

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Kaye Howerton, Executive Director, 4052 Bald Cypress Way, Bin #C-06, Tallahassee, Florida 32399-3256
 THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS NOT AVAILABLE.

**Section II
 Proposed Rules**

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Division of Administration

RULE NOS.:	RULE TITLES:
5A-8.003	Public Announcement and Qualification Procedures
5A-8.004	Committee on Certification and Competitive Selection for Major Projects; Duties
5A-8.008	Nonexclusion of Public

PURPOSE AND EFFECT: Rule Chapter 5A-8, F.A.C., is being repealed as the Department has no specific statutory authority to promulgate, maintain or amend rules relative to procedures for contracting for professional services.

SUMMARY: Repeal of Chapter 5A-8, F.A.C.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: The agency has determined that this rule will not have an impact on small business. A SERC has not been prepared by the agency.

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

RULEMAKING AUTHORITY: 120.536(1) FS.

LAW IMPLEMENTED: 120.536(1) 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 RULES IS: Stephen M. Donelan, Senior Attorney, Department of Agriculture and Consumer Services, 407 South Calhoun Street, 509 Mayo Building, Tallahassee, Florida 32399-0800, (850)617-7021

THE FULL TEXT OF THE PROPOSED RULES IS:

5A-8.003 Public Announcement and Qualification Procedures.

Rulemaking Specific Authority 287.055 FS. Law Implemented 287.055 FS. History–New 7-17-77, Formerly 5A-8.03, Repealed _____.

5A-8.004 Committee on Certification and Competitive Selection for Major Projects, Duties.

Rulemaking Specific Authority 287.055 FS. Law Implemented 287.055 FS. History–New 7-17-77, Formerly 5A-8.04, Repealed _____.

5A-8.008 Nonexclusion of Public.

Rulemaking Specific Authority 287.055 FS, Law Implemented 287.055 FS. History–New 7-17-77, Formerly 5A-8.08, Repealed _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Mike Gresham, Director, Division of Administration

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Charles H. Bronson, Commissioner of Agriculture

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: September 1, 2009

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Division of Administration

RULE NOS.:	RULE TITLES:
5A-12.001	Notice of Decisions or Intended Decisions on Procurement Solicitation or Contract Award
5A-12.002	Procedure to Initiate a Protest
5A-12.003	Computation of Time
5A-12.004	Contents of Protest
5A-12.005	Resolution of Protest

PURPOSE AND EFFECT: Rule Chapter 5A-12, F.A.C., is being repealed as the Department has no specific statutory authority to promulgate, maintain or amend rules relative to bid protests.

SUMMARY: Repeal of Chapter 5A-12, F.A.C.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: The agency has determined that this rule will not have an impact on small business. A SERC has not been prepared by the agency.

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

RULEMAKING AUTHORITY: 120.536(1) FS.

LAW IMPLEMENTED: 120.536(1) 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 RULES IS: Stephen M. Donelan, Senior Attorney, Department of Agriculture and Consumer Services, 407 South Calhoun Street, 509 Mayo Building, Tallahassee, Florida 32399-0800, (850)617-7021

THE FULL TEXT OF THE PROPOSED RULES IS:

5A-12.001 Notice of Decisions or Intended Decisions on Procurement Solicitation or Contract Award.

Rulemaking Specific Authority 120.53(1)(b), (5), 570.07(23) FS. Law Implemented 120.53(1)(b), (5) FS. History–New 5-20-92, Repealed.

5A-12.002 Procedure to Initiate a Protest.

Rulemaking Specific Authority 120.53(1)(b), (5), 570.07(23) FS. Law Implemented 120.53(1)(b), (5), 287.042(2)(c) FS. History–New 5-20-92, Repealed.

5A-12.003 Computation of Time.

Rulemaking Specific Authority 120.53(1)(b), (5), 570.07(23) FS. Law Implemented 120.53(1)(b), (5) FS. History–New 5-20-92, Repealed.

5A-12.004 Contents of Protest.

Rulemaking Specific Authority 120.53(1)(b), (5), 570.07(23) FS. Law Implemented 120.53(1)(b), (5), 287.042(2)(c) FS. History–New 5-20-92, Repealed.

5A-12.005 Resolution of Protest.

Rulemaking Specific Authority 120.53(1)(b), (5), 570.07(23) FS. Law Implemented 120.53(1)(b), (5), 287.042(2)(c) FS. History–New 5-20-92, Repealed.

NAME OF PERSON ORIGINATING PROPOSED RULE:

Mike Gresham, Director, Division of Administration

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE:

Charles H. Bronson, Commissioner of Agriculture

DATE PROPOSED RULE APPROVED BY AGENCY HEAD:

September 1, 2009

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Division of Administration

RULE NOS.:	RULE TITLES:
5A-13.001	Purpose and Scope
5A-13.002	Procurement Goals
5A-13.003	Procurement Procedures

PURPOSE AND EFFECT: Rule Chapter 5A-13, F.A.C., is being repealed as the Department has no specific statutory authority to promulgate, maintain or amend rules relative to minority business procurement.

SUMMARY: Repeal of Chapter 5A-13, F.A.C.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: The agency has determined that this rule will not have an impact on small business. A SERC has not been prepared by the agency.

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

RULEMAKING AUTHORITY: 120.536(1) FS.

LAW IMPLEMENTED: 120.536(1) 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 RULES IS: Stephen M. Donelan, Senior Attorney, Department of Agriculture and Consumer Services, 407 South Calhoun Street, 509 Mayo Building, Tallahassee, Florida 32399-0800, (850)617-7021

THE FULL TEXT OF THE PROPOSED RULES IS:

5A-13.001 Purpose and Scope.

Rulemaking Specific Authority 287.0947, 570.07(23) FS. Law Implemented 287.057(6), 287.0947 FS. History–New 3-8-92, Repealed.

5A-13.002 Procurement Goals.

Rulemaking Specific Authority 287.0947(2), 570.07(23) FS. Law Implemented 287.042(4)(f), as amended by Section 5, Chapter 91-162, Laws of Florida, 287.057(6), 287.0947(2) FS. History–New 3-8-92, Repealed.

5A-13.003 Procurement Procedures.

Rulemaking Specific Authority 287.0947(2), 570.07(23) FS. Law Implemented 287.042(4)(f), as amended by Section 5, Chapter 91-162, Laws of Florida, 287.057(6), 287.0947(2), (3) FS. History–New 3-8-92, Repealed.

NAME OF PERSON ORIGINATING PROPOSED RULE:

Mike Gresham, Director, Division of Administration

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE:

Charles H. Bronson, Commissioner of Agriculture

DATE PROPOSED RULE APPROVED BY AGENCY HEAD:

September 1, 2009

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Division of Administration

RULE NOS.:	RULE TITLES:
5A-14.001	Authority
5A-14.002	Purpose
5A-14.003	Public Inspection and Duplication
5A-14.004	Final Orders Required to be Indexed
5A-14.005	Listing of Final Orders
5A-14.006	Numbering of Final Orders
5A-14.007	System for Indexing Final Orders
5A-14.008	Maintenance of Records
5A-14.009	Plan

PURPOSE AND EFFECT: Rule Chapter 5A-14, F.A.C., is being repealed as the Department has no specific statutory authority to promulgate, maintain or amend rules relative to indexing agency orders.

SUMMARY: Repeal of Chapter 5A-14, F.A.C.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: The agency has determined that this rule will not have an impact on small business. A SERC has not been prepared by the agency.

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

RULEMAKING AUTHORITY: 120.536(1) FS.

LAW IMPLEMENTED: 120.536(1) 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 RULES IS: Stephen M. Donelan, Senior Attorney, Department of Agriculture and Consumer Services, 407 South Calhoun Street, 509 Mayo Building, Tallahassee, Florida 32399-0800, (850)617-7021

THE FULL TEXT OF THE PROPOSED RULES IS:

5A-14.001 Authority.

Rulemaking Specific Authority 120.533 FS. Law Implemented 120.53(2), (3), (4) FS. History-New 6-15-92, Repealed.

5A-14.002 Purpose.

Rulemaking Specific Authority 120.533 FS. Law Implemented 120.53(2), (3), (4) FS. History-New 6-15-92, Repealed.

5A-14.003 Public Inspection and Duplication.

Rulemaking Specific Authority 120.533 FS. Law Implemented 120.53(2)(a)1., 2., 3., 4., 5. FS. History-New 6-15-92, Repealed.

5A-14.004 Final Orders Required to be Indexed.

Rulemaking Specific Authority 120.533 FS. Law Implemented 120.53(2)(a)3., 120.53(2)(d) FS. History-New 6-15-92, Amended 6-13-93, Repealed.

5A-14.005 Listing of Final Orders.

Rulemaking Specific Authority 120.533 FS. Law Implemented 120.53(2)(a)4. FS. History-New 6-15-92, Repealed.

5A-14.006 Numbering of Final Orders.

Rulemaking Specific Authority 120.533(1)(f) FS. Law Implemented 120.53(2), (3) FS. History-New 6-15-92, Amended 9-5-94, Repealed.

5A-14.007 System for Indexing Final Orders.

Rulemaking Specific Authority 120.533(1)(f) FS. Law Implemented 120.53(2), (3) FS. History-New 6-15-92, Amended 9-5-94, Repealed.

5A-14.008 Maintenance of Records.

Rulemaking Specific Authority 120.533(1)(j) FS. Law Implemented 119.041(2) FS. History-New 6-15-92, Repealed.

5A-14.009 Plan.

Rulemaking Specific Authority 120.533(1)(j) FS. Law Implemented 91-30, 10, Laws of Florida. History-New 6-15-92, Amended 9-5-94, Repealed.

NAME OF PERSON ORIGINATING PROPOSED RULE: Mike Gresham, Director, Division of Administration
NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Charles H. Bronson, Commissioner of Agriculture
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: September 1, 2009

DEPARTMENT OF REVENUE

Sales and Use Tax

RULE NO.: 12A-1.097
RULE TITLE: Public Use Forms

PURPOSE AND EFFECT: The purpose of the proposed amendments to Rule 12A-1.097, F.A.C. (Public Use Forms), is to adopt, by reference, changes to forms used by the Department in the administration of sales and use tax.

SUMMARY: The proposed amendments to Rule 12A-1.097, F.A.C. (Public Use Forms), adopt, by reference, changes to forms used by taxpayers to report sales and use tax to the Department.

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

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

RULEMAKING AUTHORITY: 201.11, 202.17(3)(a), 202.22(6), 202.26(3), 212.0515(7), 212.07(1)(b), 212.08(5)(b)4., (7), 212.11(5)(b), 212.12(1)(b)2., 212.17(6), 212.18(2), (3), 213.06(1), 376.70(6)(b), 376.75(9)(b), 403.718(3)(b), 403.7185(3)(b), 443.171(2), (7) FS.

LAW IMPLEMENTED: 92.525(1)(b), (3), 95.091, 125.0104, 125.0108, 201.01, 201.08(1)(a), 201.133, 201.17(1)-(5), 202.11(2), (3), (6), (16), (24), 202.17, 202.22(3)-(6), 202.28(1), 203.01, 212.02, 212.03, 212.0305, 212.031, 212.04, 212.05, 212.0501, 212.0515, 212.054, 212.055, 212.06, 212.0606, 212.07(1), (8), (9), 212.08, 212.084(3), 212.085, 212.09, 212.096, 212.11(1), (4), (5), 212.12(1), (2), (9), (13), 212.13,

212.14(4), (5), 212.17, 212.18(2), (3), 213.235, 213.29, 213.37, 219.07, 288.1258, 376.70, 376.75, 403.717, 403.718, 403.7185, 443.036, 443.121(1), (3), 443.131, 443.1315, 443.1316, 443.171(2), (7) FS.

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

DATE AND TIME: October 13, 2009, 9:00 a.m.
 PLACE: Room 118, Carlton Building, 501 S. Calhoun Street, Tallahassee, Florida

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: Larry Green at (850)922-4830. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Janet Young, Tax Law Specialist, Technical Assistance and Dispute Resolution, Department of Revenue, P. O. Box 7443, Tallahassee, Florida 32314-7443, telephone (850)922-9407

THE FULL TEXT OF THE PROPOSED RULE IS:

12A-1.097 Public Use Forms.

(1) The following public use forms and instructions are employed by the Department in its dealings with the public related to the administration of Chapter 212, F.S. These forms are hereby incorporated by reference in this rule.

(a) through (b) No change.

Form Number	Title	Effective Date
(2) through (4)	No change.	
(5)(a) DR-7	Consolidated Sales and Use Tax Return (R. <u>01/10 01/09</u>)	___ 01/09
(b) DR-7N	Instructions for Consolidated Sales and Use Tax Return (R. <u>01/10 01/09</u>)	___ 01/09
(c) DR-15CON	Consolidated Summary – Sales and Use Tax Return (R. <u>01/10 01/09</u>)	___ 01/09
(6)(a) DR-15	Sales and Use Tax Return (R. <u>01/10 01/09</u>)	___ 01/09
(b) DR-15CS	Sales and Use Tax Return (R. <u>01/10 01/09</u>)	___ 01/09
(c) DR-15CSN	DR-15 Sales and Use Tax – Instructions (R. <u>01/10 01/09</u>)	___ 01/09
(d) DR-15EZ	Sales and Use Tax Return (R. <u>01/10 01/09</u>)	___ 01/09
(e) DR-15EZCSN	DR-15EZ Sales and Use Tax Return – Instructions (R. <u>01/10 01/09</u>)	___ 01/09

- (f) DR-15EZN Instructions for 2010 2009 DR-15EZ Sales and Use Tax Returns (R. 01/10 01/09) ___ 01/09
- (g) No change.
- (h) DR-15MO Florida Tax on Purchases (R. 08/09 07/07) ___ 01/09
- (i) DR-15N Instructions for 2010 2009 DR-15 Sales and Use Tax Returns (R. 01/10 01/09) ___ 01/09
- (j) No change.
- (k) DR-15ZCN Instructions for Completing the Sales and Use Tax Return, Form DR-15, when taking the Enterprise Zone Jobs Tax Credit under the New Law (R. 06/08) ___ 01/09
- (l) through (m) No change.
- (7) through (23) No change.

Rulemaking Specific Authority 201.11, 202.17(3)(a), 202.22(6), 202.26(3), 212.0515(7), 212.07(1)(b), 212.08(5)(b)4., (7), 212.11(5)(b), 212.12(1)(b)2., 212.17(6), 212.18(2), (3), 213.06(1), 376.70(6)(b), 376.75(9)(b), 403.718(3)(b), 403.7185(3)(b), 443.171(2), (7) FS. Law Implemented 92.525(1)(b), (3), 95.091, 125.0104, 125.0108, 201.01, 201.08(1)(a), 201.133, 201.17(1)-(5), 202.11(2), (3), (6), (16), (24), 202.17, 202.22(3)-(6), 202.28(1), 203.01, 212.02, 212.03, 212.0305, 212.031, 212.04, 212.05, 212.0501, 212.0515, 212.054, 212.055, 212.06, 212.0606, 212.07(1), (8), (9), 212.08, 212.084(3), 212.085, 212.09, 212.096, 212.11(1), (4), (5), 212.12(1), (2), (9), (13), 212.13, 212.14(4), (5), 212.17, 212.18(2), (3), 213.235, 213.29, 213.37, 219.07, 288.1258, 376.70, 376.75, 403.717, 403.718, 403.7185, 443.036, 443.121(1), (3), 443.131, 443.1315, 443.1316, 443.171(2), (7) FS. History–New 4-12-84, Formerly 12A-1.97, Amended 8-10-92, 11-30-97, 7-1-99, 4-2-00, 6-28-00, 6-19-01, 10-2-01, 10-21-01, 8-1-02, 4-17-03, 5-4-03, 6-12-03, 10-1-03, 9-28-04, 6-28-05, 5-1-06, 4-5-07, 1-1-08, 4-1-08, 6-4-08, 1-27-09, 9-1-09,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Janet Young, Tax Law Specialist, Technical Assistance and Dispute Resolution, Department of Revenue, P. O. Box 7443, Tallahassee, Florida 32314-7443, telephone (850)922-9407

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Governor Charlie Crist and members of the Florida Cabinet, Attorney General Bill McCollum, Chief Financial Officer Alex Sink, and Agriculture Commissioner Charles H. Bronson, as agency head of the Department of Revenue

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 25, 2009

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: A Notice of Proposed Rule Development was published in the Florida Administrative Weekly on July 10, 2009 (Vol. 35, No. 27, pp. 3279-3280). No comments were received by the Department.

DEPARTMENT OF REVENUE

Sales and Use Tax

RULE NO.: 12A-13.002
RULE TITLE: Collection and Remittance of Fee
PURPOSE AND EFFECT: Tax Collectors report and remit taxes and fees, including the motor vehicle warranty fee, electronically to the Department using the Tax Collector Revenue Remittance System. Tax Collectors no longer use Form DR-35 (Motor Vehicle Warranty Remittance Fee Report) to report the fee. The purpose of the proposed amendments to Rule 12A-13.002, F.A.C. (Collection and Remittance of Fee), is to adopt revisions to Form DR-35 to update the instructions on reporting and remitting the motor vehicle warranty fee and the information on how to obtain copies of the form from the Department.

SUMMARY: The proposed amendments to Rule 12A-13.002, F.A.C. (Collection and Remittance of Fee), is to adopt, by reference, changes to Form DR-35 (Motor Vehicle Warranty Remittance Fee Report).

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

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

RULEMAKING AUTHORITY: 213.06(1) FS.
LAW IMPLEMENTED: 219.07, 320.27(1)(c), 681.102(15), 681.117 FS.

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

DATE AND TIME: October 13, 2009, 9:00 a.m.
PLACE: Room 118, Carlton Building, 501 S. Calhoun Street, Tallahassee, Florida

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: Larry Green at (850)922-4830. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Janet Young, Tax Law Specialist, Technical Assistance and Dispute Resolution, Department of Revenue, P. O. Box 7443, Tallahassee, Florida 32314-7443, telephone (850)922-9407

THE FULL TEXT OF THE PROPOSED RULE IS:

- 12A-13.002 Collection and Remittance of Fee.
- (1) through (3) No change.

(4) Form DR-35, Motor Vehicle Warranty Remittance Fee Report (R. ~~08/09 01/04~~, Effective _____), is hereby incorporated, by reference, in this rule. Form DR-35 is available, without cost, by one or more of the following methods: 1) downloading the form from the Department's Internet site at www.myflorida.com/dor/forms; or, 2) calling the Department at (800)352-3671, Monday through Friday, 8 a.m. to 7 p.m., Eastern Time; or, 3) visiting any local Department of Revenue Service Center; or, 4) writing the Florida Department of Revenue, Distribution Center, 168A Blountstown Highway, Tallahassee, Florida 32304. ~~writing the Florida Department of Revenue, Distribution Center, 168A Blountstown Highway, Tallahassee, Florida 32304; or, 2) faxing the Distribution Center at (850)922-2208; or, 3) visiting any local Department of Revenue Service Center to personally obtain a copy; or, 4) calling the Forms Request Line during regular office hours at (800)352-3671 (in Florida only) or (850)488-6800; or, 5) downloading selected forms from the Department's Internet site at the address shown inside the parentheses (www.myflorida.com/dor).~~ Persons with hearing or speech impairments may call the Department's TDD at (800)367-8331 or (850)922-1115.

Rulemaking Specific Authority 213.06(1) FS. Law Implemented 219.07, 320.27(1)(c), 681.102(15), 681.117 FS. History--New 4-5-89, Amended 5-4-03, 9-28-04, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Janet Young, Tax Law Specialist, Technical Assistance and Dispute Resolution, Department of Revenue, P. O. Box 7443, Tallahassee, Florida 32314-7443, telephone (850)922-9407

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Governor Charlie Crist and members of the Florida Cabinet, Attorney General Bill McCollum, Chief Financial Officer Alex Sink, and Agriculture Commissioner Charles H. Bronson, as agency head of the Department of Revenue

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 25, 2009

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: A Notice of Proposed Rule Development was published in the Florida Administrative Weekly on July 10, 2009 (Vol. 35, No. 27, p. 3280). No comments were received by the Department.

DEPARTMENT OF REVENUE

Sales and Use Tax

RULE NO.: 12A-16.008
RULE TITLE: Public Use Forms
PURPOSE AND EFFECT: The purpose of the proposed amendments to Rule 12A-16.008, F.A.C. (Public Use Forms), is to adopt, by reference, changes to forms used by the Department in the administration of solid waste fees and the rental car surcharge.

SUMMARY: The proposed amendments to Rule 12A-16.008, F.A.C. (Public Use Forms), will update annual forms used by the Department in the administration of solid waste fees and the rental car surcharge.

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

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

RULEMAKING AUTHORITY: 212.17(6), 212.18(2), 213.06(1) FS.

LAW IMPLEMENTED: 212.0606, 212.12(2), 213.235, 376.70, 403.717, 403.718, 403.7185 FS.

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

DATE AND TIME: October 13, 2009, 9:00 a.m.

PLACE: Room 118, Carlton Building, 501 S. Calhoun Street, Tallahassee, Florida

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: Larry Green at (850)922-4830. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Janet Young, Tax Law Specialist, Technical Assistance and Dispute Resolution, Department of Revenue, P. O. Box 7443, Tallahassee, Florida 32314-7443, telephone (850)922-9407

THE FULL TEXT OF THE PROPOSED RULE IS:

12A-16.008 Public Use Forms.

(1)(a) The following public use forms and instructions are employed by the Department of Revenue in its dealings with the public in administering the rental car surcharge, as provided in this rule chapter, and the solid waste fees, as provided in Rule Chapter 12A-12, F.A.C. These forms are hereby incorporated by reference in this rule.

(b) No change.

Form Number	Title	Effective Date
(2) DR-15SW	Solid Waste and Surcharge Return (R. 01/10 04/09)	____ 04/09
(3) DR-15SWN	Instructions for DR-15SW Solid Waste and Surcharge Returns (R. 01/10 04/09)	____ 04/09

(4) No change.

Rulemaking Specific Authority 212.17(6), 212.18(2), 213.06(1) FS. Law Implemented 212.0606, 212.12(2), 213.235, 376.70, 403.717, 403.718, 403.7185 FS. History-New 11-14-89, Amended 7-7-91, 8-10-92, 3-21-95, 6-19-01, 4-17-03, 9-28-04, 6-28-05, 7-25-06, 4-5-07, 1-1-08, 1-27-09, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Janet Young, Tax Law Specialist, Technical Assistance and Dispute Resolution, Department of Revenue, P. O. Box 7443, Tallahassee, Florida 32314-7443, telephone (850)922-9407

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Governor Charlie Crist and members of the Florida Cabinet, Attorney General Bill McCollum, Chief Financial Officer Alex Sink, and Agriculture Commissioner Charles H. Bronson, as agency head of the Department of Revenue

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 25, 2009

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: A Notice of Proposed Rule Development was published in the Florida Administrative Weekly on July 10, 2009 (Vol. 35, No. 27, pp. 3280-3281). No comments were received by the Department.

DEPARTMENT OF REVENUE

Sales and Use Tax

RULE NO.: 12A-17.005
 RULE TITLE: Public Use Forms

PURPOSE AND EFFECT: Effective October 1, 2009, Chapters 2009-158 and 2009-162, L.O.F., require mail-in secondhand precious metals dealers to register with the Department of Revenue prior to regularly engaging in the business of purchasing jewelry or precious metals through the mail or Internet-based transactions or prior to contracting with others to buy precious metals in the same manner. The purpose of the proposed amendments to Rule 12A-17.005, F.A.C. (Public Use Forms), is to adopt, by reference, changes to the forms used by the Department to register secondhand dealers and secondary metals recyclers to include provisions to register mail-in secondhand precious metals dealers.

SUMMARY: The proposed amendments to Rule 12A-17.005, F.A.C. (Public Use Forms), adopt, by reference, changes to the forms used by the Department to register secondhand dealers, mail-in secondhand precious metals dealers, and secondary metals recyclers.

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

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

RULEMAKING AUTHORITY: 213.06(1), 538.11, 538.37 FS.
LAW IMPLEMENTED: 538.09, 538.11, 538.25, 538.26, 538.31, 538.32, 538.36, 538.37, 539.002 FS.

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

DATE AND TIME: October 13, 2009, 9:00 a.m.
PLACE: Room 118, Carlton Building, 501 S. Calhoun Street, Tallahassee, Florida

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: Larry Green at (850)922-4830. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Ron Gay, Tax Law Specialist, Technical Assistance and Dispute Resolution, Department of Revenue, P. O. Box 7443, Tallahassee, Florida 32314-7443, telephone (850)922-4732

THE FULL TEXT OF THE PROPOSED RULE IS:

12A-17.005 Public Use Forms.

(1) The following public-use forms and instructions are employed by the Department in its dealings with the public in administering Chapter 538, F.S., and are incorporated by reference in this rule.

(a) through (b) No change.

Form Number	Title	Effective Date
(2) DR-1S	Registration Application for Secondhand Dealers and/or Dealer of Secondary Metals Recyclers Recycler Registration (R. 07/09 07/08)	09/08
(3) *DR-1SR	Renewal Application for Secondhand Dealers and/or Dealer of Secondary Metals Recyclers Recycler (R. 07/09 07/08)	09/08
(4) GT-200403	Secondhand Dealers and/or Dealer of Secondary Metals Recyclers Recycler Fingerprint Card Instructions (R. 07/09 07/08)	09/08

Rulemaking Specific Authority 213.06(1), 538.11, 538.37 FS. Law Implemented 538.09, 538.11, 538.25, 538.31, 538.32, 538.36, 538.37, 539.002 FS. History—New 3-15-90, Amended 11-14-91, 4-18-93, 10-17-94, 8-1-02, 9-28-04, 6-28-05, 9-15-08.

NAME OF PERSON ORIGINATING PROPOSED RULE: Ron Gay, Tax Law Specialist, Technical Assistance and Dispute Resolution, Department of Revenue, P. O. Box 7443, Tallahassee, Florida 32314-7443, telephone (850)922-4732

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Governor Charlie Crist and members of the Florida Cabinet, Attorney General Bill McCollum, Chief Financial Officer Alex Sink, and Agriculture Commissioner Charles H. Bronson, as agency head of the Department of Revenue

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 25, 2009

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: A Notice of Proposed Rule Development was published in the Florida Administrative Weekly on July 10, 2009 (Vol. 35, No. 27, p. 3281). No comments were received by the Department.

DEPARTMENT OF REVENUE

Sales and Use Tax

RULE NO.: 12A-19.100
RULE TITLE: Public Use Forms

PURPOSE AND EFFECT: The purpose of the proposed amendments to Rule 12A-19.100, F.A.C. (Public Use Forms), is to provide which version of Form DR-700016 (Florida Communications Services Tax Return) is to be used to report communications services tax on services billed during specified calendar months.

SUMMARY: The proposed amendments to Rule 12A-19.100, F.A.C. (Public Use Forms): (1) adopt, by reference, changes to Form DR-700016 (Florida Communications Services Tax Return); and (2) provide which version of Form DR-700016 is to be used to report communications services tax on services billed during specified calendar months.

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

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

RULEMAKING AUTHORITY: 175.1015(5), 185.085(5), 202.151, 202.16(2), 202.26(3)(a), (c), (d), (e), (j), 202.27(7) FS.

LAW IMPLEMENTED: 175.1015, 185.085, 202.11(3), (10), (11), 202.12(1), (3), 202.13(2), 202.151, 202.16(2), (4), 202.17(6), 202.19(1), (7), 202.22(6), 202.27, 202.28(1), (2), 202.30(3), 202.33, 202.34(3), (4)(c), 202.35(1), (2) FS.

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

DATE AND TIME: October 13, 2009, 9:00 a.m.
PLACE: Room 118, Carlton Building, 501 S. Calhoun Street, Tallahassee, Florida

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: Larry Green at (850)922-4830. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Janet Young, Tax Law Specialist, Technical Assistance and Dispute Resolution, Department of Revenue, P. O. Box 7443, Tallahassee, Florida 32314-7443, telephone (850)922-9407

THE FULL TEXT OF THE PROPOSED RULE IS:

12A-19.100 Public Use Forms.

(1)(a) The Department employs the following public-use forms and instructions in the administration of Chapter 202, F.S., Communications Services Tax, and in the administration of the Department's electronic Address/Jurisdiction Database created pursuant to Sections 175.1015 and 185.085, F.S. These forms are hereby incorporated by reference in this rule.

(b) No change.

(2) The following versions of Form DR-700016, Florida Communications Services Tax Return, are applicable to the reporting periods and service billing dates indicated:

REVISION DATE	REPORTING PERIODS	SERVICE BILLING DATES
01/10	January 2010 –	January 1, 2010 –
06/09	June 2009 – December 2009	June 1, 2009 – December 31, 2009
01/09	January 2009 – May 2009	January 1, 2009 – May 31, 2009
09/08	September 2008 – December 2008	September 1, 2008 – December 31, 2008
06/08	June 2008 – August 2008	June 1, 2008 – August 31, 2008 December 31, 2008
05/08	May 2008	May 1, 2008 – May 31, 2008
01/08	January 2008 – April 2008	January 1, 2008 – April 30, 2008
09/07	September 2007 – December 2007	September 1, 2007 – December 31, 2007
06/07	June 2007– August 2007	June 1, 2007 – August 31, 2007
02/07	February 2007 – May 2007	February 1, 2007 – May 31, 2007
01/07	January 2007	January 1, 2007 – January 31, 2007
06/06	June 2006 – December 2006	June 1, 2006 – December 31, 2006
01/06	January 2006 - May 2006	January 1, 2006 – May 31, 2006
11/05	November 2005 – December 2005	November 1, 2005 – December 31, 2005
06/05	June 2005 – October 2005	June 1, 2005 – October 31, 2005
01/05	January 2005 – May 2005	January 1, 2005 – May 31, 2005
11/04	November 2004 – December 2004	November 1, 2004 – December 31, 2004
10/04	October 2004	October 1, 2004 – October 31, 2004
06/04	June 2004 – September 2004	June 1, 2004 – September 30, 2004
01/04	January 2004 – May 2004	January 1, 2004 – May 31, 2004
12/03	December 2003	December 1, 2003 – December 31, 2003
11/03	November 2003	November 1, 2003 – November 30, 2003
10/03	October 2003	October 1, 2003 – October 31, 2003
06/03	June 2003 – September 2003	June 1, 2003 – September 30, 2003
03/03	March 2003 – May 2003	March 1, 2003 – May 31, 2003
01/03	January 2003 – February 2003	January 1, 2003 – February 28, 2003
12/02	December 2002	December 1, 2002 – December 31, 2002
11/02	November 2002	November 1, 2002 – November 30, 2002
10/02	October 2002	October 1, 2002 – October 31, 2002
01/02	January 2002 – September 2002	January 1, 2002 – September 30, 2002
12/01	October 2001 – December 2001	October 1, 2001 – December 31, 2001

Form Number	Title	Effective Date
(3) No change.		
(4)(a) DR-700016	<u>Florida Communications Services Tax Return</u> (R. <u>01/10</u>)	_____
(b) DR-700016	<u>Florida Communications Services Tax Return</u> (R. <u>06/09 01/09</u>)	_____ <u>01/09</u>
(a) through (cc) renumbered (c) through (ee) No change.		
(5) through (12) No change.		

Rulemaking Specific Authority 175.1015(5), 185.085(5), 202.151, 202.16(2), 202.26(3)(a), (c), (d), (e), (j), 202.27(7) FS. Law Implemented 175.1015, 185.085, 202.11(3), (10), (11), 202.12(1), (3), 202.13(2), 202.151, 202.16(2), (4), 202.17(6), 202.19(1), (7), 202.22(6), 202.27, 202.28(1), (2), 202.30(3), 202.33, 202.34(3), (4)(c), 202.35(1), (2) FS. History—New 4-17-03, Amended 7-31-03, 10-1-03, 9-28-04, 6-28-05, 11-14-05, 7-16-06, 4-5-07, 11-6-07, 12-20-07, 1-28-08, 1-27-09,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Janet Young, Tax Law Specialist, Technical Assistance and Dispute Resolution, Department of Revenue, P. O. Box 7443, Tallahassee, Florida 32314-7443, telephone (850)922-9407

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Governor Charlie Crist and members of the Florida Cabinet, Attorney General Bill McCollum, Chief Financial Officer Alex Sink, and Agriculture Commissioner Charles H. Bronson, as agency head of the Department of Revenue

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 25, 2009

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: A Notice of Proposed Rule Development was published in the Florida Administrative Weekly on July 10, 2009 (Vol. 35, No. 27, pp. 3281-3282). No comments were received by the Department.

DEPARTMENT OF REVENUE

Miscellaneous Tax

RULE NO.: 12B-4.003
 RULE TITLE: Public Use Forms

PURPOSE AND EFFECT: The purpose of the proposed amendments to Rule 12B-4.003, F.A.C. (Public Use Forms), is to adopt, by reference, changes to Form DR-225 (Documentary Stamp Tax Return for Registered Taxpayers' Unrecorded Documents), used by the Department in the administration of documentary stamp tax.

SUMMARY: The proposed amendments to Rule 12B-4.003, F.A.C. (Public Use Forms), adopt, by reference, changes to Form DR-225 (Documentary Stamp Tax Return for Registered Taxpayers' Unrecorded Documents).

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

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

RULEMAKING AUTHORITY: 201.11, 213.06(1) FS.

LAW IMPLEMENTED: 201.01, 201.02(1), 201.022, 201.031(1), 201.07, 201.08(1)(a), 201.133 FS.

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

DATE AND TIME: October 13, 2009, 9:00 a.m.

PLACE: Room 118, Carlton Building, 501 S. Calhoun Street, Tallahassee, Florida

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: Larry Green at (850)922-4830. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Tim Phillips, Revenue Program Administrator I, Technical Assistance and Dispute Resolution, Department of Revenue, P. O. Box 7443, Tallahassee, Florida 32314-7443, telephone (850)922-4724

THE FULL TEXT OF THE PROPOSED RULE IS:

12B-4.003 Public Use Forms.

(1)(a) The following public-use forms and instructions are employed by the Department of Revenue in its administration of the documentary stamp tax, and are hereby incorporated in this rule by reference.

(b) Copies of these forms are available, without cost, by one or more of the following methods: 1) downloading the form from the Department's Internet site at www.myflorida.com/dor/forms; or, 2) calling the Department at (800)352-3671, Monday through Friday, 8 a.m. to 7 p.m., Eastern Time; or, 3) visiting any local Department of Revenue Service Center; or, 4) writing the Florida Department of Revenue, Distribution Center, 168A Blountstown Highway, Tallahassee, Florida 32304. Persons with hearing or speech impairments may call the Department's TDD at (800)367-8331 or (850)922-1115.

Form Number	Title	Effective Date
(2) DR-225	Documentary Stamp Tax Return for Registered Taxpayers' Unrecorded Documents (R. <u>01/10 11/07</u>)	_____ <u>01/08</u>
(3) through (4) No change.		

