiliation and the winner will have no opposition in the general election, all qualified electors, regardless of party affiliation may vote in the primary elections for that office." Proposed rule 1S-2.002 provides standards for the placement of a race on the ballot in a manner consistent with the requirements of Article VI, section 5(b), and section 101.181, Florida Statutes, relating to form of the primary ballot.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: None.

Any person who wishes to provide information regarding the statement of estimated regulatory costs, or to provide a proposal for a lower cost regulatory alternative must do so in writing within 21 days of this notice.

SPECIFIC AUTHORITY: 101.015, 101.5609 FS.

LAW IMPLEMENTED: 101.181, 101.5609 FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE HELD AT THE TIME, DATE AND PLACE SHOWN BELOW:

TIME AND DATE: 9:30 a.m., August 31, 2000

PLACE: Director's Conference Room, Room 1801, The Capitol, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Paul Craft, Division of Elections, (850)921-4110

THE FULL TEXT OF THE PROPOSED RULE IS:

1S-2.002 Placement of Races on Primary Ballots.
(1) Purpose and applicability.

(a) This rule provides standards for:

1. the order and appearance of ballots and races on ballots in Primary Elections which include a Universal Primary Contest,
2. the tabulation of Universal Primary Contests, and
3. reporting results of Universal Primary Contests.

(b) This rule applies to all elections held by political subdivisions and municipalities of the State of Florida that include a Universal Primary Contest.

(c) Pursuant to Section 101.27(3), Florida Statutes, political subdivisions and municipalities of the State of Florida that use mechanical voting machines shall follow the standards of this rule as nearly as practicable. Specifically, the placement of the UPC on the ballot and the appearance of the ballots and races under subsections (3) and (4) of this rule shall be accomplished to the extent and in such manner as deemed appropriate by the Supervisor of Elections or Municipal Elections Official, given the structure of the election and the limitations of the mechanical voting machines.

(2) Definitions. The terms listed herein are intended to have the following meanings:

(a) “Universal Primary Contest” or “UPC” means a contest in a primary election, in which all candidates have the same party affiliation and the winner will have no opposition in the general election, upon which all qualified electors may vote, regardless of party affiliation.

(b) “Primary” means a Primary Election as defined in Section 97.021(21), Florida Statutes.

(3) Placement on Ballot. When a Primary includes one or more UPCs, all UPC offices and candidates shall appear on the ballot for each party and on the non-partisan ballot in the order specified in Section 101.141(4), Florida Statutes.

(4) Appearance of ballots and races. When a Primary includes one or more UPCs, the ballot specifications shall be governed by Sections 101.141, 101.181, 101.27 and 101.5609, Florida Statutes, with the following exceptions:

(a) Each time a UPC appears on a ballot, the words “Universal Primary Contest” shall appear after, or underneath, the office name of the UPC and before the “Vote for...” text.

(b) The names of all candidates for all partisan offices including candidates for the UPC office shall be displayed with an appropriate abbreviation of party name. The abbreviation of party name shall be similar to the abbreviation of party name used on a general election ballot pursuant to Section 101.151(4), Florida Statutes.

(5) Tabulation of UPC’s may be accomplished by any method deemed appropriate by the supervisor of elections in each county, given the particular voting system used in the county, and the existing security procedures and resources available in the county. A supervisor may code the UPC in the voting system as three separate contests (one contest for each partisan ballot and one contest for the non-partisan ballot) and manually total the results of the three contests to determine the

results for the UPC. If the voting system in a county is capable of accepting coding for, and tabulating the UPC as a single contest, while maintaining the ballot order specified in subsection (3) of this rule, the supervisor may then code the UPC in the voting system as a single contest so that the software automatically totals the results for the UPC from each ballot face.

(6) Reporting of UPC results. Counties shall not be required to report UPC results separately for each party and non-partisan ballot. Results may appear in the reports generated by the voting system in any format and order deemed appropriate by the supervisor of elections, given the particular voting system used in the county, and the existing security procedures and resources available in the county. Supervisors of elections may employ manual procedures to convert the format of results on the voting system reports to the format needed for official reports of results.

Specific Authority 101.015, 101.5609 FS, Law Implemented Article VI, Section 5(b) of the Florida Constitution, 101.141,101.181, 101.5609 FS, History--New

NAME OF PERSON ORIGINATING PROPOSED RULE: Paul W. Craft, Computer Audit Analyst, Florida Department of State, Division of Elections

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: L. Clayton Roberts, Division Director, Florida Department of State, Division of Elections

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 28, 2000

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: May 12, 2000

WATER MANAGEMENT DISTRICTS

Southwest Florida Water Management District

RULE CHAPTER TITLE: Procedural
 RULE CHAPTER NO.: 40D-1

RULE TITLE: Forms and Instructions
 RULE NO.: 40D-1.659

PURPOSE AND EFFECT: The purpose and effect of the proposed amendment is to incorporate by reference into District Rule 40D-1.659 the revised form entitled Application for a Water Well Contractor’s License.

SUMMARY: The proposed rule amendment is to adopt minor revisions to the form entitled Application for a Water Well Contractor’s License. Forms which the District uses in its dealings with the public must be adopted by rule pursuant to Section 120.55(1)(a)4., Florida Statutes. This rule amendment will incorporate the revised form by reference into District Rule 40D-1.659, Florida Administrative Code.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: A Statement of Estimated Regulatory Cost is not being prepared based on the District’s determination that the proposed revisions to Rules 40D-1.659,

F.A.C., will not result in a substantial increase in the costs to affected parties and there will not be significant adverse effects on competition, employment, investment or productivity.

Any person who wishes to provide information regarding the statement of estimated regulatory costs, or to provide a proposal for a lower cost regulatory alternative must do so in writing within 21 days of this notice.

SPECIFIC AUTHORITY: 373.044, 373.4113 FS.

LAW IMPLEMENTED: 373.113, 373.413, 373.414, 373.416, 373.419, 373.421 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: Karen E. West, Senior Attorney, Office of General Counsel, 2379 Broad Street, Brooksville, FL 34609-6899, (352)796-7211, Extension 4651

THE FULL TEXT OF THE PROPOSED RULE IS:

40D-1.659 Forms and Instructions.

The following forms and instructions have been approved by the Governing Board and are incorporated by reference into this Chapter. Copies of these forms may be obtained from the District.

GROUND WATER

(1) APPLICATION FOR A WATER WELL CONTRACTOR'S LICENSE FORM NO. 42.00-044 (05/00)

(2) through (18) No change.

SURFACE WATER

Application for Permit – Used for Docks or Piers and Bulkheads

(1) through (12) No change.

Specific Authority 373.044, 373.113 FS. Law Implemented 373.113, 373.413, 373.414, 373.416, 373.419, 373.421 FS. History—New 12-31-74, Amended 10-24-76, Formerly 16J-0.40, 40D-1.1.901, 40D-1.901, Amended 12-22-94, 5-10-95, 10-19-95, 5-26-95, 7-23-96, 2-16-99, 7-12-99, 7-15-99, 12-2-99, 5-31-00,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Anthony E. Gilboy, Well Construction Regulation Manager, Technical Services, Well Construction Permitting, 2379 Broad Street, Brooksville, FL 34609-6899, (352)796-7211, Extension 4651

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Governing Board of the Southwest Florida Water Management District

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: March 28, 2000

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: June 16, 2000

WATER MANAGEMENT DISTRICTS

Southwest Florida Water Management District

RULE CHAPTER TITLE: Consumptive Use of Water RULE CHAPTER NO.: 40D-2

RULE TITLE: Publications Incorporated by Reference RULE NO.: 40D-2.091

PURPOSE AND EFFECT: To clarify the use, ownership and control of water use permits sought by multiple private land owners.

SUMMARY: The proposed revisions to Section 2.1(1) of the Basis of Review for Water Use Permit Applicants will provide an exception to the requirement that an application for leased property be in the name of the lessee and the property owner(s), for applications covering property leased from the District. The revisions will further clarify that if there are multiple property owners, all owners must sign the permit application or an attachment indicating their joinder in the application, and all owners will be co-permittees on the water use permit.

The addition of Section 2.1(2) to the Basis of Review will exempt governmental entities that own land on which water withdrawal facilities for public water supply are located from the requirements of Section 2.1(1) provided certain conditions are met.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: A Statement of Estimated Regulatory Cost is not being prepared based on the District's determination that the proposed revisions to Rules 40D-1.659, F.A.C., will not result in a substantial increase in the costs to affected parties and there will not be significant adverse effects on competition, employment, investment or productivity.

Any person who wishes to provide information regarding the statement of estimated regulatory costs, or to provide a proposal for a lower cost regulatory alternative must do so in writing within 21 days of this notice.

SPECIFIC AUTHORITY: 373.044, 373.113 FS.

LAW IMPLEMENTED: 373.219, 373.239, 373.243 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: Karen E. West, Senior Attorney, Office of General Counsel, 2379 Broad Street, Brooksville, FL 34609-6899, (352)796-7211, Extension 4651

THE FULL TEXT OF THE PROPOSED RULE IS:

40D-2.091 Publications Incorporated by Reference.

The "Basis of Review for Water Use Permit Applications," (effective date of revision) ~~July 22, 1999~~, is hereby incorporated by reference into this Chapter and is ~~are~~ available from the District upon request.

Specific Authority 373.044, 373.113 FS. Law Implemented 373.219, 373.239, 373.243 FS. History--New 10-1-89, Amended 11-15-90, 2-10-93, 3-30-93, 7-29-93, 4-11-94, 7-15-98, 7-28-98, 7-22-99, 12-2-99, _____.

(The following represents proposed changes to Section 2.1 of the document entitled "Basis of Review for Water Use Permit Applications", within the Southwest Florida Water Management District incorporated by reference in Rule 40D-2.091, F.A.C.)

2.1 APPLICANT CONTROL OF PROPERTY AND ACTIVITIES

1. Applicants must demonstrate ownership or legal control of all property on which pumps, wells, diversions or other water withdrawal facilities are or will be located. Applications for leased property, except property leased from the District, must be either a joint application in the name of the lessee and the property owner(s) or be only in the name of the property owner(s). If there are multiple property owners, all owners must sign the permit application form or sign an attachment to the permit application form indicating their joinder in the permit application, and all property owners will be permittees on the water use permit, when issued.

(For related rules on this issue, see Rules Chapters 40D-0.381, 40D-1.6105, 40D-2.351, and 40D-2.381(3)(p) and (q), F.A.C., and Section 1.10; and 6.1, Basis of Review for Water Use Permit Applications.

2. A governmental entity which owns the land on which the pumps, wells, diversions or other water withdrawal facilities for public water supply are or will be located need not be a permit applicant or a permittee, notwithstanding paragraph 2.11. above, provided that: 1) it is not a distributor of the water, 2) it does not receive any financial benefit from the water withdrawals or the applicant's use of the land or facilities, 3) it agrees in writing to the issuance of a water use permit for withdrawals from its land, and 4) another entity is the applicant and will operate the water withdrawal facilities. In these instances, the entity that is operating the water withdrawal facilities shall be the applicant and the permittee on the water use permit.

2. through 4. renumbered 3. through 5. No change.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Karen A. Lloyd, Senior Attorney, Office of General Counsel,
2379 Broad Street, Brooksville, FL 34609-6899,
(352)796-7211, Extension 4651

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Governing Board of the Southwest Florida Water Management District

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 29, 1999

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: June 16, 2000

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

RULE TITLE: RULE NO.:

Monitoring of Continuing 61-6.015
Education Requirements

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to implement section 455.2177, Florida Statutes. This section requires the Department to establish a system to monitor licensee compliance with applicable continuing education requirements and to determine each licensee's continuing education status.

SUMMARY: The rule establishes a system to monitor licensee compliance with applicable continuing education requirements and to determine each licensee's continuing education status. It requires providers of continuing education to submit its roster information to the Department electronically. It provides recordkeeping requirements and penalty provisions.

SPECIFIC AUTHORITY: 455.2177(5) FS.

LAW IMPLEMENTED: 455.2177 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: Tom Thomas, Assistant General Counsel, Department of Business and Professional Regulation, 1940 North Monroe Street, Tallahassee, Florida 32399-2202

THE FULL TEXT OF THE PROPOSED RULE IS:

61-6.015 Monitoring of Continuing Education Requirements.

(1)(a) The Department shall monitor all continuing education activities of licensees unless a profession requests an exemption and meets the exemption requirements of section 455.2177(4), Florida Statutes.

(b) The Department shall audit, once per renewal cycle, any profession applying for exemption based on a randomly selected sample of active licensees to determine compliance with continuing education requirements. Following the random audit, the Secretary, or the Secretary's designee, shall approve any profession exempted from the 100% monitoring process. The random sample shall be proportionate to the number of active licensees in each profession for each board.

(c) The random sample size shall be determined using the formula $n=Npq/(N-1)D+pq$ where n=sample size, N=# of active licensees, p=.5, q=1-p, D=margin of error squared divided by 4. The margin of error is specified to be .05. The sample shall be selected using a method which ensures that every active licensee has an equal chance of being selected.

(d) In the event that fewer than 95% of the sampled licensees have complied with the continuing education requirements, the Department shall be required to monitor all active licensees pursuant to this rule to determine compliance with continuing education requirements.

(2)(a) The renewal notification sent to the licensee pursuant to section 455.271, Florida Statutes, will reflect the licensee's current continuing education completion status on record with the Department.

(b) If the licensee's current continuing education completion status on record with the Department is not in full compliance, the notice will inform the licensee that the licensee will only be allowed to renew if the licensee comes into continuing education compliance prior to close of business on the expiration date of the current licensure cycle, that failure to comply will result in non-renewal of the license, that attempting to renew without being in full compliance will result in the issuance of a citation, and that practicing the profession without a current active license will result in further disciplinary action.

(c) The licensee shall have until the expiration of the current licensure cycle to resolve disputes with the provider regarding his or her continuing education completion status and provide proof of courses taken to the Department.

(d) A licensee that is in compliance with required continuing education requirements, has paid the license renewal fee, and has met all other requirements imposed by law shall have the license renewed.

(3)(a) The Department shall issue a citation to any licensee who attempts to renew and is not in compliance with continuing education requirements.

(b) If the licensee proves compliance within 90 Days of the citation issuance date, the fine shall be reduced to \$250. If the licensee proves compliance after the 90 Days, the fine shall be \$500. Once the licensee has proven completion of all continuing education requirements, the fine and all renewal fees are paid, and has met all other requirements imposed by law, the license shall be placed on active status.

(c) Any licensee who fails to complete the required continuing education prior to the end of the current licensure cycle shall become delinquent pursuant to section 455.271, Florida Statutes.

(d) A licensee may dispute the citation pursuant to section 455.224, Florida Statutes. During the dispute process the license will remain in a delinquent status.

(4)(a) All providers of continuing education courses shall provide to all licensees who successfully complete a continuing education course a certificate of completion which shall indicate the title and course number of the course completed, the provider's name and provider number, the licensee's or registrant's name and license or registration number, the dates of the course, and the total number of hours

successfully completed in each subject covered by the continuing education course. Licensees must retain course completion certificates for at least three years.

(b) Each continuing education provider must electronically provide to the Department the list of attendees at each of its offered courses within 5 business days of the completion of the course. For home study courses, the provider must electronically supply the list of those individuals successfully completing the course by the 5th of the month following the calendar month in which the provider received documentation and was able to determine the successful completion of the course by the individual. This list shall include the provider's name and provider number, the name and license or registration number of the attendee, the date the course was completed, and the course number.

(c) All documents from the provider must be submitted electronically to the Department and must be in a form as agreed to by the Department with the provider. Failure to comply with the time and form requirements will result in disciplinary action taken against the provider and the course approval.

(d) Each continuing education provider must maintain its attendance records for at least four years after the completion of each course or the receipt of documentation of completion of a home study course. Upon request, these records must be made available for inspection by the Department or the Department's agent at a reasonable time and location.

(e) The board, or the Department when there is no board, shall approve the continuing education providers and courses. Such approval shall be contingent upon the provider meeting the requirements of this rule.

(f) The Department may suspend or deny a continuing education provider or course either by request of the board or on its own motion for failure to comply with its duties under this section. A provider may challenge the decision of the Department pursuant to chapter 120, Florida Statutes.

Specific Authority 455.2177(5) FS. Law Implemented 455.2177 FS. History--
New _____.

NAME OF PERSON ORIGINATING PROPOSED RULE
AMENDMENT: Tom Thomas, Assistant General Counsel,
Department of Business and Professional Regulation, 1940
North Monroe Street, Tallahassee, Florida 32399-2202

NAME OF SUPERVISOR OR PERSON WHO APPROVED
THE PROPOSED RULE: Cynthia A. Henderson, Secretary,
Department of Business and Professional Regulation

DATE PROPOSED RULE APPROVED BY AGENCY
HEAD: June 27, 2000

DATE NOTICE OF PROPOSED RULE DEVELOPMENT
PUBLISHED IN FAW: June 16, 2000

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Employee Leasing Companies

RULE TITLES:	RULE NOS.:
Final Orders	61G7-4.001
Motion for Reconsideration	61G7-4.002

PURPOSE AND EFFECT: The Board proposes to repeal the above-entitled rules as they conflict with the statutes as they now read.

SUMMARY: The above listed rules are being repealed as they are no longer in conformity with the Model Rules of Administrative Procedure.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: No Statement of Estimated Regulatory Cost was prepared.

Any person who wishes to provide information regarding the statement of estimated costs, or to provide a proposal for a lower cost regulatory alternative must do so in writing within 21 days of this notice.

SPECIFIC AUTHORITY: 455.203; 120.53 FS.

LAW IMPLEMENTED: 120.53 FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE NOTICED IN THE NEXT AVAILABLE PUBLICATION OF THE FLORIDA ADMINISTRATIVE WEEKLY.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Anthony Spivey, Executive Director, Board of Employee Leasing Companies, Northwood Centre, 1940 N. Monroe Street, Tallahassee, Florida 32399-0767

THE FULL TEXT OF THE PROPOSED RULES IS:

61G7-4.001 Final Orders.

Specific Authority 120.53 FS. Law Implemented 120.53 FS. History--New 4-29-92, Formerly 21EE-4.001, Repealed.

61G7-4.002 Motion for Reconsideration.

Specific Authority 120.53 FS. Law Implemented 120.53 FS. History--New 4-29-92, Formerly 21EE-4.002, Repealed.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Board of Employee Leasing Companies

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Anthony Spivey, Executive Director

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 11, 1999

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Employee Leasing Companies

RULE TITLES:	RULE NOS.:
Engaged in Employee Leasing	61G7-6.002
Controlling Person	61G7-6.003
Contractual Arrangements	61G7-6.004

Tangible Accounting Net Worth; Intangible Assets	61G7-6.006
Licensee's Insurance Obligations	61G7-6.007

PURPOSE AND EFFECT: The Board proposes to delete the above-referenced rules as they now exist and to place all definitions within the Rule 61G7-6.001.

SUMMARY: These rules are being repealed and Rule 61G7-6.001 is being substantially reworded to contain all terms and their definitions within that rule.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: No Statement of Estimated Regulatory Cost was prepared.

Any person who wishes to provide information regarding the statement of estimated costs, or to provide a proposal for a lower cost regulatory alternative must do so in writing within 21 days of this notice.

SPECIFIC AUTHORITY: 468.522 FS.

LAW IMPLEMENTED: 468.520 FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING DATE WILL BE NOTICED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE WEEKLY.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Anthony Spivey, Executive Director, Board of Employee Leasing Companies, Northwood Centre, 1940 N. Monroe Street, Tallahassee, Florida 32399-0767

THE FULL TEXT OF THE PROPOSED RULES IS:

61G7-6.002 Engaged in Employee Leasing.

Specific Authority 468.522 FS. Law Implemented 468.520 FS. History--New 7-20-92, Formerly 21EE-6.002, Repealed.

61G7-6.003 Controlling Person.

Specific Authority 468.522 FS. Law Implemented 468.520 FS. History--New 7-20-92, Amended 12-28-92, Formerly 21EE-6.003, Amended 2-13-95, 12-10-98, Repealed.

61G7-6.004 Contractual Arrangements.

Specific Authority 468.522 FS. Law Implemented 468.520 FS. History--New 7-20-92, Formerly 21EE-6.004, Repealed.

61G7-6.006 Tangible Accounting Net Worth; Intangible Assets.

Specific Authority 468.522 FS. Law Implemented 468.525 FS. History--New 11-22-93, Amended 5-29-94, 4-29-99, Repealed.

61G7-6.007 Licensee's Insurance Obligations.

Specific Authority 468.522 FS. Law Implemented 468.529 FS. History--New 6-4-95, Repealed.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Employee Leasing Companies

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Anthony Spivey, Executive Director

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 11, 1999

DEPARTMENT OF ENVIRONMENTAL PROTECTION

DOCKET NO.: 98-26R

RULE CHAPTER TITLE: Permits RULE CHAPTER NO.: 62-4

RULE TITLES: Procedure to Obtain Permits and Other

Authorizations; Application 62-4.050

Regulatory Program and Surveillance Fees for Domestic and Industrial Wastewater

Facilities and Activities Discharging to Surface Waters 62-4.052

PURPOSE, EFFECT AND SUMMARY: The Department of Environmental Protection is seeking authorization from the Environmental Protection Agency to implement the remaining phase of the National Pollutant Discharge Elimination System (NPDES) permitting program as required by the Clean Water Act. The NPDES program consists primarily of five elements including Municipal, Industrial, Pretreatment, Stormwater and Federal Facilities. In a phased approach to delegation, the Department has previously been authorized to operate three of the elements, specifically the Municipal, Industrial, and Pretreatment programs. In accordance with the Memorandum of Agreement between EPA and the Department for delegation of the NPDES program, and pursuant to Section 403.0885, F.S., the Department is now seeking authority to administer the Stormwater and Federal Facility components of the NPDES program. The proposed rule change will exercise the Department's authority to assess fees for implementing the NPDES stormwater program. The establishment of new fees are required in order to fully fund the Department's NPDES stormwater program that includes review of permit applications, and associated compliance and enforcement activities.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: The Florida Department of Environmental Protection's Economic Analysis section is preparing a Statement of Estimated Regulatory Cost (SERC) for the proposed revisions to Chapter 62-4 of the Florida

Administrative Code. The Department is also proposing revisions to two other related rules – chapters 62-620, and 621, FAC., and the creation of chapter 624, FAC. The revisions to Chapter 62-4 include new annual fees for the state's Municipal Separate Storm Sewer System (MS4) facilities. A new section of the rule, 62-4.052(10), FAC., includes fees for the 28 main permittees – the municipalities and counties that are permitted to operate the MS4 facilities. These 28 permittees encompass several smaller communities, known as co-permittees, that use the permitted facilities. Also, there are new application fees listed in 62-4.050(4)(d) for coverage under the Construction General Permit, the Multi-Sector General Permit, Individual stormwater permits and no-exposure exemptions. In accordance with 120.541, F.S., the SERC will examine the effect of these fees on the affected parties.

SPECIFIC AUTHORITY: 373.026, 373.043, 373.044, 373.109, 373.113, 373.418, 403.021, 403.031, 403.061, 403.087, 403.704(30) FS.

LAW IMPLEMENTED: 373.026, 373.044, 373.109, 373.309, 373.409, 373.413, 373.4135, 373.414(9),(11),(12)(a), (13),(14),(15),(16), 373.4145, 373.418, 373.421, 403.021, 403.031, 403.061, 403.087, 403.0877, 403.088, 403.0885, 403.722, 403.861(7) FS.

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

TIME AND DATE: 1:00 p.m., Friday, August 4, 2000

PLACE: Department of Environmental Protection, Twin Towers Office Building, Room 609, 2600 Blair Stone Road, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES AND AGENDA FOR THE PUBLIC HEARING IS: Michael Bateman, Division of Water Resource Management, Bureau of Submerged Lands and Environmental Resources, Mail Station 2505, Florida Department of Environmental Protection, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400, telephone (850)921-5330

THE FULL TEXT OF THE PROPOSED RULES IS:

62-4.050 Procedure to Obtain Permits and Other Authorizations; Application.

(1) through (3) No change.

(4) Processing fees are as follows:

(a) through (b) No change.

(c) Industrial Wastewater Facility Permits.

1. through 12. No change.

13. Industrial wastewater general and generic permits.

a. General and generic permits requiring Professional Engineer or Professional Geologist certification. \$500

b. General and generic permits not requiring Professional Engineer or Professional Geologist certification. \$100

14. through 15. No change.

(d) Stormwater facilities or activities regulated under s. 403.0885, F.S.

1. Generic Permit for stormwater discharge from construction activities that disturb 5 or more acres of land.

\$150

2. Multi-Sector Generic Permit for stormwater discharge associated with industrial activity.

\$500

3. No Exposure Certification under the Multi-Sector Generic Permit for stormwater discharge associated with industrial activity.

\$100

4. Stormwater discharge associated with industrial activity permitted under Rule 62-620, FAC.

\$1000

(d) through (x) renumbered (e) through (y) No change.

(5) through (8) No change.

Specific Authority 373.026, 373.043, 373.044, 373.109, 373.113, 373.418, 403.021, 403.031, 403.061, 403.087, 403.704(30) FS. Law Implemented 373.026, 373.044, 373.109, 373.309, 373.409, 373.413, 373.4135, 373.414(9),(11),(12)(a),(13),(14),(15),(16), 373.4145, 373.418, 373.421, 403.021, 403.031, 403.061, 403.087, 403.0877, 403.088, 403.722, 403.861(7) FS. History--New 5-17-72, Amended 6-19-74, 7-8-82, Formerly 17-4.05, Amended 11-15-87, 8-31-88, 10-3-88, 4-4-89, 3-19-90, 6-11-90, 3-7-91, 3-18-91, 5-30-91, 10-30-91, 11-16-92, 12-21-92, 7-11-93, 2-2-94, Formerly 17-4.050, Amended 11-23-94, 4-30-95, 7-4-95, 12-15-98,_____.

~~62-4.052 Regulatory Program and Surveillance Fees for Domestic and Industrial Wastewater Facilities or and Activities Discharging to Surface Waters.~~

(1) Scope and Intent. As authorized in Section 403.087(5), F.S., this rule implements annual regulatory program and surveillance fees (annual fees) for wastewater and stormwater permits. These fees are in addition to the application fees described in Rule 62-4.050, FAC. and effect the legislative intent that the Department's costs for administering the National Pollutant Discharge Elimination System (NPDES) be borne by regulated parties. As such, the annual fees are applicable only to ~~wastewater~~ facilities and activities subject to regulation under Chapters 62-620, 62-621 and 62-624, FAC., pursuant to Section 403.0885, F.S., and the NPDES program.

(2) Annual fees for the regulatory program and surveillance of wastewater and stormwater facilities are not refundable and shall be due and payable as follows:

(a) In the initial year the Department administers a new component of the NPDES program, annual fees shall be required for all facilities which have an NPDES permit for which the Department is granted administrative authority ~~and shall be due and payable no later than 90 days after EPA authorizes the Department to administer the program.~~ The amount due shall be the applicable annual fee described in subsections (5), (6), (8), (9), (10), or (11) or (13) of this section, pro-rated to the portion of the calendar year from [insert effective date] to the end of the calendar year, and are due and payable no later than 60 days after [insert effective date] for which the Department is granted authority to administer the NPDES program.

(b) No change.

(c) When a new wastewater facility or activity is issued a permit under either Chapters 62-620, 62-621, or 62-624, FAC., pursuant to Section 403.0885, F.S., the first annual fee shall be due no later than 60 days after permit issuance. The amount due shall be the applicable annual fee described in subsections (5), (6), (8), (9), (10), or (11), or (13) of this section, pro-rated to the remaining portion of the calendar year in which the permit is issued. Thereafter, the fee shall be due and payable pursuant to paragraph (b) above.

(d) When a new wastewater facility or activity is provided notice of coverage by the Department under a generic ~~the general permit for petroleum fuel-contaminated ground water clean-up,~~ the first annual fee shall be due no later than 60 days after notice of coverage is received by the permittee. The amount due shall be the applicable annual fee under this section, pro-rated to the remaining portion of the calendar year in which generic ~~general~~ permit coverage is obtained. Thereafter, the fee shall be due and payable pursuant to paragraph (b) above.

(3) Non-payment or late payment of an annual fee shall be grounds for enforcement action pursuant to Sections 403.121, 403.141, and 403.161, F.S. Non-payment of an annual fee shall be grounds for revocation of the wastewater or stormwater permit or denial of an application for renewal of the wastewater or stormwater permit.

(4) through (6) No change.

(7) The following provisions apply in specific circumstances:

(a) A permitted facility which falls in more than one of the fee categories in subsections (5) or (6) shall not be subject to multiple fees, but shall pay the larger of the fees. However, multiple wastewater permits issued pursuant to Chapter 62-620, FAC., authorizing discharges to surface waters through a common outfall shall be subject to individual fees; and

~~(b) When a facility has a discharge to surface water consisting of stormwater only which is regulated by the EPA, no annual fee shall be required; and~~

~~(b)(e)~~ When the discharge to surface waters consists of both stormwater and wastewater, the annual fee for categories which vary according to the flow of the facility shall be based on the volume of the wastewater permitted to be discharged. However, facilities with stormwater-only discharges regulated in its wastewater permit pursuant to Section 62-620.445, FAC., shall pay an additional \$200 per outfall per year, up to the maximum amount set forth in Section 403.087(6)(5), F.S. The additional fee for stormwater-only discharges does not apply to internal stormwater streams.

(8) The annual fee for domestic or industrial wastewater facilities or activities which fall in one of the categories below shall be as follows:

(a) through (c) No change.

(d) The annual fees described in paragraphs (a) through (c) of this subsection shall be the only annual fee for such facilities, except as provided in Rules 62-4.052(10) and 62-4.052(11), FAC., and shall be due and payable regardless of whether a discharge actually occurs during the year.

(9) The annual fee for petroleum contaminated ground water clean up projects authorized to discharge to surface waters for more than 30 days under the generic general permit for petroleum fuel contaminated ground water clean up is \$2,850 annually. There shall be no annual fee for projects authorized to discharge to surface water for less than 30 days or for discharges of uncontaminated produced ground water.

(10) The annual fee for municipal stormwater facilities regulated under Chapter 62-624, FAC., shall be as follows:

(a) Fees for each Municipal Separate Storm Sewer System (MS4) permit shall cover the cost of surveillance and the regulatory program, including processing of annual reports, revisions, and permit applications and re-applications. Annual fees for MS4s shall be based on the total MS4 permit population. The total MS4 permit population is equal to the sum of the populations of each of the named co-permittees to a MS4 permit. Populations used for all MS4 fee determinations shall be the 1998 estimates as listed in the 1999 edition of the Florida Statistical Abstract, published by the Bureau of Economic and Business Research, University of Florida. Fees are calculated using the formulas established in Rule 62-4.052(10)(d), FAC. Total permit populations and associated fees are indicated for each permit below:

<u>Permit</u>	<u>Total Population</u>	<u>Fee</u>
<u>1. Bradenton</u>	<u>48,029</u>	<u>\$2,441</u>
<u>2. Broward</u>	<u>1,143,767</u>	<u>\$27,444</u>
<u>3. Dade</u>	<u>1,435,909</u>	<u>\$32,410</u>
<u>4. Escambia</u>	<u>296,164</u>	<u>\$13,035</u>
<u>5. Ft. Lauderdale</u>	<u>149,798</u>	<u>\$10,547</u>
<u>6. Hialeah</u>	<u>209,415</u>	<u>\$11,560</u>
<u>7. Hillsborough</u>	<u>628,562</u>	<u>\$18,686</u>
<u>8. Hollywood</u>	<u>126,917</u>	<u>\$10,158</u>
<u>9. Jacksonville</u>	<u>724,157</u>	<u>\$20,311</u>
<u>10. Jacksonville Beach</u>	<u>20,600</u>	<u>\$1,618</u>
<u>11. Lee</u>	<u>399,627</u>	<u>\$14,794</u>
<u>12. Leon</u>	<u>89,995</u>	<u>\$3,700</u>
<u>13. Manatee</u>	<u>196,343</u>	<u>\$11,338</u>
<u>14. Miami</u>	<u>364,765</u>	<u>\$14,201</u>
<u>15. Neptune Beach</u>	<u>7,477</u>	<u>\$724</u>
<u>16. Orange</u>	<u>640,992</u>	<u>\$18,897</u>
<u>17. Orlando</u>	<u>180,462</u>	<u>\$11,068</u>
<u>18. Palm Beach County</u>	<u>989,707</u>	<u>\$24,825</u>
<u>19. Pasco</u>	<u>321,074</u>	<u>\$13,458</u>
<u>20. Pinellas</u>	<u>649,028</u>	<u>\$19,033</u>
<u>21. Polk</u>	<u>465,858</u>	<u>\$15,920</u>
<u>22. Reedy Creek District</u>	<u>0</u>	<u>\$8,000</u>

<u>23. St. Petersburg</u>	<u>241,625</u>	<u>\$12,108</u>
<u>24. Sarasota</u>	<u>316,023</u>	<u>\$13,372</u>
<u>25. Seminole</u>	<u>345,166</u>	<u>\$13,868</u>
<u>26. Tallahassee</u>	<u>143,237</u>	<u>\$10,435</u>
<u>27. Tampa</u>	<u>293,390</u>	<u>\$12,988</u>
<u>28. Temple Terrace</u>	<u>20,370</u>	<u>\$1,611</u>

(b) Except as provided in Rule 62-4.052(10)(c), permittees and co-permittees to each permit will be invoiced individually for their respective share of the annual fee. The individual fee shall be pro-rated based on the percentage of each co-permittee's population as compared to the total permit population listed above. Additional fees apply as follows:

1. Invoices under this subsection shall be a minimum of \$100 to cover processing costs.

2. For co-permittees that do not have associated populations, such as Florida Department of Transportation Districts and Drainage Districts, the fee shall be \$750.

(c) For convenience, co-permittees of any one permit may choose to receive only one invoice to cover the entire annual fee. In order to receive one invoice, co-permittees to any one permit shall:

1. Mutually agree to share the cost of the annual fee and be party to an executed interlocal agreement for cost sharing among all co-permittees.

2. Designate a specific co-permittee to act as representative for all co-permittees regarding the annual fee. The fee designee shall notify the Department in writing, not less than 120 days prior to the end of a calendar year, that only one invoice will be required for the annual fee for the forthcoming calendar year.

3. The above notification shall identify the co-permittee responsible for the fee transaction and shall specify the name and address of the contact person for invoicing. The identified co-permittee is responsible for paying the entire annual fee to the Department.

4. After the initial annual fee billing cycle, one invoice shall continue to be sent to the fee designee established by the above process until a change is requested in accordance with Rule 62-4.052(10)(c)5., below.

5. To effect a change regarding the fee designee, the Department must be notified in writing, not less than 120 days prior to the end of a calendar year, that the co-permittee responsible for the fee transaction has changed, or that fees should be invoiced individually in accordance with Rule 62-4.052(10)(b). Notification of such changes shall be in accordance with the requirements of this subsection.

(d) Annual fees for newly designated MS4s that have an initial permit issuance occurring after October 1, 2000, shall be based on the following formulas:

1. For MS4 permits with total populations less than 19,999: \$500 plus \$0.03 times the total permitted population.

2. For MS4 permits with total populations greater than 20,000 but less than 99,999: \$1,000 plus \$0.03 times the total permitted population.

3. For MS4 permits with total populations greater than 100,000: \$8,000 plus \$0.017 times the total permitted population.

(11) Stormwater discharge associated with industrial activity permitted under Chapter 62-620, FAC., shall pay an additional \$200 per outfall per year, up to the maximum amount set forth in Section 403.087(6), F.S., unless the activity is already subject to the fee provisions of Rule 62-4.052(7)(c), FAC.

(10) through (11) renumbered (12) through (13) No change.

Specific Authority 403.061, 403.087(5) FS. Law Implemented 403.087(5), 403.0885 FS. History—New 4-30-95, Amended.

NAME OF PERSON ORIGINATING PROPOSED RULE: Mimi Drew, Director, Division of Water Resource Management, Department of Environmental Protection

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Kirby Green, Deputy Secretary, Department of Environmental Protection

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 2, 2000

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN THE FAW: May 22, 1998

DEPARTMENT OF ENVIRONMENTAL PROTECTION

DOCKET NO.: 00-22R

RULE CHAPTER TITLE: Wastewater Facility and Activities

RULE CHAPTER NO.:

Permitting 62-620

RULE TITLE: Scope/Applicability/References

RULE NO.:

62-620.100

PURPOSE, EFFECT AND SUMMARY: The Department of Environmental Protection is seeking authorization from the Environmental Protection Agency to implement the remaining phase of the National Pollutant Discharge Elimination System (NPDES) permitting program as required by the Clean Water Act. The NPDES program consists primarily of five elements including Municipal, Industrial, Pretreatment, Stormwater and Federal Facilities. In a phased approach to delegation, the Department has previously been authorized to operate three of the elements, specifically the Municipal, Industrial, and Pretreatment programs. In accordance with the Memorandum of Agreement between EPA and the Department for delegation of the NPDES program, and pursuant to Section 403.0885, F.S., the Department is now seeking authority to administer the Stormwater and Federal Facility components of the NPDES program. The proposed rule change updates the version of the Code of Federal Regulations incorporated by reference into Chapter 62-620, FAC. Separate rulemaking for procedural

amendments to Chapter 62-620, FAC., is being published concurrently under Docket Number 98-27R. This proposed rule amendment shall become effective twenty (20) days after filing with the Department of State.

SPECIFIC AUTHORITY: 403.051, 403.061, 403.087, 403.088, 403.0885, 403.08851 FS.

LAW IMPLEMENTED: 403.051, 403.061, 403.087, 403.088, 403.0885 FS.

THIS RULEMAKING IS UNDERTAKEN PURSUANT TO SECTION 403.8055, F.S.

SUBSTANTIALLY AFFECTED PERSONS MAY FILE OBJECTIONS WITH THE ENVIRONMENTAL REGULATION COMMISSION AT THE FOLLOWING ADDRESS: 3900 Commonwealth Boulevard, Mail Station 18, Tallahassee, Florida 32399-3000, Attention: Jacki McGorty. Objections must be received within 14 days of publication of this notice and must specify the portions of the proposed rule to which the person objects and the reason for the objection. Objections that are frivolous will not be considered sufficient to prohibit adoption of the rule as published.

WRITTEN COMMENTS: The Secretary of the Department of Environmental Protection will consider written comments received within 21 days of publication of this notice. Comments should be submitted to: Fred Noble, Division of Water Resource Management, Bureau of Submerged Lands and Environmental Resources, Mail Station 2505, Florida Department of Environmental Protection, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400.

THE FULL TEXT OF THE PROPOSED RULE IS:

62-620.100 Scope/Applicability/References.

(1) through (2) No change.

(3) References. The Department adopts and incorporates by reference the following sections of Title 40 of the Code of Federal Regulations (CFR) revised as of July 1, ~~1999~~ ~~1993~~, and the Department guide to wastewater permitting. Copies of these documents may be obtained by writing the Department of Environmental Protection, Bureau of Water Facilities Planning and Regulation, 2600 Blair Stone Road, MS 3535, Tallahassee, Florida 32399-2400.

(a) through (q) No change.

(4) No change.

Specific Authority 403.051, 403.061, 403.087, 403.088, 403.0885, 403.08851 FS. Law Implemented 403.051, 403.061, 403.087, 403.088, 403.0885 FS. History—New 11-29-94, Amended 12-24-96, 3-2-00, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Mimi Drew, Director, Division of Water Resource Management, Department of Environmental Protection

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Kirby Green, Deputy Secretary, Department of Environmental Protection

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 2, 2000

DEPARTMENT OF ENVIRONMENTAL PROTECTION

DOCKET NO.:	98-27R
RULE CHAPTER TITLE:	RULE CHAPTER NO.:
Wastewater Facility and Activities Permitting	62-620
RULE TITLES:	RULE NOS.:
Scope/Applicability/References	62-620.100
Definitions	62-620.200
General Prohibitions	62-620.300
General Provisions	62-620.301
Procedure to Obtain Permits	62-620.310
Standards for Issuing or Denying Permits	62-620.320
Revisions to Permit Conditions	62-620.325
Renewals	62-620.335
Suspension and Revocation	62-620.345
Recordkeeping	62-620.350
Permit Application Requirements	62-620.400
General Application Requirements	62-620.410
Application Processing	62-620.510
Public Notice	62-620.550
General Conditions for All Permits	62-620.610
Guidelines for Establishing Specific Permit Conditions	62-620.620
Additional Permit Conditions for Domestic Wastewater Facilities	62-620.630
Procedures for General Permits	62-620.705
Procedures for Generic Permits	62-620.710
Conditions for All General and Generic Permits	62-620.715
Variances for Discharges Regulated Pursuant to Section 403.0885, F.S.	62-620.800
Forms and Instructions	62-620.910

PURPOSE, EFFECT AND SUMMARY: The Department of Environmental Protection is seeking authorization from the Environmental Protection Agency (EPA) to implement the remaining elements of the National Pollutant Discharge Elimination System (NPDES) program as required by the Clean Water Act. The NPDES program consists primarily of five elements including Municipal, Industrial, Pretreatment, Stormwater and Federal Facilities. In a phased approach to delegation, the Department has previously been authorized to operate three of the elements, specifically the Municipal, Industrial, and Pretreatment programs. In accordance with the Memorandum of Agreement between EPA and the Department for delegation of the NPDES program, and pursuant to Section 403.0885, F.S., the Department is now seeking authority to administer the Stormwater and Federal Facility components of the NPDES program. The proposed rule change is to clarify the applicability of the permitting procedures under Chapter 62-620, F.A.C., to stormwater discharges and Federal facilities

subject to regulation under Section 403.0885, F.S. Additionally, general rule cleanup is included in this rulemaking.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: The proposed revisions to this rule chapter are procedural, do not involve any substantive changes, and thus do not warrant a Statement of Estimated Regulatory Cost (SERC). However, the Department's Economic Analysis section is preparing a SERC for the proposed revisions to Chapter 62-4 of the Florida Administrative Code relative to the economic impact of the proposed permit fees associated with delegation of this component of the NPDES program. In accordance with 120.541, F.S., the SERC will examine the effect of the proposed fees on the facilities or activities permitted under this rule chapter.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: None.

Any person who wishes to provide information regarding the statement of estimated regulatory costs, or to provide a proposal for a lower cost regulatory alternative must do so in writing within 21 days of this notice.

SPECIFIC AUTHORITY: 120.53(1), 120.60, 403.051, 403.061, 403.087, 403.0876, 403.0877, 403.088, 403.0885, 403.08851, 403.8055, 403.814, 403.815 FS.

LAW IMPLEMENTED: 120.53(1), 120.55, 120.60, 403.031, 403.051, 403.061, 403.087, 403.0876, 403.0877, 403.088, 403.0885, 403.814, 403.815 FS.

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

TIME AND DATE: 1:00 p.m., Friday, August 4, 2000

PLACE: Department of Environmental Protection, Twin Towers Office Building, Room 609, 2600 Blair Stone Road, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES AND AGENDA FOR THE PUBLIC HEARING IS: Fred Noble, Division of Water Resource Management, Bureau of Submerged Lands and Environmental Resources, Mail Station 2505, Florida Department of Environmental Protection, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400, telephone (850)921-9382

THE FULL TEXT OF THE PROPOSED RULES IS:

62-620.100 Scope/Applicability/References.

(1) Scope.

This chapter sets forth the procedures to obtain a permit to construct, modify, or operate a ~~domestic or industrial~~ wastewater facility or activity which discharges wastes into waters of the State or which will reasonably be expected to be a source of water pollution. It also includes requirements and procedures for establishing permit limitations and conditions,

issuance or denial of a permit, extension, renewal or revision of a permit, suspension or revocation of a permit, and transfer of a permit to a new owner. It contains requirements for monitoring and reporting after the permit is issued, and lists the forms needed to apply for a permit and to report the results of testing and monitoring required by this chapter.

(2) Applicability.

(a) No change.