Rulemaking Specific Authority 201.11, 213.06(1) FS. Law Implemented 201.01, 201.02(1), 201.022, 201.031(1), 201.07, 201.08(1)(a), 201.133 FS. History—Revised 8-18-73, Formerly 12A-4.03, Amended 9-26-77, 12-11-78, Formerly 12B-4.03, Amended 12-5-89, 2-16-93, 10-20-93, 12-30-97, 5-4-03, 6-28-05, 1-1-08, 4-14-09,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Tim Phillips, Revenue Program Administrator I, Technical Assistance and Dispute Resolution, Department of Revenue, P. O. Box 7443, Tallahassee, Florida 32314-7443, telephone (850)922-4724

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Governor Charlie Crist and members of the Florida Cabinet, Attorney General Bill McCollum, Chief Financial Officer Alex Sink, and Agriculture Commissioner Charles H. Bronson, as agency head of the Department of Revenue

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 25, 2009

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: A Notice of Proposed Rule Development was published in the Florida Administrative Weekly on July 10, 2009 (Vol. 35, No. 27, p. 3282). No comments were received by the Department.

DEPARTMENT OF REVENUE

Miscellaneous Tax

RULE NO.: 12B-5.150
RULE TITLE: Public Use Forms

PURPOSE AND EFFECT: The purpose of the proposed amendments to Rule 12B-5.150, F.A.C. (Public Use Forms), is to adopt, by reference, changes to forms used by the Department in the administration of taxes imposed on fuels and pollutants.

SUMMARY: The proposed amendments to Rule 12B-5.150, F.A.C. (Public Use Forms), adopt, by reference, changes to forms used by the Department in the administration of taxes imposed on fuels and pollutants.

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

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

RULEMAKING AUTHORITY: 206.14(1), 206.59(1), 213.06(1) FS.

LAW IMPLEMENTED: 206.02, 206.021, 206.022, 206.025, 206.026, 206.027, 206.028, 206.05, 206.055, 206.095, 206.404, 206.43, 206.86, 206.877, 206.90, 206.91, 206.92, 206.9931, 206.9943 FS.

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

DATE AND TIME: October 13, 2009, 9:00 a.m.
PLACE: Room 118, Carlton Building, 501 S. Calhoun Street, Tallahassee, Florida

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: Larry Green at (850)922-4830. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Ron Gay, Tax Law Specialist, Technical Assistance and Dispute Resolution, Department of Revenue, P. O. Box 7443, Tallahassee, Florida 32314-7443, telephone (850)922-4732

THE FULL TEXT OF THE PROPOSED RULE IS:

12B-5.150 Public Use Forms.

(1)(a) The following public use forms and instructions are utilized by the Department and are hereby incorporated by reference in this rule.

(b) No change.

Form Number	Title	Effective Date
(2) DR-138	Application for Fuel Tax Refund – Agriculture, Aquacultural, Commercial Fishing or Commercial Aviation Purposes (R. <u>01/10</u> 01/09)	____ <u>04/09</u>
	(3) through (8) No change.	
(9) DR-160	Application for Fuel Tax Refund – Mass Transit System Users (R. <u>01/10</u> 01/09)	____ <u>04/09</u>
	(10) through (13) No change.	
(14) DR-182	Florida Air Carrier Fuel Tax Return (R. <u>01/10</u> 01/09)	____ <u>04/09</u>
	(15) No change.	
(16) DR-189	Application for Fuel Tax Refund – Municipalities, Counties and School Districts (R. <u>01/10</u> 01/09)	____ <u>04/09</u>
(17) DR-190	Application for Fuel Tax Refund – Non-Public Schools. (R. <u>01/10</u> 01/09)	____ <u>04/09</u>
	(18) No change.	
(19) DR-248	2010 2009 Alternative Fuel Use Permit Application, Renewal, and Decal Order Form (R. <u>11/09</u> 03/09)	____ <u>04/09</u>
(20) DR-904	Pollutants Tax Return (R. <u>01/10</u> 01/09)	____ <u>04/09</u>

- (21) DR-309631 Terminal Supplier Fuel Tax Return (R. 01/10 04/09) _____ 06/09
- (22) DR-309631N Instructions for Filing Terminal Supplier Fuel Tax Return (R. 01/10 04/09) _____ 06/09
- (23) DR-309632 Wholesaler/Importer Fuel Tax Return (R. 01/10 04/09) _____ 06/09
- (24) DR-309632N Instructions for Filing Wholesaler/Importer Fuel Tax Return (R. 01/10 04/09) _____ 06/09
- (25) DR-309633 Mass Transit System Provider Fuel Tax Return (R. 01/10 04/09) _____ 06/09
- (26) DR-309633N Instructions for Filing Mass Transit System Provider Fuel Tax Return (R. 01/10 04/09) _____ 06/09
- (27) DR-309634 Local Government User of Diesel Fuel Tax Return (R. 01/10 04/09) _____ 06/09
- (28) DR-309634N Instructions for Filing Local Government User of Diesel Fuel Tax Return (R. 01/10 04/09) _____ 06/09
- (29) DR-309635 Blender/Retailer of Alternative Fuel Tax Return (R. 01/10 04/09) _____ 06/09
- (30) DR-309635N Instructions for Filing Blender/Retailer of Alternative Fuel Tax Return (R. 01/10 04/09) _____ 06/09
- (31) DR-309636 Terminal Operator Information Return (R. 01/10 04/09) _____ 06/09
- (32) DR-309636N Instructions for Filing Terminal Operator Information Return (R. 01/10 04/09) _____ 06/09
- (33) DR-309637 Petroleum Carrier Information Return (R. 01/10 04/09) _____ 06/09
- (34) DR-309637N Instructions for Filing Petroleum Carrier Information Return (R. 01/10 04/09) _____ 06/09
- (35) DR-309638 Exporter Fuel Tax Return (R. 01/10 04/09) _____ 06/09
- (36) DR-309638N Instructions for Filing Exporter Fuel Tax Return (R. 01/10 04/09) _____ 06/09
- (37) DR-309639 Application for Refund of Tax Paid on Undyed Diesel Used for Off-Road or Other Exempt Purposes (with Instructions) (R. 01/10 03/09) _____ 04/09

- (38) DR-309640 Application for Refund of Tax Paid on Undyed Diesel Consumed by Motor Coaches During Idle Time in Florida (R. 01/10 04/09) _____ 04/09
- (39) DR-309645 2010 2009 Refundable Portion of Local Option and State Comprehensive Enhanced Transportation System (SCETS) Tax (R. 01/10 04/09) _____ 04/09

(40) through (41) No change.

Rulemaking Authority 206.14(1), 206.59(1), 213.06(1) FS. Law Implemented 206.02, 206.021, 206.022, 206.025, 206.026, 206.027, 206.028, 206.05, 206.055, 206.095, 206.404, 206.43, 206.86, 206.877, 206.90, 206.91, 206.92, 206.9931, 206.9943 FS. History-New 11-21-96, Amended 10-27-98, 5-1-06, 4-16-07, 1-1-08, 1-27-09, 4-14-09, 6-1-09, 6-1-09(5),_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Ron Gay, Tax Law Specialist, Technical Assistance and Dispute Resolution, Department of Revenue, P. O. Box 7443, Tallahassee, Florida 32314-7443, telephone (850)922-4732

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Governor Charlie Crist and members of the Florida Cabinet, Attorney General Bill McCollum, Chief Financial Officer Alex Sink, and Agriculture Commissioner Charles H. Bronson, as agency head of the Department of Revenue

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 25, 2009

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: A Notice of Proposed Rule Development was published in the Florida Administrative Weekly on July 10, 2009 (Vol. 35, No. 27, pp. 3282-3283). No comments were received by the Department.

DEPARTMENT OF REVENUE

Miscellaneous Tax

RULE NOS.:	RULE TITLES:
12B-7.004	Rate of Tax; Oil, Gas and Sulfur
12B-7.008	Public Use Forms
12B-7.026	Public Use Forms

PURPOSE AND EFFECT: Effective July 1, 2009, Section 2, Chapter 2009-139, L.O.F., imposes new tiered tax rates on oil produced by tertiary methods in Florida. The purpose of the proposed amendments to Rule 12B-7.004, F.A.C. (Rate of Tax; Oil, Gas, and Sulfur), Rule 12B-7.008, F.A.C. (Public Use Forms), and Rule 12B-7.026, F.A.C. (Public Use Forms), is to: (1) update provisions for reporting and remitting tax on oil produced by tertiary methods in Florida, as provided by Section 2, Chapter 2009-139, L.O.F.; and (2) update the tax

and surtax rate changes imposed by Sections 211.02, and 211.3101, F.S., on the production of oil and on the severance of phosphate rock in Florida.

SUMMARY: The proposed amendments to Rule 12B-7.004, F.A.C. (Rate of Tax; Oil, Gas, and Sulfur): (1) provide the tiered tax rates for oil produced by tertiary methods, as provided in Section 2, Chapter 2009-139, L.O.F.; and (2) provide an example of how to calculate the amount of tax due. The proposed amendments to Rule 12B-7.008, F.A.C. (Public Use Forms), adopt, by reference, the tax rates imposed by Chapter 2009-139, L.O.F., on the production of oil reported on Forms DR-145 and DR-145X.

The proposed amendments to Rule 12B-7.026, F.A.C. (Public Use Forms), adopt, by reference, the tax and surtax rates imposed by Section 211.3101, F.S., on the severance of phosphate rock for calendar year 2010 on Forms DR-142 and DR-142ES.

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

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

RULEMAKING AUTHORITY: 211.075(2), 211.125(1), 211.33(6), 213.06(1) FS.

LAW IMPLEMENTED: 92.525(1)(b), (2), (3), (4), 211.02, 211.025, 211.026, 211.04, 211.075, 211.076, 211.125, 211.30, 211.31, 211.3103, 211.3106, 211.33, 213.755(1) FS.

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

DATE AND TIME: October 13, 2009, 9:00 a.m.
 PLACE: Room 118, Carlton Building, 501 S. Calhoun Street, Tallahassee, Florida

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: Larry Green at (850)922-4830. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: French Brown, Senior Attorney, Technical Assistance and Dispute Resolution, Department of Revenue, P. O. Box 7443, Tallahassee, Florida 32314-7443, telephone (850)922-4708

THE FULL TEXT OF THE PROPOSED RULES IS:

PART I – TAX ON PRODUCTION OF OIL, GAS, AND SULFUR

12B-7.004 Rate of Tax; Oil, Gas and Sulfur.

(1) Oil.

(a) The amount of tax shall be measured by the value of oil produced and saved. The rate for oil shall be 8 percent of the gross value thereof at the point of production.

(b) All wells capable of producing less than 100 barrels of oil per day ~~or oil produced by tertiary methods~~ shall be taxed at the rate of 5 percent of the gross value at the point of production.

(c) Oil produced by tertiary methods shall be taxed at the following tiered rates on the gross value at the point of production:

1. 1 percent of the gross value of oil \$60 and below:

2. 7 percent of the gross value of oil above \$60 and below \$80:

3. 9 percent of the gross value of oil \$80 and above.

4. Example: 200 barrels of oil were produced that had a value of \$90.00 per barrel at the time of production. Tax is calculated as follows:

<u>First Tier:</u>	<u>200 barrels x \$60 x 1% =</u>	<u>\$120</u>
<u>Second Tier:</u>	<u>+ 200 barrels x \$20 x 7% =</u>	<u>\$280</u>
<u>Third Tier:</u>	<u>+ 200 barrels x \$10 x 9% =</u>	<u>\$180</u>
<u>Total Tax Due:</u>		<u>\$580</u>

(d)(e) No change.

(2) through (3) No change.

Rulemaking Specific Authority 211.125, 213.06(1) FS. Law Implemented 211.02, 211.025, 211.026, 211.04 FS. History–New 12-28-78, Formerly 12B-7.04, Amended 12-18-94,_____.

12B-7.008 Public Use Forms.

(1)(a) The following forms and instructions are used by the Department in its administration of the taxes imposed on the production of oil, gas, and sulfur. These forms are hereby incorporated by reference in this rule.

(b) No change.

Form Number	Title	Effective Date
(2) through (3)	No change.	
(4) DR-145	Oil Production Monthly Tax Return (R. 07/09 08/08)	____ (01/09)
(5) DR-145X	Oil Production Monthly Amended Tax Return (R. 07/09 08/08)	____ (01/09)

Rulemaking Specific Authority 211.075(2), 211.125(1), 213.06(1) FS. Law Implemented 92.525(1)(b), (2), (3), (4), 211.02, 211.026, 211.075, 211.076, 211.125, 213.755(1) FS. History–New 12-28-78, Formerly 12B-7.08, Amended 12-18-94, 5-4-03, 10-1-03, 11-6-07, 1-27-09,_____.

PART II – SEVERANCE TAX ON SOLID MINERALS

12B-7.026 Public Use Forms.

(1)(a) The following forms and instructions are used by the Department in its administration of the taxes and surcharge imposed on the severance of solid minerals, phosphate rock, or heavy minerals from the soils and waters of this state. These forms are hereby incorporated by reference in this rule.

(b) No change.

Form Number	Title	Effective Date
(2) DR-142	Solid Mineral Severance Tax Return (R. <u>01/10</u> 01/09)	_____ <u>01/09</u>
(3) DR-142ES	Declaration/Installment Payment of Estimated Solid Mineral Severance Tax (R. <u>01/10</u> 01/09)	_____ <u>01/09</u>

Rulemaking Specific Authority 211.33(6), 213.06(1) FS. Law Implemented 92.525(2), 211.30, 211.31, 211.3103, 211.3106, 211.33, 213.755(1) FS. History—New 12-18-94, Amended 10-4-01, 5-4-03, 10-1-03, 11-6-07, 1-27-09, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
French Brown, Senior Attorney, Technical Assistance and Dispute Resolution, Department of Revenue, P. O. Box 7443, Tallahassee, Florida 32314-7443, telephone (850)922-4708

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Governor Charlie Crist and members of the Florida Cabinet, Attorney General Bill McCollum, Chief Financial Officer Alex Sink, and Agriculture Commissioner Charles H. Bronson, as agency head of the Department of Revenue

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 25, 2009

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: A Notice of Proposed Rule Development was published in the Florida Administrative Weekly on July 10, 2009 (Vol. 35, No. 27, p. 3283). No comments were received by the Department.

DEPARTMENT OF REVENUE

Miscellaneous Tax

RULE NO.: 12B-8.003
RULE TITLE: Tax Statement; Overpayments

PURPOSE AND EFFECT: The purpose of the proposed amendments to Rule 12B-8.003, F.A.C. (Tax Statement; Overpayments), is to adopt, by reference, changes to forms used by the Department in the administration of the insurance premium tax.

SUMMARY: The proposed amendments to Rule 12B-8.003, F.A.C. (Tax Statement, Overpayments), adopt, by reference, changes to forms used by the Department in the administration of the insurance premium tax.

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

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

RULEMAKING AUTHORITY: 213.06(1) FS.

LAW IMPLEMENTED: 175.041, 175.101, 175.1015, 175.111, 175.121, 175.141, 175.151, 185.02, 185.03, 185.08, 185.085, 185.09, 185.10, 185.12, 185.13, 213.05, 213.053, 213.235, 213.37, 220.183, 220.19, 220.191, 252.372, 288.99, 440.51, 443.1216, 624.11, 624.402, 624.4072, 624.4094, 624.4621, 624.4625, 624.475, 624.501, 624.509, 624.5091, 624.5092, 624.50921, 624.510, 624.5105, 624.5107, 624.511, 624.515, 624.516, 624.518, 624.519, 624.520, 624.521, 624.601, 624.610, 626.7451(11), 627.311, 627.351, 627.3512, 627.357(9), 627.7711, 627.943, 628.6015, 629.401, 629.5011, 631.72, 632.626, 634.131, 634.313(2), 634.415(2), 636.066, 642.0301, 642.032, FS., Ch. 93-128, s. 29, Ch. 2005-280, L.O.F.

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

DATE AND TIME: October 13, 2009, 9:00 a.m.

PLACE: Room 118, Carlton Building, 501 S. Calhoun Street, Tallahassee, Florida

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: Larry Green at (850)922-4830. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Robert DuCasse, Revenue Program Administrator I, Technical Assistance and Dispute Resolution, Department of Revenue, P. O. Box 7443, Tallahassee, Florida 32314-7443, telephone (850)922-4111

THE FULL TEXT OF THE PROPOSED RULE IS:

12B-8.003 Tax Statement; Overpayments.

(1) Tax returns and reports shall be made by insurers on forms prescribed by the Department. These forms are hereby incorporated by reference in this rule.

(2) through (4) No change.

Form Number	Title	Effective Date
(5)(a) DR-907	Florida Insurance Premium Installment Payment (R. <u>01/10</u> 01/09)	_____ <u>01/09</u>

- (b) DR-907N Information for Filing Insurance Premium Installment Payment (Form DR-907) (R. 01/10 ~~01/09~~) _____ ~~01/09~~
- (6)(a) DR-908 Insurance Premium Taxes and Fees Return for Calendar Year 2009 ~~2008~~ (R. 01/10 ~~01/09~~) _____ ~~01/09~~
- (b) DR-908N Instructions for Preparing Form DR-908 Florida Insurance Premium Taxes and Fees Return (R. 01/10 ~~01/09~~) _____ ~~01/09~~
- (7) DR-350900 2009 ~~2008~~ Insurance Premium Tax Information for Schedules XII and XIII, DR-908 (R. 01/10 ~~01/09~~) _____ ~~01/09~~

Rulemaking Specific Authority 213.06(1) FS. Law Implemented 175.041, 175.101, 175.1015, 175.111, 175.121, 175.141, 175.151, 185.02, 185.03, 185.08, 185.085, 185.09, 185.10, 185.12, 185.13, 213.05, 213.053, 213.235, 213.37, 220.183, 220.19, 220.191, 252.372, 288.99, 440.51, 443.1216, 624.11, 624.402, 624.4072, 624.4094, 624.4621, 624.4625, 624.475, 624.501, 624.509, 624.5091, 624.5092, 624.50921, 624.510, 624.5105, 624.5107, 624.511, 624.515, 624.516, 624.518, 624.519, 624.520, 624.521, 624.601, 624.610, 626.7451(11), 627.311, 627.351, 627.3512, 627.357(9), 627.7711, 627.943, 628.6015, 629.401, 629.5011, 631.72, 632.626, 634.131, 634.313(2), 634.415(2), 636.066, 642.0301, 642.032, FS., Ch. 93-128, s. 29, Ch. 2005- 280, L.O.F. History–New 2-3-80, Formerly 12B-8.03, Amended 3-25-90, 3-10-91, 2-18-93, 6-16-94, 12-9-97, 3-23-98, 7-1-99, 10-15-01, 8-1-02, 5-4-03, 9-28-04, 6-28-05, 6-20-06, 4-5-07, 1-1-08, 1-27-09,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Robert DuCasse, Revenue Program Administrator I, Technical Assistance and Dispute Resolution, Department of Revenue, P. O. Box 7443, Tallahassee, Florida 32314-7443, telephone (850)922-4111

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Governor Charlie Crist and members of the Florida Cabinet, Attorney General Bill McCollum, Chief Financial Officer Alex Sink, and Agriculture Commissioner Charles H. Bronson, as agency head of the Department of Revenue

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 25, 2009

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: A Notice of Proposed Rule Development was published in the Florida Administrative Weekly on July 10, 2009 (Vol. 35, No. 27, pp. 3283-3284). No comments were received by the Department.

DEPARTMENT OF REVENUE

Corporate, Estate and Intangible Tax

RULE NO.: 12C-1.051
RULE TITLE: Forms

PURPOSE AND EFFECT: The purpose of the proposed amendments to Rule 12C-1.051, F.A.C. (Forms), is to adopt, by reference, changes to forms used by the Department in the administration of the corporate income tax.

SUMMARY: The proposed amendments to Rule 12C-1.051, F.A.C. (Forms), adopt, by reference, changes to forms used by the Department in the administration of the corporate income tax.

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

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

RULEMAKING AUTHORITY: 213.06(1), 220.51 FS.

LAW IMPLEMENTED: 220.11, 220.12, 220.13(1), (2), 220.14, 220.15, 220.16, 220.181, 220.182, 220.183, 220.184, 220.1845, 220.185, 220.186, 220.187, 220.1895, 220.19, 220.191, 220.21, 220.211, 220.22, 220.221, 220.222, 220.23, 220.24, 220.241, 220.31, 220.32, 220.33, 220.34, 220.41, 220.42, 220.43, 220.44, 220.51, 220.721, 220.723, 220.725, 220.737, 220.801, 220.803, 220.805, 220.807, 220.809, 221.04 FS.

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

DATE AND TIME: October 13, 2009, 9:00 a.m.

PLACE: Room 118, Carlton Building, 501 S. Calhoun Street, Tallahassee, Florida

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: Larry Green at (850)922-4830. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Robert DuCasse, Revenue Program Administrator I, Technical Assistance and Dispute Resolution, Department of Revenue, P. O. Box 7443, Tallahassee, Florida 32314-7443, telephone (850)922-4111

THE FULL TEXT OF THE PROPOSED RULE IS:

12C-1.051 Forms.

(1)(a) The following forms and instructions are used by the Department in its administration of the corporate income tax and franchise tax. These forms are hereby incorporated by reference in this rule.

(b) No change.

Form Number	Title	Effective Date
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(2) No change.

- (3) F-851 Corporate Income/Franchise and Emergency Excise Tax Affiliations Schedule (R. 01/10 ~~01/09~~) _____ ~~01/09~~
- (4)(a) F-1065 Florida Partnership Information Return (R. 01/10 ~~01/09~~) _____ ~~01/09~~
- (b) F-1065N Instructions for Preparing Form F-1065 Florida Partnership Information Return (R. 01/10 ~~01/09~~) _____ ~~01/09~~
- (5) F-1120A Florida Corporate Short Form Income Tax Return (R. 01/10 ~~01/09~~) _____ ~~01/09~~
- (6)(a) F-1120 Florida Corporate Income/ Franchise and Emergency Excise Tax Return (R. 01/10 ~~01/09~~) _____ ~~01/09~~
- (b) F-1120N F-1120 Instructions – Corporate Income/Franchise and Emergency Excise Tax Return for taxable years beginning on or after January 1, ~~2009~~ ~~2008~~ (R. 01/10 ~~01/09~~) _____ ~~01/09~~
- (7) F-1120ES Declaration/Installment of Florida Estimated Income/Franchise and Emergency Excise Tax For Taxable Year Beginning on or after January 1, ~~2010~~ ~~2009~~ (R. 01/10 ~~01/09~~) _____ ~~01/09~~
- (8)(a) F-1120X Amended Florida Corporate Income/Franchise and Emergency Excise Tax Return (R. 01/10 ~~01/09~~) _____ ~~01/09~~
- (b) F-1120XN Instructions for Preparing Form F-1120X Amended Florida Corporate Income/Franchise and Emergency Excise Tax Return (R. 01/10 ~~01/09~~) _____ ~~01/09~~
- (9) through (13) No change.
- (14) F-7004 Florida Tentative Income/Franchise and Emergency Excise Tax Return and Application for Extension of Time to File Return (R. 01/10 ~~01/09~~) _____ ~~01/09~~

Rulemaking Specific Authority 213.06(1), 220.51 FS. Law Implemented 220.11, 220.12, 220.13(1), (2), 220.14, 220.15, 220.16, 220.181, 220.182, 220.183, 220.184, 220.1845, 220.185, 220.186, 220.187, 220.1895, 220.19, 220.191, 220.21, 220.211, 220.22, 220.221, 220.222, 220.23, 220.24, 220.241, 220.31, 220.32, 220.33, 220.34, 220.41, 220.42, 220.43, 220.44, 220.51, 220.721, 220.723, 220.725, 220.737, 220.801, 220.803, 220.805, 220.807, 220.809, 221.04 FS. History—New 9-26-77, Amended 12-18-83, Formerly 12C-1.51, Amended 12-21-88, 12-31-89, 1-31-91, 4-8-92, 12-7-92, 1-3-96, 3-18-96, 3-13-00, 6-19-01, 8-1-02, 6-19-03, 3-15-04, 9-24-04, 6-28-05, 5-1-06, 4-5-07, 1-1-08, 1-27-09, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Robert DuCasse, Revenue Program Administrator I, Technical Assistance and Dispute Resolution, Department of Revenue, P. O. Box 7443, Tallahassee, Florida 32314-7443, telephone (850)922-4111

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Governor Charlie Crist and members of the Florida Cabinet, Attorney General Bill McCollum, Chief Financial Officer Alex Sink, and Agriculture Commissioner Charles H. Bronson, as agency head of the Department of Revenue

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 25, 2009

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: A Notice of Proposed Rule Development was published in the Florida Administrative Weekly on July 10, 2009 (Vol. 35, No. 27, p. 3284). No comments were received by the Department.

DEPARTMENT OF REVENUE

Corporate, Estate and Intangible Tax

RULE NO.: 12C-2.0115
 RULE TITLE: Public Use Forms

PURPOSE AND EFFECT: The purpose of the proposed amendments to Rule 12C-2.0115, F.A.C. (Public Use Forms), is to adopt, by reference, changes to the forms used by the Department in the administration of the tax on government leasehold estates to provide the 2009 Valuation Factor Table used to calculate the amount of tax due.

SUMMARY: The proposed amendments to Rule 12C-2.0115, F.A.C. (Public Use Forms), adopt, by reference, the updates to the 2009 Valuation Factor Table on the forms used by the Department in the administration of the tax on government leasehold estates.

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

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

RULEMAKING AUTHORITY: 199.202(2), 213.06(1) FS.

LAW IMPLEMENTED: 196.199(2), 199.135, 199.232, 199.292 FS.

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

DATE AND TIME: October 13, 2009, 9:00 a.m.

PLACE: Room 118, Carlton Building, 501 S. Calhoun Street, Tallahassee, Florida

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by

contacting: Larry Green at (850)922-4830. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Tim Phillips, Revenue Program Administrator I, Technical Assistance and Dispute Resolution, Department of Revenue, P. O. Box 7443, Tallahassee, Florida 32314-7443, telephone (850)922-4724

THE FULL TEXT OF THE PROPOSED RULE IS:

12C-2.0115 Public Use Forms.

(1)(a) The following public use forms and instructions are employed by the Department in its dealings with the public related to administration of the intangible tax. These forms are hereby incorporated and made a part of this rule by reference.

(b) No change.

Form Number	Title	Effective Date
(2) DR-601G	Government Leasehold Intangible Personal Property Tax Return for <u>2010</u> 2009 Tax Year (R. <u>01/10</u> 01/09)	____ <u>01/09</u>
(3) DR-602G	Governmental Leasehold Intangible Personal Property Tax Application for Extension of Time to File Return (R. <u>01/10</u> 01/09)	____ <u>01/09</u>

(4) through (5) No change.

Rulemaking Specific Authority 199.202(2), 213.06(1) FS. Law Implemented 196.199(2), 199.135, 199.232, 199.292 FS. History—New 11-21-91, Amended 1-5-94, 10-9-01, 5-4-03, 9-28-04, 6-28-05, 10-30-06, 1-28-08, 1-27-09,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Tim Phillips, Revenue Program Administrator I, Technical Assistance and Dispute Resolution, Department of Revenue, P. O. Box 7443, Tallahassee, Florida 32314-7443, telephone (850)922-4724

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Governor Charlie Crist and members of the Florida Cabinet, Attorney General Bill McCollum, Chief Financial Officer Alex Sink, and Agriculture Commissioner Charles H. Bronson, as agency head of the Department of Revenue

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 25, 2009

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: A Notice of Proposed Rule Development was published in the Florida Administrative Weekly on July 10, 2009 (Vol. 35, No. 27, p. 3284). No comments were received by the Department.

BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND

Notices for the Board of Trustees of the Internal Improvement Trust Fund between December 28, 2001 and June 30, 2006, go to <http://www.dep.state.fl.us/> under the link or button titled “Official Notices.”

WATER MANAGEMENT DISTRICTS

Southwest Florida Water Management District

RULE NO.:	RULE TITLE:
40D-4.091	Publications, Forms and Agreements Incorporated by Reference

PURPOSE AND EFFECT: To amend the District’s Environmental Resource Permit Information Manual, Part B, Basis of Review (BOR), which is incorporated by reference in Rule 40D-4.091, F.A.C. These amendments are intended to provide permit applicants with the flexibility to meet the conditions for permit issuance and prevent adverse offsite flooding impacts which may occur as a result of the construction and operation of a surface water management system. Additionally, the proposed amendments to the BOR are intended to be consistent with the methods used to establish the 100 year flood elevations in the updated floodplain maps developed for FEMA by the District.

SUMMARY: Conditions for environmental resource permit issuance in Rule 40D-4.301, F.A.C, are intended to prevent adverse offsite flooding impacts. Criteria in the BOR provide the basis for meeting the conditions for permit issuance. The BOR identifies the 100 year, 24 hour storm event as the basis for determining the 100 year floodplain and the 25 year, 24 hour storm event for comparing pre- and post-development discharge rates. In certain circumstances, higher flood elevations can occur following more frequent storm events than those specified in the Basis of Review. In those cases, it is desirable to consider other storm events of different frequency or duration to provide reasonable assurance of compliance with the conditions of issuance. The proposed amendments are intended to provide the flexibility to meet the conditions for permit issuance in those cases where basin hydraulics cause higher flood elevations to occur following more frequent storm events than those specified in the BOR.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: In general, the rule revisions clarify requirements associated with using credible and appropriate flood levels and storm events when designing and constructing projects requiring an Environmental Resource Permit. The potential additional costs to applicants include the following: cost of additional storm water modeling/analyses, cost of constructing and maintaining larger storm water management systems, and cost of dedicating additional land for the larger storm water management systems.

For a typical 40 to 100-acre project there could be additional applicant modeling cost, if required, of \$2,000. Although modeling costs may increase, additional storage may not be necessary. The SERC also details costs under a worst case scenario. Lastly, the SERC includes a sensitivity analysis performed in order to determine the extent to which soil type and increasing time of concentration affect modeling results. Changing the soil type and/or time of concentration had little, if any, impact on the amount of additional water storage required.

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

RULEMAKING AUTHORITY: 373.044, 373.046, 373.113, 373.171, 373.414 FS.

LAW IMPLEMENTED: 373.0361, 373.114, 373.171, 373.403, 373.413, 373.4135, 373.4136, 373.414, 373.4144, 373.416, 373.429, 373.441 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.West@watermatters.org or 2379 Broad Street, Brooksville, FL 34604-6899

THE FULL TEXT OF THE PROPOSED RULE IS:

40D-4.091 Publications, Forms and Agreements Incorporated by Reference.

The following documents are hereby incorporated by reference and are applicable to this chapter and Chapters 40D-40 and 40D-400, F.A.C.:

(1) Environmental Resource Permitting Information Manual Part B, Basis of Review, Environmental Resource Permit Applications within the Southwest Florida Water Management District, _____, ~~May 17, 2009~~. This document is available from the District's website at www.watermatters.org. or from the District upon request.

(2) through (6) No change.

Rulemaking Authority 373.044, 373.046, 373.113, 373.171, 373.414, F.S. Law Implemented 373.0361, 373.114, 373.171, 373.403, 373.413, 373.4135, 373.4136, 373.414, 373.4144, 373.416, 373.429, 373.441, F.S. History – New 4-2-87, Amended 3-1-88, 9-11-88, 10-1-88, 4-1-91, 11-16-92, 1-30-94, 10-3-95, 12-26-95, 5-26-96, 7-23-96, 4-17-97, 4-12-98, 7-2-98, 12-3-98, 7-28-99, 8-3-00, 9-20-00, 6-12-01, 10-11-01, 2-27-02, 7-29-02, 3-26-03, 7-23-03, 8-3-03, 3-11-04, 6-7-04, 2-1-05, 6-30-05, 10-19-05, 2-8-06, 5-2-06, 7-1-07, 9-25-07(1), 9-25-07(4), 11-26-07, 5-12-08, 5-20-08, 6-22-08, 5-12-09, 5-17-09, 8-30-09,_____.

Part B, Basis of Review
 Environmental resource Permit Applications Within The
 Southwest Florida Water Management District
 Chapter Four – Water Quantity

4.1 General.

~~This document refers to flood and drought frequency impacts interchangeably with rainfall frequency. The applicant is cautioned, however, that water resource impacts are of interest in the permit process, and that additional calculations may be necessary to identify other combinations of site conditions and rainfall frequencies which might result in impacts of the specified frequency.~~

Pursuant to the Conditions for Issuance in Rule 40D-4.301, an applicant must provide reasonable assurance that the proposed construction, alteration, operation, maintenance, removal or abandonment of a surface water management system:

- a. Will not cause adverse water quantity impacts to receiving waters and adjacent lands;
- b. Will not cause adverse flooding to on-site or off-site property;
- c. Will not cause adverse impacts to existing surface water storage and conveyance capabilities; and
- d. Will not adversely impact the maintenance of surface or ground water levels or surface water flows established pursuant to Chapter 373.042, F.S.

Utilization of the design criteria in Sections 4.2 through 4.9 shall provide reasonable assurance of compliance with these conditions for issuance unless credible historical evidence of past flooding or the physical capacity of the downstream conveyance or receiving waters indicates that the conditions for issuance will not be met without consideration of storm events of different frequency or duration. In those instances, applicants shall be required to provide additional analyses using storm events of different duration or frequency than those referenced below, or to adjust the volume, rate or timing of discharges, to provide reasonable assurance of compliance with the conditions for issuance. Pre-application meetings are encouraged for projects in flood-prone areas to determine whether additional analysis is necessary to demonstrate reasonable assurance of compliance with the conditions for issuance.

4.2 Discharge.

Off-site discharge is limited to amounts which will not cause adverse off-site impacts.

- a. For a project or portion of a project located within an open drainage basin, the allowable discharge is:

1. historic discharge, which is the peak rate at which runoff leaves a parcel of land by gravity under existing site conditions, or the legally allowable discharge at the time of permit application; or
2. amounts determined in previous District permit actions.
- b. Except as described in Section 4.1, Unless otherwise specified off-site discharges for the existing and developed conditions shall be computed using the Southwest Florida Water Management District's 24-hour, 25-year rainfall maps and the Natural Resources Conservation Service type II Florida Modified 24-hour rainfall distribution with an antecedent moisture condition II.
- c. No change.
- d. When not in conflict with the objectives of recharge, dewatering, or maintaining ground water levels, projects serviced by a permitted or approved regional surface water management system may discharge storm water runoff at the rate and volume established by the agency operating the regional storm water system. The permittee must provide written verification from the operating agency stating the acceptable rate and volume of storm water runoff from the project. ~~The District permit will, by condition, indicate that a waiver from the District surface water rule criteria has been granted.~~
- e. In no case shall the proposed surface water management system be required to account for storm events less frequent than the 25 year event in an open basin or the 100 year event in a closed basin.

4.3 Flood Protection.

Flood protection for structures should be provided as follows ~~(Flood elevations should be determined from the most appropriate information available, including Federal Flood Insurance Rate Maps):~~

- a. Residential buildings should have the lowest floor elevated above the 100 year flood elevation for that site.
- b. Industrial, commercial or other non-residential buildings susceptible to flood damage should have the lowest floor elevated above the 100 year flood elevation or be designed and constructed so that below the 100 year flood elevation the structure and attendant utility facilities are watertight and capable of resisting the effects of the regulatory flood. The design should take into account flood velocities, duration, rate of rise, hydrostatic and hydrodynamic forces, the effect of buoyancy and impacts from

debris. Flood proofing measures should be operable without human intervention and without an outside source of electricity.