(b) Requirements in this chapter shall apply ~~only~~ to domestic or industrial wastewater facilities or activities which discharge wastes into waters or which can reasonably be expected to be a source of pollution.

(c) ~~This chapter applies to stormwater discharges regulated under section 403.0885, F.S. This chapter does not apply to dredged or fill material discharged into waters of the State as regulated under Part IV of chapter 373, F.S.~~

(d) The requirements of this chapter are in addition to and not in lieu of the requirements of Part IV of chapter 373, F.S.

~~(e)(4)~~ No change.

1. through 2. No change.

~~(f)(e)~~ For information purposes, the systems included in paragraph ~~(e)(4)~~ of this section are permitted by the State of Florida Department of Health ~~and Rehabilitative Services~~ in accordance with the requirements of chapter 10D-6, F.A.C. For these systems the Department shall use Rule 10D-6.048(1), F.A.C., for determining the estimated volume of sewage from an establishment.

(f) through (g) renumbered (g) through (h) No change.

~~(h) This chapter applies to discharges of stormwater from industrial and domestic wastewater facilities or activities which discharge wastewater to surface waters and are permitted under section 403.0885, F.S.~~

(i) through (j) No change.

(k) On the date this rule is implemented, applications for renewal of permits to discharge wastes into surface waters which have been filed prior to the implementation date with either EPA or the Department shall be processed as follows:

1. through 2. No change.

3. The existing Federal NPDES permit and Department-issued permit, for which application for renewal was timely, shall remain in effect, as revised under paragraph ~~(i)(4)~~ of this section, until processing has been completed on the renewal in accordance with Rule 62-620.335, F.A.C., and this subsection.

(l) through (n) No change.

(3) References. The Department adopts and incorporates by reference the following sections of Title 40 of the Code of Federal Regulations (CFR) revised as of July 1, 1993, and the Department Guide to Permitting Wastewater Facilities or Activities Under Chapter 62-620, F.A.C., dated [Insert effective date] guide to wastewater permitting. Copies of these documents may be obtained by writing the Department of

Environmental Protection, Bureau of Water Facilities ~~Planning and Regulation~~, 2600 Blair Stone Road, MS 3535, Tallahassee, Florida 32399-2400.

(a) through (h) No change.

(i) 40 CFR 122.26, which contains criteria and guidance for permitting of stormwater discharges solely for the purpose of and only those portions that identify the facilities described in the Department of Environmental Protection Guide to Wastewater Permitting which need a stormwater permit under Section 403.0885, F.S.

(j) through (o) No change.

(p) The Department of Environmental Protection Guide to Permitting Wastewater Facilities or Activities Under Chapter 62-620, F.A.C., dated [Insert effective date] Guide to Wastewater Permitting, dated 12-24-96.

(q) through (4) No change.

Specific Authority 403.051, 403.061, 403.087, 403.088, 403.0885, 403.08851 FS. Law Implemented 403.051, 403.061, 403.087, 403.088, 403.0885 FS. History—New 11-29-94, Amended 12-24-96, 3-2-00,_____.

62-620.200 Definitions.

The following words and phrases when used in this chapter shall, unless the context clearly indicates otherwise, have the following meanings:

(1) through (18) No change.

(19) “General permit” means a permit issued by rule of the Department under section 403.814 ~~or section 403.0885, F.S.~~, which authorizes a person to undertake certain activities, which when performed in accordance with the specific requirements and practices set forth in the general permit ~~have a do not violate applicable Department standards and which cause minimal adverse environmental effect.~~

(20) “Generic Permit” means a general permit issued under the authority of section 403.0885, F.S., which may be issued by the Department to regulate a category of wastewater facilities or activities if they all: involve the same or substantially similar types of operations; discharge the same types of wastes or engage in the same types of residuals or industrial sludge use or disposal; require the same or similar monitoring; and are more appropriately controlled under a generic permit than an individual permit.

(20) through (26) renumbered (21) through (27) No change.

~~(28)(27)~~ “New discharger” means any building, structure, facility, or installation:

(a) through (b) No change.

(c) Which is not a “new source” as defined in subsection ~~(29)(28)~~ in this section; and

(d) through (e) No change.

(28) through (43) renumbered (29) through (44) No change.

(45) “Stormwater Discharge Associated with Industrial Activity” is as defined in 40 CFR 122.26(b)(14).

(44) through (53) renumbered (46) through (55) No change.

Specific Authority 403.051, 403.061, 403.087, 403.088, 403.0885, 403.08851, 403.8055 FS. Law Implemented 403.051, 403.031, 403.061, 403.087, 403.088, 403.0885 FS. History—New 11-29-94, Amended 12-24-96, _____.

62-620.300 General Prohibitions.

(1) No change.

(2) No ~~industrial or domestic~~ wastewater facility or activity which discharges wastes into waters or which will reasonably be expected to be a source of water pollution shall be operated, constructed, or modified without an appropriate and valid permit issued by the Department, unless exempted by Department rule. However, the exemption provided in Rule 62-4.040(1)(b), F.A.C., shall not apply to discharges of wastes into surface waters regulated under this chapter pursuant to section 403.0885, F.S.

(3) No discharge of wastes shall commence before a wastewater facility or activity permit is obtained. Except as otherwise provided in paragraphs (a) and (b), the Department wastewater facility or activity permit shall be obtained before commencement of construction or modification of the wastewater facility or activity.

(a) For a wastewater facility or activity permitted to discharge wastes into surface waters under this chapter pursuant to section 403.0885, F.S., only the portion of the proposed construction or modification of the wastewater facility or activity that relates solely to a discharge of wastes into surface water may be constructed or modified before a wastewater facility or activity permit is issued.

1. through 2. No change.

3. For modifications which relate solely to the discharge of wastes into surface water and which will only affect the treatment works or the quantity, nature or quality of the discharge when placed in operation, a wastewater facility or activity permit revision shall be obtained before placing the modifications in operation.

(b) No change.

(4) No person shall discharge into waters any waste ~~industrial or domestic wastewater~~ which, by itself or in combination with the wastes of other sources, reduces the quality of the receiving waters below the classification established for them.

(5) A permitted ~~industrial or domestic~~ wastewater facility or activity shall not be operated, maintained, constructed, expanded, or modified in a manner that is inconsistent with the terms of the permit.

Specific Authority 403.051, 403.061, 403.087, 403.088, 403.0885, 403.08851, 403.8055 FS. Law Implemented 403.051, 403.061, 403.087, 403.088, 403.0885 FS. History—New 11-29-94, _____.

62-620.301 General Provisions.

(1) No change.

(2) For purposes of enforcement, compliance with a wastewater facility or activity permit constitutes compliance with the applicable provisions of chapter 403, F.S. However, the Department shall not be precluded from instituting enforcement actions as indicated in Rule 62-650.300(4)~~120~~, F.A.C. For purposes of enforcement, compliance with a wastewater facility or activity permit issued under this chapter pursuant to the authority of section 403.0885, F.S., constitutes compliance with sections 301, 302, 306, 307, 318, 402 and 403 of the Clean Water Act, except for:

(a) through (6) No change.

Specific Authority 403.051, 403.061, 403.087, 403.088, 403.0885, 403.08851, 403.8055 FS. Law Implemented 403.051, 403.061, 403.087, 403.088, 403.0885 FS. History—New 11-29-94, Amended _____.

62-620.310 Procedure to Obtain Permits.

(1) Any person intending to construct, operate, or modify a wastewater facility or activity which will discharge wastes into waters or which will reasonably be expected to be a source of water pollution shall make application to the Department for a wastewater facility or activity permit. A wastewater facility or activity permit shall be issued only if all Department requirements for wastewater facilities or activities are met.

(2) through (8) No change.

(9) A wastewater permit shall:

(a) through (c) No change.

(10) No change.

Specific Authority 403.051, 403.061, 403.087, 403.0877, 403.088, 403.0885, 403.08851 FS. Law Implemented 403.051, 403.061, 403.087, 403.0877, 403.088, 403.0885 FS. History—New 11-29-94, Amended 12-24-96, _____.

62-620.320 Standards for Issuing or Denying Permits.

(1) No change.

(2) If, after review of the application and any pertinent information, the Department determines that the applicant has not provided reasonable assurance that the construction, modification, or operation of the wastewater facility or activity will be in accordance with applicable statutes or rules, including rules of approved local programs under 403.182, F.S., the Department shall deny the permit and shall notify the applicant of the reasons for the denial, advising him of his right to an administrative hearing.

(3) A wastewater facility or activity permit shall be renewed upon timely application to the Department in accordance with Rule 62-620.335, F.A.C., if the discharge is in compliance with permit conditions and applicable statutes and rules.

(4) through (6) No change.

(7) The Department shall take into consideration a wastewater facility or activity permit applicant's violation of any Department rules at any wastewater facility or activity when determining whether the applicant has provided reasonable assurance that Department standards will be met.

(8) No Department permit for a wastewater facility or activity shall be issued for a term of more than five years except as provided in section 403.087, F.S.

(9) through (10) No change.

Specific Authority 403.051, 403.061, 403.087, 403.088, 403.0885, 403.08851, 403.8055 FS. Law Implemented 403.051, 403.061, 403.087, 403.088, 403.0885 FS. History—New 11-29-94, Amended 12-24-96,_____.

62-620.325 Revisions to Permit Conditions.

(1) Substantial revisions.

(a) through (d) No change.

(e) Application for revision to a permit shall be in accordance with the requirements found in the Department of Environmental Protection Guide to Permitting Wastewater Facilities or Activities Under Chapter 62-620, F.A.C. ~~Guide to Wastewater Permitting~~. The request shall include the appropriate processing fee as set forth in Rule 62-4.050, F.A.C.

(f) No change.

(2) Minor Revisions:

(a) through (c) No change.

(d) The Department shall prepare a draft permit and public notice under Rule 62-620.550(2), F.A.C., for any change to decrease the permit requirement for monitoring or reporting, or for a change in the expiration date of a permit which was issued for less than five years, for which the application fee was prorated, and for which the requested change does not exceed five years from the date of issuance of the permit.

(e) No change.

Specific Authority 403.051, 403.061, 403.087, 403.088, 403.0885, 403.08851 FS. Law Implemented 403.051, 403.061, 403.087, 403.088, 403.0885 FS. History—New 11-29-94, Amended 12-24-96,_____.

62-620.335 Renewals.

(1) No change.

(2) The permittee shall apply on the appropriate form listed in Rule 62-620.910, F.A.C., and in the manner established in the Department of Environmental Protection Guide to Permitting Wastewater Facilities or Activities Under Chapter 62-620, F.A.C., ~~Guide to Wastewater Permitting~~ including submittal of the appropriate processing fee set forth in Rule 62-4.050, F.A.C.

(3) through (5) No change.

Specific Authority 120.60, 403.051, 403.061, 403.087, 403.088, 403.0885, 403.08851 FS. Law Implemented 403.051, 403.061, 403.087, 403.088, 403.0885 FS. History—New 11-29-94, Amended 12-24-96,_____.

62-620.345 Suspension and Revocation.

(1) The following are causes for suspending, revoking, or terminating any wastewater facility or activity permit issued by the Department. The Department finds:

(a) That the permit holder or his agent submitted false or inaccurate information in his application for a wastewater facility or activity permit or operational reports required by a wastewater facility or activity permit;

(b) That the permit holder or his agent has violated the applicable provisions of chapter 403, F.S., or Department rules regulating wastewater facilities or activities, or has violated Department orders or permit conditions related to the wastewater facility or activity;

(c) That the permit holder or his agent has failed to submit operational reports or other information required by Department rules for the wastewater facility or activity;

(d) That the permit holder or his agent has refused lawful inspection of the wastewater facility or activity under section 403.091, F.S., and Rule 62-620.610(9), F.A.C.;

(e) That the permitted wastewater facility or activity endangers human health or the environment and can only be regulated to acceptable levels by permit termination; or

(f) That a change in any condition requires either a temporary or permanent reduction or elimination of any discharge of effluent, reclaimed water, industrial sludge or residuals use or disposal practice controlled by the permit, such as plant closure or termination of discharge by connection to another permitted ~~wastewater~~ facility.

(2) No suspension, revocation, or termination shall become effective until notice is served upon the permittee in accordance with Rules 62-110.106 and 28-107.004 ~~62-103.190~~, F.A.C., and if requested, a hearing held within the time specified in the notice. The notice shall specify the provision of the law, the permit condition, or the Department order alleged to be violated, and the facts alleged to constitute the violation. This subsection does not preclude the Department from seeking immediate injunctive relief under section 403.131, F.S.

Specific Authority 120.60, 403.051, 403.061, 403.087, 403.088, 403.0885, 403.08851 FS. Law Implemented 120.60, 403.051, 403.061, 403.087, 403.088, 403.0885 FS. History—New 11-29-94, Amended _____.

62-620.350 Recordkeeping.

Unless the wastewater facility or activity permit specifically indicates an alternative location, the permittee shall maintain the following records on the site of the permitted facility or activity and make them available for inspection:

(1) through (9) No change.

Specific Authority 403.051, 403.061, 403.087, 403.088, 403.0885, 403.08851 FS. Law Implemented 403.051, 403.061, 403.087, 403.088, 403.0885 FS. History—New 11-29-94, Amended 12-24-96,_____.

62-620.400 Permit Application Requirements.

Permit application requirements are set forth in the Department of Environmental Protection Guide to Permitting Wastewater Facilities or Activities Under Chapter 62-620, F.A.C. ~~Guide to Wastewater Permitting~~, dated December 29, 1995. This guide contains procedures and requirements to apply for permits for ~~domestic and industrial~~ wastewater facilities or activities and the renewal of existing permits. It addresses modifications to wastewater facilities or activities for which permits are required unless specifically excluded. It sets forth general requirements which apply to ~~both domestic and industrial~~

~~wastewater~~ applications for wastewater facility or activity permits and it sets forth additional application requirements that apply to specific types of facilities or activities. Other Department rules which deal with other aspects of ~~domestic and industrial~~ wastewater facilities or activities are chapter 62-4, F.A.C., Permitting; chapter 62-25, F.A.C., Stormwater; chapter 62-28, F.A.C., Underground Injection Control; chapter 62-302, F.A.C., Surface Water Quality Standards; chapter 62-520, F.A.C., Ground Water Classes, Standards, and Exemptions; chapter 62-522, F.A.C., Ground Water Permitting and Monitoring Requirements; chapter 62-600, F.A.C., Domestic Wastewater Facilities; chapter 62-601, F.A.C., Domestic Wastewater Treatment Plant Monitoring; chapter 62-604, F.A.C., Collection Systems and Transmission Facilities; chapter 62-610, F.A.C., Reuse of Reclaimed Water and Land Application; chapter 62-611, F.A.C., Wetlands Application; chapter 62-621, F.A.C., Generic Permits; chapter 62-624, F.A.C., Municipal Separate Storm Sewer Systems; chapter 62-625, F.A.C., Pretreatment; chapter 62-640, F.A.C., Domestic Wastewater Residuals; chapter 62-650, F.A.C., Water Quality Based Effluent Limitations; chapter 62-660, F.A.C., Industrial Wastewater Facilities; chapter 62-670, F.A.C., Feedlot and Dairy Wastewater Treatment and Management Requirements; chapter 62-671, F.A.C., Phosphate Mining Waste Treatment Requirements; chapter 62-672, F.A.C., Minimum Requirements for Earthen Dams, Phosphate Mining and Processing Operations; chapter 62-673, F.A.C., Phosphogypsum Management; chapter 62-699, F.A.C., Treatment Plant Classification and Staffing.

Specific Authority 403.051, 403.061, 403.087, 403.088, 403.0885, 403.08851 FS. Law Implemented 403.051, 403.061, 403.087, 403.088, 403.0885 FS. History—New 11-29-94, Amended 12-24-96,_____.

62-620.410 General Application Requirements.

(1) The Department of Environmental Protection Guide to Permitting Wastewater Facilities or Activities Under Chapter 62-620, F.A.C., ~~Guide to Wastewater Permitting~~ contains the general application requirements for a ~~wastewater~~ permit for ~~both industrial and domestic~~ wastewater facilities or activities, except for collection and transmission systems permitted under chapter 62-604, F.A.C. The application requirements for minor modifications to a wastewater facility or activity include a description of the proposed modification and, if applicable, any reports, plans, and specifications which were developed to implement the modification. The application for minor modification to a wastewater facility or activity shall be made on DEP Form 62-620.910(9).

(2) An applicant for a ~~wastewater~~ permit for a new or substantially modified wastewater facility or activity shall submit an application to the Department at least 180 days before a discharge occurs from the facility or activity. An applicant shall apply at least 90 days before construction commences on a new or modified wastewater facility or activity.

(3) An applicant shall submit as part of the application for a wastewater facility or activity permit a preliminary design or engineering report and other information in accordance with the Department of Environmental Protection Guide to Permitting Wastewater Facilities or Activities Under Chapter 62-620, F.A.C. ~~Guide to Wastewater Permitting~~. A report substantively addressing all of the elements listed in the Guide shall be submitted at least 90 days before construction commences on a facility or activity which discharges solely to surface waters or on a component of a facility or activity which discharges solely to surface waters if the applicant can demonstrate that the component is separable from the entire facility or activity. For all other facilities or activities, the report shall be submitted and made complete with the application for permit.

(4) Initiation or commencement of construction means to begin performing on-site modification, fabrication, erection or installation of a ~~wastewater~~ treatment facility or a conveyance system for the discharge of wastes. For the purposes of the wastewater facility or activity permit, land clearing and site preparation activities related to this construction are not included herein; however, before undertaking these activities, other ~~Federal and State~~ permits for stormwater discharges from the site may be required.

(5) An applicant shall apply to the Department to renew an existing wastewater facility or activity permit at least 180 days before the expiration date of the existing permit.

(6) Record drawings shall be prepared for new ~~wastewater~~ facilities or for substantial modifications to existing ~~wastewater~~ facilities permitted pursuant to this chapter. Record drawings shall be prepared and distributed as outlined in the Department of Environmental Protection Guide to Permitting Wastewater Facilities or Activities Under Chapter 62-620, F.A.C. ~~Guide to Wastewater Permitting~~. Notification of availability of record drawings shall be made on DEP Form 62-620.910(13).

(7) An applicant for a ~~wastewater~~ permit for a new wastewater facility or activity, or for substantial modifications to an existing wastewater facility or activity, shall submit DEP Form 62-620.910(12), Notification of Completion of Construction for Wastewater Facilities or Activities, upon completion of construction.

Specific Authority 403.051, 403.061, 403.087, 403.088, 403.0885, 403.08851 FS. Law Implemented 403.051, 403.061, 403.087, 403.088, 403.0885 FS. History—New 11-29-94, Amended 12-24-96,_____.

62-620.510 Application Processing.

(1) Within 30 days after receipt of an application for permit and its processing fee, the Department shall notify the applicant if the application is not complete and shall request submittal of the additional information needed to review the application that the Department is authorized by law to request. If an applicant for a ~~wastewater~~ permit issued under section 403.0885, F.S., and this chapter, submits with his application a

preliminary design report, engineering report, or other design materials for review, the Department shall advise the applicant if the report or materials are deficient and shall request additional information as appropriate. All Department requests for additional information shall be made in accordance with sections 120.60, 403.0875, and 403.0876, F.S. An applicant who constructs or modifies a facility under section 403.0885, F.S., and this chapter, without a ~~wastewater~~ permit does so at his own risk and is prohibited from discharging wastes from the newly constructed facility or activity or the newly modified portion of a facility or activity without a ~~wastewater~~ permit.

(2) through (8) No change.

(9) If the Department intends to deny the permit application, it shall issue a notice of intent to deny. Public notice under Rule 62-620.550(2), F.A.C., shall not be required. However, the Department shall prepare a statement of basis or fact sheet with the reasons for the proposed action. If the decision to deny is changed, except through an administrative hearing under section 120.57, F.S., the Department shall withdraw the notice of intent to deny and shall proceed to prepare a draft permit. If the applicant requests an administrative hearing under section 120.57, F.S., on the Department intent to deny, the applicant shall publish notice of proposed agency action under Rules 62-620.550(1) and ~~62-110.106(7) 62-103.150(2)~~, F.A.C. Upon completion of the administrative hearing, the Department shall issue or deny the permit in accordance with the conclusions of the proceedings, provided the applicant has published notice as required in Rules 62-620.550(1) and ~~62-110.106(7) 62-103.150(2)~~, F.A.C. If the applicant has not published notice as required in these rules, the Department shall proceed to prepare a draft permit.

(10) If the Department intends to prepare a draft permit for issuance, it shall prepare and mail to the applicant, not later than the effective date of the application, a project decision schedule. The schedule shall specify, at a minimum, target dates for the following:

(a) through (d) No change.

(e) Public notice, if required, under Rule ~~62-110.106(7) 62-103.150~~, F.A.C.; and

(f) through (11) No change.

(12) All draft permits shall be accompanied by a statement of basis or a fact sheet on which the Department relied in making its decision. The statement of basis or fact sheet shall be prepared in accordance with the Department of Environmental Protection Guide to Permitting Wastewater Facilities or Activities Under Chapter 62-620, F.A.C. ~~Guide to Wastewater Permitting.~~

(13) For discharges of wastes into waters regulated under section 403.0885, F.S., and this chapter, the Department shall, as a part of public notice under Rule 62-620.550(2) through (4), F.A.C., and in accordance with the Department of Environmental Protection Guide to Permitting Wastewater Facilities or Activities Under Chapter 62-620, F.A.C. ~~Guide to~~

~~Wastewater Permitting~~, request comments from the U.S. Army Corps of Engineers, the Florida Game and Fresh Water Fish and Wildlife Conservation Commission, the U.S. Fish and Wildlife Service, and the National Marine Fisheries Service.

(14) Comments from the public under Rule 62-620.550(2) through (4), F.A.C., shall be considered in evaluation of the draft permit. Comments received from the agencies listed in subsection (13) of this section shall be considered as described in the Department of Environmental Protection Guide to Permitting Wastewater Facilities or Activities Under Chapter 62-620, F.A.C. ~~Guide to Wastewater Permitting.~~ If a permit is issued, the Department shall prepare a response to the significant comments in accordance with Rule 62-620.555, F.A.C.

(15) through (17) No change.