4.4 Flood plain Encroachment.

No net encroachment into the flood plain, up to that encompassed by the 100 year event, which will adversely ~~effect~~ affect either conveyance, storage, water quality or adjacent lands will be allowed. Any required compensating storage shall be equivalently provided between the seasonal high water level and the 100 year flood level to allow storage function during all lesser flood events.

4.4.1 100 Year Flood Level Determination.

a. Flood elevations shall be determined using the most accurate information available, which can include:

1. Actual data, including water level, stream flow and rainfall records, or
2. Hydrologic/hydraulic modeling, or
3. Federal Flood Insurance Rate Maps and supporting flood study data.
4. Floodplain analysis studies approved by the District Governing Board.

b. Flood elevations shall be evaluated for accuracy considering the extent to which flood elevations are validated by site specific data.

c. The 24 hour, 100 year storm shall be used to determine the 100 year flood elevation except in those circumstances where credible historical evidence exists that higher flood stages have occurred, and can be expected to re-occur, following more frequent storm events. In those cases, the 100 year flood elevation shall be determined using a 100 year storm of sufficient duration to exceed the flood stages observed following more frequent events.

4.5 through 4.9 No change.

Chapter Seven – Design Information

7.1 No change.

7.2 Rainfall Volume.

The ~~Southwest Florida Water Management District's 24-hour, 25-year and 100-year~~ rainfall isohyetal maps in Part D will be used to determine rainfall amounts.

7.3 Rainfall Distribution.

The Natural Resource Soil Conservation Service Type II Florida Modified 24-hour rainfall distribution will be used unless the applicant demonstrates that a different distribution better characterizes the actual rainfall distribution based on rainfall record.

7.4 through 7.8.1 No change.

NAME OF PERSON ORIGINATING PROPOSED RULE:
 Karen E. West, Deputy General Counsel
 NAME OF AGENCY HEAD WHO APPROVED THE
 PROPOSED RULE: Southwest Florida Water Management
 District Governing Board
 DATE PROPOSED RULE APPROVED BY AGENCY
 HEAD: July 28, 2009
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT
 PUBLISHED IN FAW: September 11, 2009

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Notices for the Department of Environmental Protection between December 28, 2001 and June 30, 2006, go to <http://www.dep.state.fl.us/> under the link or button titled "Official Notices."

DEPARTMENT OF ENVIRONMENTAL PROTECTION

RULE NOS.:	RULE TITLES:
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62-701.210	Documents Incorporated by Reference
62-701.220	General Applicability
62-701.300	Prohibitions
62-701.310	Approval of Alternate Procedures and Requirements
62-701.315	Permit Fees for Solid Waste Management Facilities
62-701.320	Solid Waste Management Facility Permit Requirements, General
62-701.330	Landfill Permit Requirements
62-701.340	General Criteria for Landfills
62-701.400	Landfill Construction Requirements
62-701.410	Hydrogeological and Geotechnical Investigation Requirements
62-701.430	Vertical Expansion of Landfills
62-701.500	Landfill Operation Requirements
62-701.510	Water Quality and Leachate Monitoring Requirements
62-701.520	Special Waste Handling
62-701.530	Gas Management Systems
62-701.600	Landfill Final Closure
62-701.610	Other Closure Procedures
62-701.620	Long-Term Care
62-701.630	Financial Assurance
62-701.710	Waste Processing Facilities
62-701.730	Construction and Demolition Debris Disposal and Recycling
62-701.803	General Permit for Off-site Disposal of Land Clearing Debris
62-701.900	Forms

PURPOSE AND EFFECT: The Department is proposing to amend Chapter 62-701, Florida Administrative Code (F.A.C.), which contains regulations for a wide variety of solid waste facilities including landfills, construction and demolition (C&D) debris disposal facilities and waste processing facilities. This chapter was substantially revised on May 21, 2001. Since that time, technologies have progressed and statutes have been changed making it apparent that an update of the entire chapter was necessary. Furthermore, new research has shown that arsenic may leach from wood treated with chromated copper arsenate (CCA) at concentrations above the Department's groundwater standard. Since most of this wood is currently disposed of in unlined facilities in Florida, the Department has concluded that Florida's groundwater may be at risk. It is clear that better management practices are needed.

SUMMARY: Rule 62-701.200 Definitions - Some new definitions have been added, including CCA treated wood, reasonable assurance, recovered screen material and unauthorized waste. Some definitions were relocated into this rule from other parts of the chapter. The definition of construction and demolition debris was updated to be consistent with recent changes to the statutes. In addition, other definitions were added for a variety of technical terms that are used in the chapter or deleted because they were either obsolete or are being transferred to other chapters.

Rule 62-701.220 General Applicability – The exemption for industrial byproducts has been updated to be consistent with recent changes in the statutes. The exemption for beneficially using road construction debris in the construction of other roads has been extended to include street sweepings, ditch scrapings, shoulder scrapings and catch basin sediments provided these materials are not contaminated.

Rule 62-701.300 Prohibitions – The prohibition on disposal of solid waste in water bodies is being clarified to exclude areas of standing water that exist only after storm events. The prohibition of storage or disposal of solid waste within 1000 feet of a community water supply well has been deleted to be consistent with the Department's well head protection rule. The prohibition of storage or disposal of solid waste within 500 feet of an existing potable well is retained. The prohibition for disposing of yard trash in a Class I landfill is updated to be consistent with recent changes in the statutes. A prohibition on making CCA treated wood into mulch or disposing of it by burning is added.

Rule 62-701.315 Permit Fees for Solid Waste Management Facilities – Fees have been updated to be more consistent with the types of facilities currently regulated. Fees have not generally been increased to reflect changes to the Consumer Price Index. This will be done at a future rulemaking.

Rule 62-701.320 Solid Waste Management Facility Permit Requirements – The method for collecting latitude and longitude data has been clarified. Construction/operation permits may be issued for longer than five years, but not to

exceed ten years, to allow for up to five years of operation after completion of the initial construction. The construction certification requirements and the requirements for maintaining financial assurance during permit transfers have been clarified. Language has been added to make it clear that waste spotters may be located on operation equipment rather than on the ground, provided that the facility's operation plan clearly identifies the methods to be used to inspect for unauthorized waste. Language on emergency preparedness and response has been added to clarify the requirements for emergencies such as fires or natural disasters.

Rule 62-701.340 General Criteria for Landfills – Unlined Class III landfills are required to develop and implement a CCA treated wood plan.

Rule 62-701.400 Landfill Construction Requirements – A variety of technical changes have been made to this rule including the following key provisions:

- Slope and foundation stability designs are required to use a factor of safety of 1.5.
- For Class III landfills that do not qualify for the liner exemption, a minimum liner system design consisting of a single geomembrane is added, with sumps and leachate collection trenches being required to have a composite liner. The leachate collection system shall be designed for a head not greater than 12 inches.
- Minimum slopes for the leachate collection system of 1.0 percent and 0.3 percent after predicted settlement have been added to the design requirements.
- Language is added to be clear that a destructive test of a geomembrane seam is required every 500 feet of seam unless test methods such as electrical leak location surveys are used. In that case, destructive tests can be conducted every 1000 feet of seam.

Rule 62-701.410 Hydrological and Geotechnical Investigation Requirements – Language is added to make it clear that professional geologists are allowed to conduct parts of the geotechnical site investigation they are qualified to perform. They will be required to sign and seal those portions of the geotechnical report.

Rule 62-701.500 Landfill Operation Requirements – The waste quantity reporting requirements have been changed from quarterly to annually, and the types of waste to report have been clarified. Temporary storage requirements for management of unauthorized wastes inadvertently received at the facility are added.

Rule 62-701.510 Water Quality and Leachate Monitoring Requirements – A variety of changes have been made to this rule including the following key provisions:

- The applicability language has been clarified to apply to all operation and closure permit applications, not just construction. Some provisions do not apply to disposal units in operation prior to January 6, 1993.

- Monitoring requirements for Class II landfills have been removed to be consistent with recent statutory changes to Chapter 403, F.S.

- Additional standards for monitoring well construction are referenced in the rule (ASTM D5092).

- Clarification is added that initial ground water quality sampling will be required for any newly installed monitoring well unless it is merely replacing an existing well.

- If only iron, aluminum, manganese, sulfated or total dissolved solids are detected in the detection wells in concentrations above background or standards, then only these parameters need to be monitored during evaluation monitoring.

- Specifies that Chapter 62-780, F.A.C. must be used to conduct corrective actions for water quality violations at solid waste management facilities, and clarifies which parts of that Chapter are applicable at permitted facilities.

- A change is made to require water quality data be submitted to the Department in an electronic format unless an alternate form of submittal is specified in the permit.

Rule 62-701.520 Special Waste Handling – Clarified the use of contaminated soils as cover at permitted landfills. Allows dead captive wildlife and disease-free dead domestic animals to be buried on-site or disposed of at Class I landfills.

Rule 62-701.530 Gas Management Plan – The odor remediation plan language has been strengthened to require immediate steps be taken when objectionable odors are confirmed off-site, such as increasing initial cover, reducing the size of the working face or ceasing operations. These changes also require conducting routine odor monitoring to evaluate the effectiveness of the odor remediation plan.

Rule 62-701.600 Landfill Final Closure – Updates the applicability language and deletes other language that is obsolete, such as the requirements for a closure schedule and a closure report. New language is added to require the closure be conducted in accordance with the closure plan. Language from other rule sections has been relocated into this section to improve the organization. These parts include the certification of closure construction, survey monuments, final survey report, and declaration to the public and official date of closing requirements.

Rule 62-701.620 Long-Term Care – Changes to this rule make it clear that long-term care (LTC) also includes controlling erosion, filling subsidence areas, complying with the ground water monitoring plan and maintaining the stormwater system. Clarification is also provided to explain what an "ineffective" closure means if the Department decides to extend the LTC period because it has determined the closure is ineffective. New language requires the submission of a stabilization report every five years to evaluate the effectiveness of the closure during the LTC period. Obsolete language on successors in interest has been deleted. The permit transfer language is deleted because it is addressed in Rule 62-701.320, F.A.C.

Rule 62-701.630 Financial Assurance – A variety of changes have been made to this rule including the following key provisions:

- Language is added to make it clear that the name on the financial assurance document must be the same as the permit applicant.
- A new provision is added to allow the permittee to delay submitting proof of financial assurance for a solid waste disposal unit that has not received any waste provided certain requirements are followed. Proof must be submitted at least 60 days prior to receiving waste.
- Clarification is added that if LTC is extended because the permittee has failed to perform the required monitoring and maintenance, then financial assurance can also be extended to the length of the LTC period.

Rule 62-701.710 Waste Processing Facilities – The applicability section of this rule is revised to make it clearer which facilities are considered waste processing facilities. Facilities used for temporary storage of road maintenance byproducts such as street sweepings, ditch and shoulder scrapings and catch basin sediments are exempted from the need to get a waste processing facility permit provided certain requirements are satisfied. Waste processing facilities are required to develop and implement a CCA treated wood plan. Creates a new permit exemption for small transfer stations that consolidate C&D waste from small containers into large containers.

Rule 62-701.730 Construction and Demolition Debris Disposal and Recycling – A variety of changes have been made to this rule including the following key provisions:

- The applicability language has been updated and obsolete provisions deleted.
- The applicant will now be required to specify the following in the permit application: final design height; maximum facility height during operation; documentation addressing disposal, if any, in a 100-year flood plain; 100-foot setback for above ground facilities; procedures for an emergency preparedness plan; and a management plan for CCA treated wood.
- If the facility installs a liner system, the minimum requirements for this system are provided. It shall consist of a single geomembrane, with sumps and leachate collection trenches being required to have a composite liner. The leachate collection system shall be designed for a head not greater than 12 inches.
- The operation plan requirements are modified to include: waste lift depths no greater than 10 unless approved by the Department; external slopes no greater than 3 to 1; and, internal slopes no greater than 3 to 1 unless approved by the Department.
- Above ground disposal units will be required to control the flow of stormwater off the disposal unit at closure by using techniques such as reverse sloping benches and down slope drainage ways.

- Requirements are added for delaying final closure of a site for up to five years provided certain provisions are satisfied.
- The requirement for a declaration to the public at closure is added to the rule. This will help identify locations of these sites in the future after they are closed.
- Clarification is added that the owner must maintain the site during the LTC period and that failure to do so may result in the Department extending the LTC period.
- The requirements for financial assurance of these facilities is clarified, including adding the provision that the permittee may delay submitting proof of financial assurance for a solid waste disposal unit that has not received any waste provided certain conditions are followed. Proof must be submitted at least 60 days prior to receiving waste.
- Clarification is added that if LTC is extended because the permittee has failed to perform the required monitoring and maintenance, then financial assurance can also be extended to the length of the LTC period.

– Unlined C&D disposal facilities are required to develop and implement a CCA treated wood plan. The plan must be designed to minimize the amount of CCA treated wood that is delivered to the facility, and must describe procedures the operator will use to make a reasonable effort to separate any CCA treated wood from other wastes at the facility.

Rule 62-701.803 General Permit for Off-site Disposal of Land Clearing Debris – Clarifies that land clearing debris includes yard trash to be consistent with recent statutory changes to Chapter 403, F.S. Adds requirements that the owner construct the facility in accordance with the site plan and operate it as identified in the notification. New language requires that external slopes be no greater than 3 to 1, and, internal slopes be no greater than 3 to 1 unless approved by the Department. These facilities will also be required to operate so they control objectionable odors.

Rule 62-701.900 Forms – This rule is updated to reflect the changes that are being made to the forms. Some forms are deleted because they have been moved to other rules, others have been added that will now be required by this rule.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: The agency has determined that this rule will have an impact on small business. A SERC has been prepared by the agency.

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

RULEMAKING AUTHORITY: 403.061, 403.087, 403.0877, 403.704, 403.716, 403.814 FS.

LAW IMPLEMENTED: 403.021, 403.061, 403.087, 403.702-.7193, 403.75-.769, 403.814 FS.

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

DATE AND TIME: October 15, 2009, 9:00 a.m.

PLACE: 3900 Commonwealth Boulevard, Conference Room A, Tallahassee, Florida

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Kay Buchanan, (850)245-2293. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Richard Tedder, 2600 Blair Stone Road, MS 4565, Tallahassee, FL 32399-2400, telephone (850)245-8735

THE FULL TEXT OF THE PROPOSED RULES IS:

SOLID WASTE MANAGEMENT FACILITIES

62-701.100 Intent.

The intent of Chapters 62-701 through 62-722, F.A.C., is to establish standards for the construction, operation, and closure of solid waste management facilities to minimize their threat to public health and the environment; to provide for the safe handling, storage, disposal, or beneficial use of ash residue from the combustion of solid waste; to establish a procedure for the examination and certification of resource recovery equipment to implement the tax exemptions provided by Section 212.08(7)(q), F.S., and subsection 12A-1.001(20), F.A.C.; to regulate the production and use of compost made from solid waste; to establish a comprehensive program for the proper management and recycling of used oil; to regulate waste tire storage, collection, transport, processing, recycling, reuse, and disposal; to establish procedures for disbursement of grants for solid waste management recycling and education grants, small county grants, and waste tire grants, litter control and prevention grants, and small county landfill closure grants to local governments for recycling and solid waste education; to provide a uniform procedure by which certain persons in this state who handle, purchase, receive, recover, sell or are end users of recovered materials shall be certified by and report to the Department and register with and report to certain local governments; and to implement the provisions of the Florida Solid Waste Management Act, Sections 403.702-403.7193 and 403.75-403.769, Florida Statutes.

Rulemaking Specific Authority 403.061, 403.704 FS. Law Implemented 403.021, 403.061, 403.087, 403.702-.7193, 403.75-.769 FS. History—New 1-6-93, Formerly 17-701.100, Amended 12-23-96, 5-27-01,_____.

62-701.200 Definitions.

The following words, phrases or terms as used in Chapters 62-701 through 62-722, F.A.C., unless the context indicates otherwise, shall have the following meaning:

(1) “Active life” means the operating life of a facility as estimated in the permit application, but does not include the long-term care period.

~~(2)(4)~~ No change.

~~(3)(2)~~ “Airport” means any area of land or water, or any manmade object or facility located thereon, which is used, or intended for use, for the landing and takeoff of aircraft, and any appurtenant areas that which are used, or intended for use, for airport buildings or other airport facilities or rights-of-way, together with all airport buildings and facilities located thereon.

~~(4)(3)~~ No change.

(4) through (6) renumbered (5) through (7) No change.

~~(7) “Backyard composting” means the composting of organic solid waste, such as grass clippings, leaves or food waste, generated by a homeowner or tenant of a single or multi-family residential unit or an apartment complex unit, where composting occurs at that dwelling unit.~~

(8) No change.

(9) “Biological waste” means solid waste that causes or has the capability of causing disease or infection and includes biomedical waste, animals that which died from disease, and other wastes capable of transmitting pathogens to humans or animals. The term does not include human remains that are disposed of by persons licensed under Chapter 470, F.S.

(10) No change.

(11) “CCA treated wood” means lumber, timber, or plywood treated with chromated copper arsenate. This term does not include utility poles unless they have been ground, chipped, or shredded. ~~“Bulky wastes” means items whose large size or weight precludes or complicates their handling by normal collection, processing, or disposal methods.~~

(12) “Cell” means a volume of solid waste received since the last previous application of initial cover. The compacted waste and subsequent initial cover constitute a cell that which usually contains wastes deposited in one day.

(13) “Class I waste” means solid waste that which is not hazardous waste, and that which is not prohibited from disposal in a lined landfill under Rule 62-701.300, F.A.C.

(14) “Class III waste” means yard trash, construction and demolition debris, processed tires, asbestos, carpet, cardboard, paper, glass, plastic, furniture other than appliances, or other materials approved by the Department, that are not expected to produce leachate that which poses a threat to public health or the environment.

(15) “Clean debris” means any solid waste that which is virtually inert, which is not a pollution threat to ground water or surface waters, is not a fire hazard, and is likely to retain its physical and chemical structure under expected conditions of disposal or use. The term includes brick, glass, ceramics, and uncontaminated concrete including embedded pipe or steel.

(16) "Clean wood" means wood, including lumber, tree and shrub trunks, branches, and limbs, which is free of paint, glue, filler, pentachlorophenol, creosote, tar, asphalt, chromated copper arsenate, other wood preservatives or treatments.

(17) through (20) No change.

(21) "Combustion" means the treatment of solid waste in a device that uses heat as the primary means to change the chemical, physical, or biological character or composition of the waste. Combustion processes include incineration, gasification, and pyrolysis.

(22) No change.

~~(23) "Compost" means solid waste which has undergone biological decomposition of organic matter, and has been disinfected using composting or similar technologies, and has been stabilized to a degree which is potentially beneficial to plant growth and which is used or sold for use as a soil amendment, artificial top soil, growing medium amendment or other similar uses.~~

~~(24) "Composting" means the process by which biological decomposition of organic solid waste is carried out under controlled aerobic conditions, and which stabilizes the organic fraction into a material which can easily and safely be stored, handled and used in an environmentally acceptable manner. The presence of anaerobic zones within the composting material will not cause the process to be classified as other than composting.~~

~~(25) "Composting facility" means a solid waste management facility where solid waste is processed using composting technology. Processing may include physical turning, windrowing, aeration or other mechanical handling of organic matter.~~

~~(23)(26) "Composite liner" means a liner comprised of a geomembrane, that which is underlain and in direct contact with a soil component.~~

~~(24)(27) "Construction and demolition debris" means discarded materials generally considered to be not water soluble and non-hazardous in nature, including but not limited to steel, glass, brick, concrete, asphalt material, pipe, gypsum wallboard, and lumber, from the construction or destruction of a structure as part of a construction or demolition project or from the renovation of a structure, including such debris from construction of structures at a site remote from the construction or demolition project site. The term includes rocks, soils, tree remains, trees, and other vegetative matter that which normally results from land clearing or land development operations for a construction project; clean cardboard, paper, plastic, wood, and metal scraps from a construction project; effective January 1, 1997, except as provided in Section 403.707(9)(12)(j), F.S., yard trash and unpainted, non-treated wood scraps from sources other than construction or demolition projects; scrap from manufacturing facilities that is the type of material generally used in construction projects and that would meet the~~

definition of construction and demolition debris if it were generated as part of a construction or demolition project, including debris from the construction of manufactured homes and scrap shingles, wallboard, siding concrete, and similar materials from industrial or commercial facilities; facilities manufacturing materials used for construction of structures or their components and unpainted, non-treated wood pallets provided the wood scraps and pallets are separated from other solid waste where generated and the generator of such wood scraps or pallets implements reasonable practices of the generating industry to minimize the commingling of wood scraps or pallets with other solid waste; and de minimis amounts of other non-hazardous wastes that are generated at construction or demolition projects, provided such amounts are consistent with best management practices of the construction and demolition industries. Mixing of construction and demolition debris with other types of solid waste will cause it to be classified as other than construction and demolition debris.

~~(25)(28) No change.~~

~~(29) "Curing area" means an area where organic material that has undergone the rapid initial stage of composting is further stabilized into a humus-like material.~~

(30) through (32) renumbered (26) through (29) No change.

~~(33) "Disease vectors" means any rodents, flies, mosquitoes, or other animals, including insects, capable of transmitting disease to humans.~~

~~(34) "Disinfection" means, as relates to composting, the selective destruction of pathogens indicated by a reduction in indicator organisms to less than or equal to 100 fecal coliform most probable number per gram of volatile suspended solids where the organic solid waste was maintained at or above 55 degrees Celsius for three consecutive days in a mechanical composter or in an aerated, insulated static pile, or for 15 consecutive days in an aerated windrow with at least one turning or a non-aerated windrow with at least four turnings of the windrow.~~

(35) through (39) renumbered (29) through (33) No change.

~~(40) "Foreign matter" means the inorganic and organic constituents in a solid waste stream that are not readily decomposed and that may be present in the compost. For purposes of Chapter 62-709, F.A.C., foreign matter is metals, glass, plastics, rubber, bones, and leather, but does not include sand, grit, rocks or other similar materials.~~

~~(34)(41) No change.~~

~~(35)(42) "Gas condensate" means the liquid generated as a result of gas recovery processes at a solid waste management facility landfill.~~

(43) through (49) renumbered (36) through (42) No change.

~~(43)(50)~~ “Geosynthetic clay liner” (GCL) means a low-permeability manufactured material consisting of a layer of low permeability clay placed between two geotextiles.

(51) through (54) renumbered (44) through (47) No change.

~~(48)~~ “HDPE” means high density polyethylene.

~~(49)(55)~~ No change.

~~(50)(56)~~ “Indoor” means within a structure ~~that which~~ excludes rain and public access and would control air flows in the event of a fire.

~~(51)(57)~~ “Industrial byproducts” means those materials ~~that which~~ have a demonstrated recycling potential, can be feasibly recycled, and have been diverted or removed from the solid waste stream for sale, use, or reuse. The term does not include any materials ~~that which~~ are defined as recovered materials; a mixed waste stream that is processed to remove recyclable materials; or materials the recycling or use of which is specifically addressed in Department rules, such as construction and demolition debris, ash residue, waste tires, used oil, and compost. Industrial byproducts are regulated as solid waste unless otherwise exempted under paragraph 62-701.220(2)(d), F.A.C.

~~(52)(58)~~ No change.

~~(53)(59)~~ “Initial cover” means a 6-inch layer of compacted earth; used to cover an area of solid waste before placement of additional waste, intermediate cover, or final cover. The term also includes other material or thickness, approved by the Department, that minimizes ~~disease~~ vector breeding, animal attraction, and ~~moisture infiltration~~, minimizes fire potential, prevents blowing litter, controls odors, and improves landfill appearance.

(60) through (61) renumbered (54) through (55) No change.

~~(56)(62)~~ “Land clearing debris” means rocks, soils, tree remains, trees, and other vegetative matter ~~that which~~ normally results from land clearing or land development operations for a construction project. Land clearing debris does not include vegetative matter from lawn maintenance, commercial or residential landscape maintenance, right-of-way or easement maintenance, farming operations, nursery operations, or any other sources not related directly to a construction project.

~~(63)~~ “Land reclamation” means ~~the restoration of productivity to lands made barren through processes such as erosion, mining or land clearing~~.

(64) through (68) renumbered (57) through (61) No change.

~~(62)(69)~~ “Lined landfill” means a landfill constructed with a liner made of synthetic materials, low-permeability soils, or a combination of these materials, ~~that which~~ has been permitted by the Department, and ~~that which~~ met the Department’s landfill design criteria specified in this chapter or previous versions of this chapter at the time of permitting.

(70) through (72) renumbered (63) through (65) No change.

~~(66)~~ “LLDPE” means linear low density polyethylene.

~~(67)(73)~~ No change.

~~(68)(74)~~ “Lower explosive limit” means the lowest percent by volume of a mixture of explosive gases ~~that which~~ will propagate a flame in air at a temperature of 25 degrees Celsius and atmospheric pressure.

(75) through (77) renumbered (69) through (71) No change.

~~(78)~~ “Mesophilic stage” means ~~a biological stage in the composting process characterized by active bacteria which favor a moderate temperature range of 20-45 degrees Celsius. It occurs later in a composting process after the thermophilic stage and is associated with a moderate rate of decomposition~~.

(79) through (82) renumbered (72) through (75) No change.

~~(76)(83)~~ “Normal farming operations” means the customary and generally accepted activities, practices, and procedures that farmers adopt, use, or engage in during the production and preparation for market of poultry, livestock, and associated farm products; and in the production, harvesting, or packaging of agricultural crops which include agronomic, horticultural, and silvicultural crops. Included are the management, collection, storage, composting, transportation, and utilization of organic agricultural waste, manure, and materials solely derived from agricultural crops. A facility regulated as an Animal Feeding Operation pursuant to Chapter 62-670, F.A.C., that manages its manure on-site will be considered to be engaging in normal farming operations.

~~(77)(84)~~ No change.

~~(78)(85)~~ “Oily wastes” has the meaning given that term in Rule 62-710.201, F.A.C means those materials which are mixed with used oil and have become separated from that used oil. Oily wastes also means materials, including wastewaters, centrifuge solids, filter residues or sludges, bottom sediments, tank bottoms, and sorbents which have come into contact with, and have been contaminated by, used oil.

~~(79)(86)~~ No change.

~~(80)(87)~~ “On-site” means on the same or geographically contiguous property, which may be divided by a public or private right-of-way. It does not include two or more parcels of land more than a mile apart ~~that which~~ are connected only by a public or private right-of-way.

(88) through (92) renumbered (81) through (85) No change.

~~(86)(93)~~ “Potable water well” means any excavation that is drilled or bored, or converted from non-potable water use, when the intended use of such excavation is for the location and acquisition of ground water ~~that which~~ supplies water for human consumption.

~~(87)(94)~~ No change.

~~(88)(95)~~ “Processing” means any technique designed to change the physical, chemical, or biological character or composition of any solid waste so as to render it safe for transport; amenable to recovery, storage or recycling; safe for disposal; or reduced in volume or concentration. ~~As regards used oil, the term means chemical or physical operations designed to produce from used oil, or to make used oil more amenable for production of, fuel oils, lubricants, or other used oil derived products. Processing includes blending used oil with virgin petroleum products, blending used oils to meet the fuel specifications, filtration, simple distillation, chemical or physical separation and re-refining.~~

~~(89)(96)~~ “Professional engineer” means an engineer licensed ~~registered~~ in the State of Florida in accordance with Chapter 471, F.S.

~~(90)(97)~~ “Professional geologist” means a geologist licensed ~~registered~~ in the State of Florida in accordance with Chapter 492, F.S.

~~(98)~~ “Public used oil collection center” means:

~~(a) An automotive service facility or government sponsored collection facility which accepts for disposal small quantities of used oil from households; or~~

~~(b) A facility which stores used oil in aboveground tanks, and which accepts small quantities of used oil from households.~~

~~(91)(99)~~ “Putrescible waste” means solid waste that which contains organic matter capable of being decomposed by microorganisms and of such a character and proportion as to be capable of attracting or providing food for birds. The term does not include uncontaminated yard trash or clean wood.

(100) through (101) renumbered (92) through (93) No change.

~~(94)~~ “Reasonable assurance” means the existence of a substantial likelihood, although not an absolute guarantee, that the proposed activity and applicant will comply with agency rules, laws, orders and permit conditions. It does not mean proof that a facility will not fail.

(102) through (103) renumbered (95) through (96) No change.

~~(97)~~ “Recovered screen material” means the fines fraction, consisting of soil and other small materials, derived from the processing or recycling of construction and demolition debris which passes through a final screen size no greater than 3/4 of an inch.

(104) through (112) renumbered (98) through (106) No change.

~~(107)(113)~~ “Solid waste” means: sludge that is not regulated ~~unregulated~~ under the federal Clean Water Act or Clean Air Act, as well as; sludge from a waste treatment works, water supply treatment plant, or air pollution control facility; or garbage, rubbish, refuse, special waste, or other discarded material, including solid, liquid, semi-solid, or contained gaseous material resulting from domestic, industrial,

commercial, mining, agricultural, or governmental operations. Materials not regulated as solid waste pursuant to this chapter are: recovered materials; nuclear source or byproduct materials regulated under Chapter 404, F.S., or under the Federal Atomic Energy Act of 1954 as amended; suspended or dissolved materials in domestic sewage effluent or irrigation return flows, or other regulated point source discharges; regulated air emissions; and fluids or wastes associated with natural gas or crude oil exploration or production.

~~(108)(114)~~ “Solid waste combustor” means an enclosed device that uses controlled combustion, the primary purpose of which is to thermally break down solid, liquid, or gaseous combustible solid wastes to an ash residue that contains little or no combustible material. A solid waste combustor specifically includes any facility that uses incineration, gasification, or pyrolysis to break down solid waste.

(115) through (116) renumbered (109) through (110) No change.

~~(111)(117)~~ “Solid waste management” means the process by which solid waste is collected, transported, stored, separated, processed, or disposed of in any other way, according to an orderly, purposeful, and planned program which includes closure ~~and long-term maintenance.~~

~~(112)(118)~~ “Solid waste management facility” means any solid waste disposal area, ~~volume reduction plant,~~ transfer station, materials recovery facility, or other facility, the purpose of which is resource recovery or the disposal, recycling, processing, or storage of solid waste. The term does not include recovered materials processing facilities which meet the requirements of paragraph 62-701.220(2)(c), F.A.C., except the portion of such facilities, if any, that is used for the management of solid waste.

~~(113)(119)~~ No change.

~~(114)(120)~~ “Stabilized” means that biological and chemical decomposition of the wastes has ceased or diminished to a level so that such decomposition no longer poses a pollution, health, or safety hazard. ~~As regards composting, the term means that the compost has at least passed through the thermophilic stage, and that biological decomposition of the solid waste has occurred to a sufficient degree that will allow beneficial use.~~

(115)(121) No change.

~~(122)~~ “Thermophilic stage” means a biological stage in the composting process characterized by active bacteria which favor a high temperature range of 45–75 degrees Celsius. It occurs early in a composting process before the mesophilic stage and is associated with a high rate of decomposition.

(123) through (125) renumbered (116) through (118) No change.

~~(119)(126)~~ “Ton” means a short ton, 2000 pounds (0.9078 metric tons).

~~(120)~~(127) “Transfer station” means a facility the primary purpose of which is to store or hold solid waste for transport to a processing or disposal facility. Operations at such facilities may include separation of incidental amounts of recyclable materials or unauthorized waste.

(121) “Unauthorized waste” means any type of waste that is not allowed to be accepted or managed at a solid waste management facility in accordance with rule or statutory requirements or permit conditions.

~~(128) “Unlined landfill” means a landfill which does not have a bottom liner system which was approved by the Department as part of a construction permit, or which has a bottom liner system which does not or did not meet the Department’s landfill design criteria specified in this chapter or in previous versions of this chapter at the time of construction. This term includes landfills underlain by only in-situ soils unless these soils have been tested and approved by the Department as part of a construction permit.~~

(122)(129) “Used oil” has the meaning given that term in Rule 62-710.201, F.A.C means any oil which has been refined from crude oil or synthetic oil and, as a result of use, storage, or handling, has become contaminated and unsuitable for its original purpose due to the presence of physical or chemical impurities or loss of original properties.

(130) through (131) renumbered (123) through (124) No change.

~~(125)~~(132) “Vector” means, as regards compost, a carrier organism that is capable of transmitting a pathogen from one organism to another.

~~(133) “Volume reduction plant” means an incinerator, pulverizer, compactor, shredding and baling plant, composting plant, or other plant which accepts and processes solid waste for recycling or disposal.~~

(126)(134) “Waste tire” means a tire that has been removed from a motor vehicle and has not been retreaded or regrooved. The term “Waste tire” includes used tires and processed tires, but does not include solid rubber tires and tires that are inseparable from the rim.

(135) through (136) renumbered (127) through (128) No change.

~~(129)(137) “Waste tire processing facility” means a site where equipment is used to treat waste tires mechanically, chemically, or thermally so that the resulting material is a marketable product or is suitable for proper disposal recapture reusable byproducts from waste tires or to cut, burn, or otherwise alter waste tires so that they are no longer whole. The term includes mobile waste tire processing equipment.~~

(138) through (141) renumbered (130) through (133) No change.

(134)(142) “Working face” means that portion of a solid waste disposal unit landfill where waste is deposited, spread, and compacted before placement of initial cover.

~~(135)(143) “Yard trash” means vegetative matter resulting from landscaping maintenance or land clearing operations and includes materials such as tree and shrub trimmings, grass clippings, palm fronds, trees and tree stumps, and associated rocks and soils.~~

~~(136)~~(144) No change.

All other definitions found in Chapter 403, F.S., and Chapters 62-702 through 62-722, F.A.C., to the extent that they are consistent with the definitions of this chapter, are applicable to the terms used in this chapter.

Rulemaking Specific Authority 403.704 FS. Law Implemented 403.702-.717, 403.75-.769 FS. History—Formerly 10D-12.02, 10-1-74, Revised 7-20-76, Amended 5-24-79, 6-13-84, 4-25-85, 7-1-85, 12-10-85, Formerly 17-7.02, 17-7.020, Amended 8-2-89, 6-25-90, Formerly 17-701.020, Amended 1-6-93, 1-2-94, 5-19-94, Formerly 17-701.200, Amended 12-23-96, 5-27-01,_____.

62-701.210 Documents Incorporated by Reference.

Specific references to the documents listed below are made throughout this chapter. These documents are adopted as standards and are incorporated into this chapter by reference. The reference documents are available for inspection at the Department’s district offices.

(1) through (2) No change.

~~(3) ASTM Method E96-00, Procedure BW, “Standard Test Methods for Water Vapor Transmission of Materials,” April 10, 2000.~~

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

(5)(6) Methods 601 and 602, 40 CFR Part 136, Appendix A, Methods for Organic Chemical Analysis of Municipal and Industrial Wastewater; December 22, 2000 40 CFR Part 258, Appendix II; October, 1991.

(7) through (10) renumbered (6) through (9) No change.

(10)(11) 40 CFR 264 subpart H, except for those sections specified in subparagraph 62-701.630(6)(b)1., F.A.C.; July 1, 2007 2000.