(18) Except as waived by EPA in a Memorandum of Agreement with the Department, for discharges of wastes regulated under this chapter pursuant to section 403.0885, F.S., the Department shall submit the proposed permit to the EPA for its concurrence in the Department decision.

(a) No change.

(b) If EPA objects to issuance of the permit; in accordance with 40 CFR 123.44 and in writing within 90 days of submittal to EPA, and to issuance of the permit; the Department fails to submit to EPA a revised permit satisfying the objections in accordance with the following timeframe, exclusive authority to issue the permit passes to EPA shall deny the permit or shall issue a modified permit in accordance with the EPA objections. The Department shall have 90 days from receipt of the EPA objections, or 30 days from the date of a public hearing on the objections, to submit a revised permit to EPA. ~~The Department shall have 90 days from receipt of the EPA objections, or 30 days from the date of a public hearing on the objections, to submit a revised permit to EPA.~~ The Department shall advise the applicant of ~~the basis for the~~ EPA objections.

(c) Upon receipt of the EPA concurrence ~~or objections~~, the Department shall prepare and send to the applicant for publication the public notice required under Rule 62-620.550(1), F.A.C., advising the applicant and all affected persons of their right to an administrative hearing.

(19) Permits shall be issued or denied as follows:

(a) For a facility or activity regulated under this chapter pursuant to section 403.0885, F.S., the Department shall grant a permit ~~or deny the permit application~~ within 30 days after the Department has received concurrence notice from the EPA on as to whether the EPA concurs or objects to the proposed permit. For a facility or activity regulated under this chapter pursuant to section 403.0885, F.S., the Department shall deny the permit application within 30 days after public notice of the decision to deny as required under Rule 62-620.550(1), F.A.C.;

(b) For a wastewater facility not regulated under section 403.0885, F.S., the Department shall grant a permit or deny the permit application within 30 days after public notice of the decision on the draft permit as required under Rule 62-620.550(1), F.A.C.;

(c) The time for issuing a permit or denying a permit application shall be tolled by the timely filing of a request for an administrative hearing under section 120.569 ~~120.57~~, F.S. The time shall be tolled until 45 days after the submission of a recommended order or until the administrative petition is dismissed or withdrawn, ~~or~~

(d) If these time schedules are not met, the permit applicant may apply for an order from the circuit court requiring the Department to render a decision within a specified time.

(20) Only that portion of the wastewater facility or activity permit which authorizes a discharge regulated under section 402 of the CWA, as amended, shall be submitted to the EPA for review under that section. A wastewater facility or activity permit includes any draft permit, proposed permit, or final permit described in this chapter.

Specific Authority 403.051, 403.061, 403.087, 403.088, 403.0885, 403.08851, 403.815 FS. Law Implemented 403.051, 403.061, 403.087, 403.0876, 403.088, 403.0885, 403.815 FS. History—New 11-29-94, Amended 12-24-96, _____.

62-620.550 Public Notice.

(1) Public notice under chapter 120, F.S., and Rule 62-110.106(7) ~~62-103.150~~, F.A.C., advising the applicant and all affected persons of their right to an administrative hearing shall be given as follows:

(a) Public notice shall be required for all permits for new or substantially modified facilities and those facilities described in Rule 62-110.106(7)(a)1. ~~62-103.150(2)(a)2.~~, F.A.C.;

(b) Notice shall be given in accordance with Rule 62-110.106(7) ~~62-103.150~~, F.A.C.; and

(c) No change.

(2) Public notice for discharges of wastes regulated under section 403.0885, F.S., and this chapter, shall announce the preparation of a draft permit and solicit public comments on its efficacy or announce the date, time and location of a public meeting to take oral comments on a draft permit.

(a) Public notice under this subsection is required when the Department prepares a draft permit for all new wastewater facilities or activities, for all substantially revised wastewater facility or activity permits, for all renewals of permits which have been issued under section 403.0885, F.S., and this chapter, and for minor revisions to a wastewater facility or activity permit when the revision proposes to decrease a permit requirement for monitoring or reporting. No public notice is required when a request for a permit, permit revision, revocation and reissuance, or termination is denied. Written notice of that denial shall be given to anyone requesting it and to the permittee.

(b) through (d) No change.

(3) Public notice of activities described in subsection (2) of this section shall be given as set forth in paragraphs (a) and (b) below.

(a) Notice shall be given by mailing a copy of a notice to:

1. The applicant except when the Department is giving notice that it intends to issue a general or generic permit;

2. No change.

3. Federal and State agencies with jurisdiction over fish, shellfish, and wildlife resources; over historical and archaeological sites; and over coastal zone management plans, including the U.S. Advisory Council on Historic Preservation; U. S. Army Corps of Engineers; the U.S. Fish and Wildlife Service; the National Marine Fisheries Service; the Florida Department of State, Division of Archives and History; the Florida ~~Game and Fresh Water~~ Fish and Wildlife Conservation Commission; and the Florida Department of Community Affairs;

4. No change.

5. Persons on Department ~~and district office~~ mailing lists which shall be compiled by notifying the public of the opportunity to be placed on the mailing lists and from those persons who request in writing to be on the lists;

6. through 7. No change.

(b) through (6) No change.

Specific Authority 120.53(1), 403.051, 403.061(31), 403.0876, 403.0885, 403.815 FS. Law Implemented 120.53(1), 120.60(3), 403.051, 403.0885, 403.815 FS. History—New 11-29-94, Amended 12-24-96, _____.

62-620.610 General Conditions for All Permits.

All wastewater facility or activity permits, except General and Generic Permits, issued by the Department shall include the following conditions:

(1) through (14) No change.

(15) The permittee shall give the Department written notice at least 60 days before inactivation or abandonment of a wastewater facility or activity and shall specify what steps will be taken to safeguard public health and safety during and following inactivation or abandonment.

(16) The permittee shall apply for a revision to the Department permit in accordance with Rules 62-620.300 and the Department of Environmental Protection Guide to Permitting Wastewater Facilities or Activities Under Chapter 62-620, F.A.C., ~~Guide to Wastewater Permitting~~ at least 90 days before construction of any planned substantial modifications to the permitted facility is to commence or with Rule 62-620.325(2) for minor modifications to the permitted facility. A revised permit shall be obtained before construction begins except as provided in Rule 62-620.300, F.A.C.

(17) through (23) No change.

Specific Authority 403.051, 403.061, 403.087, 403.088, 403.0885, 403.08851 FS. Law Implemented 403.051, 403.061, 403.087, 403.088, 403.0885 FS. History—New 11-29-94, Amended 12-24-96, _____.

62-620.620 Guidelines for Establishing Specific Permit Conditions.

(1) Permit conditions shall be based on relevant statutory or regulatory provisions in effect prior to the final administrative disposition of a permit. All permit conditions shall be incorporated either expressly or by reference. If incorporated by reference, a specific citation to the applicable regulations or requirements must be given in the permit. Except for collection system permits under chapter 62-604, F.A.C., each permit shall contain the following permit conditions as applicable:

(a) through (p) No change.

(q) Any conditions that the Secretary of the Army (U.S. Army Corps of Engineers) considers necessary to ensure that navigation and anchorage will not be substantially impaired; or

(r) No change.

(2) Permit conditions shall be established for the following:

(a) Outfalls and discharge points. All permit effluent limitations, standards and prohibitions shall be established for each outfall or discharge point of the permitted facility or activity, except as otherwise provided under paragraphs (1)(m), (1)(p), and (2)(i) of this section and activities permitted under chapter 62-624, F.A.C.

(b) through (d) No change.

(e) Non-continuous discharges ~~from industrial wastewater treatment facilities.~~ Non-continuous dDischarges shall be particularly described and limited, considering the following factors, as appropriate:

1. through 4. No change.

(f) Limited wet weather discharges from domestic wastewater facilities. Discharges of excess reclaimed waters during wet weather periods shall be in accordance with chapter 62-610, F.A.C., including calculations of the required stream dilution factor.

(g) through (h) No change.

(i) Internal waste streams.

1. No change.

2. Limits on internal waste streams shall be imposed only when the fact sheet prepared in accordance with the Department of Environmental Protection Guide to Permitting Wastewater Facilities or Activities Under Chapter 62-620, F.A.C., Guide to Wastewater Permitting sets forth the exceptional circumstances which make such limitations necessary, such as when the final discharge point is inaccessible, the wastes at the point of discharge are so diluted as to make monitoring impracticable, or the interferences among pollutants at the point of discharge make detection or analysis impracticable.

(j) No change.

(3) through (5) No change.

Specific Authority 403.051, 403.061, 403.087, 403.088, 403.0885, 403.08851, 403.8055 FS. Law Implemented 403.051, 403.061, 403.087, 403.088, 403.0885 FS. History--New 11-29-94, Amended 12-24-96, _____.

62-620.630 Additional Permit Conditions for Domestic Wastewater Facilities.

(1) through (2) No change.

(3) Upon placing a facility in operation, the facility shall be operated under the supervision of an operator certified in accordance with chapter ~~62-602 61E12-41~~, F.A.C. All facility operations shall provide for the minimum care and maintenance of the facility in accordance with chapters 62-600 and 62-699, F.A.C.

(4) Reuse systems permitted under chapter 62-610, part III, F.A.C., shall not be placed in service for any purpose without written approval from the Department. For projects identified in the permit as being constructed in phases, written permission is only required for the first phase. Written application shall be made using the appropriate form from Rule 62-610.300910, F.A.C. The following items shall be submitted in support of a request to place a part III reuse system into operation:

(a) Notification of completion pursuant to Rule 62-620.630(2)(a), F.A.C., except that certification shall be provided on DEP Form 62-610.300(4)(a)3.910(3) instead of DEP Form 62-620.910(12);

(b) through (11) No change.

Specific Authority 403.051, 403.061, 403.087, 403.088, 403.0885, 403.08851 FS. Law Implemented 403.051, 403.061, 403.062, 403.085, 403.086, 403.087, 403.088, 403.0885 FS. History--New 11-29-94, Amended _____.

62-620.705 Procedures for ~~Issuing a~~ General Permits.

(1) A general permit shall be issued upon adoption as a rule and shall be modified by rule revision or revoked by repeal of the rule. ~~Persons wishing to use a general permit must notify the Department in writing as described in Rule 62-620.710, F.A.C.~~

(2) ~~The procedures to obtain and use a general permit under section 403.814, F.S., are set forth in Part III of chapter 62-4, F.A.C. The Department may issue a general permit to regulate a category of domestic or industrial wastewater facilities if the facilities all:~~

~~(a) Involve the same or substantially similar types of operations;~~

~~(b) Discharge the same types of wastes or engage in the same types of residuals or industrial sludge use or disposal practices;~~

~~(c) Require the same effluent limitations, operating conditions, or standards for residuals or industrial sludge use or disposal;~~

~~(d) Require the same or similar monitoring; and~~

~~(e) Are more appropriately controlled under a general permit than under individual permits.~~

~~(3) Any person complying with the requirements of a general permit may use the permit 30 days after giving notice to the Department without any agency action. When no agency action is taken, unless the Department or the applicant publishes notice of the application, the provisions of chapter 120, Florida Statutes, granting to affected parties the right to an administrative hearing do not apply. A general permit for a discharge regulated under this chapter pursuant to section 403.0885, F.S., shall be forwarded to the EPA for review and concurrence before adoption. The EPA shall have 90 days from the date of receipt to comment upon, make recommendations with respect to the proposed general permit, concur or to object to the adoption of the general permit. If EPA objects, the Department shall revise the proposed general permit as requested or shall withdraw the proposed general permit.~~

Specific Authority 403.0885, 403.08851, 403.814 FS. Law Implemented 403.061, 403.087, 403.088, 403.0885, 403.814 FS. History—New 11-29-94, Amended _____.

62-620.710 Procedures for Generic ~~Using a General~~ Permits.

(1) A generic permit shall be issued upon adoption as a rule under chapter 62-621, F.A.C., and shall be modified by rule revision or revoked by repeal of the rule.

(2) The Department may issue a generic permit to regulate a category of wastewater facilities or activities if they all:

(a) Involve the same or substantially similar types of operations;

(b) Discharge the same types of wastes or engage in the same types of residuals or industrial sludge use or disposal practices;

(c) Require the same effluent limitations, operating conditions, or standards for residuals or industrial sludge use or disposal;

(d) Require the same or similar monitoring; and

(e) Are more appropriately controlled under a generic permit than under individual permits.

(3) A generic permit for a discharge regulated under this chapter pursuant to section 403.0885, F.S., shall be forwarded to the EPA for review and concurrence before adoption. The EPA shall have 90 days from the date of receipt to comment upon, make recommendations with respect to the proposed generic permit, concur or to object to the adoption of the generic permit. If EPA objects, the Department shall revise the proposed generic permit as requested or shall withdraw the proposed generic permit.

~~(4)(1) Persons wishing to use a generic general permit shall, at least 30 days before beginning use of the permit, notify the Department on forms adopted by the Department or in writing as specified in the generic general permit, and submit the appropriate fee set forth in Rule 62-4.050, F.A.C. They shall describe the proposed project, and include supporting documents depicting the proposed project, its location, and other pertinent information required by the generic general~~

permit to demonstrate that they qualify for the requested permit. Notice to the Department of the proposed use shall be filed with the appropriate district office of the Department. Persons wishing to use a generic general permit are hereby placed on notice that projects undertaken without proof of notice to the Department shall be considered as being undertaken without a permit and shall be subject to enforcement pursuant to section 403.161, F.S.

~~(5)(2) A proposed project which may be reasonably expected to violate water quality standards or which will not meet the public interest requirements set forth in chapter 403, F.S., shall not be entitled to use of a generic general permit.~~

~~(6)(3) The Department shall determine whether to require any person using or proposing to use a generic general permit to apply for and obtain an individual permit in accordance with 40 CFR 122.28(b)(3).~~

~~(7)(4) Suspension and revocation of the use of a generic general permit shall be in accordance with chapter 120, F.S., and Rule 62-4.100, F.A.C. Good cause for the suspension or revocation shall include the following:~~

~~(a) Submission of false or inaccurate information in the notification for use of a generic general permit or in the required reports;~~

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

~~(d) Any other act on the part of the permittee in the use of the generic general permit which results or may result in harm or injury to human health or welfare or which causes harm or injury to animal, plant or aquatic life, or to property.~~

~~(8)(5) Unless otherwise required as part of a specific category of generic general permit, persons qualifying for the use of a generic general permit are not required to, but may, publish in a newspaper of general circulation in the area affected by the proposed project a notice of intent to use a generic general permit. The notice, if published, shall follow substantially the format in Rule 62-620.550, F.A.C., and shall be published within 14 days of the date when the Department receives notification pursuant to subsection (4)(4) of this section. No person who has published notice shall begin the project until after the 21 days for requesting a hearing has passed or a hearing is held and a decision is rendered.~~

~~(6) Any person complying with the requirements of a general permit may use the permit 30 days after giving notice to the Department without any agency action. When no agency action is taken, unless the Department or the applicant publishes notice of the application, the provisions of chapter 120, Florida Statutes, granting to affected parties the right to an administrative hearing do not apply.~~

Specific Authority 403.0885, 403.08851, 403.814 FS. Law Implemented 403.061, 403.087, 403.088, 403.0885, 403.814 FS. History—New 11-29-94, Amended 12-24-96, _____.

62-620.715 Conditions for All General and Generic Permits.

(1) General conditions for general permits under section 403.814, F.S., are set forth in rule 62-4.540, F.A.C. The terms, conditions, requirements, limitations, and restrictions set forth in this section are “general permit conditions” and are binding upon the permittee. The conditions are enforceable under sections 403.121, .131, .141, and .161, F.S.

(2) General conditions for generic permits under section 403.0885, F.S., are set forth in rule 62-621.250, F.A.C. The general permit is valid only for the specific activity indicated. Any deviation from the specified activity and the conditions for undertaking that activity shall constitute a violation of the permit. The permittee is placed on notice that violation of the permit may result in suspension or revocation of the permittee's use of the general permit and may cause the Department to begin legal proceedings.

(3) ~~The general permit does not convey any vested rights or any exclusive privileges. It does not authorize any injury to public or private property nor any invasion of personal rights. It does not authorize any infringement of federal, state or local laws or regulations. It does not eliminate the necessity for obtaining any other federal, state, or local permits that may be required, or allow the permittee to violate any more stringent standards established by federal or local law.~~

(4) ~~The general permit does not relieve the permittee from liability and penalties when the construction or operation of the permitted activity causes harm or injury to human health or welfare, animal or plant life, or property. It does not allow the permittee to cause pollution in contravention of Florida Statutes and Department rules or the Clean Water Act and the regulations implementing it.~~

(5) ~~The general permit conveys no title to land or water, nor does it constitute State recognition or acknowledgment of title. Only the Board of Trustees of the Internal Improvement Trust Fund may express State opinion as to title.~~

(6) ~~No general permit shall authorize the use of state-owned land without the prior consent of the Board of Trustees of the Internal Improvement Trust Fund pursuant to section 253.77, F.S.~~

(7) ~~The general permit may be modified in accordance with chapter 120, F.S., and Rule 62-620.325, F.A.C., or suspended or revoked in accordance with section 120.60(7) and Rules 62-4.100 and 62-620.710(4), F.A.C., if the Secretary determines that there has been a violation of any of the terms or conditions of the permit, there has been a violation of state water quality standards or the permittee has submitted false, incomplete or inaccurate data or information.~~

(8) ~~The general permit shall not be transferred to another party except pursuant to Rule 62-620.340, F.A.C.~~

(9) ~~The general permit authorizes operation of the facility and where applicable, construction of the facility.~~

(10) ~~By using the general permit, the permittee agrees to make every reasonable effort to conduct the specific activity authorized by the general permit in a manner that will minimize any adverse effects on adjacent property or on public use of the adjacent property, where applicable, and on the environment, including fish, wildlife, natural resources of the area, water quality or air quality.~~

(11) ~~By using the general permit, the permittee agrees to allow, upon presentation of credentials or other documents that may be required by law, a duly authorized representative of the Department access to the permitted facility or activity at reasonable times to inspect and test to determine compliance with the permit and the Department rules.~~

(12) ~~The permittee agrees to maintain any permitted facility or activity in good condition and in accordance with the plans submitted to the Department.~~

(13) ~~A permittee's use of a general permit is limited to no more than five years. However, the permittee may request continued use of the general permit by notifying the Department pursuant to Rule 62-620.710, F.A.C., and paying the appropriate fee set forth in Rule 62-4.050, F.A.C., 30 days before expiration of the current use of the permit. If a permittee is using a general permit issued under s. 403.0885, F.S., and this chapter, the use of the permit is limited to the expiration date of the general permit.~~

Specific Authority 403.0885, 403.08851, 403.814 FS. Law Implemented 403.061, 403.087, 403.088, 403.0885, 403.814 FS. History—New 11-29-94, Amended 12-24-96,_____.

62-620.800 Variances for Discharges Regulated Pursuant to Section 403.0885, F.S.

(1) through (7) No change.

(8) Other variance procedures and moderating provisions under chapter 403, F.S., and Department rules are available to applicants for a wastewater facility or activity permit such as those set forth in chapters 62-4, 62-110 ~~62-103~~, 62-302 and 62-660, F.A.C.

(9) The Department of Environmental Protection Guide to Permitting Wastewater Facilities or Activities Under Chapter 62-620, F.A.C. ~~Guide to Wastewater Permitting~~ contains additional information on the variances listed above.

Specific Authority 403.051, 403.061(31), 403.0885, 403.08851, 403.8055 FS. Law Implemented 403.051, 403.0885 FS. History—New 11-29-94, Amended 12-24-96,_____.

62-620.910 Forms and Instructions.

The forms and instructions used by the Department for the ~~industrial and domestic~~ wastewater facilities or ~~and~~ activities permitting and compliance program are listed in this part. Copies of the forms and instructions may be obtained at the Department District Offices ~~as described in Rule 17-101.020, F.A.C.~~ The Department adopts and incorporates by reference in this section the following forms and instructions:

62-621.100 Scope/Applicability.

This Chapter sets forth the procedures to obtain generic permits authorized under Section 403.0885, Florida Statutes, and Chapter 62-620, Florida Administrative Code (F.A.C.). For the purpose of this Chapter "Generic Permit" means a general permit issued under the authority of Section 403.0885, F.S. The Department may issue a generic permit to regulate a category of ~~domestic or industrial~~ wastewater facilities or activities if they all: involve the same or substantially similar types of operations; discharge the same types of wastes or engage in the same types of residuals or industrial sludge use or disposal practices; require the same effluent limitations, operating conditions, or standards for residuals or industrial sludge use or disposal; require the same or similar monitoring; and are more appropriately controlled under a generic permit than an individual permit.

(1) through (2) No change.

(3) For activities Dischargers covered under the existing Federal NPDES "General Permit for Storm Water Discharges from Construction Activities," the Department shall, after receiving authorization to administer this component of the NPDES program, notify users that they must apply for coverage under the State Generic Permit for Stormwater Discharge from Construction Activities that Disturb Five or More Acres of Land in accordance with Rule 62-621.300(4), F.A.C. permit shall remain covered until the permittee notifies the Department that it wishes coverage under the issued State generic permit. Application for coverage under the State generic permit shall be made within 30 days of the permittee's receipt of notification.

(4) For facilities or activities covered under the existing Federal NPDES "Storm Water Multi-Sector General Permit for Industrial Activities," the Department shall, after receiving authorization to administer this component of the NPDES program, notify users that they must apply for coverage under the State Multi-Sector Generic Permit for Stormwater Discharge Associated with Industrial Activity in accordance with Rule 62-621.300(5), F.A.C. Application for coverage under the State generic permit shall be made within 30 days of the permittee's receipt of notification.

Specific Authority 403.061, 403.087, 403.088, 403.0885, 403.08851 FS. Law Implemented 403.061, 403.087, 403.088, 403.0885, 403.08851 FS. History--New 8-22-95, Amended 12-24-96, 5-1-97,_____.

62-621.250 General Conditions.

Notwithstanding Rule 62-620.610, F.A.C., and unless stated otherwise in this Chapter, the following conditions apply to all permits listed in this Chapter:

(1) through (18) No change.