~~(11)(12) No change.~~

(12)(13) GRI Test Method GM13 revision 6 dated June 23, 2003 2 dated April 29, 1999.

(13)(14) PGI 1104 1197 Specification for PVC Geomembrane, effective January 1, 2004 January 1, 1997.

(15) through (18) renumbered (14) through (17) No change.

(18) GRI Test Method GM17 revision 3 dated June 23, 2003.

(19) GRI Test Method GM19 revision 2 dated January 28, 2005.

(20) ASTM Method D6766-06a “Standard Test Method for Evaluation of Hydraulic Properties of Geosynthetic Clay Liners Permeated with Potentially Incompatible Liquids,” November 15, 2006.

Rulemaking Specific Authority 403.061, 403.704 FS. Law Implemented 403.061, ~~403.702-717~~ ~~403.702, 403.717~~ FS. History—New 1-6-93, Amended 1-2-94, Formerly 17-701.210, Amended 5-27-01,_____.

62-701.220 General Applicability.

(1) No change.

(2) This chapter applies to all solid waste and each solid waste management facility in this state, with the following exceptions:

(a) through (b) No change.

(c) Recovered materials or recovered materials processing facilities, if:

1. through 3. No change.

4. The facility meets the registration requirements is registered as required in Section 403.7046, F.S., and Chapter 62-722, F.A.C.;

(d) Industrial byproducts, if

1. No change.

2. The industrial byproducts are not discharged, deposited, injected, dumped, spilled, leaked, or placed into or upon any land or water so that such industrial byproducts or any constituent thereof may enter other lands or be emitted into the air or discharged into any waters, including ground water, or otherwise enter the environment such that a threat of contamination in excess of water quality standards and criteria or air quality standards is caused, or a significant threat to public health is caused; and

3. No change.

(e) through (f) No change.

(g) The collection and processing of soil, rocks, vegetative debris, asphalt, and similar materials normally associated with and actually from construction and routine maintenance of roads, as defined in Section 334.03(24), F.S., when such materials are beneficially used or reused by the generator as part of a road construction or maintenance project. Street sweepings, ditch scrapings, shoulder scrapings, and catch basin sediments are included in this exemption provided that any significant amounts of solid waste, such as tires, furniture, white goods, and automobile parts, are removed prior to use or reuse. This exception does not apply when materials are contaminated by a spill or other unusual event. Storage of these materials at transfer stations or off-site waste storage areas is addressed in subparagraph 62-701.710(1)(e)5., F.A.C.

(3) through (7) No change.

Rulemaking Specific Authority 403.061, 403.704 FS. Law Implemented 403.061, ~~403.702-717~~ ~~403.702, 403.717~~ FS. History—New 1-6-93, Amended 1-2-94, 5-19-94, Formerly 17-701.220, Amended 5-27-01,_____.

62-701.300 Prohibitions.

(1) General prohibition.

(a) No person shall store, process, or dispose of solid waste except as authorized at a permitted solid waste management facility or a facility exempt from permitting under this chapter.

(b) No change.

(2) Siting. Unless authorized by a Department permit or site certification in effect on May 27, 2001, or unless specifically authorized by another Department rule or a Department license permit or site certification based upon site-specific geological, design, or operational features, no person shall store or dispose of solid waste shall be stored or disposed of by being placed:

(a) through (c) No change.

~~(d) In an area subject to frequent and periodic flooding unless flood protection measures are in place;~~

~~(d)(e)~~ In any natural or artificial body of water, including ground water and wetlands within the jurisdiction of the Department. This prohibition does not apply to areas of standing water that exist only after storm events, provided that the storage or disposal does not result in objectionable odors or sanitary nuisances;

~~(e)(f)~~ Within 200 feet of any natural or artificial body of water unless storage or disposal takes place at a facility for which a complete permit application was filed or which was originally permitted before the water body was in existence. This prohibition shall not apply to any renewal of an existing permit that does not involve lateral expansion, nor to any vertical expansion at a permitted facility. For purposes of this paragraph, a “body of water” includes wetlands within the jurisdiction of the Department, but does not include impoundments or conveyances which are part of an on-site, permitted stormwater management system, or bodies of water contained completely within the property boundaries of the disposal site which do not discharge from the site to surface waters. A person may store or dispose of solid waste within the 200 foot setback area upon demonstration to the Department that permanent leachate control methods will result in compliance with water quality standards and criteria. However, nothing contained herein shall prohibit the Department from imposing conditions necessary to assure that solid waste stored or disposed of within the 200 foot setback area will not cause pollution from the site in contravention of Department rules; and:

~~(f)(g)~~ On the right of way of any public highway, road, or alley; and

~~(h) Within 1000 feet of an existing or approved potable water well serving a community water supply as defined in subsection 62-550.200(12), F.A.C., unless storage or disposal takes place at a facility for which a complete permit application was filed or which was originally permitted before the water well was in existence. It is the intent of the Department that this provision shall be repealed on the effective date of any rule promulgated by the Department which regulates wellhead~~

protection areas generally. This prohibition shall not apply to any renewal of an existing permit that does not involve lateral expansion, nor to any vertical expansion at a permitted facility.

(3) through (5) No change.

(6) Biomedical waste.

(a) No biomedical waste shall be knowingly deposited in any solid waste management facility unless:

1. No change.

2. The biomedical waste has been properly incinerated so that little or no organic material remains in the ash residue, or treated by a process approved by the Department of Health, and the provisions in paragraph ~~62-701.520(5)(d)~~ 62-701.520(5)(e), F.A.C., are complied with; or

3. No change.

(b) through (c) No change.

(7) No change.

(8) Special wastes for landfills. No person who knows or who should know of the nature of such solid waste shall dispose of the following wastes ~~in any landfill~~:

(a) Lead-acid batteries in any landfill;

(b) Used oil in any landfill, except as provided in Chapter 62-710, F.A.C.;

(c) Yard trash in a Class I landfill, ~~except in unlined landfills classified by Department rule~~;

(d) White goods in any landfill; and

(e) Whole waste tires in any landfill, except as provided in Chapter 62-711, F.A.C.

(9) No change.

(10) Liquids restrictions.

(a) Noncontainerized liquid waste shall not be placed in solid waste disposal units which accept household waste or construction and demolition debris for disposal unless:

1. The liquid waste is household waste other than septic waste; or

2. The liquid waste is leachate or gas condensate derived from the solid waste disposal unit, or byproducts of the treatment of such leachate or gas condensate, and the solid waste disposal unit is lined and has a leachate collection system.

(b) through (c) No change.

(11)(a) Used oil and oily wastes. Except as provided in paragraph (b) of this subsection, no person may mix or commingle used oil with solid waste that is to be disposed of in landfills or directly dispose of used oil in landfills.

(b) Oily wastes, sorbents or other materials used for maintenance or to clean up or contain leaks, spills or accidental releases of used oil, and soils contaminated with used oil as a result of spills or accidental releases are not subject to the prohibition in paragraph (a) of this subsection.

(12) Yard trash. The prohibitions ~~in paragraphs (2)(b), (f), and (h)~~ of this section apply to the storage, processing, or disposal of yard trash, except that paragraphs (2)(b) and (e) of this section are modified so that the following setback distances shall apply:

(a) 100 feet from off-site potable water wells, no setback required from on-site water wells; and

(b) 50 feet from water bodies; ~~and~~

~~(c) 200 feet from wells serving community water supplies.~~

(13) No change.

(14) CCA treated wood. CCA treated wood shall not be incorporated into compost or made into mulch, decorative landscape chips or any other wood product that is applied as a ground cover, soil or soil amendment. CCA treated wood may be ground and used as initial cover on interior slopes of lined solid waste disposal facilities provided it meets the criteria of subsection 62-701.200(53), F.A.C. CCA treated wood shall not be disposed of through open burning or through combustion in an air curtain incinerator.

(15) Dust. The owner or operator of a solid waste management facility shall not allow the unconfined emissions of particulate matter in violation of paragraph 62-296.320(4)(c), F.A.C.

~~(16)~~(14) No change.

~~(17)~~(15) Storage in vehicles or containers. The prohibitions in subsection (2) of this section do not apply to the storage of solid waste in an enclosed or covered vehicle or container, provided that such vehicle or container has either been unloaded or moved over public highways within the previous seven days, and provided also that reasonable efforts have been made to minimize leakage from the vehicle or container.

~~(18)~~(16) Existing facilities. Those portions of facilities which were constructed prior to May 27, 2001, remain subject to the prohibitions that were in effect at the time the permit authorizing construction was issued. Lateral expansions of such facilities remain subject to the prohibitions that were in effect at the time the permit authorizing the lateral expansion was issued. For example, portions of facilities constructed prior to May 19, 1994 were subject to the prohibition against storing or disposing of solid waste within 500 feet of an existing or approved shallow water supply well, but are not subject to the prohibitions of paragraphs (2)(b) ~~and (h)~~ of this section. However, lateral expansions of such facilities which occurred after May 19, 1994 are subject to the prohibitions of paragraphs (2)(b) ~~and (h)~~ of this section.

Rulemaking Specific Authority 403.704 FS. Law Implemented 403.704, 403.707, 403.708 FS. History—Formerly 10D-12.06, 10D-12.07, 10-1-74, Amended 5-24-79, 5-27-82, 12-10-85, Formerly 17-7.04, 17-7.040, Amended 6-25-90, Formerly 17-701.040, Amended 1-6-93, 1-2-94, 5-19-94, Formerly 17-701.300, Amended 12-23-96, 5-27-01, _____.

62-701.310 Approval of Alternate Procedures and Requirements.

(1) through (4) No change.

(5) Other relief mechanisms Variances. Requests for variances from specific statutory or rule requirements may be made pursuant to Section 403.201, F.S., and Rule 62-110.104, F.A.C. Requests for variances or waivers from rule requirements may also be made pursuant to Section 120.542, F.S., and Rule 28-104.002, F.A.C. Applications for research, development and demonstration permits may be made pursuant to Section 403.70715, F.S., and shall be submitted using Form 62-701.900(32), Application for a Permit to Construct and Operate a Research, Development and Demonstration Facility, effective _____, hereby adopted and incorporated by reference. Copies of this form are available from a local District Office or by writing to the Department of Environmental Protection, Solid Waste Section, MS 4565, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400.

(6) through (7) No change.

Rulemaking Specific Authority 403.704 FS. Law Implemented 403.0877, 403.704, 403.707 FS. History--New 7-1-85, Amended 12-10-85, Formerly 17-7.078, Formerly 17-701.078, Amended 1-6-93, 5-19-94, Formerly 17-701.310, Amended 5-27-01, _____.

62-701.315 Permit Fees for Solid Waste Management Facilities.

Notwithstanding the provisions of paragraph 62-4.050(4)(j)(w), F.A.C., the following fees shall apply to permit applications for solid waste management facilities. The provisions of paragraphs 62-4.050(4)(o) through (v), F.A.C., continue to apply to such permits or applications. Fees for permit modifications are established in subsection 62-701.320(4), F.A.C.

(1) Construction permits.

(a) Class I landfill \$10,000

~~(b) Class II landfill \$10,000~~

~~(b)(e) Class III landfill \$ 6,000~~

~~(c)(d) Solid waste storage and handling area at a solid waste combustor with a capacity of 50 tons per day or more Waste-to-energy facility not covered by the Florida Electrical Power Plant Siting Act \$5,000 10,000~~

~~(d) Solid waste storage and handling area at a solid waste combustor with a capacity of less than 50 tons per day \$ 2,000~~

~~(e) Other resource recovery facilities \$ 2,000~~

~~(f) Incinerator \$ 3,000~~

~~(e)(g) Manure or yard trash composting facility \$ 2,000~~

~~(f)(h) Solid waste composting facility \$ 5,000~~

~~(g)(i) Waste tire processing facility \$ 1,250~~

~~(h) Small waste tire processing facility \$ 500~~

~~(i) Waste tire collection facility \$ 500~~

~~(j) All other solid waste facilities \$ 1,000~~

~~(j)(k) Offsite biomedical waste treatment facility other than a biomedical waste incinerator \$ 2,000~~

~~(k) All other solid waste facilities \$ 1,000~~

(2) Operation permits.

(a) Class I landfill \$10,000

~~(b) Class II landfill \$10,000~~

~~(b)(e) Class III landfill \$ 4,000~~

~~(c)(d) Solid waste storage and handling area at a solid waste combustor with a capacity of 50 tons per day or more Waste to energy facility not covered by the Florida Electrical Power Plant Siting Act \$5,000 10,000~~

~~(e) Other resource recovery facilities \$ 1,000~~

~~(d)(f) Solid waste storage and handling area at an air curtain incinerator or at a solid waste combustor with a capacity of less than 50 tons per day Incinerator \$ 1,000~~

~~(e)(g) Manure and yard trash composting facility \$ 1,000~~

~~(f)(h) Solid waste composting facility \$ 3,000~~

~~(g)(i) Off-site biomedical waste treatment facility other than a biomedical waste incinerator \$ 1,000~~

~~(h)(j) All other solid waste facilities \$ 500~~

(3) Closure permits.

(a) Class I landfill \$ 7,500

~~(b) Class II landfill \$ 7,500~~

~~(b)(e) Class III landfill \$ 4,000~~

~~(c)(d) All other solid waste facilities \$ 1,000~~

~~(d)(e) Closure permit for landfill which involves only long-term care (10-year duration) \$ 2,000~~

(4) Waste processing facility.

(a) Construction/operation permit \$ 3,000 2,000

(b) Renewal permit which does not involve additional construction \$ 1,000

(5) Construction and demolition debris disposal facilities.

(a) Construct, operate, and close a facility, including facilities that also recycle \$ 4,000 2,500

(b) Renewal permit which does not involve additional construction \$ 1,000

(c) Renewal permit involving only long-term care \$ 250

(6) General permit for land clearing debris disposal facility or a mobile waste tire processing facility. \$ 100

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

- (8) Request for an Alternate Procedure.
 - (a) Landfill \$ 2,000
 - (b) Other \$ 500
- (9) Research, Development and Demonstration permits (per year up to three one-year duration). \$ 1,000
- (10) Ground Water Monitoring Plan Approvals for landfills with no other Department permit. \$ 500
- (11) Transfer of permit. \$ 50

Rulemaking Specific Authority 403.061, 403.087, 403.704 FS. Law Implemented 403.087, 403.0877, 403.702, 403.704, 403.707, 403.70715, 403.7224 FS. History--New 5-27-01, Amended

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

- (1) No change.
- (2) Exemptions. Except as provided in Section 403.707(2), F.S., no permit under this chapter shall be required for the following activities or facilities. For purposes of this subsection, disposal shall be deemed to include storage prior to disposal or processing.
 - (a) Disposal by persons of solid waste resulting from their own activities on their own property, if provided such waste is ordinary ~~either~~ household waste from their residential property or is rocks, soils, trees, tree remains, and other vegetative matter which normally results from land development operations on that property. Disposal of materials that which could create a public nuisance or adversely affect the environment or public health, such as white goods, automotive materials including batteries and tires, petroleum products, pesticides, solvents, or hazardous substances, is not covered under this exemption.
 - (b) Disposal by persons of solid waste resulting from their own activities on their property, if provided ~~that~~ the environmental effects of such disposal on ground water and surface waters are:
 - 1. through 3. No change.
 - (c) through (d) No change.
 - (e) Storage of solid waste in containers on property that ~~which~~ is owned, rented, or leased by the persons who generated the waste from their own activities which occurred on their property, if the solid waste in such containers is collected at least once a week.
 - (f) No change.
 - (3) through (6) No change.

(7) Application content and format. Applications for permits to construct, operate, modify, or close a solid waste management facility shall include in the following sequence:

- (a) through (d) No change.
- (e) Appendices submitted as part of an engineering report to support a permit application shall contain, where required under applicable sections of this rule:
 - 1. No change.
 - 2. A contingency plan that complies with subsection (16) of this section ~~appropriate for the type of facility to cover operations interruptions and emergencies such as fires, explosions, or natural disasters;~~
 - 3. through 5. No change.
- (f) Plans or drawings for all solid waste management facilities shall:
 - 1. through 2. No change.
 - 3. Include a regional map or plan showing the project location in relation to major roadways and population centers;
 - 4. Include a ~~current~~ vicinity map; or aerial photograph taken within one year preceding the application, showing the facility site and relevant surface features located within 1000 feet of the facility;
 - 5. Have a site plan showing ~~containing~~ the location of all property boundaries certified by a Florida Licensed Professional Surveyor and Mapper ~~registered Florida land surveyor;~~ and
 - 6. Clearly show all necessary details and be numbered, titled, and referenced to the narrative report. Drawings shall contain a north arrow and horizontal and vertical scales, and shall specify drafting or origination dates. All elevations shall be referenced to a consistent, nationally recognized datum ~~National Geodetic Vertical Datum.~~
 - 7. Latitude and longitude data shall be included representing the approximate center of the waste disposal or processing area and shall include the method the data was collected using the following:

Field Name	Also Known As	Description
Object of Interest	Feature	The object the point represents.
Relationship of Point to Object of Interest	Proximity	Identifies how close the point is to the actual object of interest.
Collection Method	Method	The method used to collect the point.
Collection Date	Date	The date the point was collected.
Datum		The reference for measuring locations on the earth's surface.

- (g) through (i) No change.
- (8) Notice of application.
 - (a) No change.
 - (b) An applicant for a permit to construct or substantially modify a Class I, ~~H,~~ or III landfill shall mail a notice of application to the Chair of the Board of County Commissioners, the highest ranking elected official of the

municipality, and each State Senator and Representative serving the jurisdiction in which the project is located. The notice shall be mailed within 14 days of submittal of the application to the Department, and proof of mailing shall be provided to the Department. After the Department completes the permit review, the Department shall send a copy of the notice of intent to issue or deny the permit to these same officials.

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

(a) The Department shall:

1. Issue a construction permit, or a construction/operation permit for a solid waste management facility, or for a substantial modification of an existing solid waste management facility. After all specified construction has been completed and before acceptance of any solid waste, the engineer of record shall certify to the Department on Form 62-701.900(2) that the permitted construction is complete and that it was done in accordance with the plans submitted to the Department except where minor deviation was necessary. All deviations shall be described in detail and the reasons therefore enumerated. The applicant shall provide at least 14 days advance notice to the Department prior to accepting solid waste so that the Department has the opportunity to inspect the site; or

2. (b) Issue an operation permit for a new facility that has been satisfactorily constructed, or to an existing facility which is being operated in accordance with this chapter at the time for permit renewal; or

3. (e) Issue a closure permit for closing and long-term care of a landfill that which complies with the requirements of Rules 62-701.600-.620, F.A.C.; or

4. (d) No change.

(b) After all specified construction has been completed and before acceptance of any solid waste, the engineer of record shall certify to the Department that the permitted construction is complete and that it was done in accordance with the plans submitted to the Department except where minor deviation was necessary. The certification shall be submitted on Form 62-701.900(2), Certification of Construction Completion of a Solid Waste Management Facility, effective May 19, 1994, hereby adopted and

incorporated by reference. Copies of this form are available from a local District Office or by writing to the Department of Environmental Protection, Solid Waste Section, MS 4565, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400. All deviations shall be described in detail and the reasons therefore enumerated. The permittee shall not accept solid waste at the facility until one of the following has occurred:

1. The Department has stated in writing that it has no objection to the certification of construction completion; or

2. At least 30 days have passed since the certification was submitted and the Department has not responded in writing to the certification.

(c) In addition to the above requirements, the permittee shall not accept solid waste at the facility unless a construction/operation permit or an operation permit has been issued to the permittee. If the applicant has submitted Form 62-701.900(29), F.A.C., as provided for in paragraph 62-701.630(2)(c) or paragraph 62-701.730(11)(b), F.A.C., the permittee shall not accept solid waste at the solid waste disposal unit referenced in that Form unless the Department has given the permittee a specific separate approval authorizing operation of the unit.

(10) Permit renewals.

(a) No change.

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

(c) No change.

(11) Permit transfers.

(a) Any person wishing to transfer a permit shall submit such a request using Form 62-701.900(8), Permit Transfer Form, effective date [eff. date], hereby adopted and incorporated by reference. Copies of this form are available from a local District Office or by writing to the Department of Environmental Protection, Solid Waste Section, MS 4565, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400. The form must be completed with the signatures of both the permittee and the proposed new permittee.

(b) A transfer of permit is required upon the sale or transfer of a facility. A transfer of permit is also required if a new or different person takes ownership or control of the facility. A transfer of permit is not required if the facility simply changes its name, although the permittee must notify the Department of such a change using Form 62-701.900(8). A transfer of permit is also not required solely as a result of the sale of stock or assets or a change of operating personnel, as long as ownership or control of the facility has not changed. A

permittee may apply for a permit transfer prior to the sale or change of control of the facility, but the permit transfer shall not be effective prior to the sale or change of control.

(c) The proposed new permittee shall provide reasonable assurance that it has the ability to comply with the conditions of the existing permit, that it either owns the property or has legal authorization from the property owner to use the site, and that it meets any financial assurance requirements of the permit or applicable rules.

(d) No change.

(e) Until this transfer is approved by the Department, the permittee and any other person constructing, operating, or maintaining the permitted facility shall be liable for compliance with the terms of the permit. The permittee seeking to transfer the permit shall remain liable for corrective actions that may be required as a result of any violations occurring prior to the sale or legal transfer of the facility. If the existing permittee is under a continuing obligation to perform corrective actions as a result of a Department enforcement action or consent order, the permit may not be transferred until the proposed new permittee agrees in writing to accept responsibility for performing such corrective actions.

(f) If financial assurance for closure is required for the permit being transferred, the existing permittee shall maintain that financial assurance until the Department approval of the transfer is final. The proposed new permittee shall also provide financial assurance before the transfer is approved by the Department.

(12) No change.

(13) Airport safety.

(a) Applicability. This subsection applies to those solid waste management facilities constructed after January 6, 1993, as well as lateral expansions of facilities ~~that which~~ were constructed prior to January 6, 1993. For purposes of this subsection, an "airport runway" does not include facilities used solely for helicopters or other aircraft which take off and land vertically.

(b) Solid waste management facilities where waste is stored, disposed, or processed outdoors, shall not be located within 10,000 feet of any licensed and operating airport runway used by turbine powered aircraft, or within 5,000 feet of any licensed and operating airport runway used only by piston engine aircraft, unless the applicant demonstrates that the facility is designed and will be operated so that it does not pose a bird hazard to aircraft.

(c) No change.

(d) The following facilities are exempt from the requirements of this subsection:

1. through 5. No change.

6. Construction and demolition debris disposal or recycling facilities ~~that which~~ are not co-located with other solid waste disposal facilities accepting putrescible wastes; and

7. Any other solid waste management facility ~~that which~~ does not accept putrescible waste for disposal, processing, or recycling.

(14) Other facility permits. In addition to the exemptions in subsection (2) of this section, the following solid waste management facilities ~~that which~~ are constructed and operated under an appropriate and currently valid permit are not required to obtain a separate solid waste permit pursuant to this chapter:

(a) Solid waste combustors or air curtain incinerators that ~~Incinerators which~~ are constructed and operated under a permit issued pursuant to Chapters 62-296 or 62-256, F.A.C.; however, if the facility is also storing or disposing of solid waste on the site, and such storage or disposal is not addressed in the permit, a separate solid waste permit is required;

(b) Solid waste combustors that ~~Incinerators which~~ are constructed and operated under a site certification pursuant to Chapter 403, Part II, F.S.;

(c) Solid waste management facilities, such as composting facilities, waste tire processing facilities, soil treatment facilities, and used oil processing facilities, ~~that which~~ are required to obtain permits under ~~Chapters~~ Rules 62-702 through 62-722, F.A.C. A facility shall be required to obtain a separate solid waste permit if it also manages significant quantities of other types of solid waste.

(15) Operator and spotter training and special criteria. The owner or operator of a landfill, or other solid waste management facility required by this chapter to have trained operators or spotters, shall not employ a person to perform, nor may any person perform, the duties of an operator or spotter at such facility unless that person is a trained operator or trained spotter. A facility may employ interim spotters, but only if they work under the direct supervision of a trained spotter or trained operator. A facility may employ an interim operator in lieu of a trained operator for no more than three consecutive months, ~~or an interim operator or interim spotter.~~

(a) Owners and operators of facilities shall ensure that operators employed at the facility are properly trained to operate the facility, and that spotters are properly trained to identify and properly manage any unauthorized waste ~~hazardous or prohibited materials~~ which are received at the facility. A training plan shall be included as part of the permit application. The training plan shall either include a list and schedule of those classes offered to the public which will be attended by the facility's operators and spotters, or shall include a description of the facility's in-house training program. All training courses, whether public or in-house, must be approved by the Department in accordance with Section 403.716, F.S. Any in-house operator training program which includes an examination required by this subsection must be administered by an independent third party. Any other in-house operator training program must be administered by a trained operator. Any in-house spotter training program must

be administered by a trained operator or a trained spotter. The training plan, along with records documenting how the training plan is being implemented, shall be kept at the facility at all times and be made available for inspection by Department staff. The Department will maintain a list of relevant training courses which are available in this State.

(b) In order to be considered trained, operators of the following facilities shall complete the following training requirements at courses described in the facility's operating plan:

1. Operators of ~~Class I, II, or III~~ landfills, and operators of construction and demolition debris disposal facilities, shall complete 24 hours of initial training, and shall pass an examination as part of that training. Within three years after passing the examination, and every three years thereafter, operators shall complete an additional 16 hours of continued training.

2. No change.

(c) No change.

(d) Spotter location.

1. Each facility where spotters are required shall include in its operation plan the number and location of spotters and the procedures to be followed if unauthorized waste is discovered. Spotters shall be stationed where they can inspect each shipment of waste for unauthorized waste.

2. If spotters are to be located on heavy equipment spreading the waste at the working face of a solid waste disposal unit or at a waste processing facility, the operation plan shall specifically provide for the following:

a. The heavy equipment operator is trained as an operator or spotter;

b. When unauthorized waste is discovered, the heavy equipment operator must either move the unauthorized waste away from the active area for later removal and proper management, or must stop operation and notify another person on the ground or on other equipment who will come to the active area and remove the unauthorized waste before operations are resumed; and

c. Each load of waste must be visually inspected for unauthorized waste prior to being compacted or loaded into a transfer vehicle. Training requirements for operators and spotters at landfills and construction and demolition debris disposal facilities shall be effective on May 27, 2001. Training requirements for operators and spotters at waste processing facilities, and training requirements for spotters at land-clearing debris disposal facilities, shall be effective July 1, 2001.

~~(e) Operators and spotters who received initial training prior to May 27, 2001, will still be considered trained. Such persons shall complete the continued training requirements that were in effect prior to May 27, 2001, after which they shall comply with the continued training requirements of this subsection. Facilities operating on May 27, 2001, shall modify~~

~~their training plans to comply with this subsection by the time any operators or spotters employed by the facility are required to meet these requirements.~~

~~(e)(f) No change.~~

~~(f)(g) For purposes of this subsection, "interim operator" means a person who has, in the opinion of the facility manager, shown competency in his chosen occupation through a combination of work experience, education and training and who has at least one year of experience at that facility or a similar facility. An interim operator must become a trained operator within one year of employment as an interim operator. An interim operator may perform the duties of an operator, but only under the supervision of a trained operator.~~

~~(g)(h) For purposes of this subsection, "spotter" means a person employed at a solid waste management facility whose job it is to inspect incoming waste and to identify and properly manage any unauthorized waste that is hazardous or prohibited materials which are received at the facility. ~~Spotters shall be stationed where they can thoroughly inspect each shipment of waste for prohibited materials. Placement of spotters shall be specified in the facility's operation plan.~~~~

~~(h)(i) For purposes of this subsection, "interim spotter" means a person who has, in the opinion of the facility manager, shown competency in his chosen occupation through a combination of work experience, education and training. An interim spotter must become a trained spotter or trained operator within three months of employment as an interim spotter. An interim spotter may perform the duties of a spotter, but only under the supervision of a trained operator or trained spotter.~~

(16) Emergency preparedness and response.

(a) Every permitted solid waste management facility shall have, as part of its operation plan, a contingency plan appropriate for the type of facility to cover operational interruptions and emergencies such as fires, explosions, or natural disasters. The contingency plan shall be kept at the facility at all times and shall be accessible to facility operators. The contingency plan shall include:

1. Designation of persons responsible for implementation of the contingency plan;

2. Procedures for notification of appropriate emergency response persons, including the department, the local government, and local fire protection agencies;

3. A description of emergency procedures to be followed, including the location of fire-fighting equipment and explanations of how to use this equipment;

4. Provisions for the immediate shutting down of those parts of the facility affected by the emergency and notification to customers of the closure of the facility; and

5. Procedures for notification of neighbors and local government officials of the potential impacts of the emergency, and provisions to minimize those impacts.

(b) Every solid waste disposal facility shall have:

1. Sufficient equipment to implement the contingency plan, including equipment for excavating, spreading, compacting, and covering waste;

2. Sufficient reserve equipment or arrangement to obtain additional equipment within 24 hours of equipment breakdown;

3. Communications equipment for emergency and routine communications; and

4. Fire protection and fire-fighting capabilities adequate to control accidental burning of solid waste in the facility. Fire protection includes procedures for notification of local fire protection agencies for assistance in emergencies.

(c) In the case of a fire within the waste pile at a solid waste management facility, all reasonable efforts shall be made to immediately extinguish or control the fire. If the fire cannot be extinguished or controlled within an hour, the owner or operator shall immediately:

1. Implement the contingency plan which is included as part of its operation plan;

2. Cease accepting waste for disposal in those areas of the facility impacted by the fire; and

3. Notify the department and the local government having jurisdiction over the facility of the fire and of the fire control plan being implemented by the owner or operator;

(d) If the fire cannot be extinguished or controlled within 48 hours, the owner or operator shall notify the local fire protection agency and seek its assistance, and shall also notify the local government and any neighbors likely to be affected by the fire.

(17) Minimum ground water criteria. For those solid waste management facilities constructed after January 6, 1993, the minimum ground water criteria specified in Rule 62-520.400, F.A.C., shall apply only outside the permitted zone of discharge, notwithstanding the provisions of Rules 62-520.400 and .420, F.A.C. However, exceedances of ground water criteria within a permitted zone of discharge shall continue to require evaluation monitoring and prevention measures in accordance with subsection 62-701.510(7), F.A.C.

(18) Zone of discharge. A facility's zone of discharge shall be determined pursuant to Chapter 62-520, F.A.C. For all solid waste disposal facilities constructed after January 6, 1993, the zone of discharge shall not exceed 100 feet from the edge of those solid waste disposal units permitted to be constructed, unless modified in accordance with Rule 62-520.470, F.A.C.

Rulemaking Specific Authority 403.061, 403.704, 403.716 FS. Law Implemented 403.0877, 403.702, 403.704, 403.707, 403.716 FS. History—New 1-6-93, Amended 1-2-94, 5-19-94, Formerly 17-701.320, Amended 12-23-96, 5-27-01,_____.

62-701.330 Landfill Permit Requirements.

(1) Applicability.

(a) Except as otherwise specifically provided herein, this chapter shall apply to all solid waste disposal units constructed or operated under a landfill permit issued after ~~[eff date] May 27, 2004~~, including renewals of existing permits.

(b) All holders of landfill construction or operation permits issued prior to ~~[eff date] May 27, 2004~~ which contain conditions not in conformance with this chapter shall apply for modification of the permit to conform to this chapter to the District Office of the Department which issued the permit. The submission shall occur at the time of application for renewal of an existing permit, or before ~~[eff date + 180 days] November 27, 2004~~, whichever is later. For purposes of this paragraph, a permit issued prior to ~~[eff date] May 27, 2004~~, is deemed to include a completed permit application received by the Department prior to ~~[eff date] May 27, 2004~~.

(c) No change.

(d) Facilities operating pursuant to a Consent Order with the Department in effect on ~~[eff date] May 27, 2004~~, shall continue to operate in accordance with the order until the order expires by its own terms, provided the landfill is in compliance with the terms and conditions of the order. If the facility owner or operator fails to comply with any substantive term or condition of the order, the facility covered by the order must comply with the operational, closure and long-term care requirements of this chapter.

(e) Notwithstanding the above, the owner or operator of an unlined Class III landfill shall submit and comply with a CCA management plan that complies with subsection 62-701.730(20), F.A.C., no later than [eff date + 180 days].

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

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

(b) The public notice of agency action shall address the entire area of the footprint identified in the permit application.

(c) During the life of the 5-year permit, the applicant must notify the Department in writing before beginning construction of another permitted phase of the landfill. Construction may proceed, without further action being required by the Department, if it is in accordance with the conditions of the permit. However, if rule changes occur after the 5-year permit is issued which affect the design of the construction, then permit modifications may be required. Upon completion of the construction of a permitted phase of the landfill, a Certification of Construction Completion document must be prepared for the phase and submitted to the Department for approval. Department approval in accordance with paragraph

62-701.320(9)(a), F.A.C., is required before the applicant may begin use of the newly constructed phase. No permit fees will be required for authorizing use of these phases.

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

(e) When the permit is renewed, the public notice of agency action shall address:

1. The entire landfill footprint for the operational and closure aspects of the landfill; and

2. The areas of the landfill where the liner has not been installed for the construction aspects of the landfill. Term of permit. The time period for permits shall be no longer than five years from the date of issuance by the Department.

(3) Permit applications. Permit applications for landfills shall be submitted on Form 62-701.900(1), Application to Construct, Operate, Modify, or Close a Solid Waste Management Facility, effective date [eff. date], hereby adopted and incorporated by reference. Copies of this form are available from a local District Office or by writing to the Department of Environmental Protection, Solid Waste Section, MS 4565, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400. Applications shall meet the requirements of Rule 62-701.320, F.A.C., and shall also include the following specific requirements:

(a) A vicinity map or aerial photograph not more than one year old which shows land use and local zoning within one mile of the landfill and is of sufficient scale to show all homes or other structures, water bodies, roads, and other significant features of the vicinity. All significant features shall be labeled.

(a)(b) A regional vicinity map or aerial photograph not more than five one years old that which shows all airports that are located within five miles of the proposed landfill. The applicant may show the airports on the regional map required in subparagraph 62-701.320(7)(f)3., F.A.C.

(c) through (d) renumbered (b) through (c) No change.

(d)(e) A report on the:

1. through 2. No change.

3. Planned active life of the facility, the final design height of the facility, and the maximum height of the facility during its operation Anticipated life of the facility; and

4. No change.

(e)(f) The hydrogeological and geotechnical investigations required by Rule 62-701.410, F.A.C.

(f)(g) The ground water monitoring plan required by Rule 62-701.510, F.A.C.

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

Rulemaking Specific Authority 403.061, 403.704 FS. Law Implemented 403.702, 403.704, 403.707 FS. History—New 1-6-93, Amended 1-2-94, Formerly 17-701.330, Amended 5-27-01,_____.

62-701.340 General Criteria For Landfills.

(1) No change.

(2) Minimum ground water criteria. For those landfills or solid waste disposal units which are constructed after January 6, 1993, and which are constructed with at least a double or composite liner, the minimum ground water criteria specified in Rule 62-520.400, F.A.C., shall apply only outside of the footprint of the solid waste disposal unit, or if the unit is surrounded by a perimeter road, outside the perimeter road, notwithstanding the provisions of Rules 62-520.400 and .420, F.A.C.

(2)(3) Classification of landfills. Landfills or solid waste disposal units are classified according to the amount or types of waste received.

(a) Class I landfills are those which receive an average of 20 tons or more of Class I waste per day.

(b) Class II landfills are those which receive an average of less than 20 tons of Class I waste per day.

(c) Class III landfills are those which receive only Class III waste. Class III landfills shall not accept putrescible household waste. The Department shall exempt Class III landfills from some or all of the requirements for liners, leachate controls, and water quality monitoring in subsections 62-701.400(3) and (4), and Rule 62-701.510, F.A.C., if the applicant demonstrates that no significant threat to the environment will result from the exemption based upon the types of waste received, methods for controlling types of waste disposed of, and the results of the hydrogeological and geotechnical investigations required in Rule 62-701.410, F.A.C. Such a demonstration must include a CCA treated wood management plan as described in subsection 62-701.730(20), F.A.C., if the landfill will not have a constructed liner system.

(3)(4) Location requirements.

(a) through (c) No change.

(d) Landfills shall be screened from public view where such screening can practically be provided.

(5) Zone of discharge. A landfill's zone of discharge shall be determined pursuant to Chapter 62-522, F.A.C. For all solid waste disposal units constructed after January 6, 1993, the zone of discharge shall not exceed 100 feet from the edge of those solid waste disposal units permitted to be constructed, unless modified in accordance with Rule 62-522.500, F.A.C.

Rulemaking Specific Authority 403.061, 403.704, FS. Law Implemented 403.0877, 403.702, 403.704, 403.707 FS. History—New 1-6-93, Amended 1-2-94, 5-19-94, Formerly 17-701.340, Amended 5-27-01,_____.

62-701.400 Landfill Construction Requirements.

(1) No change.

(2) Planned construction and closure. All landfills shall be designed so that solid waste disposal units will be constructed and subsequently closed at planned intervals throughout the design period of the landfill. Designs to prevent failures of side slopes, and designs to prevent deep-seated failures through the waste, along liner systems, and through foundation soils, shall achieve a minimum factor of safety of 1.5 using peak strength values.

(3) Landfill liner requirements. Class I Landfills shall be constructed with composite or double liners, and a leachate collection and removal system. Liners and leachate collection systems for Class III landfills are addressed in paragraph 62-701.400(3)(g), F.A.C.

(a) No change.

1. The upper component of the composite liner shall be a 60-mil minimum average thickness HDPE geomembrane, as defined by method GRI GM13, or thicker geomembrane liner with a maximum water vapor transmission rate of 0.24 grams per square meter per day ($g/(m^2 \times day)$) as determined by ASTM Method E96-00, procedure BW, "Standard Test Methods for Water Vapor Transmission of Materials." A primary leachate collection and removal system and a drainage layer shall be installed above the geomembrane liner. Except in sumps and leachate collection trenches, the system shall be designed to limit leachate head above the liner during routine landfill operation after placement of initial cover, as specified in Table A below, depending upon the thickness and hydraulic conductivity of the lower component of the composite liner. Leachate head calculations shall consider leachate recirculation if the leachate is recirculated.

2. No change.

(c) Double liners.

1. Double liner systems shall consist of upper and lower 60-mil minimum average thickness HDPE geomembranes, as defined by method GRI GM13, with a maximum water vapor transmission rate of 0.24 $g/(m^2 \times day)$; a primary leachate collection and removal system lying above the upper geomembrane designed to limit the leachate head to one foot above the liner during routine landfill operations after placement of initial cover, except in sumps and leachate collection trenches; and a leak detection and secondary leachate collection system between the upper and lower liners. The lower geomembrane shall be placed directly on a sub-base which is a minimum six inches thick, is free of sharp materials or any materials larger than one-half inch, and has a saturated hydraulic conductivity of less than or equal to 1×10^{-5} cm/sec.

A geosynthetic clay liner (GCL) with a hydraulic conductivity not greater than 1×10^{-7} cm/sec may be used in place of the six-inch thick sub-base layer provided it is placed on a prepared subgrade which will not damage the GCL geosynthetic clay liner.

2. No change.

(d) Standards for geosynthetic components.

1. HDPE geomembranes shall have factory and field seams whose shear strengths during testing are at least 90 percent of the specified minimum yield strength. LLDPE geomembranes shall have factory and field seams whose shear strengths during testing are in conformance with the seam strengths specified in method GRI GM19. PVC geomembranes shall have factory and field seams whose shear strengths during testing are in conformance with the seam strengths specified in method PGI 1104. For all geomembranes, for that lining material, and the failure shall occur in the lining material outside the seam area. All field seams must also be visually inspected and pressure or vacuum tested for seam continuity using suitable non-destructive techniques.

2. through 4. No change.

5. High density polyethylene (HDPE) geomembranes shall meet the specification contained in method GRI GM13. LLDPE geomembranes shall meet the specification contained in method GRI GM17.

6. Polyvinyl chloride (PVC) geomembranes shall meet the specification contained in method PGI 1104 1197.

7. Interface shear strength of the actual components which will be used in the liner system shall be tested with method ASTM D5321 or an equivalent test method. However, when testing GCLs geosynthetic clay liners, method ASTM D6243, or an equivalent test method, shall be used. Unless it can be justified otherwise, the interface shall be tested in a water-saturated state. For the purposes of this test, clays compacted in the test apparatus during setup which have a water content wet of optimum shall be considered water saturated.

8. No change.

9. The hydraulic conductivity of GCLs geosynthetic clay liners shall be tested with method ASTM D5887, or ASTM D6766-06a, or an equivalent test method. First, the GCL test specimen shall be hydrated with the fluid which is expected to cause hydration in the field, or a similar fluid, for a minimum of 48 hours using sufficient backpressure to achieve a minimum B coefficient of 0.9 and using a confined effective consolidation stress not exceeding five pounds per square inch. Then, the hydraulic conductivity test on the GCL specimen shall be conducted, using the appropriate permeant fluid, at a confined effective consolidation stress not exceeding five pounds per square inch. The hydraulic conductivity test shall continue until steady state conditions are reached or a minimum of two pore volumes of permeant fluid have passed through the test specimen. The permeant fluid shall be either

leachate from the landfill (or a similar landfill) if the GCL is used in a liner system, or water if the GCL is used as a barrier layer in a final cover.

10. through 11. No change.

(e) The following specifications shall be provided for geosynthetic components:

1. through 6. No change.

7. ~~Geosynthetic clay liner (GCL)~~ specifications including handling and placement, conformance testing, seams and overlaps, repair, and placement of soil materials and any overlying materials.

(f) Standards for soil liner components.

1. Soil components of liners ~~systems~~ shall be constructed to preclude, to the greatest extent practicable, lenses, cracks, channels, root holes, pipes, or other structural inconsistencies that can increase the saturated hydraulic conductivity of the soil component. The design shall illustrate and describe those instances in which overexcavation of permeable areas and backfilling may be necessary to seal the permeable area. The soil component shall be placed and compacted in layers to achieve the design performance.

2. No change.

3. The soil component of the liner ~~system~~ may consist of in-situ soils, provided they meet the specifications for soil liners. Testing of in-situ soil shall be performed in accordance with the site specific Construction Quality Assurance Plan in accordance with subsections 62-701.400(7) and (8), F.A.C.

4. Specifications for the soil component of the liner ~~system~~ shall be provided to and approved by the Department, and shall contain at a minimum:

a. through g. No change.

5. No change.

(g) Class III landfills. A Class III landfill shall be constructed with a bottom liner consisting of a single 60-mil minimum average thickness HDPE geomembrane. In the sumps located inside the landfill footprint and in the leachate collection trenches, the geomembrane shall be placed on a GCL with a hydraulic conductivity of less than or equal to 1×10^{-7} cm/sec, or on a compacted clay liner which is a minimum six inches thick with a saturated hydraulic conductivity of less than or equal to 1×10^{-7} cm/sec. The liner shall be placed on a prepared subgrade that will not damage the geomembrane liner or the GCL. A primary leachate collection and removal system and a drainage layer shall be installed above the geomembrane liner. Except in sumps and leachate collection trenches, the system shall be designed to limit leachate head above the liner during routine landfill operation after placement of initial cover to no greater than 12 inches. An applicant may request exemption from the requirements of this paragraph in accordance with paragraph 62-701.340(2)(b), F.A.C.

(4) Leachate collection and removal system. Landfills shall have a leachate collection and removal system that is designed, constructed, maintained, and operated to collect leachate and convey it to collection points for removal.

(a) No change.

(b) The primary leachate collection and removal system shall have a granular drainage layer above the top geomembrane liner, at least 12 inches thick, with a hydraulic conductivity of not less than 1×10^{-3} cm/sec, overlain with an additional 12 inches of protective material as specified in subparagraph 62-701.400(3)(d)3., F.A.C., that is chemically resistant to the waste and leachate. ~~Leachate collection systems incorporating synthetic drainage materials may be used if it can be demonstrated that they are equivalent to or more effective than the granular design, including chemical compatibility, flow under load, and protection of the geomembrane liner.~~

(c) The leachate collection and removal system ~~is~~ shall be designed with a bottom slope to achieve the required leachate head after the predicted settlement determined by the foundation analysis. The minimum slope for the leachate collection system, in areas which drain to lateral collection pipes and header pipes, shall be 1.0 percent after predicted settlement. The minimum slopes for the collection pipes of the leachate collection system, i.e., lateral and header pipes, shall be 0.3 percent after predicted settlement. Minimum slopes shall be measured from the peak grade to the lowest grade along the design flow path. Slopes shall be surveyed after completion using a 50-foot grid in areas which drain to lateral collection pipes and header pipes and at 50-foot intervals where pipes of the leachate collection system are to be installed. These surveyed slopes must demonstrate that positive drainage is shown in the direction of flow between any two grid or interval points. ~~Leachate collection systems incorporating synthetic drainage materials may be used if it can be demonstrated that they are equivalent to or more effective than the granular design, including chemical compatibility, flow under load, and protection of the geomembrane liner.~~

(5) No change.

(6) Leachate storage tanks and leachate surface impoundments.

(a) No change.

(b) Surface impoundments for leachate treatment or storage that are located at landfills are subject to the following requirements:

1. through 2. No change.

3. The impoundment shall have a double liner system consisting of an upper and lower 60-mil minimum average thickness HDPE geomembrane, as defined by method GRI GM13, and a leak detection and collection system between the geomembranes with a minimum hydraulic conductivity of one cm/sec. The lower geomembrane shall be placed directly on a subbase which is at least six inches thick and has a saturated

hydraulic conductivity of less than or equal to 1×10^{-5} cm/sec. A ~~GCL geosynthetic clay liner~~ with a hydraulic conductivity not greater than 1×10^{-7} cm/sec may be used in place of the six-inch thick sub-base layer provided it is placed on a prepared subgrade which will not damage the ~~GCL geosynthetic clay liner~~. The leak detection and collection system shall be checked daily. The design of the upper liner shall include calculations to predict the potential leakage through the upper liner. If the daily checks indicate the upper liner is leaking at a rate greater than predicted by the design calculations, the Department shall be notified. If the leakage rate will result in the flooding of the leak detection and collection system, the impoundment shall be emptied and the liner repaired.

4. through 5. No change.

6. ~~Disease V~~ectors and off-site odors shall be controlled.

(c) Above ground leachate storage tanks that are located at solid waste management facilities are subject to the following requirements:

1. through 5. No change.

6. The secondary containment system shall be constructed of materials compatible with the liquid stored. The containment system shall be constructed of either:

a. through b. No change.

c. A HDPE geomembrane of a minimum average thickness of 60 mils, ~~as defined by method GRI GM13, with a maximum water vapor transmission rate of $0.24 \text{ g}/(\text{m}^2 \times \text{day})$.~~

7. through 9. No change.

(d) through (e) No change.

(7) Liner systems construction quality assurance.

(a) Liner systems shall have a construction quality assurance plan to provide personnel with adequate information to achieve continuous compliance with the liner construction requirements. The plan shall include or refer to specifications and construction methods which use established engineering practices to construct a liner system and provide for quality control testing procedures and sampling frequencies. Sampling and testing shall be conducted in the field by trained personnel during construction and after construction completion. Such personnel will be under the direction of the construction quality assurance professional engineer, to assure the liner system will comply with the standards. The construction quality assurance professional engineer or his designee shall be on-site at all times during construction to monitor construction activities and shall be on-site to monitor off-loading of the geosynthetics to be used in the liner system. Construction activities include the time during which the protective layer is installed over the geomembrane, to ensure that the placement techniques do not cause damage to the liner system materials.

(b) No change.

(c) Unless otherwise approved by the Department, one destructive test sample shall be collected every 500 feet along the total length of the seams. If an electrical leak location survey method, or other equivalent non-destructive test method, is used to locate and repair leaks in the installed liner system, then one destructive test sample shall be collected every 1000 feet along the total length of the seams in the areas where this method is used.

(d) If an electrical leak location survey method, or other equivalent method is used to test the geomembrane(s) in the liner system, testing shall be conducted after placement of the soil drainage layer. The geomembrane liner leak location survey shall be performed using standard industry methods, and any leaks located shall be repaired and tested by methods approved by the Department. The results of the geomembrane liner leak location survey, including a description of the locations of any leaks detected and the repairs that were conducted on these leaks, shall be documented in a final report included with the completion of construction documents required in this subsection.

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

~~(f)~~(f) The professional engineer in charge of construction quality assurance shall provide a signed, sealed final report and record drawings to the Department stating that the liner system has been installed in substantial conformance with the plans and specifications for the liner system. The report and drawings shall be submitted along with a certification of construction completion on Form 62-701.900(2).

(8) No change.

(9) Surface water management systems.

(a) Stormwater shall be controlled in accordance with Part IV of Chapter 373, F.S., and the rules promulgated thereunder. A copy of any permit for stormwater control issued by the Department, or documentation that no such permit is required, shall be submitted to the Department and construction authorized by that permit shall be completed before the facility receives waste for disposal. Applicants should be aware that other government agencies may also regulate stormwater management and may require separate permits. For aboveground disposal units, the design of any features intended to convey stormwater to a permitted or exempted treatment system shall be included in the solid waste construction permit.

(b) No change.

(10) through (11) No change.

Rulemaking Specific Authority 403.061, 403.704 FS. Law Implemented 403.0877, 403.702, 403.704, 403.707 FS. History—New 1-6-93, Amended 1-2-94, 5-19-94, Formerly 17-701.400, Amended 5-27-01,_____.

62-701.410 Hydrogeological and Geotechnical Investigation Requirements.

(1) Hydrogeological investigation and site report. The hydrogeological investigation and site report required by subsection 62-701.330(3), F.A.C., shall be site specific, shall be conducted by or under the supervision of a professional geologist or professional engineer with experience in hydrogeologic investigations, and shall:

(a) through (c) No change.

(d) Include a map showing the locations of all potable wells within 500 feet of the waste storage and disposal areas; ~~and locations of all wells serving community water supplies within 1000 feet of the waste storage and disposal areas;~~ to demonstrate compliance with paragraphs 62-701.300(2)(b) ~~and (h)~~, F.A.C.

(2) Geotechnical site investigation. The geotechnical site investigation required by subsection 62-701.330(3), F.A.C., shall be conducted by or under the supervision of a professional engineer with experience in geotechnical engineering. Investigations required in paragraphs (a) through (d) of this subsection may be conducted by a professional geologist. Prior to any construction on the landfill site, the engineer shall define the engineering properties of the site that are necessary for the design, construction, and support of the landfill and all installations of the facility and shall:

(a) through (e) No change.

(3) No change.

(4) Report verification. The site reports and supporting information, including detailed description of the methods, calculations, and interpretations used, shall be signed and sealed by the appropriate professional engineer or geologist. The hydrogeological report shall be signed and sealed by a professional geologist or professional engineer with experience in hydrogeological investigations. The geotechnical report shall be signed and sealed by a professional engineer with experience in geotechnical engineering.

Rulemaking Specific Authority 403.061, 403.704 FS. Law Implemented 403.0877, 403.702, 403.704, 403.707 FS. History—New 1-6-93, Formerly 17-701.410, Amended 12-23-96, 5-27-01,_____.

62-701.430 Vertical Expansion of Landfills.

(1) Applicability. Construction of a solid waste disposal unit on top of or against the side slopes of a previously filled landfill, whether active, closed, or inactive is considered vertical expansion of that landfill. Vertical expansion shall require either a modification of the landfill permit, or a new permit if the landfill has been closed. If a landfill has not been closed at the time of the vertical expansion, then the closure requirements of that landfill will apply at the time of closure of the vertical expansion, unless the closure requirements for the vertical expansion are more stringent. The following requirements shall apply:

(a) The vertical expansion shall not cause or contribute to any leachate leakage from the existing landfill, shall not cause objectionable odors, and shall not adversely affect the closure design of the existing landfill.

(b) No change.

(c) For vertical expansion over ~~unlined landfills or~~ landfills that were not constructed with a liner system or were not constructed in accordance with permit requirements, the vertical expansion shall comply with all the requirements of Rule 62-701.400, F.A.C., with the following exceptions:

1. No change.

2. The slope liner shall consist of a 60-mil or thicker HDPE geomembrane, ~~with a maximum water vapor transmission rate of 0.24 g/(m² x day) as determined by ASTM Method E96-00, procedure BW, “Standard Test Methods for Water Vapor Transmission of Materials.”~~

3. through 7. No change.

(d) The provisions of subsection 62-701.610(1) 62-701.610(7), F.A.C., are applicable to all operations, including recycling operations, conducted on top of closed landfills.

(2) Construction requirements. The design for the vertical expansion shall also provide calculations and supporting information on the following factors:

(a) No change.

(b) The vertical expansion design shall achieve a minimum factor of safety factor of 1.5 using peak strengths for:

1. through 2. No change.

(c) through (d) No change.

Rulemaking Specific Authority 403.061, 403.704 FS. Law Implemented 403.702, 403.704, 403.707 FS. History—New 1-6-93, Amended 5-19-94, Formerly 17-701.430, Amended 5-27-01,_____.

62-701.500 Landfill Operation Requirements.

(1) Operating personnel. All ~~Class I and Class III~~ landfills shall have at least one trained operator at the landfill during all times when the landfill receives waste, in accordance with subsection 62-701.320(15), F.A.C. ~~If an operator is employed at a Class II landfill, that person must be a trained operator.~~ All ~~Class I and Class III~~ landfills shall have at least one trained spotter at each working face at all times when the landfill receives waste to detect unauthorized wastes.

(2) Operation plan. Each landfill owner or operator shall have an operational plan that provides written, detailed instructions for the daily operation of the landfill. The operation plan shall be kept at or near the landfill facility and shall be accessible to landfill operators. The operation plan shall be substantially complied with at all times, and shall be revised if operational procedures change. The plan shall include procedures for:

(a) No change.

(b) Emergency preparedness and response, as required in subsection 62-701.320(16), F.A.C. Contingency operations, alternate waste handling and disposal methods in case of emergency such as a fire, natural disaster or equipment failure;

(c) Controlling the type of waste received at the site. The plan shall specify inspection procedures, number and location of spotters for each working face, and procedures to be followed if unauthorized prohibited wastes is are discovered;

(d) through (j) No change.

(3) No change.

(4) Waste records.

(a) The owner or operator of a Class I or Class III landfill, or of a Class II landfill owned or operated by a county or municipality, shall weigh all solid waste as it is received. Landfill operators shall record, in tons per day, the amount of solid waste received and shall estimate the amount of wastes listed in paragraph (b) of this subsection. Waste reports shall be compiled monthly, and copies shall be provided to the Department annually quarterly.

(b) Types of waste received:

1. Municipal solid waste.

2. Class III waste.

3. Ash residue.

4. Other wastes.

- | | |
|--|----------------------------------|
| 1. Household waste; | 7. Agricultural waste; |
| 2. Commercial waste; | 8. Industrial waste; |
| 3. Ash residue; | 9. Yard trash; |
| 4. Incinerator by-pass waste; | 10. Sewage sludge; |
| 5. Construction and demolition debris; | 11. Industrial sludge; |
| 6. Treated biomedical waste; | 12. Water/air treatment sludges; |
| | 13. Waste tires. |

(5) No change.

(6) Monitoring of waste.

(a) through (c) No change.

(d) Temporary storage. The owner or operator shall make arrangements or shall have equipment for temporary storage, handling and transport to an authorized disposal or recycling facility for unauthorized waste which is inadvertently accepted by the facility. Unless an alternate schedule is included in an operation plan submitted with the permit application, which provides for the control of odors and vectors, putrescible waste shall not be stored for longer than 48 hours and non-putrescible waste shall not be stored for longer than 30 days.

(7) Waste handling requirements.

(a) All solid waste at Class I and Class II landfills shall be spread in layers of approximately two feet in thickness and compacted to approximately one foot in thickness or as thin a layer as practical before the next layer is applied. Solid waste at all Class III sites shall be spread in layers and compacted once every week using suitable heavy equipment. Bulky materials which are not easily compacted should be worked into other materials as much as practical.

(b) No change.

(c) Solid waste shall be formed into cells to construct horizontal lifts. The working face of the cell, and side grades above land surface, shall be at a slope no greater than three feet horizontal to one foot vertical rise. Lift depth shall should normally not exceed 10 feet unless authorized in the operation plan. Lift depths greater than 10 feet may be allowed but may be deeper, depending on specific operations, daily volume of waste, width of working face, and good safety practices.

(d) No change.

(e) Initial cover shall be applied and maintained at landfills in order to minimize any adverse environmental, safety, or health effects such as those resulting from birds, unauthorized wastes, blowing litter, odors, ~~disease~~ vectors, or fires. The minimum frequency for applying cover is:

1. For Class I and II landfills, at the end of each working day. However, for those areas where solid waste will be deposited on the working face within 18 hours, initial cover may consist of a temporary cover, such as a tarpaulin, which may be removed prior to deposition of additional waste; and

2. No change.

(f) through (j) No change.

(8) Leachate management.

(a) No change.

(b) The landfill operator is responsible for the operation of the leachate collection and removal system and for maintaining the system as designed for the design period. Leachate shall be collected and treated as necessary so that water quality standards and criteria are not violated. If the leachate is classified as a hazardous waste, it shall be managed in accordance with Chapter 62-730, F.A.C. Leachate treatment or disposal facilities that may be used shall be identified in the operating plan, and the Department shall be notified as to which facility is actually being used.

(c) through (h) No change.

(9) through (12) No change.

(13) Recordkeeping. In addition to records and reporting required by other sections of this chapter, the landfill owner or operator shall:

(a) Keep records of all information used to develop or support the permit applications and any supplemental information submitted to comply with this chapter pertaining to construction of the landfill throughout the design period. Records pertaining to the operation, except for weigh tickets, of the landfill shall be kept for the design period of the landfill. Weigh tickets shall be kept for five years.

(b) through (d) No change.

Rulemaking Specific Authority 403.061, 403.704 FS. Law Implemented 403.702, 403.704, 403.707 FS. History—New 1-6-93; Amended 1-2-94, 5-15-94, Formerly 17-701.500, Amended 5-27-01,

62-701.510 Water Quality and Leachate Monitoring Requirements.

(1) Applicability.

(a) This section shall apply ~~only~~ to all applications for construction, operation, or closure (including long-term care) ~~or lateral expansion~~ of a solid waste disposal unit at a landfill received after January 6, 1993. However, subsection (3) of this section shall not apply to any solid waste disposal unit in operation prior to January 6, 1993 that has a ground water monitoring system installed and maintained as required in its approved ground water monitoring plan. However, no later than October 9, 1994, owners or operators of all solid waste disposal units receiving waste after January 6, 1993 shall submit their permit for modification to comply with the following:

~~1. Leachate shall be sampled and analyzed in accordance with subsection (5) and paragraph (6)(c) of this section (if the unit is lined);~~

~~2. All monitoring wells specified in the permit shall be sampled and analyzed semi-annually for the parameters listed in paragraph (8)(a) of this section; and~~

~~3. The water quality monitoring results shall be reported as required in subsection (9) of this section.~~

(b) This rule is intended to supplement the ground water monitoring requirements of Chapters 62-520 and 62-522, F.A.C. Any provisions of Chapters 62-520 and 62-522, F.A.C., ~~that which~~ are not in direct conflict with the provisions of this rule remain applicable. This rule does not relieve a person from compliance with any permit condition or Department order, nor does it limit the Department's authority to modify a permit or ground water monitoring plan in accordance with Chapter 62-520 62-522, F.A.C.

(c) No change.

(2) Water quality monitoring plan and system.

(a) through (b) No change.

(c) The water quality monitoring plan shall comply with the provisions of subsection ~~62-520.600(3) 62-522.600(3),~~ F.A.C. The applicant shall specify sampling locations and frequency in the water quality monitoring plan, and shall provide justification for these locations and frequencies based upon site conditions.

(3) Ground water monitoring.

(a) Two or more detection wells shall be located within the zone of discharge hydraulically downgradient from the solid waste disposal unit, to detect leachate releases. These wells shall be located no more than 50 feet from the edge of the solid waste disposal unit, unless site specific conditions make such placement impractical. These wells shall be capable of monitoring each solid waste disposal unit as it is operated. ~~However, in accordance with Section 403.704(14), F.S., only one detection well is required at Class II landfills unless it is affirmatively demonstrated by the Department that a~~

~~significant change in the initial quality of the water has occurred in the detection well which adversely affects the beneficial uses of the water.~~

(b) through (c) No change.

(d) Monitoring wells.

1. The location of each well, in degrees, minutes and seconds (to two decimal places) of latitude and longitude, and the elevation of the top of the well casing to the nearest 0.01 foot, using a consistent, nationally recognized datum National Geodetic Vertical Datum (NGVD-1929), shall be determined by a Florida Licensed Professional Surveyor and Mapper registered Florida land surveyor. The location information required in subparagraph 62-701.320(7)(f)7., F.A.C., shall be included. Upon completion of each well, Form 62-701.900(30), Monitoring Well Completion Report, effective date [eff. date], hereby adopted and incorporated by reference, shall be submitted to the Department to report details of the well construction and location. Copies of this form are available from a local District Office or by writing to the Department of Environmental Protection, Solid Waste Section, MS 4565, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400.

2. No change.

3. Well spacing shall be spaced no greater than 500 feet apart across the downgradient direction of ground water flow, and no greater than 1500 feet apart across the upgradient direction of ground water flow, in the uppermost aquifer within the zone of discharge, unless site specific conditions support the use of alternate well spacing. Conditions to be considered include; ~~but are not limited to,~~ ground water flow directions and rates, estimated longitudinal and transverse dispersivity rates, proximity to or presence of sensitive environments and ground water users, nature of the wastes, method of disposal, and the proposed design and size of the facility.

4. Well screens shall be located to readily detect representative ground water conditions within the saturated thickness of the uppermost aquifer within the zone of discharge. Well screens shall not act as conduits through confining layers between water bearing strata. The annular space (the space between the borehole and well casing) above the sampling depth shall be sealed to prevent contamination of samples and ground water. Wells monitoring the unconfined water table shall be screened so that the water table can be sampled at all times. The applicant shall provide technical justification for the actual screen length chosen.

5. Monitoring wells shall be constructed so as to provide ground water samples that exhibit the physical and chemical properties of that portion of the aquifer screened by the well. Unless otherwise authorized in a Department permit, new monitoring wells, and existing monitoring wells at the time of permit renewal, shall have protective bollards or other devices installed around them if they are located in areas of high traffic

flow to prevent damage from passing vehicles. Monitoring wells shall be locked to minimize the potential for unauthorized access.

5. through 6. renumbered 6. through 7. No change.

(4) Surface water monitoring.

(a) through (b) No change.

(c) The details concerning the sampling locations and the analysis requirements shall be specified in the water quality monitoring plan. Each monitoring location shall be marked and its position shall be determined by a Florida Licensed Professional Surveyor and Mapper registered Florida land surveyor in degrees, minutes and seconds of latitude and longitude.

(5) No change.

(6) Initial and routine sampling frequency and requirements. Except as otherwise specified in a Department permit or order or in subsection (7) of this section, frequency of sampling and analysis shall comply with the following. However, the owner or operator of a solid waste disposal unit may request a permit modification from the appropriate District Office of the Department to delete specific monitoring parameters or field parameters from routine analyses of detection or compliance wells and surface water. The Department will grant such modification upon a demonstration that these parameters are not reasonably expected to be in or derived from the waste contained in the unit, or are not reasonably expected to be detected in the ground water as a result of the operations of the facility.

(a) No change.

(b) Initial background water quality.

1. Initial background water quality for a proposed landfill shall be determined by analysis of at least one water sample taken from each well that was installed, and each surface water monitoring location that was established, during the site hydrogeological investigation. Any new monitoring well that is installed after completion of the site hydrogeological investigation, unless the new monitoring well is installed to replace an existing well within the monitoring network, shall also be analyzed for initial background water quality. The water quality information shall be submitted to the Department as part of the supporting information for the permit application.

2. through 3. No change.

(c) No change.

(d) Routine monitoring well sampling. All detection wells, and a representative sample of background wells, shall be sampled and analyzed at least semi-annually for the ground water parameters listed in paragraph (8)(a) of this section, in accordance with the water quality monitoring plan. ~~For lined landfills, this shall be done at least semi-annually.~~ The owner or operator of a solid waste disposal unit may request a permit condition or modification from the appropriate District Office of the Department to use an alternate monitoring frequency ~~for background wells.~~ The Department will approve such

condition or modification upon a demonstration that the alternate frequency is appropriate based upon site specific lithology of the aquifer and unsaturated zone, hydraulic conductivity of the aquifer and unsaturated zone, ground water flow rates, minimum distance of travel and the fate and transport of parameters detected.

(e) No change.

(7) Evaluation monitoring, prevention measures and corrective action.

(a) Evaluation monitoring and prevention measures. If monitoring parameters are detected in detection wells in concentrations ~~that which~~ are significantly above background water quality, or ~~that which~~ are at levels above the Department's water quality standards or criteria specified in Chapter 62-520, F.A.C., the permittee may resample the wells within 30 days after the sampling data is received, to confirm the data. Should the permittee choose not to resample, the Department will consider the water quality analysis as representative of current ground water conditions at the facility. If the data is confirmed, or if the permittee chooses not to resample, the permittee shall notify the Department in writing within 14 days of this finding. Upon notification by the Department, the permittee shall initiate evaluation monitoring as follows:

1. No change.

2. Except as provided in paragraph (b) of this subsection, within 90 days of notification from the Department to initiate ~~initiating~~ evaluation monitoring and annually thereafter, the permittee shall sample and analyze a representative sample of the background wells and all affected detection wells for the parameters listed in paragraph (8)(d) of this section. Any new parameters detected and confirmed in the affected downgradient wells shall be added to the routine ground water monitoring parameter lists required in subsection (6) of this section for the affected wells.

3. Within 90 days of notification from the Department to initiate ~~initiating~~ evaluation monitoring, the permittee shall install and sample compliance monitoring wells at the compliance line of the zone of discharge and downgradient from the affected detection monitoring wells. These wells shall be installed according to the requirements of paragraph (3)(d) of this section, and, except as provided in paragraph (b) of this subsection, samples from these wells and the affected detection wells shall be analyzed quarterly for the parameters listed in paragraphs (8)(a) ~~and (d)~~ of this section and any other parameters detected in the affected detection and downgradient wells sampled in subparagraph (7)(a)2. and annually for the parameters listed in paragraph (8)(d). If any contaminants are detected and confirmed in compliance wells in concentrations that exceed both background levels and Department water quality standards or criteria, then the provisions of paragraph (7)(c) of this section apply; otherwise, the following subparagraphs apply.

4. Within 180 days of notification from the Department to initiate ~~initiating~~ evaluation monitoring, the permittee shall submit a contamination evaluation plan to the appropriate Department District Office. This plan shall be designed to delineate the extent and cause of the contamination, in order to predict the likelihood that Department water quality standards will be violated outside the zone of discharge, and to evaluate methods to prevent any such violations. After the Department and the permittee agree that the plan is so designed, the permittee shall implement this plan and submit a contamination evaluation report in accordance with the plan. All reasonable efforts shall be made by the permittee to prevent further degradation of water quality from the landfill activities.

5. If the contamination evaluation report indicates that water quality standards or criteria are likely to be violated outside the zone of discharge, the permittee shall, within 90 days, submit a prevention measures plan to the Department. Upon approval, the permittee shall initiate prevention measures to prevent such violations.

5. through 7. renumbered 6. through 8. No change.

(b) If the parameters detected in the detection wells identified in paragraph (a) of this subsection consist only of iron, aluminum, manganese, sulfates, or total dissolved solids (TDS), either individually or in any combination, then only the detected parameters are required to be monitored in the representative background wells, affected detection wells and downgradient compliance wells required in this section rather than the parameters listed in paragraphs (8)(a) and (8)(d). However, if the facility is unlined, the parameters specified in paragraph (8)(a) shall also be analyzed for in the initial sampling event for the affected detection wells and downgradient compliance wells.

~~(c)(b) Prevention measures and~~ Corrective actions.

~~1. If the contamination evaluation report indicates that water quality standards are likely to be violated outside the zone of discharge, the permittee shall, within 90 days, submit a prevention measures plan to the Department. Upon approval, the permittee shall initiate prevention measures to prevent such violations.~~

1.2. If any contaminants are detected and confirmed in compliance wells in concentrations ~~that~~ ~~which~~ exceed both background levels and Department water quality standards or criteria, ~~or are detected and confirmed in detection wells in concentrations which are above Department water quality minimum criteria,~~ the permittee shall notify the Department within 14 days of this finding and shall initiate corrective actions. Unless alternative corrective actions are specifically required in a permit or consent order in effect on April 17, 2005, corrective actions shall comply with the applicable provisions of Chapter 62-780, F.A.C. This provision is intended to clarify that applicable elements of Chapter 62-780, F.A.C., set forth the appropriate corrective actions in such cases, not to create a new requirement for corrective actions or

to incorporate Chapter 62-780, F.A.C., into Chapter 62-701, F.A.C. Evaluation monitoring shall continue according to the requirements of paragraph (7)(a) of this section.

2. For purposes of this rule, Chapter 62-780, F.A.C., is intended to apply only to violations of ground and surface water quality standards and criteria outside of the facility's permitted zone of discharge. Nothing herein is intended to limit a person's liability for site rehabilitation resulting from unauthorized spills, leaks, or discharges of pollutants or hazardous substances.

a. The provisions in Chapter 62-780, F.A.C., regarding assessment and remediation of contamination in soils do not apply.

b. The provisions in Chapter 62-780, F.A.C., regarding source removal, de minimis discharges, emergency response actions, interim source removal, do not apply.

c. To the extent that any requirements in Chapter 62-780, F.A.C., regarding notice, quality assurance, professional certification, frequency of sampling events, emergency response, or long-term care may conflict with similar requirements in Chapter 62-701, F.A.C., or in a facility's permit conditions, the requirements in Chapter 62-701, F.A.C., or the facility's permit, shall govern.