(19) The use of generic permits issued under this Chapter is limited to a term not to exceed five years. Terms and conditions of the permit are automatically continued in accordance with 40 CFR 122.6, which is hereby incorporated by reference, only where the permittee has submitted a timely

and complete Notice of Intent 180 days prior to expiration of permit coverage or as otherwise specified in the generic permit. The requirements for submittal of Notice of Intent are located in each specific generic permit.

(20) No change.

Specific Authority 403.061, 403.087, 403.088, 403.0885, 403.08851 FS. Law Implemented 403.061, 403.087, 403.088, 403.0885, 403.08851 FS. History--New 8-22-95, Amended 5-1-97, 2-14-00,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Mimi Drew, Director, Division of Water Resource Management, Department of Environmental Protection

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Kirby Green, Deputy Secretary, Department of Environmental Protection

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 2, 2000

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN THE FAW: December 10, 1999

DEPARTMENT OF ENVIRONMENTAL PROTECTION

DOCKET NO.: 00-18R

RULE CHAPTER TITLE:	RULE CHAPTER NO.:
Generic Permits	62-621
RULE TITLE:	RULE NO.:
Permits.	62-621.300

PURPOSE, EFFECT AND SUMMARY: The Department of Environmental Protection is seeking authorization from the Environmental Protection Agency (EPA) to implement the remaining elements of the National Pollutant Discharge Elimination System (NPDES) program as required by the Clean Water Act. The NPDES program consists primarily of five elements including Municipal, Industrial, Pretreatment, Stormwater and Federal Facilities. In a phased approach to delegation, the Department has previously been authorized to operate three of the elements, specifically the Municipal, Industrial, and Pretreatment programs. In accordance with the Memorandum of Agreement between EPA and the Department for delegation of the NPDES program, and pursuant to Section 403.0885, F.S., the Department is now seeking authority to administer the Stormwater and Federal Facility components of the NPDES program. The proposed rule change is to implement the NPDES general permitting program for stormwater discharge associated with industrial activity. Certain industrial facilities and construction activities as specified in 40 CFR 122.26 are currently subject to regulation under the federally-administered NPDES "General Permit for Storm Water Discharges from Construction Activities" and "Storm Water Multi-Sector General Permit for Industrial Activities." This rulemaking is to incorporate by reference the State of Florida "Generic Permit for Stormwater Discharge from Construction Activities that Disturb Five or More Acres of Land" and "Multi-Sector Generic Permit for Stormwater Discharge Associated with Industrial Activity," which are

substantively identical to the above named existing Federal general permits. Separate rulemaking for procedural provisions of Chapter 62-621, FAC., is being done concurrently under Docket Number 98-29R. This proposed rule amendment shall become effective twenty (20) days after filing with the Department of State.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: None.

Any person who wishes to provide information regarding the statement of estimated regulatory costs, or to provide a proposal for a lower cost regulatory alternative must do so in writing within 21 days of this notice.

SPECIFIC AUTHORITY: 373.043, 373.1131, 373.413, 373.414, 373.416, 403.061, 403.087, 403.0877, 403.088, 403.0885, 403.08851 FS.

LAW IMPLEMENTED: 373.043, 373.1131, 373.413, 373.414, 373.416, 403.061, 403.087, 403.0877, 403.088, 403.0885, 403.08851 FS.

THIS RULEMAKING IS UNDERTAKEN PURSUANT TO SECTION 403.8055, F.S.

SUBSTANTIALLY AFFECTED PERSONS MAY FILE OBJECTIONS WITH THE ENVIRONMENTAL REGULATION COMMISSION AT THE FOLLOWING ADDRESS: 3900 Commonwealth Boulevard, Mail Station 18, Tallahassee, Florida 32399-3000, Attention: Jacki McGorty. Objections must be received within 14 days of publication of this notice and must specify the portions of the proposed rule to which the person objects and the reason for the objection. Objections that are frivolous will not be considered sufficient to prohibit adoption of the rule as published.

WRITTEN COMMENTS: The Secretary of the Department of Environmental Protection will consider written comments received within 21 days of publication of this notice. Comments should be submitted to: Fred Noble, Division of Water Resource Management, Bureau of Submerged Lands and Environmental Resources, Mail Station 2505, Florida Department of Environmental Protection, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400

THE FULL TEXT OF THE PROPOSED RULE IS:

62-621.300 Permits.

(1) through (2) No change.

(3) Generic Permit for Discharges from Concrete Batch Plants.

(a) No change.

(b) Form number 62-621.300(3)(b), Notice of Intent to Use Generic Permit for Discharges from Concrete Batch Plants, effective May 1, 1997, is hereby incorporated by reference and made part of this Chapter. This form may be obtained by contacting either the local Department District

Office or by writing the Department of Environmental Protection, Industrial Wastewater Section, Mail Station #3545, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400.

(c) No change.

(4) Generic Permit for Stormwater Discharge from Construction Activities that Disturb Five or More Acres of Land.

(a) The document "Generic Permit for Stormwater Discharge from Construction Activities that Disturb Five or More Acres of Land," document number 62-621.300(4)(a), issued by the Department and effective [Insert effective date] is hereby incorporated by reference and made a part of this Chapter.

(b) Form number 62-621.300(4)(b), Notice of Intent to Use Generic Permit for Stormwater Discharge from Construction Activities that Disturb Five or More Acres of Land, effective [Insert effective date], is hereby incorporated by reference and made part of this Chapter. This form may be obtained by writing the Department of Environmental Protection, NPDES Stormwater Notices Center, Mail Station #2510, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400.

(c) The document referenced in Rule 62-621.300(4)(a) FAC., contains specific requirements for stormwater discharges from construction activities that disturb five or more acres of land.

(5) Multi-Sector Generic Permit for Stormwater Discharge Associated with Industrial Activity.

(a) The Department hereby adopts and incorporates by reference Federal Register, Vol. 60, No. 189, pages 50804-51319, published on September 29, 1995; Federal Register, Vol. 61, No. 28, pages 5248-5254, published on February 9, 1996; Federal Register, Vol. 61, No. 34, page 6412, published on February 20, 1996; Federal Register, Vol. 63, No. 152, pages 42534-42548, published on August 7, 1998; Federal Register, Vol. 63, No. 189, pages 52430-52577, published on September 30, 1998; and, Federal Register, Vol. 64, No. 11, pages 2898-2900, published on January 19, 1999, which shall hereinafter be referred to as the "Multi-Sector Generic Permit for Stormwater Discharge Associated with Industrial Activity." When used in the Multi-Sector Generic Permit for Stormwater Discharge Associated with Industrial Activity, the following shall mean:

1. EPA shall mean the Department of Environmental Protection.

2. Regional Administrator, Director, or State Director, shall mean the Secretary of the Department of Environmental Protection or the Secretary's designee where appropriate.

(b) Form number 62-621.300(5)(b), Notice of Intent to Use Multi-Sector Generic Permit for Stormwater Discharge Associated with Industrial Activity, effective [Insert effective date], is hereby incorporated by reference and made part of this Chapter. This form may be obtained by writing the Department

of Environmental Protection, NPDES Stormwater Notices Center, Mail Station #2510, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400.

(c) Facilities or activities seeking coverage under this generic permit shall apply to the Department on the form referenced in Rule 62-621.300(5)(b), FAC., and in accordance with the Multi-Sector Generic Permit for Stormwater Discharge Associated with Industrial Activity, and shall include the appropriate processing fee as required by Rule 62-4.050, FAC.

(d) All notices, certifications, reports, or any other information required to be submitted under the Multi-Sector Generic Permit for Stormwater Discharge Associated with Industrial Activity, excluding discharge monitoring reports, shall be submitted to Department of Environmental Protection, NPDES Stormwater Notices Center, Mail Station #2510, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400.

(e) Discharge monitoring reports (DMRs) required to be submitted under the Multi-Sector Generic Permit for Stormwater Discharge Associated with Industrial Activity shall be sent to Department of Environmental Protection, NPDES Stormwater MSGP DMR, Mail Station #2511, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400.

(f) The effective date of coverage under this generic permit shall be two (2) days after the Notice of Intent submitted in accordance with Rule 62-621.300(5)(c), FAC., is postmarked, unless notified to the contrary by the Department.

(g) Coverage under this generic permit is limited to a term not to exceed five years from the effective date of coverage. Permittees may request continued coverage under this generic permit in accordance with the requirements of Rule 62-621.300(5)(c), FAC. Request for continued coverage shall be made at least two (2) days before expiration of the current coverage.

(6) Form number 62-621.300(6), Notice of Termination of Generic Permit Coverage, effective [Insert effective date], is hereby incorporated by reference and made a part of this Chapter. Facilities or activities seeking to terminate coverage under the generic permits in Rules 62-621.300(4) and (5), FAC., shall file a Notice of Termination of Generic Permit Coverage with the Department in accordance with the provisions of the applicable generic permit. This form may be obtained by writing the Department of Environmental Protection, NPDES Stormwater Notices Center, Mail Station #2510, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400.

Specific Authority 373.043, 373.1131, 373.413, 373.414, 373.416, 403.061, 403.087, 403.0877, 403.088, 403.0885, 403.08851 FS. Law Implemented 373.043, 373.1131, 373.413, 373.414, 373.416, 403.061, 403.087, 403.0877, 403.088, 403.0885, 403.08851 FS. History—New 12-24-96, Amended 5-1-97, 2-14-00,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Mimi Drew, Director, Division of Water Resource Management, Department of Environmental Protection

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Kirby Green, Deputy Secretary, Department of Environmental Protection
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 2, 2000

DEPARTMENT OF ENVIRONMENTAL PROTECTION

DOCKET NO.: 98-28R

RULE CHAPTER TITLE: Municipal Separate Storm
RULE CHAPTER NO.: 62-624

RULE TITLES:	RULE NOS.:
Policy and Purpose	62-624.100
Definitions	62-624.200
General Provisions	62-624.300
General Conditions	62-624.310
Application Procedures for New MS4 Permits	62-624.400
Re-application Procedures for MS4 Permits	62-624.420
Contents of Re-application for MS4 Permits	62-624.440
Application Processing	62-624.460
Annual Reports	62-624.600
Transfer of Operational Authority	62-624.700

PURPOSE, EFFECT AND SUMMARY: The Department of Environmental Protection is seeking authorization from the Environmental Protection Agency to implement the remaining phase of the National Pollutant Discharge Elimination System (NPDES) permitting program as required by the Clean Water Act. The NPDES program consists primarily of five elements including Municipal, Industrial, Pretreatment, Stormwater and Federal Facilities. In a phased approach to delegation, the Department has previously been authorized to operate three of the elements, specifically the Municipal, Industrial, and Pretreatment programs. In accordance with the Memorandum of Agreement between EPA and the Department for delegation of the NPDES program, and pursuant to Section 403.0885, F.S., the Department is now seeking authority to administer the Stormwater and Federal Facility components of the NPDES program. The proposed new rule will establish procedures for application processing and filing of annual reports. Standards for issuing or denying permits are substantively identical to the existing federal regulations and are being adopted pursuant to 403.8055, F.S., as Rule 62-624.500, F.A.C. The notice of rulemaking for Rule 62-624.500, F.A.C. is filed under Docket No. 00-19R, and accompanies this notice.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: The proposed rule sections are procedural, do not involve any substantive changes from the federal NPDES program, and thus do not warrant a Statement of Estimated Regulatory Cost (SERC). However, the Department's Economic Analysis section is preparing a SERC for the proposed revisions to Chapter 62-4 of the Florida Administrative Code relative to the economic impact of the proposed permit fees associated with delegation of this

component of the NPDES program. In accordance with 120.541, F.S., the SERC will examine the effect of the proposed fees on the facilities or activities permitted under this new rule chapter.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: None.

Any person who wishes to provide information regarding the statement of estimated regulatory costs, or to provide a proposal for a lower cost regulatory alternative must do so in writing within 21 days of this notice.

SPECIFIC AUTHORITY: 403.061(31), 403.087, 403.0877, 403.088, 403.0885, 403.08851, 403.815 FS.

LAW IMPLEMENTED: 403.061, 403.087, 403.0876, 403.0877, 403.088, 403.0885, 403.815 FS.

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

TIME AND DATE: 1:00 p.m., Friday, August 4, 2000

PLACE: Department of Environmental Protection, Twin Towers Office Building, Room 609, 2600 Blair Stone Road, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES AND AGENDA FOR THE PUBLIC HEARING IS: Michael Bateman, Division of Water Resource Management, Bureau of Submerged Lands and Environmental Resources, Mail Station 2505, Florida Department of Environmental Protection, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400, telephone (850)921-5330

THE FULL TEXT OF THE PROPOSED RULES IS:

62-624.100 Policy and Purpose.

This rule provides the requirements for processing Municipal Separate Storm Sewer Systems (MS4) permits, as authorized under Section 403.0885, Florida Statutes. This rule also provides general requirements and procedures for the issuance, denial, revision, suspension, and revocation of MS4 permits. The requirements of this part are in addition to and not in lieu of the requirements specified in Chapters 62-25, 62-330 and 62-341, F.A.C., or the requirements of Part IV, Chapter 373, Florida Statutes. Regulatory program and surveillance fees for MS4 permits are as provided in Section 62-4.052, F.A.C.

Specific Authority 403.061, 403.087, 403.088, 403.0885 FS. Law Implemented 403.087, 403.088, 403.0885 FS. History—New.

62-624.200 Definitions.

(1) Co-permittee means a permittee to a NPDES permit that is only responsible for permit conditions relating to the municipal separate storm sewer that it operates.

(2) Illicit discharge means any discharge to a municipal separate storm sewer that is not composed entirely of stormwater except discharges pursuant to a NPDES permit and discharges resulting from fire fighting activities.

(3) Incorporated place means a city, town, township, or village that is incorporated under the laws of Florida.

(4) Large municipal separate storm sewer system means all municipal separate storm sewers that are either:

(a) Located in an incorporated place or county with a population of 250,000 or more as determined by the 1990 Decennial Census conducted by the federal Bureau of Census; or

(b) Owned or operated by a municipality other than those described in paragraph (4)(a) of this section and that are designated by the Department as part of the large or medium municipal separate storm sewer system due to the interrelationship between the discharges of the designated storm sewer and the discharges from municipal separate storm sewers described under paragraph (4)(a) of this section. In making this determination the Department shall consider the following factors:

1. Physical interconnections between the municipal separate storm sewers;

2. The location of discharges from the designated municipal separate storm sewer relative to discharges from municipal separate storm sewers described in paragraph (4)(a) of this section;

3. The quantity and nature of pollutants discharged to waters of the state;

4. The nature of the receiving waters; and

5. Other relevant factors.

(5) Major municipal separate storm sewer outfall means a municipal separate storm sewer outfall that discharges from a single pipe with an inside diameter of 36 inches or more or its equivalent (discharge from a single conveyance other than circular pipe which is associated with a drainage area of more than 50 acres); or for municipal separate storm sewers that receive storm water from lands zoned for industrial activity (based on comprehensive zoning plans or the equivalent), an outfall that discharges from a single pipe with an inside diameter of 12 inches or more or from its equivalent (discharge from other than a circular pipe associated with a drainage area of 2 acres or more).

(6) Major outfall means a major municipal separate storm sewer outfall.

(7) Medium municipal separate storm sewer system means all municipal separate storm sewers that are either:

(a) Located in an incorporated place or county with a population of 100,000 or more but less than 250,000, as determined by the 1990 Decennial Census conducted by the federal Bureau of Census; or

(b) Owned or operated by a municipality other than those described in paragraph (7) (a) of this section and that are designated by the Department as part of the large or medium municipal separate storm sewer system due to the interrelationship between the discharges of the designated storm sewer and the discharges from municipal separate storm

sewers described under paragraph (7)(a) of this section. In making this determination the Department shall consider the following factors:

1. Physical interconnections between the municipal separate storm sewers;

2. The location of discharges from the designated municipal separate storm sewer relative to discharges from municipal separate storm sewers described in paragraph (7)(a) of this section;

3. The quantity and nature of pollutants discharged to waters of the state;

4. The nature of the receiving waters; and

5. Other relevant factors.

(8) Municipal separate storm sewer or MS4 means a conveyance or system of conveyances like roads with stormwater systems, municipal streets, catch basins, curbs, gutters, ditches, constructed channels, or storm drains:

(a) Owned or operated by a State, city, town, county, special district, association, or other public body (created by or pursuant to State Law) having jurisdiction over management and discharge of stormwater, or an Indian tribe or an authorized Indian tribal organization, that discharges to waters of the state;

(b) Designed or used for collecting or conveying stormwater;

(c) Which is not a combined sewer; and

(d) Which is not part of a Publicly Owned Treatment Works (POTW). POTW means any device or system used in the treatment of municipal sewage or industrial wastes of a liquid nature which is owned by a "State" or "municipality." This definition includes sewers, pipes, or other conveyances only if they convey wastewater to a POTW providing treatment.

(9) Outfall means a point source at the location where a municipal separate storm sewer discharges to water of the state and does not include open conveyances connecting two municipal separate storm sewers, or pipes, tunnels or other conveyances which connect segments of the same stream or other waters of the state and are used to convey waters of the state. Point source is defined as any discernible, confined, and discrete conveyance, such as any pipe, ditch, channel, tunnel, conduit, well, discrete fissure, container, or landfill leachate collection system from which pollutants are or may be discharged.

(10) Runoff coefficient means the fraction of total rainfall that will appear at a conveyance as runoff.

(11) Stormwater means stormwater runoff, surface runoff and drainage.

Specific Authority 403.061, 403.087, 403.088, 403.0885 FS. Law Implemented 403.087, 403.088, 403.0885 FS. History—New

62-624.300 General Provisions.

(1) Any operator of a large or medium MS4 must be covered by a permit under this chapter. Operators of MS4s such as municipalities, Chapter 298, F.S. special districts, drainage districts, or Districts of the Florida Department of Transportation, that were named as permittees or co-permittees as a result of previous designation by the Regional Administrator of the United States Environmental Protection Agency must be covered by a permit under this chapter. Any operator of a large or medium MS4, or designated permittee or co-permittee must file for re-application with the Department in accordance with the procedures under this chapter.

(2) MS4 permits issued under this Chapter are subject to the procedural requirements of Rules 62-620.302 (Confidentiality), 62-620.305 (Signatory Requirements), and 62-620.350 (Recordkeeping), F.A.C.

(3) For purposes of enforcement, compliance with an MS4 permit constitutes compliance with the applicable provisions of chapter 403, F.S. For purposes of enforcement, compliance with a permit issued under this chapter pursuant to the authority of section 403.0885, F.S., constitutes compliance with sections 301, 302, 306, 307, 318, 402 and 403 of the Clean Water Act.

(4) A permit may be revoked, suspended, or terminated in accordance with Rule 62-620.345, F.A.C. A permit may be revised in accordance with Rule 62-620.325, F.A.C. A permit may be renewed in accordance with Rule 62-624.420, of this Chapter.

(5) No Department issued MS4 permit shall be issued for a term of more than 5 years.

(6) An annual fee is required as provided in Rule 62-4.052, F.A.C.

(7) To the extent that this chapter imposes duties for the construction, operation, maintenance, or monitoring of a stormwater management system, for reporting system operations, or for securing permits from the Department, responsibility lies with the permittee and the owner of the stormwater management system. Nevertheless, section 403.141, F.S., creates joint and several liability for those responsible for violations.

Specific Authority 403.061, 403.087, 403.088, 403.0885 FS. Law Implemented 403.087, 403.088, 403.0885 FS. History—New

62-624.310 General Conditions.

All MS4 permits shall be subject to the general conditions set forth in Rule 62-620.610, F.A.C., except for conditions in subsections (7), (12), (16), (17), (22), and (23).

Specific Authority 403.061, 403.087, 403.088, 403.0885 FS. Law Implemented 403.087, 403.088, 403.0885 FS. History—New

62-624.400 Application Procedures for New MS4 Permits. Applicants for new MS4 permits shall follow the procedures as described in 40 CFR 122.26.

Specific Authority 403.061, 403.087, 403.0877, 403.088, 403.0885, 403.08851 FS. Law Implemented 403.061, 403.087, 403.0877, 403.088, 403.0885 FS. History—New.

62-624.420 Re-application Procedures for MS4 Permits.

(1) MS4 permits shall be effective for a fixed term not to exceed five years. If the permittee wishes to continue an activity regulated by an MS4 permit after the expiration date of the permit, the permittee must apply for and obtain a new permit. Permittees are encouraged to consult with the Department before the re-application process begins so that a mutually acceptable municipal stormwater program is developed prior to re-application.

(2) A MS4 permittee may re-apply for permit coverage concurrently with a timely filing of the fourth year annual report. A fourth year annual report used as the principle component for re-application must clearly state that the report is being used for re-application purposes, and must clearly describe proposed revisions to the permittee's activities required under the existing permit.

(3) As an alternative, permittees may re-apply for a MS4 permit by submitting an application 180 days prior to the expiration of the permit. The application shall include a proposed stormwater management program and monitoring program in accordance with this section and Rule 62-624.440, F.A.C.

(4) A re-application filed in accordance with subsections (2) and (3) of this section shall be considered timely and sufficient. When an application for renewal of a permit is timely and sufficient, the existing permit shall not expire until the Department has taken final action on the application for renewal or until the last day for seeking judicial review of the agency order or a later date fixed by order of the reviewing court.

(5) Late re-application shall be considered timely and sufficient for the purpose of extending the effectiveness of the expiring permit only if it is submitted and made complete before the expiration date.

Specific Authority 403.061, 403.087, 403.088, 403.0885 FS. Law Implemented 403.087, 403.088, 403.0885 FS. History—New.

62-624.440 Contents of Re-application for MS4 Permit.

(1) The Department is committed to allowing flexible re-application requirements that are specific to the needs of the individual MS4 program. However, certain fundamental information is required for all re-applications as follows:

(a) Name and mailing address of the permittee that operates the MS4, and if applicable, the names and addresses of the co-permittees that operate a MS4;

(b) Names and titles of the primary administrative and technical contacts for the municipal permittee and all co-permittee(s);

(c) Identification number of the existing MS4 permit;

(d) A listing of changes in co-applicants since issuance of initial MS4 permit;

(e) Identification of any previously unidentified water bodies that receive discharges from the MS4;

(f) A summary of any known water quality impacts on the newly identified receiving waters from the MS4 discharge; and

(g) A summary of known or estimated reductions in stormwater pollutant loads discharged from the MS4 resulting from implementation of the stormwater management plan during the term of the most recent permit.