3. For purposes of this rule, the following definitions in Chapter 62-780, F.A.C., shall have the following meanings:

a. "Cleanup target level" means primary and secondary ground water standards, ground water minimum criteria, surface water standards, and surface water toxicity and human health criteria, which are specified in Chapter 62-777, F.A.C.

b. "Contaminated site" means any surface water or ground water outside of the facility's zone of discharge that contains contaminants that may be harmful to human health or the environment.

(8) Water quality parameters. The following list of water quality monitoring parameters shall be used for each type of sampling to be done.

(a) No change.

(b) Surface water monitoring parameters:

Field parameters	Laboratory parameters
Specific conductivity	Unionized ammonia
pH	Total hardness (as mg/L CaCO ₃)
Dissolved oxygen	Biochemical oxygen demand (BOD ₅)
Turbidity	Copper
Temperature	Iron
Colors, sheens	

(by observation)	Mercury
	Nitrate
	Zinc
	Total dissolved solids (TDS)
	Total organic carbon (TOC)
	Fecal coliform
	Total phosphorus phosphates <u>(as mg/L P)</u>
	Chlorophyll A
	Total nitrogen
	Chemical oxygen demand (COD)
	Total suspended solids (TSS)
	Those parameters listed in 40 CFR Part 258 Appendix I
(c) Leachate monitoring parameters:	
Field parameters	Laboratory parameters
Specific conductivity	Total ammonia – N
pH	<u>Total alkalinity (as mg/L CaCO₃) Bicarbonate</u>
Dissolved oxygen	Chlorides
Colors, sheens	Iron
(by observation)	Mercury
<u>Temperature</u>	Nitrate
	Sodium
	Total dissolved solids (TDS)
	<u>Biochemical oxygen demand (BOD₅)</u>
	<u>Chemical oxygen demand (COD)</u>

(d) Those parameters listed in 40 CFR Part 258, Appendix II, as well as the field parameters specified in paragraph (a) of this subsection.

(9) Water quality monitoring reporting.

(a) The landfill owner or operator shall report all representative water quality and leachate monitoring results to the Department within 60 days from completion of laboratory analyses semi-annually, unless a different due date monitoring frequency is specified in the permit. This report shall also include any leachate monitoring results obtained in accordance with paragraph (6)(c) of this section. In accordance with subsections 62-160.240(3) and 62-160.340(4), F.A.C., wWater quality data contained in the report shall be provided to the Department in an electronic format consistent with requirements for importing into Department databases, unless an alternate form of submittal is specified ~~may be submitted to~~

~~the Department electronically, and may be used in place of written copies of the data, if approved by the Department in the permit. The permittee shall include Form 62-701.900(31), Water Quality Monitoring Certification, effective date [eff. date], hereby adopted and incorporated by reference, with each report certifying that the laboratory results have been reviewed and approved by the permittee. Copies of this form are available from a local District Office or by writing to the Department of Environmental Protection, Solid Waste Section, MS 4565, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400. The Department shall approve such submittals if the permittee specifies in the operation plan a method of electronic submittals which is compatible with the Department's information systems. The operator of the landfill shall notify the Department at least 14 days before the sampling is scheduled to occur so that the Department may collect split samples. The report shall include at least the following:~~

- 1. through 7. No change.
- 8. Water levels recorded prior to evaluating wells or sample collection. Elevation reference shall include the top of the well casing and land surface at each well site at a precision of plus or minus 0.01 foot (using a consistent, nationally recognized datum NGVD); and
- 9. through 10. No change.

(b) A technical report, signed and sealed by a professional geologist or professional engineer with experience in hydrogeologic investigations, shall be submitted to the Department every two and one-half years during the active life of the facility, and every five years during the long-term care period, and shall be updated at the time of permit renewal. The report shall summarize and interpret the water quality and leachate monitoring results and water level measurements collected during the past two and one-half years. The report shall contain, at a minimum, the following:

- 1. No change.
- (c) No change.

Rulemaking Specific Authority 403.061, 403.704 FS. Law Implemented 403.702, 403.704, 403.707 FS. History—New 1-6-93; Amended 1-2-94, 5-19-94, Formerly 17-701.510, Amended 5-27-01,

62-701.520 Special Waste Handling.

(1) Motor vehicles. Motor vehicles that are brought to a landfill may be stored temporarily in a separate area until they are removed for recycling. If vehicles cannot be recycled, all fluids and batteries shall be removed from the vehicles, and they shall be compacted to minimize voids before being placed in the disposal Class I area.

(2) Landfilling shredded waste. Landfilling shredded solid waste without daily soil cover may be an environmentally acceptable method of final disposal at a landfill that meets the

requirements of Rule 62-701.340, F.A.C. A properly designed and operated shredding facility shall be approved by the Department contingent upon the following conditions:

(a) through (b) No change.

(c) All solid waste storage areas in the shredding facility shall be maintained and cleaned at the end of each day's operations or during continuous operation, as necessary, to prevent ~~disease~~ vector problems. All equipment shall be designed and maintained to control spillage and to achieve the required product quality.

(d) through (e) No change.

(3) Asbestos waste disposal.

(a) Asbestos-containing waste materials may be accepted for disposal at a permitted Class I, ~~II~~, or III landfill. Each active waste disposal site that receives asbestos-containing waste material from a source covered under the National Emission Standards for Asbestos, 40 CFR Part 61, Subpart M, shall meet the requirements of 40 CFR Part 61.154, which are incorporated by reference herein. For purposes of this rule, the term "Administrator," when used in 40 CFR Part 61.154, shall mean Secretary of the Department of Environmental Protection.

(b) through (c) No change.

(4) Contaminated soil. Soil ~~that which~~ has been contaminated with petroleum products or any other materials that products which are not hazardous wastes may be disposed of in Class I permitted, lined landfills. ~~Petroleum contaminated soil which has been treated pursuant to Chapter 62-713, F.A.C., may be disposed of at permitted disposal facilities and may, if it meets the criteria of subsections 62-701.200(33) and (53), 62-701.200(39), (59), and (61), F.A.C., be used as initial or intermediate cover material at solid waste disposal facilities permitted landfills. Contaminated soil that has the potential to leach constituents in excess of Department ground water standards or criteria may be used only at Class I landfills and only in those areas of the landfill where runoff or infiltration is captured by the leachate collection system.~~

(5) Biological waste disposal.

(a) Disposal of bodies of domestic animals, upon the death of such animals due to disease, shall be accomplished pursuant to Section 823.041(1), F.S. This provision does not prohibit the disposal of such animals in Class I ~~or II~~ landfills.

(b) No change.

(c) Bodies of captive wildlife, as well as bodies of domestic animals that have not died due to disease, may either be used, burned, disposed of in a Class I landfill, or disposed of on the property where they died provided they are buried at least two feet below the surface of the ground and above the water table.

(d)(e) Biomedical waste that has been treated may be disposed of as solid waste that is not biomedical. Such treated waste must be in containers clearly labeled with the phrase

"Treated Biomedical Waste." The local governments that are responsible for solid waste collection and disposal shall be notified that treated biomedical waste will be disposed of in their facility before such disposal. This requirement does not supersede the provisions of Section 381.0098(8), F.S., regarding acute care hospitals. All transport vehicles transporting treated biomedical waste to a solid waste facility for disposal shall be fully enclosed and secured when unattended. This provision shall not be construed as superseding a solid waste management facility operator's authority to set limitations or restrictions on the disposal of treated biomedical waste at that facility. Treated biomedical waste shall be disposed of only at permitted Class I ~~or II~~ landfills or incinerators used to combust solid waste.

Rulemaking Specific Authority 403.061, 403.704 FS. Law Implemented 403.702, 403.704, 403.705, 403.707, 403.708 FS. History—Formerly 10D-12.07, 10-1-74, Amended 5-24-79, 11-25-82, 7-10-84, 12-10-85, Formerly 17-7.06, 17-7.060, 17-701.060, Amended 1-6-93, 1-2-94, Formerly 17-701.520, Amended 5-27-01,_____.

62-701.530 Gas Management Systems.

(1) No change.

(2) Monitoring requirements. Owners or operators of solid waste disposal units at landfills that have received degradable waste shall implement a routine gas monitoring program to ensure that the design requirements of subparagraphs (1)(a)1. and 3. of this section are met. The routine gas monitoring program shall monitor concentrations of combustible gases at ambient monitoring points and in soil monitoring probes.

(a) No change.

(b) Soil monitoring probes. Soil monitoring probes shall be installed along each property boundary segment of the facility, particularly those adjacent to off-site occupied structures within 100 feet of the property boundary or where distressed vegetation is present, and shall be spaced as needed to detect gas migration. When locating the soil monitoring probes, the owner or operator shall also consider the location of facility structures and the soil conditions, hydrogeologic conditions and hydraulic conditions surrounding the facility. Soil monitoring probes shall extend to the depth of the base of waste fill or at least three feet below ground surface, whichever is deeper. Sampling shall be conducted in the headspace of the monitoring probe without purging the gas before collecting the sample. Where sand, gravel, or more gas permeable soil strata may interconnect the waste deposit and the property boundary, multiple depth monitoring probes if a confining unit is not penetrated, or a single monitoring probe extending from the soil surface to the water table, are necessary to draw gas samples from the permeable layers.

(c) All ambient monitoring points and soil monitoring probes shall be sampled quarterly for concentrations of combustible gases, and the results reported to the Department no later than 15 days after the end of the quarter in which the

monitoring occurred. Combustible gases shall be determined as a percent of the lower explosive limit and shall be calibrated to methane.

(3) Construction and control requirements. The gas management system shall be constructed and operated as authorized by a Department permit or this section.

(a) No change.

(b) Odor remediation plan. The facility shall be operated to control objectionable odors in accordance with subsection 62-296.320(2), F.A.C. After being notified by the Department that objectionable odors have been confirmed beyond the landfill property boundary, if gas concentrations cause objectionable odors beyond the landfill property boundary, the owner or operator shall:

1. Immediately take steps to reduce the objectionable odors. Such steps may include applying or increasing initial cover, reducing the size of the working face, and ceasing operations in the areas where odors have been detected; implement a routine odor monitoring program to determine the timing and extent of any off site odors; and

2. If the monitoring program confirms the existence of objectionable odors, submit to the Department for approval an odor remediation plan for the gas releases. The plan shall describe the nature and extent of the problem and the proposed long-term remedy. The remedy shall be initiated within 30 days of approval.

3. Implement a routine odor monitoring program to determine the timing and extent of any off-site odors, and to evaluate the effectiveness of the odor remediation plan.

(4) No change.

(5) Landfill gas recovery facilities.

(a) No change.

(b) The application shall be submitted on Form 62-701.900(1), and shall contain at least the following:

1. through 5. No change.

(c) No change.

(6) No change.

Rulemaking Specific Authority 403.061, 403.704 FS. Law Implemented 403.702, 403.704, 403.707 FS. History--New 5-27-01, Amended _____.

62-701.600 Landfill Final Closure.

(1) Applicability.

~~(a) Inactive landfills.~~

~~(a) 1.~~ Landfills or solid waste disposal units that which were closed in a manner approved by the Department prior to [eff date] January 6, 1993, or that which have received final cover before July 1, 1985, are exempt from the requirements of this section, although they remain subject to the rules that were in effect at the time of closing although subsection 62-701.610(8), F.A.C., shall apply to any relocation of waste at such landfills or units.

2. Owners or operators of landfills or solid waste disposal units ~~which were no longer receiving wastes on January 6, 1993, which have not been closed in accordance with an approved closure plan or closure permit, and which do not have an approved closure plan or closure permit shall comply with this section by May 19, 1995.~~

~~(b) 3.~~ Owners or operators of landfills or solid waste disposal units that which were no longer receiving wastes on [eff date] January 6, 1993, that which have not been closed in accordance with an approved closure plan or closure permit and that which do have an approved closure plan or closure permit are exempt from the requirements of this section as long as the closure plan or closure permit is complied with.

~~(c) (b) Active landfills.~~ Landfills or solid waste disposal units that which receive wastes after [eff date] January 6, 1993, shall comply with the requirements of this section. ~~Owners or operators of active landfills or solid waste disposal units which have an approved closure plan or closure permit on January 6, 1993 shall apply for modification of their plan or permit to comply with this section by May 19, 1995, or, if the landfill or solid waste disposal unit is not scheduled to close before the existing operation permit expires, at the time of permit renewal. Landfills or solid waste disposal units which are operating under a Department consent agreement, which have a closure permit, and which cease accepting wastes on or before December 1, 1992, are exempt from the requirements of this section except for paragraph 62-701.600(5)(g), F.A.C.~~

~~(2) Closure schedule.~~

~~(a) At least one year prior to the projected date when wastes will no longer be accepted or when all solid waste disposal units are expected to reach design dimensions, the owner or operator shall provide a written notice to the Department with a schedule for cessation of waste acceptance and closure of the landfill. The closure schedule shall become an addendum to the landfill permit. If unforeseen circumstances do not allow the one year notification, notice shall be provided as soon as the need to close the facility becomes apparent.~~

~~(b) Notice and advice to users. At least 120 days prior to the date when wastes will no longer be accepted at the landfill, the owner or operator shall advise users of the intent to close the landfill by posting signs at the entrance of the landfill giving the date of closing, the location of alternative disposal facilities, and the name of the person responsible for closing the landfill. These signs shall be maintained throughout the closing period. If unforeseen circumstances do not allow the 120 day notice to users, notice shall be provided as soon as the need to close the facility becomes apparent.~~

~~(c) Notice to the public. Within 10 days prior to the date when wastes will no longer be accepted at the landfill, the owner or operator shall publish a notice of the landfill closing in the legal advertising section of a newspaper of general~~

circulation in the county where the activity is proposed, and shall provide proof of publication to the Department within seven days of publication.

~~(2)~~(3) Closure permit requirements. The owner or operator shall submit an application to the Department for final closure of the landfill, or closure of the solid waste disposal unit, at least 90 days before the date when wastes will no longer be accepted. The application shall be on Form 62-701.900(1). If the landfill is operating under a Department permit, the owner or operator may ~~shall~~ request a modification of the permit in lieu of submitting a closure permit application. The application or request for modification shall include an updated closure plan which is made up of the following:

- ~~(a) A closure report;~~
- (b) through (c) renumbered (a) through (b) No change.
- ~~(d) Closure procedures;~~
- (e) through (f) renumbered (c) through (d) No change.

~~(4) Closure report. A report on the final closure of the landfill shall address the following requirements, or shall contain an explanation of why the requirement is not applicable:-~~

~~(a) General landfill information which shall contain:~~

- ~~1. Identification of the landfill;~~
- ~~2. Location, description and vicinity map;~~
- ~~3. Total acreage of waste disposal areas and total acreage of landfill property;~~
- ~~4. Legal description of property on which the landfill is located;~~

~~5. History of the landfill including dates of construction and a description of the location and sequence of fill operations; and~~

~~6. Identification of types of waste disposed of in the completed landfill based on records, composition studies, operator memory, major waste depositors, or other information sources.~~

~~(b) The geotechnical investigation report and water quality monitoring plan required in subsection 62-701.330(3), F.A.C.~~

~~(c) Land use information which shall contain a discussion and maps indicating:~~

- ~~1. Identification of adjacent landowners;~~
- ~~2. Zoning;~~
- ~~3. Present land uses; and~~
- ~~4. Roads, highways, rights of way, or easements.~~

~~(d) A report on actual or potential gas migration in landfills that contain degradable wastes which would allow migration of gas off the landfill property.~~

~~(e) An assessment of the effectiveness of the landfill design and operation, which shall provide information about the effects of the landfill on adjacent ground and surface waters, and the landfill area. Specific concerns to be discussed are:~~

- ~~1. Results of the geotechnical investigation;~~

~~2. Effects of surface water runoff, drainage patterns, and storm water controls;~~

~~3. Extent and effects of methane gas migration, lower explosive limit percentage readings in migration paths, and description of the gas venting system;~~

~~4. Condition of existing cover, thicknesses and types of soils or materials used for cover, and effectiveness of cover material as a leachate control mechanism; and~~

~~5. The nature and characteristics of the waste disposed of at the landfill.~~

~~(3)~~(5) Closure design plan. The closure design plan shall consist of engineering plans and a report on closing procedures that apply to the final closing of solid waste disposal units during the operation of the landfill, the final closing of the landfill, and the monitoring and maintenance during the long-term care period. The closure design plan shall include the following information:

(a) through (d) No change.

(e) Final side slope design. Side slopes of aboveground disposal units shall not be steeper than three feet horizontal to one foot vertical rise to control erosion of the final cover material. Such units shall be designed to control the flow of stormwater, such as building ~~incorporate~~ reverse sloping benches or terraces into the side slopes of the landfill, and shall contain down slope drainage ways with water flow energy dissipaters. Access for maintenance equipment shall be provided. Such designs shall address the susceptibility for erosion of the earthen material that is proposed for final cover relative to historical rainfall patterns for the area, the period between the patterns for the area, the period between the application of the final cover and establishment of vegetation, and maintenance procedures.

(f) Final cover installation plans showing the sequence of applying final cover. ~~All areas filled with waste shall have a final cover designed to minimize infiltration of rainfall and subsequent generation of leachate, based on water balance calculations and leachate controls used.~~

1. through 4. No change.

(g) Final cover design.

1. Landfills shall have a final cover designed to minimize infiltration and erosion, which shall include a barrier layer consisting of a soil layer, a geomembrane, or a combination of a geomembrane with a low permeability material. All geosynthetic and soil components used in the final cover shall meet the standards and specifications contained in subparagraphs 62-701.400(3)(d)1. and 2., (3)(d)5.-11., paragraph (e), and (f), F.A.C. For lined Class I and Class ~~III~~ II landfills, the barrier layer shall have a permeability ~~that which~~ is substantially equivalent to, or less than, the permeability of the bottom liner system. If the landfill uses a geomembrane in the bottom liner system, the barrier layer shall also incorporate a geomembrane. For unlined Class I ~~and Class II~~ landfills, the barrier layer shall have a permeability of 1×10^{-7} cm/sec or

less. For unlined Class III landfills, the barrier layer shall have a permeability of 1×10^{-5} cm/sec or less. For unlined Class III landfills which accepted only yard trash, no barrier layer is required; instead, final cover shall consist of a 24-inch thick soil layer, the upper six inches of which shall be capable of supporting vegetative growth.

2. No change.

3. If the barrier layer consists only of a ~~geosynthetic clay liner (GCL)~~, a protective soil layer at least 24 inches thick shall be placed on top of the GCL with the upper six inches being able to sustain vegetative growth. The GCL shall be placed on a protective soil layer at least six inches thick. Material specifications and installation methods, which may include a drainage layer between the GCL and the protective soil layer over the GCL, shall be adequate to protect the barrier layer from root penetration, resist erosion, and remain stable on the final design slopes of the landfill.

4. If a geomembrane is used in the barrier layer, it shall be either HDPE or LLDPE with a minimum average thickness of 40 mils or PVC with a minimum average thickness of 30 mils, shall a semi-crystalline thermoplastic with at least 40 mils average thickness, as defined by method GRI GM13, or a non-crystalline thermoplastic at least 30 mils thick, within the tolerances specified in method PGI 1197, with a maximum water vapor transmission rate of $2.4 \text{ g}/(\text{m}^2 \times \text{day})$, have chemical and physical resistance to materials it may come in contact with, and shall withstand exposure to the natural environmental stresses and forces throughout the installation, seaming process, and settlement of the waste during the closure and long-term care period. A protective soil layer at least 24 inches thick shall be put on top of the geomembrane. Material specifications, installation methods, and compaction specifications, which may include a drainage layer between the geomembrane and the protective soil layer, shall be adequate to protect the barrier layer from root penetration, resist erosion, and remain stable on the final design slopes of the landfill. This layer shall include topsoil or soils that will sustain vegetative growth.

5. The final cover design shall include an evaluation of the stability of the cover system and the disposed waste and shall be designed to meet the factor of safety criteria in paragraph 62-701.400(2), F.A.C. This evaluation shall include an analysis of the potential for slides along the weakest interface of the final cover system and of the potential for deep seated rotational or translational failures through the waste and the final cover.

6. An applicant may use an alternate design for the barrier layer, or parts of the barrier layer, or for the protective soil layer, upon a demonstration that the alternate design will result in a substantially equivalent rate of storm water infiltration through the final cover. Any alternate design shall be reviewed by the Department as part of its review of the closure design plan.

7. No change.

(h) Proposed method of stormwater control. ~~Stormwater occurring on the landfill property and from areas adjacent to the landfill property shall be prevented from coming onto or into waste filled areas.~~ The closure design plan shall demonstrate how the stormwater management systems shall be operated and maintained as necessary to meet the requirements of subsection 62-701.400(9), F.A.C.

(i) Proposed method of access control. The closure design plan shall show how access to the closed landfill shall be restricted to prevent any future waste dumping or use of the facility by unauthorized persons. ~~Restricted access shall remain in force until the landfill is stabilized and there is no evidence that facility property is being used as an unauthorized disposal site. If use of the property during the long-term care period is planned, access shall be restricted until landfill closing is completed and acknowledged by the Department in accordance with subsection 62-701.610(6), F.A.C.~~

~~(j) A description of any proposed final use of the landfill property.~~

~~(j)(k)~~ A description of the proposed or existing gas management system that which complies with Rule 62-701.530, F.A.C.

~~(4)(6)~~ Closure operation plan. The closure operation plan shall:

(a) Describe the actions that which will be taken to close the landfill, such as placement of cover, grading, construction of berms, ditches, roads, retention-detention ponds, installation or closure of wells and boreholes, installation of fencing, seeding of vegetation, and protection of on-site utilities and easements;

(b) through (c) No change.

(d) Describe the proposed method of demonstrating financial assurance responsibility for the long-term care monitoring and maintenance;

(e) Provide for operation the development and implementation of the water quality monitoring plan required in Rule 62-701.510, F.A.C.; and

(f) Provide for the development and implementation of the gas management system required in Rule 62-701.530, F.A.C.; and

~~(g) Indicate any additional equipment and personnel needed to complete closure of the landfill.~~

(5) The owner or operator shall close the facility only in accordance with the closure design plan submitted with the permit application. The owner or operator shall at all times comply with the closure operation plan submitted with the permit application.

(6) Certification of closure construction completion. After closure construction has been completed, the engineer of record shall certify to the Department on Forms 62-701.900(2) that the closure is complete and that it was done in accordance with the plans submitted to the Department except where

minor deviation was necessary. All deviations shall be described in detail and the reasons therefore enumerated. If the certification is for the final closure of a landfill, it shall include a certification that one of the following has been done:

(a) For landfills with a final elevation of less than 20 feet above the natural land surface, concrete monuments shall be installed to mark the boundaries of the landfill property and other permanent markers shall be installed to outline the general waste filled areas. These markers shall be tied to one or more of the boundary markers by a survey performed by an engineer or a Florida Licensed Professional Surveyor and Mapper. The location and elevation of all markers shall be shown on a site plan filed with the "Declaration to the Public" described in subsection (7) of this section.

(b) For landfills with a final elevation of 20 feet or higher above the natural land surface, a final survey shall be performed after closure is complete by an engineer or a Florida Licensed Professional Surveyor and Mapper to verify that final contours and elevations of the facility are in accordance with the plans as approved in the permit. Aerial mapping techniques which provide equivalent survey accuracy may be substituted for the survey. Contours shall be shown at no greater than five-foot intervals. A copy of the survey shall be included with the certification of closure construction completion.

(7) Declaration to the public. Once closure construction has been completed, the landfill owner or operator shall file a declaration to the public in the deed records in the office of the county clerk of the county in which the landfill is located. The declaration shall include a legal description of the property on which the landfill is located and a site plan specifying the area actually filled with solid waste. The declaration shall also include a notice that any future owner or user of the site should consult with the Department prior to planning or initiating any activity involving the disturbance of the landfill cover, monitoring system or other control structures. A certified copy of the declaration shall be filed with the Department.

(8) Official date of closing. The Department shall evaluate the documents required in subsections (6) and (7) of this section, and within 30 days of its determination that such documents comply with the closure plan and the requirements of this section shall acknowledge by letter to the facility operator that closing of the facility has been completed. If the entire landfill has been closed, the date of this letter shall be the official date of landfill closing for purposes of determining the long-term care period. If only a portion of the landfill has been closed, the long-term care period will begin upon the closing of the entire landfill, unless the portion that has been closed can be monitored and maintained separately from the rest of the landfill.

(9)(7) Temporary closure.

(a) Placement of final cover over a solid waste disposal unit may be delayed for a period of time specified in an approved closure plan for the following reasons:

1. No change.
2. If additional solid waste will be deposited on the solid waste disposal unit ~~within five years~~; or
3. No change.
- (b) Placement of final cover may be delayed only if the solid waste disposal unit is temporarily closed in accordance with an approved closure plan. Conditions of temporary closure shall include:
 1. through 2. No change.
 3. Final cover is installed on side slopes of each completed disposal unit ~~that which~~ will not receive additional waste or ~~that which~~ will not be ~~excavated~~ ~~mined~~, and ~~all areas visible to the public are closed and landscaped~~, except that if a landfill owner or operator can demonstrate in individual cases that a different process will be adequate to control erosion and odors, and will be expected to result in compliance with applicable stormwater and leachate management requirements, it can be approved as part of the closure plan;
 4. Odors and ~~disease~~ vectors are controlled;
 5. No change.
 6. The financial ~~assurance~~ ~~responsibility~~ requirements of Rule 62-701.630, F.A.C., are met, and the closure cost estimate takes into account the costs of temporary closure as well as the costs of the final closure; and
 7. No change.

(c) In addition, a solid waste disposal unit ~~that which~~ will be ~~excavated~~ ~~mined~~ in the future shall have a temporary final cover installed.

Rulemaking Specific Authority 403.061, 403.704 FS. Law Implemented 403.702, 403.704, 403.707 FS. History--New 1-6-93, Amended 1-2-94, 5-19-94, Formerly 17-701.600, Amended 5-27-01, _____.

62-701.610 Other Closure Procedures.

(1) Closing inspections. The Department shall specify in the closure permit which particular closing steps or operations must be inspected and approved by the Department before proceeding with subsequent closure actions.

(2) Survey monuments. For landfills with a final elevation of less than 20 feet above the natural land surface, concrete monuments shall be installed to mark the boundaries of the landfill property and other permanent markers shall be installed to outline the general waste filled areas. These markers shall be tied to one or more of the boundary markers by a survey performed by an engineer or a registered land surveyor. The location and elevation of all markers shall be shown on a site plan filed with the "Declaration to the Public" described in subsection (5) of this section.

(3) Final survey report. When landfill operations have been conducted which have raised the final elevations higher than 20 feet above the natural land surface, a final survey shall be performed after closure is complete by an engineer or a registered land surveyor to verify that final contours and

elevations of the facility are in accordance with the plans as approved in the permit. Aerial mapping techniques which provide equivalent survey accuracy may be substituted for the survey. The survey or aerial mapping information shall be included in the report along with information reflecting the conditions of the landfill as constructed. Contours shall be shown at no greater than five-foot intervals. The landfill owner or operator shall submit this report to the Department in accordance with the closing schedule.

~~(4) Certification of closure construction completion. A certification of closure construction completion, signed, dated and sealed by a professional engineer independent of the contractor, shall be provided to the Department upon completion of closure. All substantial deviations from the permitted closure plans shall be noted.~~

~~(5) Declaration to the public. After closing operations are inspected and approved by the Department, the landfill owner or operator shall file a declaration to the public in the deed records in the office of the county clerk of the county in which the landfill is located. The declaration shall include a legal description of the property on which the landfill is located and a site plan specifying the area actually filled with solid waste. The declaration shall also include a notice that any future owner or user of the site should consult with the Department prior to planning or initiating any activity involving the disturbance of the landfill cover, monitoring system or other control structures. A certified copy of the declaration shall be filed with the Department.~~

~~(6) Official date of closing. Upon receipt of the documents required in subsections (3), (4), and (5) of this section, the Department shall, within 30 days, acknowledge by letter to the facility operator that notice of termination of operations and closing of the facility has been received. If the entire landfill has been closed, the date of this letter shall be the official date of landfill closing for purposes of determining the long-term care period. If only a portion of the landfill has been closed, the long-term care period will begin upon the closing of the entire landfill, unless the portion which has been closed can be monitored and maintained separately from the rest of the landfill. The date of this letter shall be the official date of landfill closing for the purpose of determining the long-term care period.~~

~~(1)(7) Use of closed solid waste disposal facilities landfill areas. Closed solid waste disposal facilities landfill areas, if disturbed, are a potential hazard to public health, ground water and the environment. The Department retains regulatory control over any activities that which may affect the integrity of the environmental protection measures such as the landfill cover, drainage, liners, monitoring systems, or leachate and stormwater controls. Consultation with the Department is required prior to conducting activities at the closed solid waste disposal facilities landfill areas.~~

~~(2)(8) Relocation of waste. The owner of a closed landfill must may request permission from the Department to move waste from one point to another within the footprint of the same solid waste disposal unit. If the landfill has a valid closure permit, the permittee shall seek a modification to reflect the relocation of waste. The Department shall approve such a request upon a demonstration that:~~

~~(a) No change.~~

~~(b) Any leachate, stormwater runoff, or gas that which is generated by the activity is controlled on site;~~

~~(c) Any hazardous waste that which is generated by the activity will be managed in accordance with Chapter 62-730, F.A.C.;~~

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

~~Rulemaking Specific Authority 403.704 FS. Law Implemented 403.704, 403.707 FS. History—New 7-1-85, Formerly 17-7.074, Formerly 17-701.074, Amended 1-6-93, 1-2-94, Formerly 17-701.610, Amended 5-27-01,_____.~~

~~62-701.620 Long – Term Care.~~

~~(1) Long-term care period. The owner or operator of any landfill which receives wastes after January 6, 1993, shall continue to monitor and maintain the integrity and effectiveness of the final cover as well as other appurtenances of the facility, control erosion, fill subsidences, comply with the ground water monitoring plan, and maintain the stormwater system, in accordance with an approved closure plan for 30 years from the date of closing. Before the expiration of the long-term care monitoring and maintenance period, the Department may extend the time period if the closure design or closure operation plan is found to be ineffective, or if the permittee has not performed all required monitoring and maintenance. For purposes of this subsection, “ineffective” means that:~~

~~(a) The ground water monitoring system indicates that the landfill continues to impact ground water at concentrations that may be expected to result in violations of Department water quality standards or criteria;~~

~~(b) The gas monitoring system indicates that the landfill continues to produce gas in amounts that may be expected to exceed the concentrations of combustible gases allowed in paragraph 62-701.530(1)(a), F.A.C.;~~

~~(c) Significant subsidence of waste has not ceased; or~~

~~(d) The final cover does not have well established vegetation or is showing signs of continuing significant erosion problems.~~

~~(2) Permit for long-term care ~~Long-term care permit~~. Long-term care shall be conducted in accordance with a closure permit. Closure permits involving only long-term care shall be issued with a duration of ten years unless the owner or operator specifically requests a shorter duration. If a shorter duration is requested, the permit fee shall be prorated.~~

(3) Reduced long-term care period. The owner or operator of a landfill may apply to the appropriate District Office of the Department for a permit modification to reduce the long-term care period schedule or eliminate some aspects of long-term care. The Department will grant such modification if reasonable assurance is provided to the Department that there is no threat to human health or the environment and if the landfill:

- (a) through (d) No change.
- (4) No change.

(5) Gas monitoring. The gas collection and monitoring system required in paragraph 62-701.600(4)(f) ~~62-701.600(6)(f)~~, F.A.C., shall be maintained for the long-term care period of the landfill. The owner or operator of a landfill may apply to the appropriate District Office of the Department for a permit modification to reduce the long-term care period schedule. The Department will grant such a modification if the applicant demonstrates that the landfill has stabilized to the point where there is no significant production of combustible gases or objectionable odors.

(6) Stabilization report. Every five years after issuance of a permit for long-term care, the permittee shall submit a report to the Department that addresses stabilization of the landfill. The submittal shall include the technical report required in paragraph 62-701.510(9)(b), F.A.C., and shall also address subsidence, barrier layer effectiveness, storm water management, and gas production and management. For lined landfills, the submittal shall also address leachate collection and removal system effectiveness, leachate quality, and leachate quantity.

(7)(6) Right of access. The landfill owner or operator shall possess or acquire a sufficient interest in, or a right to use, the property for which a permit is issued, including the access route onto the property to carry out the requirements of this rule. The permittee shall retain the right of entry to the landfill property for the long-term care period, after termination of solid waste operations, for inspection, monitoring and maintenance of the site.

(7) Successors in interest. Any person acquiring rights or ownership, possession or operation of a permitted landfill through lease or transfer of property shall be subject to all requirements of the permit for the facility and shall provide any required proof of financial responsibility to the Department in accordance with this rule. Any lease or transfer of property shall include specific conditions to delineate:

- (a) The previous owner or operator is responsible for closure and shall maintain any required proof of financial responsibility until the person acquiring ownership, possession or operation of the landfill establishes the required proof of financial responsibility with the Department;
- (b) Responsibility for the continuance of monitoring, maintenance, and correction of deficiencies or problems; and

(c) Mineral rights attached to the property and the rights to any recoverable materials that may be buried on the property or landfill gases that may be produced. A Department permit shall be required if any on-site operations subsequent to closing of a landfill involve disturbing the landfill.

(8) Transfer of permit. Transfer of a landfill permit shall be in accordance with the provisions of Rule 62-4.120, F.A.C., and this rule.

- (9) through (10) renumbered (8) through (9) No change.

Rulemaking Specific Authority 403.704 FS. Law Implemented 403.704, 403.707 FS. History—New 7-1-85, Formerly 17-7.075, Formerly 17-701.075, Amended 1-6-93, 1-2-94, 5-19-94, Formerly 17-701.620, Amended 5-27-01,_____.

62-701.630 Financial Assurance.

(1) Owner or operator. Definitions. As used in this section:

- (a) No change.
- (b) The owner or operator identified on financial assurance documentation shall be the same individual, registered business entity (not a fictitious name) or government entity as the permit applicant. If there are multiple permittees, only one need be identified on the financial assurance documentation. "Active life" means the operating life of the landfill as estimated in the construction permit or closure plan, but does not include the long-term care period.

(2) Applicability.

- (a) No change.
- (b) As a condition for the issuance of a landfill construction permit, permit transfer, or permit modification authorizing expansion, the owner or operator shall provide the Department with describe the financial mechanism to be used to demonstrate proof of financial assurance issued in favor of the Florida Department of Environmental Protection in the amount of the closing and long-term care cost estimates for the landfill. This proof shall be submitted to the Department as part of the permit application process, except as provided in paragraph (c) of this subsection, to the Department. The financial mechanism shall be created, and alternate financial mechanisms shall be fully funded, at least 60 days prior to the acceptance of any solid waste at the facility. The financial mechanism shall either be:

1. If the landfill is owned or operated by a government agency, a landfill management escrow account pursuant to subsection (5) of this section or an alternate financial mechanism pursuant to subsection (6); or
2. If the landfill is not owned or operated by a government agency, an alternate financial mechanism pursuant to subsection (6) of this section.

(c) A permittee may delay submitting proof of financial assurance for a solid waste disposal unit under the following conditions. Such proof must be submitted at least 60 days prior to the planned acceptance of any solid waste. Under no circumstances shall the permittee receive waste at the solid

waste disposal unit until it has received written acknowledgement from the Department that the financial mechanism has been properly submitted and funded.