(2) Stormwater Management Program. The stormwater management program (SWMP) is a fundamental element of the MS4 program. Required components of the SWMP are listed in 40 CFR 122.26(d)(2)(iv). Components of the previously permitted SWMP that are found to be effective shall be continued and made an ongoing part of the proposed SWMP. Components to be evaluated for effectiveness for continued emphasis shall include:

(a) Public education programs, particularly programs that provide training on the proper design, construction, operation, maintenance, and inspection of stormwater management systems. Another educational focus shall be pollution prevention such as proper disposal of waste oil, household hazardous waste, and pesticide application;

(b) Increasing the effectiveness or maintaining effective programs to reduce erosion and sedimentation from construction activities;

(c) Increasing the effectiveness or maintaining effective programs to reduce pollution and other adverse ecological effects from stormwater discharges associated with new development or re-development activities;

(d) Retrofitting the existing MS4 to reduce pollutants as set forth in a local SWMP;

(e) Increasing the effectiveness or maintaining effective inspections of stormwater management and treatment systems to assure they are properly operated and maintained;

(f) Coordination and participation with adjacent MS4s, the Department, Water Management Districts, or other groups in monitoring the effects of stormwater discharges or the effectiveness of stormwater management programs;

(g) Coordinating and participating with the Department, Water Management Districts, or other groups that are developing a watershed approach to reduce the adverse effects of stormwater discharges;

(h) Detecting and eliminating non-stormwater discharges to the MS4; and

(i) Inspecting priority high-risk industrial stormwater dischargers to the MS4 to assure that they have implemented pollution prevention plans that minimize the discharge of pollutants to the MS4.

(3) The accumulated annual report information as outlined in Rule 62-624.600, F.A.C. shall be evaluated by the applicant, and to the extent practical, be summarized and incorporated into the re-application package.

(4) Re-application is an appropriate time for MS4s to evaluate their monitoring program and propose changes to make the program more appropriate and useful.

Specific Authority 403.061, 403.087, 403.088, 403.0885 FS. Law Implemented 403.087, 403.088, 403.0885 FS. History--New

62-624.460 Application Processing.

Permit applications or re-applications shall be processed in accordance with the following:

(1) Within 90 days after receipt of an application for permit, the Department shall notify the applicant if the application is not complete and shall request submittal of the additional information needed to review the application.

(2) Within 90 days after receipt of such additional information, the Department shall review it and may request only that information needed to clarify such additional information or to answer new questions raised by, or directly related to, such additional information.

(3) If the Department decides that a site visit is necessary in conjunction with processing the application, the applicant shall be notified and a visit scheduled.

(4) If the applicant fails to provide information requested or to correct deficiencies noted in the application, which were either requested or notified in accordance with subsection (1) of this section, and the information or correction is necessary to meet the requirements of this chapter, the permit shall be denied. Discharge from a MS4 without a valid permit is cause for appropriate enforcement action.

(5) When an application is complete, the Department shall determine whether to prepare a draft permit for issuance or denial of a permit. The initial preparation of a draft permit for issuance does not preclude the Department from denying a permit or modifying the draft permit after an opportunity for public comment or public meeting, if requested.

(6) The Department shall render a decision as to whether the draft permit will be for issuance or denial within 90 days after the Department has received all of the information necessary to make the application complete. If this time schedule is not met, the permit applicant may apply for an order from the circuit court requiring the Department to render a decision within a specified time.

(7) If the Department intends to deny the permit application, it shall issue a notice of intent to deny. Public notice under Rule 62-620.550(2), F.A.C., shall not be required. However, the Department shall prepare a statement of basis or fact sheet with the reasons for the proposed action. If the decision to deny is changed, except through an administrative hearing under section 120.57, F.S., the Department shall withdraw the notice of intent to deny and shall proceed to

prepare a draft permit. If the applicant requests an administrative hearing under section 120.57, F.S., on the Department's intent to deny, the applicant shall publish notice of proposed agency action under Rules 62-620.550(1) and 62-110.106(7), F.A.C. Upon completion of the administrative hearing, the Department shall issue or deny the permit in accordance with the conclusions of the proceedings, provided the applicant has published notice as required in Rules 62-620.550(1) and 62-110.106(7), F.A.C. If the hearing results in a recommendation for approval of the permit, and if the applicant has not published notice as required in these rules, the Department shall proceed to prepare a draft permit.

(8) The Department shall notify the applicant that the application is complete after receipt of all required information. The date on which the Department notifies the applicant that the application is complete is the effective date of the application.

(9) If the Department intends to prepare a draft permit for issuance, it shall prepare and mail to the applicant, not later than the effective date of the application, a project decision schedule. The schedule shall specify, at a minimum, target dates for the following:

(a) Preparation of a draft permit;

(b) Public notice, if required, under Rule 62-620.550(2) through (4), F.A.C.;

(c) Completion of the public comment period, including any public meeting, if held;

(d) Issuance of a final permit or submittal of a proposed permit to EPA;

(e) Public notice, if required, under Rule 62-110.106(7), F.A.C.; and

(f) Completion of any formal proceedings which may be associated with the application.

(10) A draft permit for issuance shall contain the following information:

(a) All conditions the applicant must meet;

(b) All applicable compliance schedules; and

(c) All monitoring requirements.

(11) For all draft permits, the Department shall prepare a statement of basis or a fact sheet on which the Department relied in making its decision. The statement of basis or fact sheet shall be prepared in accordance with the Department of Environmental Protection Guide to Permitting Wastewater Facilities or Activities under Chapter 62-620, F.A.C.

(12) Comments from the public under Rule 62-620.550(2) through (4), F.A.C., shall be considered in evaluation of the draft permit. If a permit is issued, the Department shall prepare a response to the significant comments in accordance with Rule 62-620.555, F.A.C.

(13) The administrative record of the draft permit shall be available for public inspection at the Department office issuing the permit and shall consist of:

(a) The application and any supporting data provided by the applicant;

(b) The draft permit;

(c) The statement of basis or fact sheet;

(d) All documents cited in the statement of basis or fact sheet; and

(e) Other documents contained in the supporting file.

(14) Material readily available at the Department office issuing the permit or published material that is generally available and included in the administrative record need not be physically included with the rest of the record as long as it is specifically referenced in the statement of basis or the fact sheet.

(15) The Department shall prepare a proposed permit after the close of the public comment period under Rule 62-620.550(2) through (4), F.A.C., or, if requested, after any public meeting under Rule 62-620.555, F.A.C.;

(16) Except as waived by EPA in a Memorandum of Agreement with the Department, for discharges regulated under this chapter pursuant to section 403.0885, F.S., the Department shall submit the proposed permit to the EPA for its concurrence in the Department decision. Upon receipt of the EPA concurrence, the Department shall prepare and send to the applicant for publication the public notice required under Rule 62-620.550(1), F.A.C., advising the applicant and all affected persons of their right to an administrative hearing.

(17) Permits shall be issued or denied as follows:

(a) For a MS4 regulated under this chapter, the Department shall grant a permit or deny the permit application within 90 days after the Department has received notice from the EPA as to whether the EPA concurs with the proposed permit;

(b) The time for issuing a permit or denying a permit application shall be tolled by the timely filing of a request for an administrative hearing under section 120.57, F.S. The time shall be tolled until 45 days after the submission of a recommended order or until the administrative petition is dismissed or withdrawn; or

(c) If these time schedules are not met, the permit applicant may apply for an order from the circuit court requiring the Department to render a decision within a specified time.

(d) If EPA objects to issuance of the permit in accordance with 40 CFR 123.44 and in writing within 90 days of submittal to EPA, and the Department fails to submit to EPA a revised permit satisfying the objections in accordance with the following timeframe, exclusive authority to issue the permit passes to EPA. The Department shall have 90 days from receipt of the EPA objections, or 30 days from the date of a public hearing on the objections, to submit a revised permit to EPA. The Department shall advise the applicant of the EPA objections.

Specific Authority 403.061, 403.087, 403.088, 403.0885, 403.08851, 403.815 FS. Law Implemented 403.061, 403.087, 403.0876, 403.088, 403.0885, 403.815 FS. History—New

62-624.600 Annual Report.

(1) Each permittee or co-permittee is responsible for contributing towards the preparation of a system-wide Annual Report. The first year Annual Report must cover the twelve month period beginning on the effective date of the permit and is due six months after the first anniversary of the effective date of the permit. The Annual Report is due each subsequent year to the Department six months after the anniversary of the effective date of the permit.

(2) Components of the Annual Report must include:

(a) Name of the lead person or official responsible for the implementation of the terms and conditions listed for a permittee covered under a permit.

(b) Evaluation of the stormwater management program including objectives of the program, major findings, major accomplishments, overall program strengths and weaknesses, and future direction of the program.

(c) Summary Table. This table provides a description of the permittee's responsibility and obligations for each element of the stormwater management plan as listed in the permit, and an indication of the success or failure towards completing the requirements of each element. The purpose of the Summary Table is to document activities relevant to program elements and permittees' compliance status with quantifiable permit requirements. Program elements that are primarily administrative, or that lack quantifiable measures of success are inappropriate for the Summary Table and shall be discussed in the narrative section of the Annual Report.

(d) Narrative Report.

1. The Annual Report shall contain a Narrative Report to discuss progress related to all stormwater management program elements, including those not addressed within the stormwater management program Summary Table. The Narrative Report shall include a brief discussion of the following applicable stormwater management program elements:

a. Structural Controls, Inspection, and Maintenance;

b. Development Planning Procedures;

c. Roadway Maintenance;

d. Flood Management;

e. Municipal Facilities;

f. Pesticides, Herbicides, and Fertilizers;

g. Illicit Discharge Inspections, Investigations, and Enforcement;

h. Field Screening;

i. Spill Response;

j. Public Reporting of Illicit Discharges;

k. Oil and Household Hazardous Waste;

l. Sanitary Sewer Seepage;

- m. High Risk Industrial Facility Inspection;
- n. Construction Planning Procedures;
- o. Construction Inspections;
- p. Education Activities;
- q. Monitoring Activities; and,
- r. Any additional elements of the stormwater management program.

2. The Narrative Report shall further provide a brief discussion of each of the stormwater management program elements. The aspects of each permittee's activities concerning a stormwater management program element shall be discussed in the section of the Narrative Report dedicated to that element. The discussion shall include the following:

- a. Objective of the element;
 - b. Stormwater management program element activities completed and those in progress;
 - c. General discussion of the element including an explanation of all element activity deficiencies. Results of activities shall be summarized and discussed;
 - d. Status of stormwater management program element with compliance, implementation and augmentation schedules in Part III of the permit;
 - e. Stormwater management program elements strengths and weaknesses;
 - f. Assessment of controls; and
 - g. Discussion of element revisions that are summarized elsewhere in the Annual Report.
- (e) A summary of stormwater management program and monitoring modifications made during the permit year;
- (f) A complete fiscal analysis for each permittee's program implementation, both for the past fiscal year and the next fiscal year. The analysis shall indicate budgets and funding sources.

(g) The following information shall be included as Appendices within the fifth year Annual Report:

- 1. Analytical data collected from the monitoring program; and
- 2. Results of illicit connections screening or dry weather screening.

(h) Monitoring section. The Annual Report shall contain a Monitoring Section that discusses the progress and results of the monitoring programs required under 40 CFR 122.26.

1. The monitoring section of the annual report includes a summary of the monitoring program developed and implemented under the permit. The details to be discussed must include:

- a. Brief summary statement of the objective of each monitoring project included under the program;
- b. Summary chart of the data from the monitoring completed;
- c. Discussion of any results or conclusions derived from the monitoring completed;

d. Status of monitoring with respect to the compliance schedule developed in the permit; and

e. Discussion of monitoring program revisions that are summarized elsewhere in the Annual Report.

2. The Monitoring Section of the Annual Report shall include the following information:

a. The first year Annual Report shall contain an inventory of all known major outfalls covered by the permit, with updates describing additionally identified major outfall in each subsequent Annual Report; and

b. The third year Annual Report shall include estimates of seasonal pollutant loadings and event mean concentrations (EMC) for each major outfall or each major watershed covered by the permit.

Specific Authority 403.061, 403.087, 403.088, 403.0885, 403.08851, 403.815 FS. Law Implemented 403.061, 403.087, 403.0876, 403.088, 403.0885, 403.815 FS. History--New

62-624.700 Transfer of Operational Authority.

(1) The permittee shall extend the stormwater management program on newly annexed areas on the effective date of annexation and shall include a summary of all new areas added to the MS4 in the subsequent Annual Report. The summary shall include a map and written description of all newly annexed areas.

(2) Areas removed from a MS4's jurisdiction due to annexation by an adjacent city or county must be described in the subsequent Annual Report. The description must include a map and written description of all vacated areas.

Specific Authority 403.061, 403.087, 403.088, 403.0885, 403.08851, 403.815 FS. Law Implemented 403.061, 403.087, 403.0876, 403.088, 403.0885, 403.815 FS. History--New

NAME OF PERSON ORIGINATING PROPOSED RULE:
Mimi Drew, Director, Division of Water Resource Management, Department of Environmental Protection

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Kirby Green, Deputy Secretary, Department of Environmental Protection

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 2, 2000

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN THE FAW: December 10, 1999

DEPARTMENT OF ENVIRONMENTAL PROTECTION
DOCKET NO.: 00-19R

RULE CHAPTER TITLE: Municipal Separate Storm
Sewer Systems

RULE TITLE: Standards for Issuing or Denying Permits

PURPOSE, EFFECT AND SUMMARY: The Department of Environmental Protection is seeking authorization from the Environmental Protection Agency to implement the remaining

phase of the National Pollutant Discharge Elimination System (NPDES) permitting program as required by the Clean Water Act. The NPDES program consists primarily of five elements including Municipal, Industrial, Pretreatment, Stormwater and Federal Facilities. In a phased approach to delegation, the Department has previously been authorized to operate three of the elements, specifically the Municipal, Industrial, and Pretreatment programs. In accordance with the Memorandum of Agreement between EPA and the Department for delegation of the NPDES program, and pursuant to Section 403.0885, F.S., the Department is now seeking authority to administer the Stormwater and Federal Facility components of the NPDES program. The proposed new rule will establish standards for issuing or denying permits that are substantively identical to existing federal regulations. Separate rulemaking for procedural provisions of Chapter 62-624, F.A.C., is being done concurrently under docket number 98-28R. This proposed rule shall become effective twenty (20) days after filing with the Department of State.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: None.

Any person who wishes to provide information regarding the statement of estimated regulatory costs, or to provide a proposal for a lower cost regulatory alternative must do so in writing within 21 days of this notice.

SPECIFIC AUTHORITY: 403.061, 403.087, 403.088, 403.0885, 403.08851, 403.815 FS.

LAW IMPLEMENTED: 403.061, 403.087, 403.0876, 403.088, 403.0885, 403.815 FS.

THIS RULEMAKING IS UNDERTAKEN PURSUANT TO SECTION 403.8055, F.S.

SUBSTANTIALLY AFFECTED PERSONS MAY FILE OBJECTIONS WITH THE ENVIRONMENTAL REGULATION COMMISSION AT THE FOLLOWING ADDRESS: 3900 Commonwealth Boulevard, Mail Station 18, Tallahassee, Florida 32399-3000, Attention: Jacki McGorty. Objections must be received within 14 days of publication of this notice and must specify the portions of the proposed rule to which the person objects and the reason for the objection. Objections that are frivolous will not be considered sufficient to prohibit adoption of the rule as published.

WRITTEN COMMENTS: The Secretary of the Department of Environmental Protection will consider written comments received within 21 days of publication of this notice. Comments should be submitted to: Michael Bateman, Division of Water Resource Management, Bureau of Submerged Lands and Environmental Resources, Mail Station 2505, Florida Department of Environmental Protection, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400.

THE FULL TEXT OF THE PROPOSED RULE IS:

62-624.500 Standards for Issuing or Denying Permits.

(1) The Department shall use the provisions of 40 CFR 122.26 revised as of July 1, 1999, and hereby incorporated by reference, for implementation of the program. Where there are conflicts with general or specific requirements of 40 CFR 122.26, the requirements and procedures set forth in this chapter shall supersede all other procedures and requirements for MS4 facilities.

(2) The Department shall issue a MS4 permit only if the applicant affirmatively provides the Department with reasonable assurance that the stormwater management program will achieve a reduction of the discharge of pollutants from the MS4 to the Maximum Extent Practicable in accordance with 40 CFR 122.26.

(3) The permittee shall at all times properly operate and maintain the facility and systems of treatment and control, and related appurtenances, that are installed and used by the permittee to achieve compliance with the conditions of the permit.

Specific Authority 403.061, 403.087, 403.088, 403.0885, 403.08851, 403.815 FS. Law Implemented 403.061, 403.087, 403.0876, 403.088, 403.0885, 403.815 FS. History--New.

NAME OF PERSON ORIGINATING PROPOSED RULE: Mimi Drew, Director, Division of Water Resource Management, Department of Environmental Protection

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Kirby Green, Deputy Secretary, Department of Environmental Protection

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 2, 2000

DEPARTMENT OF HEALTH

Division of Environmental Health and Statewide Programs

RULE TITLES:	RULE NOS.:
Definitions	64E-5.101
Licensing of Radioactive Material	64E-5.201
Radioactive Material Other Than Source Material – Exemptions	64E-5.203
Expiration and Termination of Licenses and Decommission of Sites and Separate Buildings or Outdoor Areas	64E-5.214
Reciprocal Recognition of Licenses for Byproduct, Source, Naturally Occurring and Accelerator Produced Radioactive Material, and Special Nuclear Material in Quantities Not Sufficient to Form a Critical Mass	64E-5.216
Standards for Protection Against Radiation	64E-5.301
Radiation Protection Programs	64E-5.303
Occupational Dose Limits for Adults	64E-5.304
Planned Special Exposures	64E-5.309
Dose to an Embryo or Fetus	64E-5.311
Dose Limits for Individual Members of the Public	64E-5.312

General	64E-5.314
Conditions Requiring Individual Monitoring of External and Internal Occupational Dose	64E-5.315
Posting Requirements	64E-5.323
Exemptions to Labeling Requirements	64E-5.326
General Provisions	64E-5.334
Records of Individual Monitoring Results	64E-5.339
Reports of Stolen, Lost, or Missing Licensed or Registered Sources of Radiation	64E-5.343
Notification of Incidents	64E-5.344
Reports of Exposures, Radiation Levels, Concentrations of Radioactive Material Exceeding the Constraints or Limits, and Misadministrations	64E-5.345
Personnel Monitoring Control	64E-5.414
Subjects to be Covered During the Instruction of Industrial Radiographers	64E-5.420
Release of Patients Containing Radiopharmaceuticals or Permanent Implants	64E-5.622
Radiation Surveys for Teletherapy Facilities	64E-5.643
Modification of Teletherapy Unit or Room Before Beginning a Treatment Program	64E-5.645
Radiation Survey Instruments	64E-5.1103
Personnel Monitoring	64E-5.1112
Personnel Monitoring	64E-5.1310
Access Control	64E-5.1406
Personnel Monitoring	64E-5.1418
Transportation of Radioactive Material	64E-5.1502

PURPOSE AND EFFECT: The purpose of these rules is to maintain the department’s compatibility with the U.S. Nuclear Regulatory Commission. The effect is to specify procedures for the release of patients who have been treated with radiopharmaceuticals or have permanent implants containing radioactive material; exempt carbon 14 urea capsules used to detect H. pylori bacteria; specify records of radioactive material disposal; require constraint of air emissions of radioactive material; clarify monitoring and dose requirements to a declared pregnant woman and the embryo or fetus; and allows the use of optically stimulated luminescent devices to monitor radiation exposure.

SUMMARY: These proposed rules specify procedures for the release of patients who have been treated with radiopharmaceuticals or have permanent implants containing radioactive material; exempt carbon 14 urea capsules used to detect H. pylori bacteria; specify records of radioactive material disposal; require constraint of air emissions of radioactive material; clarify monitoring and dose requirements to a declared pregnant woman and the embryo or fetus; and allows the use of optically stimulated luminescent devices to monitor radiation exposure.

SPECIFIC AUTHORITY: 404.051, 404.061, 404.081, 404.141 FS.

LAW IMPLEMENTED: 404.022, 404.051(1),(4),(10),(11), 404.061(2),(3), 404.081, 404.141 FS.

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

TIME AND DATE: 9:00 a.m., August 1, 2000

PLACE: Room 210J, 4042 Bald Cypress Way, Tallahassee, FL 32399-1741

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS William A. Passetti, Chief, Bureau of Radiation Control, (850)245-4266

THE FULL TEXT OF THE PROPOSED RULES IS:

64E-5.101 Definitions.

As used in these rules, these terms have the definitions set forth below. Additional definitions used only in a certain part are defined in that respective part.

(1) through (29) No change.

(30) “Constraint” or “dose constraint” means a value above which specified licensee actions are required.

~~(31)(30)~~ No change.

(32)(31) “Declared pregnant woman” means a woman who has voluntarily informed her employer in writing of her pregnancy and the estimated date of conception. The declaration remains in effect until the declared pregnant woman withdraws the declaration in writing or is no longer pregnant.

(32) through (56) renumbered (33) through (57) No change.

(58)(57) “High radiation area” means an area, accessible to individuals, in which radiation levels from radiation sources external to the body could result in an individual receiving a dose equivalent in excess of 1 mSv (0.1 rem) in 1 hour at 30 centimeters from any source of radiation or from any surface that the radiation penetrates. For purposes of these rules, rooms or areas in which diagnostic x-ray systems are used for healing arts purposes are not considered high radiation areas.

(58) through (60) renumbered (59) through (61) No change.

(62)(61) “Individual monitoring devices” means devices designed to be worn by a single individual for the assessment of dose equivalent such as film badges, thermoluminescence dosimeters, pocket ionization chambers, and personal or lapel air sampling devices. For purposes of these rules, individual monitoring equipment and personnel monitoring equipment are equivalent terms. Examples of individual monitoring devices are film badges, thermoluminescent dosimeters (TLDs), optically stimulated luminescent devices (OSLDs), pocket ionization chambers, and personal air sampling devices.