1. The solid waste disposal unit for which a permit is being sought has not received solid waste for storage or disposal;

2. The permit being sought does not authorize operation of the solid waste disposal unit, or requires a specific separate approval by the Department prior to operation being authorized;

3. The permittee identifies the type of financial mechanism it intends to use, and provides reasonable assurance as part of the permit application that it is capable of obtaining and using the identified mechanism; and

4. The permittee submits Form 62-701.900(29), Financial Assurance Deferral Application, effective date [eff. date], hereby adopted and incorporated by reference, as part of the permit application. Copies of this form are available from a local District Office or by writing to the Department of Environmental Protection, Solid Waste Section, MS 4565, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400. This form will inform the permittee of these requirements, and will include an acknowledgement by the permittee agreeing not to accept waste until the financial assurance has been approved. Owners or operators of existing landfills or landfills which have received a construction permit prior to November 28, 1989, shall submit proof of financial assurance to the Department by October 1, 1990. Such proof shall be:

1. That a landfill management escrow account has been established and that such account and interest thereon is current as to the required level of funding pursuant to subsection (5) of this section; or,

2. Proof of the existence and current value of an alternate financial mechanism pursuant to subsection (6) of this section.

(d) Owners or operators of existing Class I ~~or II~~ landfills receiving waste after October 9, 1993, ~~that which~~ are required to undertake a corrective action program in accordance with subsection 62-701.510(7), F.A.C., shall submit proof of financial assurance to the Department no later than 120 days after the corrective action remedy has been selected.

(3) Cost estimates for closure.

(a) For the purposes of determining the amount of proof of financial assurance that is required ~~by in subsections (5) and (6) of this section,~~ the owner or operator shall estimate the total cost of closure in current dollars for the permitted portions of the landfill and ~~or~~ for those portions of the landfill for which a ~~construction~~ permit is sought, for the time period in the landfill operation when the extent and manner of its operation make closing most expensive. The annual cost of long-term care shall be estimated, ~~and~~ listed separately, and multiplied by the number of years required in the long-term care period 30 years. The owner or operator shall submit the estimates, together with all necessary justification, to the Department as part of the permit application along with the proof of financial assurance.

The costs shall be estimated and certified by a professional engineer for a third party performing the work, on a per unit basis, with the source of estimates indicated.

(b) through (c) No change.

(d) Cost estimates required in this section shall be prepared and submitted on Form 62-701.900(28), Closure Cost Estimating, effective date [eff. date], hereby adopted and incorporated by reference. Copies of this form are available from a local District Office or by writing to the Department of Environmental Protection, Solid Waste Section, MS 4565, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400.

(e) No change.

(4) Cost adjustments for closure.

(a) Every owner or operator of a landfill shall annually adjust the closure cost estimate for inflation and submit updated information to the Department. Closing and long-term care costs shall be listed separately. For owners or operators using an alternate financial mechanism, this statement shall be submitted between January 1 and March 1 of each year. For owners or operators using an escrow account, this statement shall be submitted between July 1 and September 1 of each year. This paragraph does not prohibit an owner or operator from submitting other information updating the closure cost estimate at other times of the year.

~~(b) During the life of those portions of the landfill which have not been finally closed, as well as during the long-term care period, the owner or operator shall adjust the closure cost estimate for inflation and changes in the closing and long-term care plan. Such adjustments shall be made either by:~~

1. Recalculating the ~~total maximum~~ cost of closure or long-term care, in current dollars, as specified in subsection (3) of this section; or

2. ~~By~~ Using an inflation factor derived from the most recent Implicit Price Deflator for Gross National Product published by the U.S. Department of Commerce in its Survey of Current Business as specified in subparagraphs (4)(b)2.a. and b. of this section. The inflation factor is the result of dividing the latest published annual Deflator by the Deflator for the previous year.

a. through b. No change.

~~(b)(e) At the time of permit renewal, or every fifth year when a permit is issued with a duration greater than 5 years. If the closure or long-term care plan is modified during the operating, closure or long-term care period, the owner or operator shall revise the cost estimate. Revisions shall be made by recalculating the total cost of closure or long-term care, in current dollars, as specified in subsection (3) and submitted as specified in subparagraph (4)(b)1. of this section. Cost estimates submitted in accordance with this subsection will be used as the basis for comparison against the balance of the funding mechanisms specified in subsections (5) and (6) of this section.~~

(c) In addition to the requirements of paragraphs (a) and (b) of this subsection, the owner or operator shall revise the closure cost estimate by recalculating the total cost of closure or long-term care, in current dollars, as specified in subsection (3) of this section, in the following situations:

1. Prior to any changes to the closing or long-term care plan;

2. Within 30 days of discovery that any of the anticipated costs that formed the basis of the current approved closure cost estimate have changed significantly; or

3. Within 30 days of issuance of an order pursuant to subsection 62-701.730(18), F.A.C., finding that the facility has exceeded any of its permitted dimensions.

(d) No change.

(5) Landfill management escrow account.

(a) The owner or operator of a landfill that is owned or operated by a government agency shall establish a fee, or a surcharge on existing fees, or other appropriate revenue-producing mechanism, to ensure the availability of financial resources for the proper closing and long-term care of the landfill.

(b) No change..

(c) The revenue shall be deposited in an interest-bearing escrow account with a financial institution such as a bank or trust whose operations are regulated and examined by a federal or state agency, or deposited in a Department-approved investment pool, created by the State of Florida or local governments, that has as its primary objective liquidity and preservation of principle, the landfill management escrow account, to be held and administered by the owner or operator. The owner or operator shall file with the Department a signed duplicate original of the escrow account agreement and an annual audit of the account. The audit shall be conducted by an independent Certified Public Accountant and shall be filed no later than March 31 of the following year. The audit shall identify where funds are on deposit, give consist of reporting the balance in the landfill management escrow account balance as of the end of the each fiscal year and itemize, by facility, amounts restricted for closing and long-term care. The audit shall also include and a list by date of all deposits and withdrawals made. The list shall include the date and the amount of each deposit and withdrawal.

(d) Payments into the landfill management escrow account shall be made by the owner or operator at least annually, according to one of the following methods:

1. The For a new landfill, the first payment must be made before the end of the first fiscal year after the initial receipt of solid waste into the landfill. A notice of such payment shall be submitted to the Department. The first payment shall be equal to the current closing cost estimate for the landfill divided by the number of years in the active life of the landfill. Subsequent payments must be made at least annually, over the

term of the active life of the landfill, on the anniversary date of the first payment. The calculations for such annual payment shall be determined using one of the following methods:

a. "Pay-in" method: payment = (CE - CV)/Y, where CE is the current dollar closing calculated closure cost estimate at the beginning of the fiscal year, CV is the current value of the escrow account at the beginning of the fiscal year, and Y is the number of remaining years in the design active life of the landfill at the beginning of the fiscal year; or

b. "Balance" method: the fiscal year end account balance = [CE x (DE/DL)] - E, where CE is the approved latest current dollar closing closure cost estimate (by solid waste disposal unit) at the beginning of the fiscal year approved by the Department; DE, the design life exhausted (by solid waste disposal unit), is the period of time between the initial receipt of waste and the current fiscal year end account audit date; DL, the design life (by solid waste disposal unit), is the period of time between initial receipt of waste and end of receipt of waste; and E, all documented closing closure expenditures to date (by solid waste disposal unit), are expenses identified by the fiscal year end audit(s) as being incurred closing or maintaining the landfill identified in the closure plan. The choice of use of this formula requires the continued use throughout the remaining design life of the landfill or phase. In the event the fiscal year end audited account balance exceeds the required balance, the owner or operator may remove the excess funds upon written authorization from the Department.

2. through 4. No change.

(e) through (f) No change.

(g) The owner or operator of any landfill that had established an escrow account prior to January 1, 2007, may continue to use that escrow account to provide financial assurance for closure of that landfill, even if that landfill is not owned or operated by a government agency.

(6) Alternate proof of financial assurance.

(a) The appropriate part of Form 62-701.900(5), Financial Mechanisms for Solid Waste Management Facilities Requiring Closure and/or Long-term Care, effective date [eff. date], hereby adopted and incorporated by reference, shall be used, and originally signed duplicates submitted, when demonstrating proof of financial assurance under this section. Copies of this form are available from a local District Office or by writing to the Department of Environmental Protection, Solid Waste Section, MS 4565, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400. An owner or operator may establish proof of financial assurance with the Department in lieu of, or in combination with, the requirements of subsection (5) of this section. Such proof Proof of financial assurance under this subsection shall may include surety bonds, certificates of deposit, securities, letters of credit, trust fund agreements, closure insurance (excluding independent procurement), or financial tests and corporate guarantees, showing that the owner or operator has sufficient financial

resources to cover, at a minimum, the costs of complying with all state landfill closing and long-term care requirements. If such proof of financial assurance is surety bonds, letters of credit, trust fund agreements, closure insurance or financial tests and corporate guarantees, such proof shall be submitted on forms provided by the Department in accordance with the requirements of paragraphs (b) through (d) of this subsection. If proof of financial assurance is securities or certificates of deposit, these instruments must be used in conjunction with a trust fund and shall be submitted directly to the trustee. The owner or operator shall estimate such costs pursuant to subsection (3) of this section.

(b) 40 CFR Part 264 Subpart H which contains EPA's rules on financial requirements for owners and operators of hazardous waste facilities are hereby adopted as financial requirements for purposes of this section incorporated by reference as those rules appear in 40 CFR Part 264, revised as of July 1, ~~2007~~ 2000, except:

1. The following sections of 40 CFR Part 264, Subpart H are specifically not adopted as part of this rule:

a. 264.140(a); 264.140(b); 264.140(d); 264.141(a); 264.141(e); 264.142(b); 264.142(c); 264.143(f)(1); 264.144(b); 264.144(c); 264.145(f)(1); 264.147; 264.149; 264.150; and 264.151.

b. through e. No change.

f. 264.140(c) when referring to landfills owned or operated by a government agency.

2. References to 40 CFR 264.143(f)(1) and 264.145(f)(1) shall mean paragraph 62-701.630 (6) (c), F.A.C. References in 40 CFR Part 264, Subpart H to the United States Environmental Protection Agency (EPA) shall mean the State of Florida Department of Environmental Protection (DEP); to Regional Administrator shall mean the Secretary of the Department; or the Secretary's written designee; to RCRA permits shall mean solid waste management permits; to Post-Closure Care/Post-Closure Cost Estimate shall mean Long-Term Care/Long-Term Care Cost Estimate; to EPA identification number shall mean the Department identification number; to hazardous waste shall mean solid waste; to hazardous waste treatment, storage or disposal facilities shall mean landfills; to Section 3008 of RCRA shall mean FDEP Agency Action; to Circular 570 of the U.S. Department of the Treasury shall mean Circular 570 of the U.S. Department of the Treasury and licensed to do business in the State of Florida; and to one or more states shall mean in the State of Florida.

(c) No change.

(d) Government-owned facilities providing proof of financial assurance using a financial test; must send updated information outlined in 40 CFR 264.143(f)(5) and 264.145(f)(5) to the Department within 180 days after the close of each succeeding fiscal year.

~~(e) Form 62-701.900(5) shall be used, and originally signed duplicates submitted, when demonstrating proof of financial assurance under this section.~~

(7) No change.

(8) Cost adjustments for corrective action.

(a) No change.

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

(c) No change.

(9) Financial assurance for corrective action.

(a) For government owned landfills, the owner or operator shall demonstrate proof of financial assurance for corrective action with the Department by identifying a revenue source and establishing an escrow account as specified in subsection (5)(c) of this section, or by using one of the approved alternate mechanisms specified in subsection (6) of this section. Payments into the landfill management escrow account shall be made by the owner or operator according to one of the following methods:

1. through 2. No change.

(b) For privately owned landfills, the owner or operator shall demonstrate proof of financial assurance for corrective action with the Department by ~~establishing an escrow account or by~~ using one of the approved alternate mechanisms specified in subsection (6) of this section. ~~The escrow account shall be funded for the full cost associated with the corrective action remedy within 120 days after the corrective action remedy has been selected.~~ If a trust fund is used, the first payment into the trust must be at least equal to one-half of the current cost estimate for corrective action. The amount of subsequent payments must be determined by the following formula: Next payment = $[RB - CV]/Y$, where RB is the most recent estimate of the required trust fund balance for corrective action (i.e., the total costs that will be incurred during the second half of the corrective action period), CV is the current value of the trust fund, and Y is the number of years remaining in the pay-in period. The pay-in period is one-half of the estimated length of the corrective action program.

(10) If long-term care is extended because the permittee has failed to perform all required monitoring and maintenance, financial assurance shall continue to be required during the extended long-term care. If the long-term care is extended for any other reason, financial assurance is not required during the extended long-term care period, except as may be required in subsections (7) through (9) of this section.

Rulemaking Specific Authority 403.704 FS. Law Implemented 403.704, 403.707 FS. History—New 7-1-85, Formerly 17-7.076, Amended 11-28-89, Formerly 17-701.076, Amended 1-6-93, 1-2-94, 5-19-94, Formerly 17-701.630, Amended 5-27-01, _____.

62-701.710 Waste Processing Facilities.

(1) Applicability.

(a) This ~~section rule~~ applies to solid waste management facilities ~~that process but which~~ do not dispose of solid waste on-site. This includes materials recovery facilities; ~~and~~ transfer stations, ~~and volume reduction facilities~~; but does not include used oil processing facilities, waste tire processing facilities, soil treatment facilities, yard trash processing facilities that meet the registration requirements of Rule 62-709.320, F.A.C., ~~incinerators or combustors~~, or solid waste composting facilities, each of which is regulated under separate rules. Solid waste combustors will require permits under this section for any storage, processing, or disposal operations that are not directly addressed in another Department permit or certification as specified in paragraphs 62-701.320(14)(a) and (b), F.A.C. However, in accordance with paragraph Rule 62-701.320(5)(c), F.A.C., owners or operators of facilities which manage several different types of wastes, including used oil, waste tires, contaminated soil, or compost, may apply for a single permit which addresses all applicable requirements.

(b) No person shall construct or operate a waste processing facility without a permit issued by the Department. ~~Persons operating waste processing facilities under a permit (including a general permit) issued by the Department prior to May 27, 2001, may continue to operate that facility under the terms of their existing permit until it expires. Persons who submitted a complete application for a materials recovery facility, and persons who submitted a general permit notification for a transfer station at least 30 days prior to May 27, 2001, which the Department has not denied, are not subject to this rule until the time for renewal of that permit, if issued.~~ All modifications or renewals of existing permits, and all new construction or operation permits issued on or after May 27, 2001, for waste processing facilities, shall comply with this rule.

(c) through (d) No change.

(e) The following types of facilities are not subject to the requirements of this section; however, these facilities shall be operated to minimize the discharge of leachate to the environment and to control objectionable odors, litter, dust, and other fugitive particulates. This rule shall not apply to the following:

1. Facilities comprised solely of gGreen boxes, compactor units, permanent dumpsters, and other containers from which such wastes are transported to a landfill or other solid waste management facility, which do not accept waste from commercial waste haulers that accept waste from multiple generators, and which are not causing a sanitary nuisance;

2. No change.

3. Household hazardous waste collection centers operated by or exclusively on behalf of a local government; ~~and~~

4. Facilities at industrial operations where waste is stored prior to shipment to a solid waste management facility, or where industrial byproducts are segregated and managed, provided that the industrial operation is regulated under another Department permit or certification.

5. Facilities used solely for the temporary storage of road maintenance byproducts, which include street sweepings, ditch scrapings, shoulder scrapings, and catch basin sediments, provided:

a. Materials that require screening, as well as separated Class I wastes, shall be stored so that leachate and litter are controlled. Examples would include storage in covered roll-offs, storage on an impervious surface and under roof, or storage indoors;

b. Unscreened materials that will not be beneficially used shall be disposed of as soon as practical but shall be stored for no longer than three months unless a longer storage time is approved by the Department;

c. Class I wastes that are separated from the material shall be disposed of at a permitted facility at least weekly; and

d. Screened materials, or materials that do not require screening, shall be stored for no longer than six months unless a longer storage time is approved by the Department.

(2) Application. A permit application for a waste processing facility shall be submitted on Form 62-701.900(4), Application to Construct, Operate, or Modify a Waste Processing Facility, effective date [eff. date], hereby adopted and incorporated by reference. Copies of this form are available from a local District Office or by writing to the Department of Environmental Protection, Solid Waste Section, MS 4565, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400. The form shall indicate whether the facility will operate as a materials recovery facility, transfer station, some other type of processing facility ~~volume reduction plant~~, or some combination thereof, shall be signed and sealed by a professional engineer, and shall include the information required in subsections 62-701.320(5), (6), (7), and paragraph (8)(a), F.A.C., specifically including:

(a) No change.

(b) A site plan, of a scale not greater than 200 feet to the inch, which shows the facility location, total acreage of the site, and any other relevant features such as water bodies or wetlands on or within 200 feet of the site; ~~and~~ potable water wells on or within 500 feet of the site, and wells serving community water supplies on or within 1000 feet of the site;

(c) through (j) No change.

(3) Design requirements. Minimum design requirements for waste processing facilities are as follows:

(a) Tipping, processing, sorting, storage and compaction areas that are in an enclosed building or covered area shall have ventilation systems. The areas that are not enclosed shall be equipped with litter control devices ~~and visual screening~~.

(b) The facility shall be designed with a leachate control system to prevent discharge of leachate and avoid mixing of leachate with stormwater, and to minimize the presence of standing water.

(c) No change.

(4) Operational requirements.

(a) A permit application for a waste processing facility shall include the following operational requirements:

1. No change.

2. A plan to inspect the wastes received by the facility, that specifies inspection procedures and procedures to handle unauthorized wastes; ~~and~~

3. A contingency plan to cover operational interruptions and emergencies such as fires, explosions, or natural disasters; and

4. A plan for the separation of CCA treated wood and disposal in an approved disposal facility.

(b) Stored putrescible wastes shall not be allowed to remain unprocessed for more than 48 hours; however, if the operation plan includes provisions to control vectors and odors, putrescible wastes may be stored for up to seven days. Any other unauthorized waste received by the facility shall be segregated and transported to an authorized disposal or recycling facility within 30 days of receipt. Areas where putrescible waste is stored or processed shall be cleaned at least weekly to prevent odor or vector problems, and all drains and leachate conveyances shall be kept clean so that leachate flow is not impeded.

(c) Operators and spotters shall be trained in accordance with subsection 62-701.320(15), F.A.C.

1. No change.

2. At least one trained spotter shall be on duty at all times that waste is received at the site to inspect the incoming waste. Any unauthorized waste prohibited material shall be removed from the waste stream and placed into appropriate containers for disposal at a permitted facility in accordance with a schedule submitted as part of the operation plan.

(d) through (3) No change.

(f) Access to the facility shall be controlled during the design period active life of the facility by fencing or other effective barriers to prevent disposal of unauthorized solid waste.

(g) If any regulated hazardous wastes are discovered to be improperly deposited at the facility, the facility operator shall promptly notify the Department, the person responsible for shipping the wastes to the facility, and the generator of the wastes, if known. The area where the wastes are deposited shall immediately be cordoned off from public access. If the

generator or hauler cannot be identified, the facility operator shall assure the cleanup, transportation, and disposal of the waste at a permitted hazardous waste management facility.

(5) Certification. Certification of construction completion shall be done in accordance with paragraph 62-701.320(9)(b) 62-701.320(9)(a), F.A.C.

(6) Closure requirements.

(a) through (c) No change.

(d) Closure must be completed within 180 days after receiving the final solid waste shipment. Closure will include removal of all recovered materials from the site, as well as performing any contamination evaluation required by paragraph 62-701.710(10)(b), F.A.C. When closure is completed, the owner or operator shall certify in writing to the Department that closure is complete. The Department will make an inspection within 30 days to verify the closure and advise the owner or operator of the closure status.

(7) through (8) No change.

(9) Recordkeeping.

(a) No change.

(b) The owner or operator of any facility which recycles construction and demolition debris shall submit an annual report to the Department on Form 62-701.900(7), Annual Report for a Construction and Demolition Debris Facility, effective date [eff. date], hereby adopted and incorporated by reference. Copies of this form are available from a local District Office or by writing to the Department of Environmental Protection, Solid Waste Section, MS 4565, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400. This report shall include a summary of the amounts and types of wastes disposed of or recycled. The county of origin of materials which are recycled, or a statement that the county of origin is unknown, shall be included in the report. The report shall be submitted no later than April 1 of each year, and shall cover the preceding calendar year.

(10) Special requirements for facility types.

(a) Transfer stations that which accept primarily household waste, commercial waste, ~~or~~ recovered materials, or construction and demolition debris, that which manage waste on a first-in, first-out basis, and that which store waste for no greater than 7 days are exempt from the requirement to provide financial assurance set forth in subsection (7) of this section.

(b) Waste processing facilities that which accept only construction and demolition debris are exempt from the requirement to provide a leachate control system set forth in paragraph (3)(b) of this section, provided that all areas where waste is stored or processed are covered by a ground water monitoring system which meets the requirements of paragraph 62-701.730(4)(b), F.A.C. A facility that operates without a leachate control system shall perform a contamination evaluation as part of its closure activities, and shall continue to operate the ground water monitoring system if the evaluation indicates the potential for ground water contamination.

(11) No change.

Rulemaking Specific Authority 403.061, 403.704, FS. Law Implemented 403.702, 403.704, 403.707, FS. History—New 5-27-01, Amended _____ .

62-701.730 Construction and Demolition Debris Disposal and Recycling.

(1) Applicability.

(a) No person shall construct, ~~or~~ operate or close an off-site construction and demolition debris disposal facility without a permit issued by the Department. All holders of construction or operation permits issued prior to [eff date] that contain conditions not in conformance with this chapter shall apply for modification of the permit to conform to this chapter to the District Office of the Department that issued the permit. The submission shall occur at the time of application for renewal of an existing permit, or before [eff date + 180 days], whichever is earlier. For purposes of this paragraph, a permit issued prior to [eff date], is deemed to include a completed permit application received by the Department prior to [eff date]. Except as otherwise specifically provided in this rule, such facilities which were constructed or operated in accordance with a general permit issued by the Department on or before June 1, 1996, may continue to operate in accordance with that general permit in accordance with the following schedule:

1. ~~Owners or operators of facilities operating under a general permit issued prior to May 1, 1992, shall submit a timely and sufficient permit application that complies with this section by March 1, 1997.~~

2. ~~Owners or operators of facilities operating under a general permit issued between May 1, 1992 and April 1, 1993, shall submit a timely and sufficient permit application that complies with this section at least 60 days prior to the expiration date of that general permit. A complete permit application shall be submitted no later than April 1, 1998.~~

3. ~~Owners or operators of facilities operating under a general permit issued after April 1, 1993, shall, by April 1, 1998, either submit a complete permit application that complies with this section, or shall:~~

a. ~~Submit a ground water monitoring plan that complies with the requirements of Paragraph (4)(b) of this section, and a hydrogeological investigation which complies with the requirements of subparagraph (2)(a)3 of this section, along with a \$500 processing fee as required by subsection 62 701.315(10). The plan shall be implemented within 90 days of submittal;~~

b. ~~Submit a notification of intent to modify a general permit as provided in subparagraph (1)(a)4 of this section; and~~

c. ~~Submit financial assurance documentation that complies with the requirements of subsection (11) of this section.~~

4. ~~For owners or operators of facilities operating under a general permit issued after April 1, 1993, a modification to that general permit is hereby granted under the following conditions:~~

a. ~~A person wishing to continue to operate the facility in accordance with a modified general permit shall notify the Department.~~

b. ~~The notification shall include documentation which demonstrates how the applicant is complying or will comply with the requirements of subsections (6) through (10) of this section. Information which was submitted to the Department to support the existing general permit and which is still valid does not need to be re-submitted. Instead, the notification shall list the information and reaffirm that it is still valid.~~

e. ~~The notification shall include a \$250 processing fee.~~

d. ~~The modification to the general permit shall have the effect of allowing the applicant to continue to operate under that general permit, but shall not have the effect of changing the expiration date of that general permit. At least 60 days prior to the expiration date, the applicant shall submit a timely and sufficient permit application that complies with the requirements of this section.~~

5. ~~Notwithstanding the compliance deadlines specified above, the operation requirements in subsection (7) of this section and the training requirements in subsection (8) of this section shall be complied with no later than May 1, 1997.~~

6. ~~Notwithstanding the compliance deadlines specified above, the annual report required in subsection (12) of this section shall be submitted no later than April 1, 1998.~~

(b) After the applicable compliance deadline specified above, facilities shall operate only in accordance with the provisions of this section. However, any disposal units that which were constructed and operated under a general permit, and which received a significant amount of waste in accordance with the conditions of its that general permit prior to the applicable compliance deadline is, are not required to comply with any siting or construction design requirements of this chapter that which were not in effect prior to the applicable compliance deadline. For purposes of this subsection:

1. A “significant amount of waste” means that the disposal unit area has received sufficient waste for disposal, in accordance with its normal operational plan, so that it is impractical to remove that waste or to relocate or reconstruct the disposal unit area.

2. No change.

(c) ~~A disposal facility which ceases accepting waste prior to the compliance deadline specified above shall close in accordance with the provisions of its general permit.~~

(d) ~~A permit application which complies with the provisions of this section is required for any lateral expansion of a construction and demolition debris disposal unit after June 1, 1996, notwithstanding the compliance schedule above.~~

~~(e) No person shall construct or operate a facility which accepts construction and demolition debris for recycling without a permit issued by the Department. Persons operating materials recovery facilities which accept construction and demolition debris may continue to operate under their existing permits. At the time of renewal of that permit, the requirements of this section shall be complied with:~~

~~(f) The provisions of paragraph 62-701.320(8)(b), F.A.C., do not apply to construction and demolition debris disposal facility applications. Instead, the Department will provide notice to local governments in accordance with Section 403.707(12)(i), F.S.~~

(2) Application. A permit application for an off-site construction and demolition debris disposal facility, disposal unit, or lateral expansion shall be submitted on Form 62-701.900(6), Application to Construct, Operate, or Modify a Construction and Demolition Debris Disposal or Disposal with Recycling Facility, effective date [eff. date], hereby adopted and incorporated by reference. Copies of this form are available from a local District Office or by writing to the Department of Environmental Protection, Solid Waste Section, MS 4565, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400. The application and shall be in conformance with the requirements of include the information required in subsections 62-701.320(5), (6), (7), and paragraph (8)(a), F.A.C. All applications shall include the information in paragraphs (b) through (f) of this subsection, and applications to construct or laterally expand a disposal unit shall also include the information in paragraph (a) of this subsection. ; specifically including:

(a) An engineering report, signed and sealed by a professional engineer, that includes:

1. A site plan, of a scale not greater than 200 feet to the inch, which shows the project location and identifies the proposed disposal units, total acreage of the site and of the proposed disposal units, and any other relevant features such as water bodies or wetlands on or within 200 feet of the site, and potable water wells on or within 500 feet of the site, ~~and community water systems on or within 1000 feet of the site;~~

2. No change.

3. A hydrogeological investigation which meets the criteria of paragraphs 62-701.410(1)(a) and (c), F.A.C.; ~~and~~

4. An estimate of the planned active life of the facility, the design of the disposal areas, ~~and~~ the final design height of the facility, and the maximum height of the facility during its operation;

5. Documentation that the facility location will comply with the requirements of paragraphs 62-701.730(4)(g) and (h), F.A.C.

(b) No change.

(c) An operation plan which describes how the applicant will comply with subsection 62-701.730(7), F.A.C., which must include procedures for emergency preparedness and response as required in subsection 62-701.320(16), F.A.C.;

(d) A closure plan ~~that which~~ describes generally how the applicant will comply with subsections 62-701.730(9) and (10), F.A.C.; ~~and~~

(e) The financial assurance documentation required by subsection 62-701.730(11), F.A.C.; ~~and~~

(f) The CCA treated wood management plan as required in subsection 62-701.730(20), F.A.C.

(3) No change.

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

(a) No change.

(b) A ~~ground~~ water quality monitoring plan ~~that which~~ meets the criteria set forth in Rule 62-701.510 and Chapter ~~62-520~~ ~~62-522~~, F.A.C., shall be included with the permit application, and shall be implemented and maintained by the owner or operator, with the following exceptions:

1. through 2. No change.

3. The well spacing requirements of subparagraph 62-701.510(3)(d)3., F.A.C., do not apply. A minimum of one upgradient and two downgradient wells is required, as specified in Chapter ~~62-520~~ ~~62-522~~, F.A.C.

4. Detection wells shall be sampled and analyzed at least semi-annually for the following parameters:

Field Parameters	Laboratory Parameters
pH	Aluminum
Turbidity	Chlorides
Temperature	Nitrate
Specific conductivity	Sulfate
Dissolved oxygen	Total dissolved solids
Water elevations	Iron
Colors and sheens	Sodium
(by observation)	Arsenic
	Cadmium
	Chromium
	Lead
	Mercury
	Total ammonia – N
	Phenols
	<u>Xylenes</u>
	Those parameters listed in EPA Methods 601 and 602

5. Background water quality shall be established in accordance with the provisions of paragraph 62-701.510(6)(b), F.A.C., except that the analysis shall also include sulfate; and

aluminum and phenols shall also be analyzed for. In addition, all background and detection wells shall be sampled and analyzed at least once prior to permit renewal for those parameters listed in paragraph 62-701.510(8)(a), F.A.C., as well as sulfate; ~~and aluminum and phenols.~~

6. No change.

(c) If monitoring parameters are detected in monitoring wells in concentrations which are significantly above background water quality, or which are at levels above the Department's water quality standards or criteria specified in Chapter 62-520, F.A.C., the provisions of subsection 62-701.510(7), F.A.C., shall apply.

(d)(e) No solid Putrescible household waste other than construction and demolition debris shall not be disposed of at a construction and demolition debris disposal facility.

(e)(d) No change.

(f) If a facility is constructed with a liner system, it shall consist of at least a single 60-mil minimum average thickness HDPE geomembrane. In the sumps located inside the disposal facility footprint and in the leachate collection trenches, the geomembrane shall be placed on a GCL with a saturated hydraulic conductivity of less than or equal to 1×10^{-7} cm/sec, or on a compacted clay liner which is a minimum six inches thick with a saturated hydraulic conductivity of less than or equal to 1×10^{-7} cm/sec. The liner shall be placed on a prepared subgrade that will not damage the geomembrane liner or the GCL. A primary leachate collection and removal system and a drainage layer shall be installed above the geomembrane liner. Except in sumps and leachate collection trenches, the system shall be designed to limit leachate head above the liner during routine facility operation after placement of initial cover to no greater than 12 inches. The liner system must be constructed in accordance with the requirements of paragraphs 62-701.400(3)(a), (d), (e), and (f), and subsections 62-701.400(4), (7), and (8), F.A.C. Any alternative liner system shall be approved only in accordance with the provisions of Rule 62-701.310, F.A.C.

(g) No solid waste disposal unit shall be located in the 100-year floodplain where it will restrict the flow of the 100-year flood, reduce the temporary water storage capacity of the floodplain unless compensating storage is provided, or result in a washout of solid waste.

(h) For an above-grade disposal facility, the minimum horizontal separation between the waste disposal area and the site property boundary shall be 100 feet, measured from the toe of the proposed final cover slope.

(i) The horizontal boundaries of the waste disposal area authorized in the construction or operation permit shall be clearly delineated with permanent or semi-permanent markers, such with bollards, posts, fencing, or signs, so that the operators can determine on a daily basis whether or not the facility is exceeding its permitted dimensions.

(5) Stormwater. Stormwater shall be controlled in accordance with Part IV of Chapter 373, F.S., and the rules promulgated thereunder. A copy of any permit for stormwater control issued by the Department, or documentation that no such permit is required, shall be submitted to the Department and construction required by that permit shall be completed before the facility receives waste for disposal or recycling. Applicants should be aware that other government agencies may also regulate stormwater management and may require separate permits. For aboveground disposal units, the design of any features intended to convey stormwater to a permitted or exempted treatment system shall be included in the solid waste construction permit.

(6) Temporary storage. The owner or operator shall make arrangements or shall have equipment for temporary storage, handling and transport to an authorized disposal or recycling facility for solid waste, other than construction and demolition debris, ~~that which~~ is inadvertently accepted by the facility. Such solid waste ~~that which~~ is accepted by the facility shall be segregated and disposed of in accordance with Department rules. Unless an alternate schedule is included in an operation plan submitted with the permit application, which provides for the control of odors and vectors, putrescible waste shall not be stored for longer than 48 hours and non-putrescible waste shall not be stored for longer than 30 days. Any hazardous waste ~~that which~~ is received by the facility shall be managed in accordance with the provisions of Chapter 62-730, F.A.C.

(7) Operation requirements. Owners and operators of construction and demolition debris disposal facilities shall comply with the following requirements ~~by May 1, 1997, or at the time of permit issuance, whichever is sooner:~~

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

(b) Construction and demolition debris shall be compacted and sloped during the life of the facility as necessary to assure that the requirements of subsection (9) of this section can be met. A schedule for compaction and grading shall be included in the operation plan. The external slopes of all disposal units shall be no greater than three feet horizontal to one foot vertical

rise. The working face and internal slopes of all disposal units shall not be greater than three feet horizontal to one foot vertical rise unless reasonable assurance is provided in the operation plan that fires can be controlled in steeply sloped areas.

(c) Access to the disposal facility shall be controlled during the design period active life of the facility by fencing or other effective barriers to prevent disposal of solid waste other than construction and demolition debris. Signs indicating the name of the operating authority, traffic flow, hours of operations and restrictions or conditions of disposal shall be posted.

(d) A trained operator shall be on duty at the facility at all times that the facility is operating. In addition, a sufficient number of spotters shall be on duty at the working face to inspect the incoming waste at all times waste is being accepted at the site. Waste shall be inspected after it is removed from the transport vehicle and prior to placement for final disposal. Any unauthorized waste prohibited material shall be removed from the waste stream and placed into appropriate containers or secure storage areas for disposal or recycling at a facility authorized by the Department to receive such waste.

(e) through (f) No change.

(g) Plastic buckets may ~~not~~ be accepted at the facility unless they contain liquids other than water when they arrive; however, they may contain hardened paint, tar, cement or similar non-hazardous materials are empty when they arrive.

(h) Carpet remnants that which are from a construction or demolition project or from a carpet manufacturer may be accepted at the facility.

(i) CCA treated wood shall be managed as provided in subsection (20) of this section.

(j) If any regulated hazardous wastes are discovered to be improperly deposited at the facility, the facility operator shall promptly notify the Department, the person responsible for shipping the wastes to the facility, and the generator of the wastes, if known. The area where the wastes are deposited shall immediately be cordoned off from public access. If the generator or hauler cannot be identified, the facility operator shall assure the cleanup, transportation, and disposal of the waste at a permitted hazardous waste management facility.

(8) No change.

(9) Closure.

(a) At least 90 days prior to the date when wastes will no longer be accepted, the owner or operator of the construction and demolition debris disposal facility shall submit an updated closure plan to the Department to reflect any changes in the closure plan due to actual operational conditions at the facility. If unforeseen circumstances do not allow the notification within 90 days prior to ceasing to receive wastes, then notice shall be provided as soon as the need to close the facility becomes apparent. The updated and approved closure plan shall be incorporated into and made part of the permit.

(b) Final cover and seeding or planting of vegetative cover shall be placed on each disposal unit within 180 days after it has reached its final grade or ceased receiving wastes. Final cover shall consist of a 24-inch-thick soil layer, the upper six inches of which shall be capable of supporting vegetation, and shall be graded and compacted as necessary to eliminate ponding, promote drainage, and minimize erosion. The side slopes of all above-grade disposal units shall be no greater than three feet horizontal to one foot vertical rise. If the disposal unit is lined, the closure design shall include a barrier layer or other measures to ensure that the design leachate head over the liner is not exceeded after closure. The final cover shall be vegetated to control erosion. Disposal units that are aboveground shall be designed to control the flow of stormwater, such as building reverse sloping benches or terraces into the side slopes of the disposal units and shall contain down slope drainage ways with water flow energy dissipaters unless reasonable assurance is provided that adequate erosion control will be achieved in the absence of such measures.

(c) Placement of final cover may be delayed if additional waste will be deposited on the disposal unit within five years, but only if the disposal unit is temporarily closed in accordance with an approved closure plan. Conditions of temporary closure shall include:

1. The disposal unit was constructed in compliance with its permit conditions;

2. A schedule for temporary and final closure is shown in the closure plan;

3. Final cover is installed on side slopes of each completed disposal unit which will not receive additional waste;

4. Odors and runoff are controlled;

5. The closure cost estimate takes into account the costs of temporary closure as well as the costs of the final closure; and

6. An intermediate cover is installed on the disposal unit within 30 days after the unit stops accepting waste. The intermediate cover may be removed before placing additional waste or installing final cover.

(d)(e) The owner or operator shall provide a certification of closure construction completion to the Department within 30 days after closing, covering, and seeding the disposal unit. The owner or operator shall also provide a final survey report done by a professional surveyor, in accordance with paragraph 62-701.600(6)(b), subsection—62-701.610(3), F.A.C., if disposal operations have raised the final elevations higher than 20 feet above the natural land surface.

(e)(d) Upon receipt and approval of the documents required in paragraph (d)(e) of this subsection, the Department shall, within 30 days, acknowledge by letter that notice of termination of operations and closing of the facility has been received. The date of this letter shall be the official date of

~~landfill~~ closing for the purpose of determining the long-term care period, in accordance with subsection 62-701.600(8), 62-701.610(6), F.A.C.

(f) Declaration to the public. After closing operations are approved by the Department, the facility owner or operator shall file a declaration to the public in the deed records in the office of the county clerk of the county in which the facility is located. The declaration shall include a legal description of the property on which the facility is located and a site plan specifying the area actually filled with construction and demolition debris. The declaration shall also include a notice that any future owner or user of the site should consult with the Department prior to planning or initiating any activity involving the disturbance of the facility's cover, monitoring system or other control structures. A certified copy of the declaration shall be filed with the Department.

(10) Long-term care. The owner or operator of the construction and demolition debris disposal facility shall continue to monitor and maintain the integrity and effectiveness of the final cover as well as other appurtenances of the facility, control erosion, fill subsidences, comply with the ground water monitoring plan, and maintain the stormwater system pursuant to a Department permit for five years from the date of closing. Before the expiration of the long-term care monitoring and maintenance period, the Department may extend the time period if the ground water monitoring system indicates that the facility continues to impact ground water at concentrations which may be expected to result in violations of Department water quality standards or criteria; if site-specific conditions make it likely that any contamination which may emanate from the disposal area would not be detected within five years; if the final cover does not have well established vegetation or is showing signs of continuing significant erosion problems; or if the permittee has not performed all required monitoring or maintenance. This time period shall be extended if assessment monitoring or corrective action has been initiated in accordance with subsection 62-701.510(7), F.A.C., or if site-specific conditions make it likely that any contamination which may emanate from the disposal area would not be detected within five years.

(11) Financial assurance.

(a) As a condition for issuance of an off-site construction and demolition debris disposal facility permit, permit transfer, or permit modification authorizing expansion, (The owner or operator of an off site construction and demolition debris disposal facility shall provide the Department with proof of financial assurance issued in favor of the State of Florida in the amount of the closing and long-term care cost estimates for the facility. This proof, along with the closing and long term care cost estimates, shall be submitted to the Department as part of the permit application process for the facility. The financial mechanism shall either be:

1. For facilities owned or operated by a local government, an escrow account pursuant to subsection 62-701.630(5), F.A.C. or an alternate financial mechanism pursuant to subsection 62-701.630(6), F.A.C.; or

2. For facilities not owned or operated by a local government, an alternate financial mechanism pursuant to subsection 62-701.630(6), F.A.C. Proof of financial assurance shall consist of one or more of the following financial instruments which comply with the requirements of subsection 62-701.630(6), F.A.C.: trust fund; surety bond guaranteeing payment; surety bond guaranteeing performance; irrevocable letter of credit; insurance; and financial test and corporate guarantee. If the owner or operator of the facility is a local government, an escrow account which complies with the requirements of subsection 62-701.630(5), F.A.C., may be used to provide proof of financial assurance. Financial documents shall be submitted on Form 62-701.900(5)(a), (b), (c), (d), (e), (f), (g), or (h), as appropriate.

(b) A permittee may delay submitting proof of financial assurance for a solid waste disposal unit under the following conditions. Such proof must be submitted at least 60 days prior to the planned acceptance of any solid waste. Under no circumstances shall the permittee receive waste at the solid waste disposal unit until it has received written acknowledgement from the Department that the financial mechanism has been properly submitted and funded.

1. The solid waste disposal unit for which a permit is being sought has not received solid waste for storage or disposal;

2. The permit being sought does not authorize operation of the solid waste disposal unit, or requires a specific separate approval by the Department prior to operation being authorized;

3. The permittee identifies the type of financial mechanism it intends to use, and provides reasonable assurance as part of the permit application that it is capable of getting and using the identified mechanism; and

4. The permittee submits Form 62-701.900(29) as part of the permit application. This form will inform the permittee of these requirements, and will include an acknowledgement by the permittee agreeing not to accept waste until the financial assurance has been approved.

(c)(b) Closure cost estimates and annual updates thereof shall comply with the provisions of subsection 62-701.630(3) and paragraphs 62-701.630(4)(a) through (d), F.A.C., except that the cost of long-term care shall be based upon a five-year period, and the costs shall be based upon compliance with this section.

(d)(e) No change.

(e) Owners or operators of facilities that are required to undertake a corrective action program in accordance with paragraph 62-701.730(4)(c), F.A.C., shall submit proof of

financial assurance to the Department in accordance with subsection 62-701.630(7), F.A.C., no later than 120 days after the corrective action remedy has been selected.

(f) If long-term care is extended because the permittee has failed to perform all required monitoring and maintenance, financial assurance shall continue to be required during the extended long-term care. If the long-term care is extended for any other reason, financial assurance is not required during the extended long-term care period, except as may be required in paragraph (e) of this subsection.

(12) Annual Reports. The owner or operator of the facility shall submit an annual report to the Department on Form 62-701.900(7). This report shall include a summary of the amounts and types of wastes disposed of or recycled. The county of origin of materials ~~that which~~ are recycled, or a statement that the county of origin is unknown, shall be included in the report. The report shall be submitted no later than April 1 of each year ~~beginning in 1998~~, and shall cover the preceding calendar year. ~~This provision applies to all facilities regardless of the compliance schedules in subsection 62-701.730(1), F.A.C.~~

(13) Recycling.

(a) The owner or operator of a facility ~~that which~~ accepts construction and demolition debris for disposal and ~~that which~~ also recovers materials from the construction and demolition debris waste stream for purposes of recycling shall meet the requirements of this section as well as the requirements of Rule 62-701.710, F.A.C. If there is a conflict between this section and Rule 62-701.710, F.A.C., this section shall govern. It is not necessary for the owner or operator to apply for a separate permit as a waste processing facility or to pay an additional fee.

(b) The owner or operator of a facility ~~that which~~ recovers materials from the construction and demolition debris waste stream for purposes of recycling but ~~that which~~ does not dispose of any wastes on-site shall apply for a permit on Form 62-701.900(4), and shall comply with the provisions of Rule 62-701.710, F.A.C.

(c) In order to reuse recovered ~~finer or~~ screened materials other than clean debris from the construction and demolition debris waste stream, an owner or operator shall demonstrate that this material will be managed and reused in a manner that will pose no significant threat to public health or the environment. In making this demonstration, the owner or operator may consider background levels of receiving soils, whether the material will be blended with other materials, and the likelihood that the material may have unlimited distribution or come into direct contact with the public. Examples of management practices which would not require analysis for health-based criteria include permanent encapsulation, use as initial or intermediate cover or subsurface construction at a permitted landfill, or use under at least two feet of clean cover material.

(d) Metal, paper, glass, plastic, textile, or rubber materials that have been diverted and source separated or have been removed from the construction and demolition debris waste stream for sale, use, or reuse as raw materials may be managed as recovered materials. Other materials that have been diverted and source separated or have been removed from the construction and demolition debris waste stream may be sold, used, or reused as raw materials upon a demonstration that the material will pose no significant threat to public health or the environment.

(14) Incineration. A facility ~~that which~~ employs an air curtain incinerator and ~~that which~~ also stores or disposes of construction and demolition debris at the site shall meet the permitting requirements of Rule 62-256.500, F.A.C., as well as this section.

(15) through (16) No change.

(17) On-site disposal. Construction and demolition debris ~~that which~~ is disposed of on the property where it is generated, or on property ~~that which~~ is adjacent or contiguous to and under common ownership and control as that property where the waste is generated, is exempt from the permitting requirements of this section and Rule 62-701.330, F.A.C. However, such disposal is subject to the prohibitions of Rule 62-701.300, F.A.C. All waste shall be inspected by the generator or a spotter prior to disposal, either at the point of generation or at the disposal site, to ensure that any ~~unauthorized waste prohibited material~~ is removed from the waste stream prior to disposal and managed in accordance with Department rules. Final cover and seeding or planting of vegetative cover shall be placed on each disposal unit within 180 days after final receipt of waste. Final cover shall consist of a 24-inch-thick soil layer, the upper six inches of which shall be capable of supporting vegetation, and shall be graded and compacted as necessary to eliminate ponding, promote drainage, and minimize erosion. The side slopes of all above-grade disposal areas shall be no greater than three feet horizontal to one foot vertical rise.

(18) Disposal restrictions. Construction and demolition debris may be disposed of only in accordance with one of the methods authorized above. In addition, disposal areas shall be operated so that adverse environmental and public health impacts, such as blowing litter and vectors, are minimized. Upon discovery that a permitted facility has disposed of solid waste outside of its permitted dimensions, the owner or operator shall notify the Department within three working days of this discovery. If all waste is not relocated within the permitted dimensions of the facility within 30 days of discovery, upon order of the Department the facility shall not accept any waste until the facility is in compliance with its permitted dimensions.

(19) No change.

(20) CCA treated wood. The owner or operator of a facility, except for a disposal facility with a constructed liner system, shall design and implement a CCA treated wood management plan. The plan shall be designed to minimize the amount of CCA treated wood that is delivered to the facility, and must describe procedures the operator will use to make a reasonable effort to separate any CCA treated wood from other wastes at the facility. CCA treated wood that is separated from other wastes at the facility shall not be disposed of at an unlined solid waste disposal facility.

(21)(20) No change.

Rulemaking Specific Authority 403.0877, 403.704, 403.707 FS. Law Implemented 403.0877, 403.706, 403.707 FS. History—New 8-2-89, Formerly 17-701.061, Amended 1-6-93, Formerly 17-701.730, Amended 12-23-96, 4-23-97, 5-27-01, _____.

62-701.803 General Permit for Off-site Disposal of Land Clearing Debris.

(1) Notification. Notwithstanding the provisions of Rule 62-701.730, F.A.C., facilities ~~that which~~ accept for disposal only land clearing debris may operate under a general permit pursuant to Part III of Rule 62-4, F.A.C., and this section. For purposes of this section, "land clearing debris" includes yard trash and unpainted, nontreated wood scraps and wood pallets that meet the definition of construction and demolition debris. The owner or operator of the land clearing debris disposal facility shall notify the Department in writing of the intent to use this general permit on Form 62-701.900(3), Notification of Intent to Use a General Permit for a Land Clearing Debris Disposal Facility, effective date [eff. date], hereby adopted and incorporated by reference. Copies of this form are available from a local District Office or by writing to the Department of Environmental Protection, Solid Waste Section, MS 4565, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400 ~~of the intent to use this general permit.~~ Owners or operators of solid waste management facilities which have a permit under Chapter 62-701, F.A.C., to receive land clearing debris are exempt from this requirement. The notification shall include:

(a) A site plan, of a scale not greater than 200 feet to the inch, ~~that which~~ shows the project location and identifies the proposed disposal areas, total acreage of the site and of the proposed disposal area, and any other relevant features such as water bodies, wetlands, or potable water wells ~~on or~~ within 100 ~~200~~ feet of the site;

(b) through (h) No change.

(2) Certification. Certification of construction completion shall be done in accordance with paragraph 62-701.320(9)(b) ~~62-701.320(9)(a)~~, F.A.C.

(3) Other requirements.

(a) The requirements of Rules 62-701.330 through 62-701.630, F.A.C., do not apply to land clearing debris disposal facilities, provided that none of the prohibitions contained in Rule 62-701.300, F.A.C., shall be violated.

(b) The owner or operator shall construct the facility only in accordance with the site plan submitted with the notification.

(c) The owner or operator shall operate the facility only in accordance with the descriptions and plans submitted with the notification.

(d) The external slopes of all disposal units shall be no greater than three feet horizontal to one foot vertical rise. The working face and internal slopes of all disposal units shall not be greater than three feet horizontal to one foot vertical rise unless reasonable assurance is provided in the notification that fires can be controlled in steeply sloped areas.

(e) The facility shall be operated to control objectionable odors in accordance with subsection 62-296.320(2), F.A.C. If objectionable odors are detected off-site, the owner or operator shall comply with the requirements of paragraph 62-701.530(3)(b), F.A.C.

(4) Stormwater. Stormwater shall be controlled in accordance with Part IV of Chapter 373, F.S., and the rules promulgated thereunder. A copy of any permit for stormwater control issued by the Department, or documentation that no such permit is required, shall be submitted to the Department before the facility receives waste for disposal. Applicants should be aware that other government agencies may also regulate stormwater management and may require separate permits.

(5) Temporary storage. The owner or operator shall make arrangements or shall have equipment for temporary storage, handling and transport to an authorized disposal or recycling facility for solid waste, other than land clearing debris, ~~that which~~ is inadvertently accepted by the facility. Such solid waste ~~that which~~ is accepted by the facility shall be segregated and disposed of in accordance with Department rules. Unless an alternate schedule is included in an operation plan submitted with the permit application, which provides for the control of odors and vectors, putrescible waste shall not be stored for longer than 48 hours and non-putrescible waste shall not be stored for longer than 30 days. Any hazardous waste ~~that which~~ is received by the facility shall be managed in accordance with the provision of Chapter 62-730, F.A.C.

(6) through (7) No change.

(8) Inspection of waste. At least one spotter shall be on duty at the working face at all times ~~that then~~ the site is operating to inspect the incoming waste. Any material other than land clearing debris shall be removed from the waste stream and placed into appropriate containers for disposal at a permitted facility. Spotters shall be trained in accordance with subsection 62-701.320(15), F.A.C.

(9) through (11) No change.

(12) Incineration. A facility ~~that which~~ employs an air curtain incinerator and ~~that which~~ also stores or disposes of land clearing debris at the site shall meet the permitting requirements of Rule 62-256.500, F.A.C., as well as this section.

(13) No change.

~~Rulemaking Specific Authority 403.704, 403.707, 403.814 FS. Law Implemented 403.707, 403.814 FS. History--New 8-2-89, Amended 1-6-93, 1-2-94, 5-19-94, Formerly 17-701.803, Amended 12-23-96, 4-23-97, 5-27-01, _____.~~

62-701.900 Forms.

The forms used by the Department in the solid waste management program are adopted and incorporated by reference ~~elsewhere in this chapter in this section. The following list of forms is provided solely for convenience. Some of the form numbers may not be consecutive due to repeal or transfer of earlier forms. The form is listed by rule number, which is also the form number, and with the subject, title and effective date.~~ Copies of forms may be obtained from a local District Office or by writing to the Florida Department of Environmental Protection, Solid Waste Section, Mail Station 4565 DEP Library, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400.

(1) Application to Construct, Operate, Modify, or Close a Solid Waste Management Facility, effective _____ ~~May 27, 2001.~~

(2) No change.

(3) Notification of Intent to Use a General Permit for a Land Clearing Debris Disposal Facility, effective _____ ~~May 27, 2001.~~

(4) Application to Construct, Operate, or Modify a Waste Processing Facility, effective _____ ~~May 27, 2001.~~

(5) Financial ~~M~~echanisms for ~~S~~olid ~~W~~aste ~~M~~anagement ~~F~~acilities ~~R~~equiring ~~C~~losure and/or ~~L~~ong-term ~~C~~are, effective _____ ~~May 27, 2001.~~

(a) through (f) No change.

(g) ~~Solid Waste Facility Trust Fund Agreement to Demonstrate Closure and/or Long Term Care Financial Assurance.~~

(h) No change.

(6) No change.

(7) Annual Report for a Construction and Demolition Debris Facility, effective _____ ~~May 27, 2001.~~

(8) Permit Transfer Form, effective _____ ~~5-27-01.~~

(9) through (11) No change.

~~(12) Application for Registration Used Oil and Used Oil Filter Handlers, effective December 23, 1996.~~

~~(13) Used Oil and Used Oil Filter Record Keeping Form, effective December 23, 1996.~~

~~(14) Annual Report by Used Oil and Used Oil Filter Handlers, effective December 23, 1996.~~

~~(15) Certificate of Liability Insurance Used Oil Handlers, effective December 23, 1996.~~

~~(16) Used Oil Processing Facility General Permit Notification, effective December 23, 1996.~~

~~(17) Public Used Oil Collection Center Notification and Annual Report, effective December 23, 1996.~~

(18) Waste Tire Collector Registration Application, effective _____ ~~December 23, 1996.~~

(19) Waste Tire General Permit Application, effective _____ ~~December 23, 1996.~~

(20) Waste Tire Site Notification, effective _____ ~~December 23, 1996.~~

(21) Waste Tire Processing Facility Quarterly Report, effective _____ ~~December 23, 1996.~~

(22) Waste Tire Collector Annual Report, effective _____ ~~December 23, 1996.~~

(23) Waste Tire Processing Facility Permit Application, effective _____ ~~December 23, 1996.~~

(24) Waste Tire Small Processing Facility Permit Application, effective _____ ~~December 23, 1996.~~

(25) Waste Tire Collection Center Permit Application, effective _____ ~~December 23, 1996.~~

(26) Application for Recovered Materials Certification, effective _____ ~~May 27, 2001.~~

(27) Reporting Form for Recovered Materials, effective _____ ~~May 27, 2001.~~

~~(28) Closure Financial Assurance Cost Estimating Form For Solid Waste Facilities, effective _____ May 27, 2001.~~

~~(29) Financial Assurance Deferral Application, effective _____.~~

~~(30) Monitoring Well Completion Report, effective _____.~~

~~(31) Water Quality Monitoring Certification, effective _____.~~

~~(32) Application for a Permit to Construct and Operate a Research, Development and Demonstration Facility, effective _____.~~

~~Rulemaking Specific Authority 403.704 FS. Law Implemented 403.707 FS. History--New 8-2-89, Amended 1-6-93, 5-19-94, Formerly 17-701.900, Amended 12-23-96, 4-23-97, 5-27-01, _____.~~

NAME OF PERSON ORIGINATING PROPOSED RULE: Mary Jean Yon, Director, Division of Waste Management
 NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Michael Sole, Secretary
 DATE PROPOSED RULE APPROVED BY AGENCY HEAD: September 4, 2009
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: July 11, 2003 (published on Department web site)

DEPARTMENT OF HEALTH

Board of Clinical Social Work, Marriage and Family Therapy and Mental Health Counseling

RULE NO.: 64B4-21.007
 RULE TITLE: Definition of "a Licensed Marriage and Family Therapist with at Least Five Years Experience or the Equivalent, Who Is a Qualified Supervisor"

PURPOSE AND EFFECT: The Board proposes the rule amendment in order to clarify the coursework required to serve as a LMFT qualified supervisor.

SUMMARY: The coursework required to serve as a LMFT qualified supervisor will be clarified.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: No Statement of Estimated Regulatory Cost was prepared. The Board determined the proposed rules will not have an impact on small business.

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

RULEMAKING AUTHORITY: 491.005(6) FS.

LAW IMPLEMENTED: 491.005(6) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Sue Foster, Executive Director, Board of Clinical Social Work, Marriage and Family Therapy and Mental Health Counseling/MQA, 4052 Bald Cypress Way, Bin #C08, Tallahassee, Florida 32399-3258

THE FULL TEXT OF THE PROPOSED RULE IS:

64B4-21.007 Definition of "a Licensed Marriage and Family Therapist with at Least Five Years Experience or the Equivalent, Who Is a Qualified Supervisor."

(1) through (2) No change.

(3) A qualified supervisor who provides supervision in Florida for interns and trainees must meet equivalency standards of paragraph (1)(a), (b), (c) or (d) and have:

(a) Completed five (5) years of clinical experience, two (2) years of which can be earned during a post-masters clinical internship with the remaining three (3) years of experience earned post-licensure; and

(b) Completed, subsequent to licensure as a marriage and family therapist, training in supervision in one of the following:

1. A graduate level academic course in supervision which meets the requirements of Rule 64B4-6.0025, F.A.C.; or

2. A continuing education course in supervisory training which meets the requirements of Rule 64B4-6.0025, F.A.C.; or

3. Is designated an Approved Supervisor by the An AAMFT course for Approved Supervisors.

Specific Authority 491.005(6) FS. Law Implemented 491.005(6) FS. History—New 7-6-88, Formerly 21CC-21.007, Amended 1-9-94, Formerly 61F4-21.007, Amended 12-29-96, Formerly 59P-21.007, Amended 8-8-99, 6-14-05, 7-16-06, 8-28-07,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Clinical Social Work, Marriage and Family Therapy and Mental Health Counseling

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Board of Clinical Social Work, Marriage and Family Therapy and Mental Health Counseling

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: July 24, 2009

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: May 29, 2009

DEPARTMENT OF HEALTH

Board of Clinical Social Work, Marriage and Family Therapy and Mental Health Counseling

64B4-31.007 Definition of a "Licensed Mental Health Counselor or the Equivalent, Who Is a Qualified Supervisor"

PURPOSE AND EFFECT: The Board proposes the rule amendment in order to clarify the coursework required to serve as a LMHC qualified supervisor.

SUMMARY: The coursework required to serve as a LMHC qualified supervisor will be clarified.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: No Statement of Estimated Regulatory Cost was prepared. The Board determined the proposed rules will not have an impact on small business.

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

RULEMAKING AUTHORITY: 491.004(5) FS.

LAW IMPLEMENTED: 491.005(4)(c) 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: Sue Foster, Executive Director, Board of Clinical Social Work, Marriage and Family Therapy and Mental Health Counseling/MQA, 4052 Bald Cypress Way, Bin #C08, Tallahassee, Florida 32399-3258

THE FULL TEXT OF THE PROPOSED RULE IS:

64B4-31.007 Definition of a "Licensed Mental Health Counselor or the Equivalent, Who Is a Qualified Supervisor."

(1) No change.

(2) Qualified supervisors who provide supervision in Florida for interns and trainees must meet the equivalency standards of subsection (1) and have:

(a) Completed five (5) years of clinical experience, two (2) years of which can be earned during a post-masters clinical internship with the remaining three (3) years of experience earned post-licensure; and

(b) ~~(a)~~ Completed, subsequent to licensure as a mental health counselor, training in supervision in one of the following:

1. A graduate level academic course in supervision which meets the requirements of Rule 64B4-6.0025, F.A.C.; or

2. A continuing education course in supervisory training which meets the requirements of Rule 64B4-6.0025, F.A.C.; or

~~3. An NBCC course for Approved Clinical Supervisors (ACS); or~~

~~4. An AAMFT course for Approved Supervisors; or~~

~~3.5. A post-graduate training course for field instructors in clinical social work; or and have~~

4. Is designated an Approved Clinical Supervisor (ACS) by The Center for Credentialing and Education, Inc. (CCE); or

5. Is designated an Approved Supervisor by the AAMFT.

~~(b) Completed five (5) years of clinical experience, two (2) years of which can be earned during a post-masters clinical internship with the remaining three (3) years of experience earned post-licensure.~~

Rulemaking Specific Authority 491.004(5) FS. Law Implemented 491.005(4)(c) FS. History--New 8-14-88, Amended 1-3-91, Formerly 21CC-31.007, 61F4-31.007, Amended 12-29-96, Formerly 59P-31.007, Amended 8-8-99, 8-9-00, 6-14-05, 7-16-06, 1-8-07, 8-28-07,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Clinical Social Work, Marriage and Family Therapy and Mental Health Counseling

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Board of Clinical Social Work, Marriage and Family Therapy and Mental Health Counseling

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: July 24, 2009

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: May 29, 2009

DEPARTMENT OF HEALTH

Board of Medicine

RULE NO.: 64B8-8.0021
RULE TITLE: Provisions Governing All Supervisors or Monitoring Physicians

PURPOSE AND EFFECT: The proposed rule amendment is intended to address limited instances in which probation supervisors/monitors may be compensated by physicians who are on probation.

SUMMARY: The proposed rule amendment permits a third party entity to supervise a physician on probation and to be compensated for providing the supervision in instances when the physician is unable to obtain a monitor/supervisor.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: No Statement of Estimated Regulatory Cost was prepared. The Board has determined that the proposed rule amendments will not have an impact on small business.

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

RULEMAKING AUTHORITY: 458.309, 459.331 FS.

LAW IMPLEMENTED: 459.331 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: Larry McPherson, Jr., Executive Director, Board of Medicine/MQA, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399-3253

THE FULL TEXT OF THE PROPOSED RULE IS:

64B8-8.0021 Provisions Governing All Supervisors or Monitoring Physicians.

(1) through (3) No change.

(4) The supervisor/monitor must be a licensee under Chapter 458, F.S., in good standing, without restriction or limitation on his license ~~and must serve as a volunteer without compensation~~. In addition, the Board may reject any proposed supervisor/monitor on the basis that he or she has previously been subject to any disciplinary action against his or her license to practice medicine in this or any other jurisdiction. The supervisor/monitor must be actively engaged in the same or similar specialty area unless otherwise provided by the Board. The Probation Committee or the Board may also reject any proposed supervisor/monitor for good cause shown.

(5) Supervisors/monitors must serve as volunteers without compensation but in instances where a licensee is unable to find a volunteer supervisor/monitor, the licensee, with the approval of the Board, may contract with a third party entity that provides supervisors/monitors for a fee.

Rulemaking Specific Authority 458.309, 459.331 FS. Law Implemented 459.331 FS. History--New 1-23-06, Amended _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Rules Committee, Board of Medicine

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Board of Medicine

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 14, 2009
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: July 31, 2009

DEPARTMENT OF FINANCIAL SERVICES

Division of Workers' Compensation

RULE NO.: 69L-6.012
 RULE TITLE: Notice of Election to be Exempt
 PURPOSE AND EFFECT: Proposed rule amendment to delete and replace all language in subsection 69L-6.012(15), F.A.C., and add a new paragraph, paragraph 69L-6.012(15)(a), F.A.C. The proposed new language in subsection 69L-6.012(15), F.A.C., provides that when a corporation or limited liability company named on any Certificate of Election to be Exempt remains dissolved or inactive after 90 days from the date of its dissolution or its change in status, the Certificate of Election to be Exempt is immediately revoked by operation of law. Additional language also provides that when a person named on a Certificate of Election to be Exempt no longer meets the issuance requirements of the certificate, such certificate is revoked by operation of law. New paragraph 69L-6.012(15)(a), F.A.C., provides guidance regarding a corporation or limited liability company's right to petition the Department to review the revocation of its Certificate of Election to be Exempt or to file an appeal pursuant to Section 120.68, F.S. The proposed rule amendment advances the statutory mandate to facilitate the self-execution of workers' compensation law pursuant to Chapter 440, F.S.

SUMMARY: The proposed rule amendment provides for the immediate revocation of the Certificate of Election to be Exempt for any corporation or LLC that remains dissolved or inactive after 90 days from the date of its dissolution or a change in status. The proposed amendment also provides for the immediate revocation of certificates issued to persons named on certificates issued to persons that are no longer meeting the certificate's issuance requirements.

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

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

RULEMAKING AUTHORITY: 440.05(9), 440.591 FS.

LAW IMPLEMENTED: 440.02(15), 440.05 FS.

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

DATE AND TIME: Wednesday, October 14, 2009, 10:00 a.m.

PLACE: Room 104 J, Hartman Bldg., 2012 Capital Circle S.E., Tallahassee, FL

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Tasha Carter, (850)413-1878 or Tasha.Carter@myfloridacfo.com. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).
 THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Tasha Carter, Bureau Chief, Bureau of Compliance, Division of Workers' Compensation, Department of Financial Services, 200 East Gaines Street, Tallahassee, Florida 32399-4228, phone (850)413-1878

THE FULL TEXT OF THE PROPOSED RULE IS:

69L-6.012 Notice of Election to be Exempt.
 (1) through (14) No change.

(15)(a) If a corporation or limited liability company that is named on any Certificate of Election to be Exempt remains dissolved or inactive after 90 days of the date of its dissolution, the Certificate(s) of Election to be Exempt is immediately revoked by operation of law. Any corporation or limited liability company that is dissolved or inactive shall have 90 days from the effective date of this rule within which to be reinstated before any Certificate of Election to be Exempt naming a dissolved or inactive corporation or limited liability company is revoked by operation of law. In addition, if at any time, the person named on the Certificate of Election to be Exempt no longer meets the requirements for issuance of the certificate, such Certificate of Election to be Exempt is revoked by operation of law. Dissolution of the corporation or limited liability company named on the Certificate of Election to be Exempt (DWC 252) or the person named on the Certificate of Election to be Exempt no longer being a corporate officer or member of the corporation or limited liability company listed on the Certificate of Election to be Exempt will result in initiation of proceedings by the Department to revoke the Certificate of Election to be Exempt.

(b) A corporation or limited liability company that is named on any Certificate of Election to be Exempt that is revoked by operation of law shall have 30 days from the date of the revocation within which to petition the Department to review the revocation or in the alternative, file a notice of appeal pursuant to Section 120.68, F.S. and Rule 9.110, Florida Rules of Appellate Procedure.

Rulemaking Specific Authority 440.05(9), 440.591 FS. Law Implemented 440.02(15), 440.05 FS. History--New 5-28-91, Amended 2-15-94, 12-28-97, 2-2-00, 9-6-01, Formerly 38F-6.012, Amended 3-26-03, Formerly 4L-6.012, Amended 4-21-04, 10-30-06, 12-31-07,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Tasha Carter, Bureau Chief, Bureau of Compliance, Division
of Workers' Compensation
NAME OF AGENCY HEAD WHO APPROVED THE
PROPOSED RULE: Alex Sink, Chief Financial Officer,
Department of Financial Services
DATE PROPOSED RULE APPROVED BY AGENCY
HEAD: June 11, 2009
DATE NOTICE OF PROPOSED RULE DEVELOPMENT
PUBLISHED IN FAW: June 26, 2009

Section III Notices of Changes, Corrections and Withdrawals

DEPARTMENT OF COMMUNITY AFFAIRS

Florida Communities Trust

RULE NOS.:	RULE TITLES:
9K-9.003	General Requirements and Eligibility Standards
9K-9.004	Submission of Application and Application Materials
9K-9.006	Project Evaluation Criteria
9K-9.007	Ranking of Applicants

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 35, No. 24, June 19, 2009 issue of the Florida Administrative Weekly.

9K-9.003 General Requirements and Eligibility Standards. The following constitutes the general procedures for the Stan Mayfield Working Waterfront Florida Forever grant program of the Florida Communities Trust.

- (1) through (9) No change.
- (10) Submerged Lands Use Authorization Leases:

(a) Applicant: Each Applicant must provide documentation by the Application deadline that any Applicant owned facility or structure located over state sovereignty submerged lands is properly authorized and that any applicable fees and wetslip certification forms are current. The documentation must be in the form of a letter from the issuing agency Department of Environmental Protection stating that all Applicant owned facilities or structures located over state sovereignty submerged lands are in compliance with Chapters 253, 258, 373 Part IV, ~~and 403, and 597~~, Florida Statutes, and the submerged land lease and applicable fees and wetslip certification forms are current or that the facilities or structures are not located on state sovereignty submerged land. Reasonable notice must be given to the issuing agency Department of Environmental Protection to secure this

documentation. This documentation must be submitted by the Application deadline, otherwise the project will not be considered by the Trust.

(b) Project Site: Each Applicant must provide a letter from the issuing agency Department of Environmental Protection that verifies any facilities or structures located on the Project Site that are over state sovereignty submerged lands are properly authorized and that any applicable fees and wetslip certification forms are current or a statement from the issuing agency Department of Environmental Protection that the facilities or structures are not located on state sovereignty submerged land. The documentation must be in the form of a letter from the issuing agency Department of Environmental Protection stating the current land owner is in compliance with Chapters 253, 258, 373 Part IV, ~~and 403, and 597~~, Florida Statutes, and the submerged land lease for all facilities or structures on the Project Site that are located over state sovereignty submerged land and that applicable fees or wetslip certification forms are current or that the facilities or structures are not located on state sovereignty submerged land. Reasonable notice must be given to the issuing agency Department of Environmental Protection to secure this documentation. This documentation must be submitted to the Trust no later than 48 hours before the FCT Governing Board meeting, otherwise the project will not be considered by the Trust.

- (11) No change.

Rulemaking Specific Authority 380.507(11), 380.5105(2) FS. Law Implemented 259.105, 380.501-.515 FS. History--New 11-25-08, Amended _____.

9K-9.004 Submission of Application and Application Materials.

- (1) through (8)(h) No change.

(i) The Applicant must provide a letter from the issuing agency Department of Environmental Protection that verifies any facilities or structures owned by the Applicant that are located over state sovereignty submerged lands are in compliance with Chapters 253, 258, 373 Part IV, ~~and 403, and 597~~, Florida Statutes, and the submerged land lease and applicable fees and wetslip certification forms are current or that the structures are not located on state sovereignty submerged land. This letter must accompany the Application.

(j) The Applicant must provide a letter from the issuing agency Department of Environmental Protection that verifies any facilities or structures located on the Project Site that are over state sovereignty submerged lands are in compliance with Chapters 253, 258, 373 Part IV, ~~and 403, and 597~~, Florida Statutes, and the submerged land lease and applicable fees and wetslip certification forms are current or that the structures are not located on state sovereignty submerged land. This letter can be submitted no later than 48 hours before the FCT Governing Board meeting.