(62) through (67) renumbered (63) through (68) No change.

(69) “Lens dose equivalent (LDE)” applies to the external exposure of the lens of the eye and is taken as the dose equivalent at the tissue depth of 0.3 centimeter (300 mg/cm²).

(68) through (84) renumbered (70) through (86) No change.

(87)(85) “Misadministration” means the administration of:

(a) Iodine 123, iodine 125 or iodine 131 as sodium iodide in quantities greater than 30 microcuries (1.11 megabecquerels):

1. Involving the wrong individual patient or wrong radiopharmaceutical; or

2. When both the administered dosage differs from the prescribed dosage by more than 20 percent of the prescribed dosage and the difference between the administered dosage and the prescribed dosage exceeds 30 microcuries.

(b) A therapeutic radiopharmaceutical dosage other than iodine 123, iodine 125 or iodine 131 as sodium iodide:

1. Involving the wrong individual patient, wrong radiopharmaceutical, or wrong route of administration; or

2. When the administered dosage differs from the prescribed dosage by more than 20 percent of the prescribed dosage.

(c) A gamma stereotactic radiosurgery radiation dose:

1. Involving the wrong individual patient or wrong treatment site; or

2. When the calculated total administered dose differs from the total prescribed dose by more than 10 percent of the total prescribed dose.

(d) A teletherapy, particle accelerator or therapeutic x-ray machine radiation dose:

1. Involving the wrong individual patient, wrong mode of treatment, or wrong treatment;

2. When treatment consists of three or fewer fractions and the calculated total administered dose differs from the total prescribed dose by more than 10 percent of the total prescribed dose;

3. When the calculated weekly administered dose is 30 percent greater than the weekly prescribed dose; or

4. When the calculated total administered dose differs from the total prescribed dose by more than 20 percent of the total prescribed dose.

(e) A brachytherapy radiation dose:

1. Involving the wrong individual patient, wrong radioisotope, or wrong treatment site, excluding, for permanent implants, seeds that were implanted in the correct site but which migrated outside the treatment site;

2. Involving a sealed source that is leaking;

3. When, for a temporary implant, one or more seeds are not removed upon completion of the procedure; or

4. When the calculated administered dose differs from the prescribed dose by more than 20 percent from the prescribed dose.

(f) A diagnostic radiopharmaceutical dosage, other than quantities greater than 30 microcuries of iodine 123, iodine 125 or iodine 131 as sodium iodide, both:

1. Involving the wrong individual patient, wrong radiopharmaceutical, wrong route of administration, or when the administered dosage differs from the prescribed dosage; and

2. When the dose to the individual patient exceeds 5 rems effective dose equivalent or 50 rems dose equivalent to any individual organ.

(86) through (92) renumbered (88) through (94) No change.

(95)(93) “Occupational dose” means the dose received by an individual in the course of employment while engaged in activities licensed or registered by the department in which the individual’s assigned duties involve exposure to sources of radiation, whether in the possession of the licensee, registrant, or other person. Occupational dose does not include dose received from background radiation, from any medical administration the individual has received, from exposure to individuals administered radioactive material and released as specified in 64E-5.622 as a patient from medical practices, from voluntary participation in medical research programs, or as a member of the public.

(94) through (105) renumbered (96) through (107) No change.

(108)(106) “Public dose” means the dose received by a member of the public from exposure to radiation or radioactive materials released by a licensee or registrant, or to any other sources of radiation under the control of the licensee or registrant. Public dose does not include occupational dose; or doses dose received from background radiation, from any medical administration the individual has received, from exposure to individuals administered radioactive materials and released as specified in 64E-5.622, dose received as a patient from medical practices, or dose from voluntary participation in medical research programs.

(107) through (157) renumbered (109) through (159) No change.

(160)(158) “Very high radiation area” means an area, accessible to individuals, in which radiation levels from radiation sources external to the body could result in an individual receiving an absorbed dose in excess to 500 rad (5 gray) in 1 hour at 1 meter from a source of radiation or from any surface that the radiation penetrates. At very high doses received at high dose rates, units of absorbed dose, gray and rad, are appropriate, rather than units of dose equivalent, sievert and rem.

(159) through (172) renumbered (161) through (174) No change.

Specific Authority 404.042, 404.051, 404.061 FS. Law Implemented 404.022(2) FS. History—New 1-1-94, Formerly 10D-91.113, Amended

64E-5.201 Licensing of Radioactive Material.

(1) through (2) No change.

(3) The Procedures for Radioactive Materials Enforcement Actions, May 2000 General Statement of Policy and Procedure for Radioactive Material Enforcement Actions September 1992, which is available from the department and which is herein incorporated by reference, will be used to determine enforcement actions to be taken.

(4) No change.

Specific Authority 404.051(4), 404.061(2), 404.20 FS. Law Implemented 404.022, 404.051(1),(4),(5),(6), 404.061(2), 404.081(1), 404.141, 404.20(1) FS. History—New 7-17-85, Amended 8-25-91, 5-12-93, 5-15-96, Formerly 10D-91.301, Amended _____.

64E-5.203 Radioactive Material Other Than Source Material – Exemptions.

(1) through (3) No change.

(4) Radioactive drug: capsules containing carbon 14 urea for in vivo diagnostic use for humans.

(a) Except as provided in paragraphs (b) and (c) of this section, any person is exempt from the requirements for a license set forth in these regulations if such person receives, possesses, uses, transfers, owns, or acquires capsules containing 1 microcurie (37 kBq) carbon 14 urea each, allowing for nominal variation that can occur during the manufacturing process, for in vivo diagnostic use for humans.

(b) Any person who desires to use the capsules for research involving human subjects shall apply for and receive a specific license as specified in these regulations.

(c) Any person who desires to manufacture, prepare, process, produce, package, repackage, or transfer for commercial distribution such capsules shall apply for and receive a specific license as specified in 10 CFR Part 32, Sec. 32.21.

(d) Nothing in this section relieves a person from complying with applicable FDA, other Federal, and State requirements governing receipt, administration, and use of drugs.

Specific Authority 404.051, 404.061, 404.141 FS. Law Implemented 404.022, 404.051(1),(4),(10), 404.141 FS. History—New 7-17-85, Amended 4-4-89, 5-15-96, Formerly 10D-91.303, Amended _____.

64E-5.214 Expiration and Termination of Licenses and Decommissioning of Sites and Separate Buildings or Outdoor Areas.

(1) through (3) No change.

(4)(a) If a licensee does not submit an application for license renewal under Part II, the licensee shall, on or before the expiration date specified in the license:

1. Terminate the use of radioactive material;
2. Remove radioactive contamination to the extent acceptable to the Department;
3. Properly dispose of the radioactive material;

4. Submit a properly completed DH Form 1059, which is herein incorporated by reference effective 7-17-85; and

5. Submit a radiation survey report to confirm the absence of radioactive materials or to establish the levels of residual radioactive contamination, unless the licensee demonstrates the absence of residual contamination in some other manner. The licensee shall, as appropriate:

a. For gamma radiation, report levels of radiation in units of microrentgens per hour at 10 centimeters and at 1 meter from surfaces.

b. For alpha and beta radiation, report levels of radioactivity in units of transformations per minute or microcuries per 100 square centimeters removable and fixed on surfaces, microcuries per milliliter in water, and picocuries per gram in contaminated solids such as soils or concrete; and

c. Specify the instruments used and certify that each instrument is properly calibrated or tested.

(b)1. If no residual radioactive contamination attributable to activities conducted under the license is detected, the licensee shall submit a certification that no detectable radioactive contamination was found.

2. Specific licenses will be terminated by written notice to the licensee when the department determines that:

- a. Radioactive material has been properly disposed; and
- b. A radiation survey has been performed which demonstrates that the premises are suitable for release for unrestricted use; or

c. Other information submitted by the licensee is sufficient to demonstrate that the premises are suitable for release for unrestricted use.

d. Department has received the following records, if requested:

I. Disposal records specified in 64E-5.330, 64E-5.331(1)(a)(c),(2),(3), or 64E-5.336(2)(d); and

II. Records specified in 64E-5.214(6).

(c)1. If detectable levels of residual radioactive contamination attributable to activities conducted under the license are found or licensee possesses other radioactive materials, the license continues in effect beyond the expiration date, if necessary, with respect to possession of residual radioactive material present as contamination or possession of radioactive material, until the Department notifies the licensee in writing that the license is terminated. During this time, the licensee is subject to the provisions of (5), below.

2. In addition to the information submitted under (4)(a)4. and 5., above, the licensee shall submit a plan for decommissioning if decommissioning procedures have not been approved previously by the department and could impact the health and safety of workers or the public as follows:

- a. More than routine cleanup and maintenance is required;
- b. Workers will be in areas with significantly increased surface contamination or radiation levels;

c. Procedures will result in significantly greater airborne concentrations of radioactive materials; or

d. Procedures will result in significantly greater releases of radioactive material to the environment.

3. Procedures which could potentially impact health, safety and the environment may not be performed until the decommissioning plan has been approved.

4. The proposed decommissioning plan must include:

a. A description of the planned decommissioning activities;

b. A description of the methods used to assure protection of workers and the environment against radiation hazards during decommissioning;

c. The time required to complete the decommissioning plan; and

d. A description of the planned final radiation survey.

5. The proposed decommissioning plan will be reviewed by the department and approved or additional information will be requested within 60 days.

6. Upon approval of the decommissioning plan by the department, the licensee shall complete decommissioning in accordance with the approved plan. As a final step in decommissioning, the licensee shall again submit the information required in (4)(a)5., above, of this section and shall certify the disposition of accumulated wastes from decommissioning.

7. If the information submitted as specified in (4)(a)5. or (4)(c)6. of this section does not adequately demonstrate that the premises are suitable for release for unrestricted use, the department will inform the licensee of the appropriate further actions required for termination of the license.

(5) through (7) No change.

Specific Authority 404.051(4),(9),(6), 404.061(2), 404.081 FS. Law Implemented 404.051(1),(4),(6),(9), 404.061(2), 404.081(1) FS. History—New 7-17-85, Amended 5-12-93, 5-18-98, Formerly 10D-91.315, Amended _____.

64E-5.216 Reciprocal Recognition of Licenses for Byproduct, Source, Naturally Occurring and Accelerator Produced Radioactive Material, and Special Nuclear Material in Quantities Not Sufficient to Form a Critical Mass.

(1) Subject to these regulations, any person who holds a specific license from the U.S. Nuclear Regulatory Commission, an Agreement State or a Licensing State and issued by the agency having jurisdiction where the licensee maintains an office for directing the licensed activity and at which radiation safety records are normally maintained, will ~~may~~ be granted a general license by the Department to conduct the activities authorized in such licensing document within the State, except for areas of exclusive Federal jurisdiction, for a period not in excess of 365 consecutive days provided that:

(a) The out-of-state license document does not limit the performance of the function authorized by such document to specified installations or locations;

(b) The out-of-state licensee notifies the Department in writing at least 3 days prior to engaging in such activity. Such notification shall indicate the location, period and type of proposed possession and use within the State, and shall be accompanied by a copy of the pertinent licensing document. If, for a specific case, the 3-day period would impose an undue hardship on the out-of-state licensee, the licensee may, upon application to the Department, obtain permission to proceed sooner;

(c) The out-of-state licensee complies with these applicable regulations and with all the terms and conditions of the licensing document, except any such terms and conditions that are ~~which may be~~ inconsistent with these applicable regulations; and

(d) The out-of-state licensee shall not transfer or dispose of radioactive material possessed or used under the general license provided in this section except by transfer to a person:

1. Specifically licensed by the Department, by the U.S. Nuclear Regulatory Commission, an Agreement State or a Licensing State to receive such material, or

2. Exempt from the requirements for a license for such material under 64E-5.203(1)(a).

(2) through (3) No change.

Specific Authority 404.051(4),(11), 404.061(2), 404.081(1), 404.141 FS. Law Implemented 404.051(1),(2),(4),(6),(11), 404.061(2), 404.081(1) FS. History—New 7-17-85, Amended 4-4-89, Formerly 10D-91.321, Amended _____.

64E-5.301 Standards for Protection Against Radiation.

(1) No change.

(2) Except as specifically provided in other parts of these rules, this part applies to persons licensed or registered by the department to receive, possess, use, or transfer sources of radiation. The limits in this part do not apply to doses from background radiation, to exposure of patients to radiation for medical diagnosis or therapy, to exposure from individuals administered radioactive material and released as specified in 64E-5.622, or to voluntary participation in medical research programs.

Specific Authority 404.051(1) FS. Law Implemented 404.022, 404.051(1),(4), 404.181(1)(b) FS. History—New 1-1-94, Amended 5-15-96, Formerly 10D-91.431, Amended _____.

64E-5.303 Radiation Protection Programs.

(1) No change.

(2) The licensee or registrant shall use to the extent practical ~~practicable~~ procedures and engineering controls based upon sound radiation protection principles to achieve occupational doses and public doses that are as low as reasonably achievable.

(3) through (4) No change.

(5) To implement the ALARA requirements of 64E-5.303(2), and notwithstanding the requirements of 64E-5.312 of this part, licensees shall establish constraints on air emissions of radioactive material, excluding radon 222 and

its daughters, to the environment so that individual members of the public who are likely to receive the highest doses are not expected to receive a total effective dose equivalent in excess of 10 millirems (0.10 mSv) per year from these emissions. If a licensee subject to this requirement exceeds this dose constraint, the licensee shall report the occurrence as specified in 64E-5.345 and promptly take corrective action to ensure against recurrence.

Specific Authority 404.051(4), 404.081(1) FS. Law Implemented 404.022, 404.051(1),(4), 404.081 FS. History—New 1-1-94, Amended 11-20-94, Formerly 10D-91.434, Amended.

64E-5.304 Occupational Dose Limits for Adults.

(1) The licensee or registrant shall control the occupational dose to individuals adults, except for planned special exposures as specified in 64E-5.309, to the following dose limits:

(a) No change

(b) The annual limits to the lens of the eye, to the skin, and to the extremities which are:

1. A lens eye dose equivalent of 15 rem (0.15 sievert), and
2. No change

(2) Doses received in excess of the annual limits, including doses received during accidents, emergencies, and planned special exposures, shall be subtracted from the limits for planned special exposures that the individual could receive receives during the current year and during the individual's lifetime as specified in 64E-5.309(5)(a) and (b).

(3) The assigned deep dose equivalent and shallow dose equivalent shall be for the portion of the body receiving the highest exposure. The deep dose equivalent, lens eye dose equivalent and shallow dose equivalent can be assessed from surveys or other radiation measurements to demonstrate compliance with the occupational dose limits if the individual monitoring device was not in the region of highest potential exposure or the results of individual monitoring are unavailable.

(4) through (6) No change.

Specific Authority 404.051, 404.081 FS. Law Implemented 404.022, 404.051(1),(4), 404.081 FS. History—New 1-1-94, Formerly 10D-91.435, Amended.

64E-5.309 Planned Special Exposures.

A licensee or registrant can authorize an adult worker to receive doses in addition to and accounted for separately from the doses received under the limits specified in 64E-5.304 if each of the following conditions is satisfied:

(1) The licensee or registrant authorizes a planned special exposure only in an exceptional situation when alternatives that might avoid the dose ~~higher exposure~~ are unavailable or impractical.

(2) through (7) No change.

Specific Authority 404.051, 404.081 FS. Law Implemented 404.022, 404.051(1),(4), 404.081 FS. History—New 1-1-94, Formerly 10D-91.440, Amended.

64E-5.311 Dose to an Embryo or Fetus.

(1) through (3) No change.

(4) If by the time the woman declares pregnancy to the licensee or registrant the dose to the embryo or fetus has exceeded 0.5 rem 0.45 rem (5 mSv 4.5 mSv) or is within 0.05 rem (0.5 mSv) of this dose, the licensee or registrant shall be considered in compliance with 64E-5.311(1) if the additional dose to the embryo or fetus does not exceed 0.05 rem (0.50 mSv) during the remainder of the pregnancy.

(5) No change.

Specific Authority 404.051, 404.081 FS. Law Implemented 404.022, 404.051(1),(4), 404.081 FS. History—New 1-1-94, Formerly 10D-91.442, Amended.

64E-5.312 Dose Limits for Individual Members of the Public.

(1) Each licensee or registrant shall conduct operations so that:

(a) Except as specified in 64E-5.312(1)(b), the total effective dose equivalent to individual members of the public from the licensed or registered operation does not exceed 0.1 rem (1 millisievert) in a year, exclusive of the dose contribution from background radiation, from any medical administration the individual has received, from exposure to individuals administered radioactive materials and released as specified in 64E-5.622, from voluntary participation in medical research programs and from the licensee's disposal of radioactive material into sanitary sewerage as specified in 64E-5.330;

(b) In facilities in operation before January 1, 1994, the total effective dose equivalent to individual members of the public from infrequent exposure to radiation from diagnostic and therapeutic radiation machines does not exceed 0.5 rem (5 millisievert) in a year; and

(c) The dose in any unrestricted area from external sources, exclusive of the dose contribution from patients administered radioactive material and released as specified in 64E-5.622, does not exceed 0.002 rem (0.02 millisievert) in any one hour.

(2) through (4) No change.

Specific Authority 404.051, 404.081 FS. Law Implemented 404.022, 404.051(1),(4), 404.081 FS. History—New 1-1-94, Amended 5-15-96, Formerly 10D-91.443, Amended.

64E-5.314 General.

(1) Each licensee or registrant shall make or cause to be made surveys that:

(a) Are necessary for the licensee or registrant to comply with this part; and

(b) Are necessary under the circumstances to evaluate:

1. The magnitude and extent of rRadiation levels;
2. Concentrations or quantities of radioactive material; and
3. The potential radiological hazards ~~that could be present~~.

(2) through (5) No change.

Specific Authority 404.051, 404.081 FS. Law Implemented 404.022, 404.051(1),(4), 404.081 FS. History–New 1-1-94, Amended 11-20-94, Formerly 10D-91.445, Amended.

64E-5.315 Conditions Requiring Individual Monitoring of External and Internal Occupational Dose.

Each licensee or registrant shall monitor exposures from sources of radiation at levels sufficient to demonstrate compliance with the occupational dose limits of this part. As a minimum:

(1) Each licensee or registrant shall monitor occupational exposure to radiation and shall supply and require the use of individual monitoring devices by:

(a) Adults likely to receive in 1 year from sources external to the body a dose in excess of 10 percent of the limits in 64E-5.304(1);

(b) ~~Minors and declared pregnant women~~ likely to receive in 1 year from radiation sources external to the body a deep dose equivalent in excess of 0.1 rem (1 mSv), a lens dose equivalent in excess of 0.15 rem (1.5 mSv) or a shallow dose equivalent to the skin or to the extremities in excess of 0.5 rem (5 mSv); ~~10 percent of any of the applicable limits in 64E-5.310 or 64E-5.311; and~~

(c) Declared pregnant women likely to receive during the entire pregnancy from radiation sources external to the body a deep dose equivalent in excess of 0.1 rem (1 mSv); and

(d)~~(e)~~ Individuals entering a high or very high radiation area.

(2) Each licensee shall monitor to determine compliance with 64E-5.307 the occupational intake of radioactive material by and assess the committed effective dose equivalent to:

(a) Adults likely to receive in 1 year an intake in excess of 10 percent of the applicable ALI in State of Florida Office of Radiation Control ALIs, DACs, and Effluent Concentrations July 1993, Table 1, Columns 1 and 2; and

(b) ~~Minors and declared pregnant women~~ likely to receive in 1 year a committed effective dose equivalent in excess of 0.1 0.05 rem (1.0 0.5 millisievert); and

(c) Declared pregnant women likely to receive during the entire pregnancy a committed effective dose equivalent in excess of 0.1 rem (1 mSv).

Specific Authority 404.051, 404.081 FS. Law Implemented 404.022, 404.051(1),(4), 404.081 FS. History–New 1-1-94, Formerly 10D-91.446, Amended.

64E-5.323 Posting Requirements.

(1) through (4) No change.

(5) Posting of Areas or Rooms in which Licensed Material is Used or Stored. The licensee shall post each area or room in which there is used or stored an amount of licensed material exceeding 10 times the quantity of such material specified in State of Florida Office of Radiation Control Radioactive Material Requiring Labeling, May 2000 July 1993, which is herein incorporated by reference and which is available from the department, with a conspicuous sign or signs bearing the

radiation symbol and the words “CAUTION, RADIOACTIVE MATERIAL(S)” or “DANGER, RADIOACTIVE MATERIAL(S).”

Specific Authority 404.051, 404.081 FS. Law Implemented 404.022, 404.051(1),(4), 404.081 FS. History–New 1-1-94, Formerly 10D-91.456, Amended.

64E-5.326 Exemptions to Labeling Requirements.

A licensee is not required to label:

(1) Containers holding licensed material in quantities less than the quantities listed in State of Florida Office of Radiation Control Radioactive Material Requiring Labeling, May 2000 July 1993;

(2) through (6) No change.

Specific Authority 404.051, 404.081 FS. Law Implemented 404.022, 404.051(1),(4), 404.081 FS. History–New 1-1-94, Formerly 10D-91.459, Amended.

64E-5.334 General Provisions.

(1) No change.

(2) The licensee or registrant shall make a clear distinction among the quantities entered on the records required by this part, such as total effective dose equivalent, ~~total organ dose equivalent~~, shallow dose equivalent, lens eye dose equivalent, deep dose equivalent, or committed effective dose equivalent.

Specific Authority 404.051, 404.081 FS. Law Implemented 404.051(1),(4), 404.081 FS. History–New 1-1-94, Amended 5-18-98, Formerly 10D-91.469, Amended.

64E-5.339 Records of Individual Monitoring Results.

(1) Each licensee or registrant shall maintain records of doses received by all individuals for whom monitoring is required as specified in 64E-5.315, and records of doses received during planned special exposures, accidents, and emergency conditions. Assessments of dose equivalent and records made using units in effect before the effective date of the rule need not be changed. These records shall include when applicable:

(a) The deep dose equivalent to the whole body, lens eye dose equivalent, shallow dose equivalent to the skin, and shallow dose equivalent to the extremities;

(b) The estimated intake of radionuclides as specified in 64E-5.305;

(c) The committed effective dose equivalent assigned to the intake of radionuclides;

(d) The specific information used to calculate the committed effective dose equivalent as specified in 64E-5.307(3);

(e) The total effective dose equivalent when required by 64E-5.305; and

(f) The total of the deep dose equivalent and the committed dose to the organ receiving the highest total dose.

(2) through (5) No change.

Specific Authority 404.051, 404.081 FS. Law Implemented 404.022, 404.051(1),(4), 404.081 FS. History--New 1-1-94, Formerly 10D-91.475, Amended.

64E-5.343 Reports of Stolen, Lost, or Missing Licensed or Registered Sources of Radiation.

(1) Telephone Reports. Each licensee or registrant shall report to the department by telephone the following:

(a) Stolen, lost or missing licensed radioactive material in an aggregate quantity equal to or greater than 1,000 times the quantity specified in State of Florida Office of Radiation Control Radioactive Material Requiring Labeling, May 2000 July 1993, immediately after its occurrence becomes known to the licensee if it appears to the licensee that an exposure could result to individuals in unrestricted areas; or

(b) Lost, stolen, or missing licensed radioactive material in an aggregate quantity greater than 10 times the quantity specified in State of Florida Office of Radiation Control Radioactive Material Requiring Labeling, May 2000 July 1993, that is still missing within 30 days after its occurrence becomes known.

(c) A stolen, lost, or missing radiation machine immediately after its occurrence becomes known.

(2) through (4) No change.

Specific Authority 404.051, 404.081 FS. Law Implemented 404.022, 404.051(1),(4), 404.081 FS. History--New 1-1-94, Formerly 10D-91.480, Amended.

64E-5.344 Notification of Incidents.

(1) Immediate Notification. Regardless of other requirements for notification, each licensee or registrant shall immediately report each event involving a source of radiation possessed by the licensee or registrant that might have caused or threatens to cause any of the following conditions:

(a) An individual to receive:

1. A total effective dose equivalent of 25 rem (0.25 sievert) or more;

2. A lens ~~An eye~~ dose equivalent of 75 rem (0.75 sievert) or more; or

3. A shallow dose equivalent to the skin or extremities or a total organ dose equivalent of 250 rad (2.5 gray) or more; or

(b) The release of radioactive material inside or outside of a restricted area so that if an individual had been present for 24 hours, the individual could have received an intake five times the occupational ALI. This provision does not apply to locations where personnel are not normally stationed during routine operations, such as hot-cells or process enclosures.

(2) Twenty-Four Hour Notification. Each licensee or registrant shall report to the department within 24 hours of discovery of the event each event involving loss of control of a licensed or registered source of radiation possessed by the licensee or registrant that might have caused or threatens to cause any of the following conditions:

(a) An individual to receive in a period of 24 hours:

1. A total effective dose equivalent exceeding 5 rem (0.05 sievert);

2. A lens ~~An eye~~ dose equivalent exceeding 15 rem (0.15 sievert); or

3. A shallow dose equivalent to the skin or extremities or a total organ dose equivalent exceeding 50 rem (0.5 sievert); or

(b) The release of radioactive material inside or outside of a restricted area so that if an individual had been present for 24 hours, the individual could have received an intake in excess of one occupational ALI. This provision does not apply to locations where personnel are not normally stationed during routine operations such as hot-cells or process enclosures.

(3) through (8) No change.

Specific Authority 404.051, 404.081 FS. Law Implemented 404.022, 404.051(1),(4), 404.081 FS. History--New 1-1-94, Amended 5-15-96, Formerly 10D-91.481, Amended.

64E-5.345 Reports of Exposures, Radiation Levels, Concentrations of Radioactive Material Exceeding the Constraints or Limits, and Misadministrations.

(1) Reportable Events. In addition to the notification required by 64E-5.344, each licensee or registrant shall submit a written report within 30 days after learning of any of the following occurrences:

(a) Incidents for which notification is required by 64E-5.344; or

(b) Doses in excess of any of the following:

1. The occupational dose limits for adults in 64E-5.304;

2. The occupational dose limits for a minor in 64E-5.310;

3. The limits for an embryo or fetus of a declared pregnant woman in 64E-5.311;

4. The limits for an individual member of the public in 64E-5.312; or

5. Any applicable limit in the license or registration; ~~or~~

6. The ALARA constraints for air emissions specified in 64E-5.303(5); or

(c) Levels of radiation or concentrations of radioactive material in:

1. A restricted area in excess of applicable limits in the license or registration; or

2. An unrestricted area in excess of 10 times the applicable limit set forth in this part or in the license or registration, whether or not involving exposure of any individual in excess of the limits in 64E-5.312; or

(d) For licensees subject to the provisions of U.S. Environmental Protection Agency's generally applicable environmental radiation standards in 40 CFR 190, levels of radiation or releases of radioactive material in excess of those standards, or of license conditions related to those standards.

(2) Contents of Reports.

(a) Each report required by 64E-5.345(1) shall describe the extent of exposure of individuals to radiation and radioactive material, including as appropriate:

1. Estimates of each individual's dose;
2. The levels of radiation and concentrations of radioactive material involved;
3. The cause of the elevated exposures, dose rates, or concentrations; and
4. Corrective steps taken or planned to ensure against a recurrence, including the schedule for achieving conformance with applicable limits, ALARA constraints, generally applicable environmental standards, and associated license or registration conditions.

(b) Each report filed as specified in 64E-5.345(1) shall include for each occupationally overexposed individual ~~exposed~~: the name, social security account number, and date of birth. With respect to the limit for the embryo or fetus in 64E-5.311, the identifiers should be those of the declared pregnant woman. The report shall be prepared so that this information is stated in a separate and detachable portion of the report.

(3) No change.

(4) Reports of Misadministrations.

(a) The licensee or registrant shall notify the department by telephone no later than the next calendar day after the discovery of the misadministration. The licensee or registrant shall also notify the referring physician of the affected individual patient and the individual patient or a responsible relative or guardian, unless the referring physician personally informs the licensee either that he will inform the individual patient or believes, based on medical judgment, that telling the individual patient or the individual's patient's responsible relative or guardian would be harmful to either. These notifications shall be made within 24 hours after the licensee or registrant discovers the misadministration. If the referring physician, individual patient or the individual's patient's responsible relative or guardian cannot be reached within 24 hours, the licensee or registrant shall notify them as soon as practicable. The licensee is not required to notify the individual patient or the individual patient's responsible relative or guardian without first consulting the referring physician; however, the licensee or registrant shall not delay medical care for the individual patient because of this.

(b) Written Report. Within 15 days after the misadministration report to the department, the licensee or registrant shall report in writing to the department and to the referring physician and furnish a copy of the report to the individual patient or the individual's patient's responsible relative or guardian if either was previously notified by the licensee or registrant as specified in (4)(a), above, or a brief description of both event and consequences as they affect the individual patient or the individual's patient's responsible relative or guardian if a statement is included that the report submitted to the department can be obtained from the licensee or registrant. The written report shall include the licensee's or registrant's name; the prescribing physician's name; the

referring physician's name; a brief description of the event; why the event occurred; the effect on the individual patient; the action taken to prevent recurrence; whether the licensee or registrant informed the individual patient or the individual's patient's responsible relative or guardian and what information was provided to the individual patient or individual's patient's responsible relative or guardian, and if not, a written medical justification. The report shall not include the individual's patient's name or other information that could lead to identification of the individual patient.

(5) Records of Misadministrations. Each licensee or registrant shall retain a record of each misadministration for 20 years. The record shall contain the names of all individuals involved in the event, including the prescribing physician, the allied health personnel, the individual patient, and the individual's patient's referring physician, the individual's patient's identification number if one has been assigned, a brief description of the event, why it occurred, the effect on the individual patient, what improvements are needed to prevent recurrence, and the actions taken, if any, to prevent recurrence.

(6) Rights and Duties of Licensees or Registrants. Aside from the notification requirement, nothing in this section shall affect any rights or duties of licensees, registrants or physicians in relation to each other, the individual patient, or responsible relatives or guardians.

Specific Authority 404.051, 404.081 FS. Law Implemented 404.022, 404.051(1),(4), 404.081 FS. History—New 1-1-94, Formerly 10D-91.482, Amended.

64E-5.414 Personnel Monitoring Control.

(1) The licensee or registrant shall not permit any individual to act as a radiographer or as a radiographer's assistant unless, at all times during radiographic operations, each such individual wears a direct reading pocket dosimeter, an alarming ratemeter, and either a film badge, optically stimulated luminescent device (OSLD), or a thermoluminescent dosimeter (TLD). Use of alarm ratemeters is not required for radiography performed in an approved permanent radiographic installation meeting the requirements of 64E-5.410. Pocket dosimeters shall have a range from 0 to 200 milliroentgens (2mSv 5.16×10^{-5} C per kg) and shall be recharged daily or at the start of each shift. Each film badge, OSLD, or TLD shall be assigned to and worn by only one individual.

(2) through (3) No change.

(4) If an individual's pocket dosimeter is discharged beyond its range, the individual's film badge, OSLD, or TLD shall immediately be sent for processing.

(5) Reports received from the film badge, OSLD, or TLD processor and records of daily pocket dosimeter readings shall be kept for inspection by the Department for 5 years after the death of the individual. If a report is received from the film badge, OSLD, or TLD processor that indicates an individual

has received a radiation exposure in excess of the amounts specified in 64E-5.304(1), the licensee or registrant shall notify the Department pursuant to Part III, Subpart L.

(6) No change.

Specific Authority 404.051, 404.081 FS. Law Implemented 404.022, 404.051(1),(4), 404.081 FS. History–New 7-17-85, Amended 1-1-94, Formerly 10D-91.515, Amended.

64E-5.420 Subjects to be Covered During the Instruction of Industrial Radiographers.

The subjects to be covered during the instruction of industrial radiographers shall include:

(1) No change.

(2) Radiation detection instrumentation to be used, including:

(a) Use of radiation survey instruments, including operation, calibration and limitations;

(b) Survey techniques;

(c) Use of personnel monitoring equipment, including film badges, OSLDs, thermoluminescent dosimeters (TLDs), pocket dosimeters, and alarm ratemeters;

(3) through (6) No change.

Specific Authority 404.051, 404.071 FS. Law Implemented 404.071 FS. History–New 7-17-85, Amended 1-1-94, 5-15-96, Formerly 10D-91.521, Amended.

64E-5.622 Release of Patients Containing Radiopharmaceuticals or Permanent Implants.

(1) Except as authorized by 64E-5.622(4), F.A.C., a A licensee shall not authorize release from confinement for medical care any patient administered a radiopharmaceutical until:

(a) The dose rate from the patient is less than 5 millirems (50 μ Sv) per hour at a distance of 1 meter; or

(b) The activity in the patient is less than 30 millicuries (1.11 GBq).

(2) Except as authorized by 64E-5.622(4), F.A.C., a A licensee shall not authorize release from confinement for medical care any patient administered a permanent implant until the dose rate from the patient is less than 5 millirems (50 μ Sv) per hour at a distance of 1 meter.

(3) No change.

(4) Licensees and license applicants can submit proposed procedures to release individuals from their control who have been administered radiopharmaceuticals or permanent implants containing radioactive material to the department for approval. The procedures must contain:

(a) An analysis and evaluation of pertinent information to demonstrate that the total effective dose equivalent to any other individual from exposure to the released individual is not likely to exceed 500 millirem (5 μ Sv):

(b) A copy of the instructions including written instructions to be given to the released individual on actions recommended to maintain doses to other individuals as low as

is reasonably achievable if the total effective dose equivalent to another individual is likely to exceed 100 millirem (1 μ Sv). If the dose to a breast-feeding infant or child could exceed 100 millirem (1 μ Sv) if there were no interruption of breast-feeding, the instructions also shall include:

1. Guidance on the interruption or discontinuance of breast-feeding and

2. Information on the consequences of failing to follow the guidance.

(c) The licensee shall maintain a record of the basis for authorizing the release of an individual from their control who has been administered radiopharmaceuticals or permanent implants containing radioactive material for 3 years after the date of release.

(5)(4) A licensee shall maintain a record of patient surveys which demonstrates compliance with 64E-5.622(1) for 3 years. Each record shall include the date of the survey, the name of the patient, the dose rate from the patient expressed as millirems (microsieverts) per hour and measured within 1 meter from the patient, and the initials of the individual who made the survey.

Specific Authority 404.051, 404.061, 404.081, 404.141 FS. Law Implemented 404.022, 404.051(1),(4),(6),(10),(11), 404.061(2),(3), 404.081, 404.141 FS. History–New 8-25-91, Amended 5-15-96, Formerly 10D-91.730, Amended.

64E-5.643 Radiation Surveys for Teletherapy Facilities.

(1) The licensee shall perform radiation surveys with an operable radiation survey instrument calibrated as provided in 64E-5.615 before medical use, after each installation of a teletherapy source, and after making any change for which an amendment is required by 64E-5.636.

(a) The maximum and average radiation levels at 1 meter from the teletherapy source with the source in the off position and the collimators set for a normal treatment field shall not exceed 10 millirems (100 μ Sv) per hour and 2 millirems (20 μ Sv) per hour.

(b) With the teletherapy source in the on position with the largest clinically available treatment field and with a scattering phantom in the primary beam of radiation, radiation levels in restricted areas shall be unlikely to cause any personnel exposures occupationally exposed individuals to receive a dose in excess of the limits specified in 64E-5.304; and radiation dose rates of any individual member of the public levels in unrestricted areas shall not exceed the limits specified in 64E-5.312(1)(c).

(2) through (3) No change.

Specific Authority 404.022, 404.051, 404.061, 404.071, 404.081, 404.141 FS. Law Implemented 404.022, 404.051(1),(4),(5),(6),(8),(9),(10),(11), 404.061(2),(3), 404.071(1), 404.081, 404.141 FS. History–New 8-25-91, Amended 1-1-94, Formerly 10D-91.762, Amended.

64E-5.645 Modification of Teletherapy Unit or Room Before Beginning a Treatment Program.

If the survey required by 64E-5.643 indicates that ~~any an~~ individual member of the public is likely to receive a dose in excess of in an unrestricted area may be exposed to levels of radiation greater than those specified in permitted by 64E-5.312(1)(c), before beginning the treatment program the licensee shall comply with (1) or (2) below:

(1) Equip the unit with stops or add additional radiation shielding to ensure compliance with 64E-5.312(1)(c); perform the survey required by 64E-5.643 again; and include in the report required by 64E-5.646 the results of the initial survey, a description of the modification made to comply with 64E-5.645(1), and the results of the second survey.

(2) No change.

Specific Authority 404.022, 404.051, 404.061, 404.071, 404.081, 404.141 FS. Law Implemented 404.022, 404.051(1),(4),(5),(6),(8),(9),(10),(11), 404.061(2),(3), 404.071(1), 404.081, 404.141 FS. History—New 8-25-91, Amended 1-1-94, Formerly 10D-91.764, Amended.

64E-5.1103 Radiation Survey Instruments.

(1) The licensee or registrant shall maintain sufficient calibrated and operable radiation survey instruments at each field station and temporary jobsite to make physical radiation surveys as required by this part and by Part III. Instrumentation shall be capable of measuring 0.1 milliroentgen (0.001 mSv ~~2.58 x 10⁻⁸ C per kg~~) per hour through at least 50 milliroentgens (0.5 mSv ~~1.29 x 10⁻⁵ C per kg~~) per hour. ~~Survey instruments acquired before January 1, 1989 and capable of measuring 0.1 milliroentgen (2.58 x 10⁻⁸ C per kg) per hour through at least 20 milliroentgens (5.16 x 10⁻⁶ C per kg) per hour also satisfy this requirement until January 1, 1994.~~

(2) through (3) No change.

Specific Authority 404.051, 404.061, 404.081, 404.22 FS. Law Implemented 404.022, 404.051(1),(4), 404.061(2), 404.081(1), 404.22 FS. History—New 7-17-85, Amended 4-4-89, Formerly 10D-91.1205, Amended.

64E-5.1112 Personnel Monitoring.

No licensee or registrant shall permit any individual to act as a logging supervisor or to assist in the use of sources of radiation unless such individual wears ~~either~~ a film badge, optically stimulated luminescent device (OSLD), or a thermoluminescent dosimeter (TLD). Each film badge, OSLD, or TLD shall be assigned to and worn by only one individual.

Specific Authority 404.051, 404.061, 404.081 FS. Law Implemented 404.022, 404.051(1),(4), 404.061(2), 404.081(1),(2) FS. History—New 7-17-85, Amended 5-15-96, Formerly 10D-91.1213, Amended.

64E-5.1310 Personnel Monitoring.

(1) Unless otherwise specified in the license, no licensee shall permit any individual to use or to assist in the use of sealed sources of radiation in portable devices unless such individual wears ~~either~~ a film badge, OSLD, or a TLD.

(2) Unless otherwise specified in the license, no license shall permit any individual to perform installations, maintenance or service, initial radiation surveys, relocations or removal from service of sealed sources in fixed devices unless such individual wears ~~either~~ a film badge, OSLD, or a TLD.

(3) No change.

(4) A whole body film badge, OSLD, or TLD is required to be worn by any individual using or assisting in the use of unsealed sources of radioactive materials of any gamma-emitting isotope with a gamma ray energy greater than 50 kiloelectron volts or the use of any beta-emitting isotope with a maximum beta energy of 300 kiloelectron volts or more.

(5) An extremity film badge, OSLD, or TLD is required to be worn by any individual using or assisting in the use of unsealed sources of radioactive materials of 1,000 microcuries (37 MBq) or more of beta-emitting isotopes with a maximum beta energy of 1,000 kiloelectron volts or more in any month or by any individual who receives a dose of 40 millirem (400 uSv) or more on a whole body film badge, OSLD, or TLD for 2 consecutive months.

(6) Each film, OSLD, and TLD badge shall be assigned to and worn by only one individual. Film badges and extremity OSLDs and TLDs must be replaced monthly. Whole body OSLDs, and TLDs must be replaced quarterly. After replacement, each film badge, OSLD, and TLD must be promptly processed.

Specific Authority 404.051, 404.061, 404.081 FS. Law Implemented 404.022, 404.051(1),(4),(6),(10), 404.061(2), 404.081(1),(2) FS. History—New 5-15-96, Formerly 10D-91.14111, Amended.

64E-5.1406 Access Control.

(1) Panoramic irradiators shall not be operated unless the following are met:

(a) through (f) No change.

(g) Each entrance to the radiation room and each entrance to the area within the personnel access barrier of an underwater irradiator must be posted as required by 64E-5.323, have a sign bearing the radiation symbol and the words:

**CAUTION (OR “DANGER”)
RADIOACTIVE MATERIAL**

Panoramic irradiators also must be posted as required by 64E-5.323, have a sign and the words:

**GRAVE DANGER
VERY HIGH RADIATION AREA**

The sign can be removed, covered, or otherwise made inoperative when the sources are shielded fully.

(h) through (2) No change.

Specific Authority 404.051(4) FS. Law Implemented 404.051(1),(5),(6), 404.061, 404.081, 404.141 FS. History—New 8-14-96, Formerly 10D-91.1506, Amended.

64E-5.1418 Personnel Monitoring.

(1) Irradiator operators shall wear either a film badge, OSLD or a TLD while operating a panoramic irradiator or while in the area around the pool of an underwater irradiator. The film badge, OSLD, and TLD processor must be accredited by NVLAP for high energy photons in the normal and accident dose ranges. Each film badge, OSLD, and TLD must be assigned to and worn by only one individual. Film badges must be replaced at least monthly and OSLDs and TLDs must be replaced at least quarterly. After replacement, each film badge OSLD, and TLD must be processed promptly.

(2) No change.

Specific Authority 404.051(4) FS. Law Implemented 404.051(1),(5),(6), 404.061, 404.081, 404.141 FS. History--New 8-14-96, Formerly 10D-91.1518, Amended.

64E-5.1502 Transportation of Radioactive Material.

(1) No change.

(2) Each licensee who transports radioactive material outside of the confines of his facility or other place of use, or who offers radioactive material to a carrier for transport shall:

(a) Comply with the applicable requirements, appropriate to the mode of transport, of 49 CFR Parts 171-173, 177, 383, and 390-397, dated 10-1-97, which are herein incorporated by reference and which are available from the department the regulations of the U.S. Department of Transportation;

(b) Establish procedures for safely opening and closing packages in which radioactive material is transported and to assure that, prior to the delivery to a carrier for transport, each package is properly closed for transport; and

(c) Assure that any special instructions needed to safely open the package are sent to or have been made available to the consignee.

Specific Authority 404.051, 404.061, 404.141, 404.20 FS. Law Implemented 404.022, 404.051(1),(4),(6),(11), 404.061(2), 404.141, 404.20(1) FS. History--New 7-17-85, Formerly 10D-91.2003, Amended.

NAME OF PERSON ORIGINATING PROPOSED RULE: William A. Passetti, Chief, Bureau of Radiation Control

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Sharon Heber, Dr.P.H., Division of Environmental Health

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: May 22, 2000

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: June 2, 2000

Section III
Notices of Changes, Corrections and Withdrawals

DEPARTMENT OF EDUCATION

State Board of Education

Table with 2 columns: RULE NOS. and RULE TITLES. Lists rules 6A-6.03020 through 6A-6.03411 with their corresponding titles.

NOTICE OF CONTINUATION

Notice is hereby given that the public hearing on the above rules, as noticed in Vol. 26, No. 21, dated May 26, 2000, Florida Administrative Weekly has been continued from June 26, 2000, to July 25, 2000. The State Board of Education will meet at 9:00 a.m., in Room LL03 of the Capitol in Tallahassee, Florida.

DEPARTMENT OF CITRUS

Table with 2 columns: RULE CHAPTER NO. and RULE TITLE. Lists rule 20-66 and 20-66.004 with their titles.

NOTICE OF CHANGE

Notice is hereby given that the following change has been made to the proposed rule in accordance with subparagraph 120.54(3)(d), F.S., published in Vol. 26, No. 20, May 19, 2000 issue of the Florida Administrative Weekly: