

**Section I**  
**Notice of Development of Proposed Rules**  
**and Negotiated Rulemaking**

NONE

**Section II**  
**Proposed Rules**

**DEPARTMENT OF ENVIRONMENTAL PROTECTION**

RULE NO.:      RULE TITLE:  
62-312.900      Wetland Resource Forms

**PURPOSE AND EFFECT:** To repeal a rule and the six forms incorporated therein that were reviewed during the comprehensive rule review required by Executive Order 11-01 as duplicative, unnecessarily burdensome, or no longer necessary. At that time, it was determined that four of the forms were obsolete, one possibly should be amended, and one should be retained. However, since that time, it has been determined that all of Forms 62-312.900(1) through (6) are obsolete and no longer needed.

Form 62-312.900(1) Joint Application for Works in the Waters of Florida, October 30, 1991 – This application applied only in the geographical territory of the Northwest Florida Water Management District. It was replaced by adoption of a Joint Application in the new Chapter 62-346, F.A.C., effective October 1, 2007, which was subsequently replaced by the Joint Application form adopted in Chapter 62-330, F.A.C., that applies state-wide, effective October 1, 2013. Therefore, this form is no longer needed. After repeal of this rule, other rules incorporating the repealed rule will be revised.

Form 62-312.900(2) Joint U.S. Army Corps of Engineers/Florida Department of Environmental Protection Emergency Permit, November 30, 1982 – This form is replaced by an emergency field authorization in Chapter 62-330, F.A.C., effective October 1, 2013.

Form 62-312.900(3) Recognition of Jurisdiction Under Chapters 253 and 403, Florida Statutes, November 30, 1982 – This is an acknowledgement that a proposed action is subject to review under these chapters in lieu of the Department requiring a mean high water line survey, which was optional and is not required. It is now considered unnecessary.

Form 62-312.900(4) Application Guide for Deepwater Port Maintenance Dredging and Disposal 25-Year Permit, March 31, 1984, and its associated Deepwater Ports Maintenance Dredging Manual were last used in 1987 and are obsolete. Maintenance dredging, as addressed in Section 403.816, F.S., is now conducted under an exemption in Section 403.813(1)(f)

or (3), F.S., or under an Environmental Resource Permit under Part IV of Chapter 373, F.S.

Form 62-312.900(5) Application for Long-Term Permits, October 16, 1984 – This form is no longer needed as it is replaced by the permits under Chapter 62-330, F.A.C.

Form 62-312.900(6) Notice of Intent to Construct Works Pursuant to a Wetland Resource General Permit, October 30, 1991 – This form is no longer needed as it is replaced by Form 62-330.402(1), “Notice of Intent to Use an Environmental Resource General Permit,” adopted in Chapter 62-330, F.A.C., effective October 1, 2013.

These forms are preserved for grandfathered activities. Entities who qualify for grandfathering under Section 373.4145(6)(b), F.S., applicants for permits for activities associated with certain mining operations under Section 373.414(15), F.S., and other entities qualifying for grandfathering under Sections 373.414(11), (12), (13), (14), and (16), F.S., can continue to use this rule because, even if repealed, it is preserved as of the dates it existed in these statutory sections.

**SUMMARY:** To repeal Rule 62-312.900, F.A.C., containing forms that are obsolete and no longer needed.

**OTHER RULES INCORPORATING THIS RULE:** Rules 18-18.014, 18-21.900, 62-45.060, 62-45.110, 62-348.300, 62-807.570, and 62D-15.006, F.A.C.

**EFFECT ON THOSE OTHER RULES:** There will be no effect to Rules 18-18.014, 18-21.900, 62-807.570, and 62D-15.006, F.A.C, since any new applications for the activities referenced therein are now made under forms incorporated in Chapter 62-330, F.A.C. There will be no effect to Chapter 62-348, F.A.C, because the rule chapter is presently under rulemaking to, in part, correct the reference to Form 62-312.900(1) for a wetland resource permit to the appropriate form in Chapter 62-330, F.A.C. There will be no effect to Rules 62-45.060 and 62-45.110, F.A.C., because Form 62-312.900(4) Application Guide for Deepwater Port Maintenance Dredging and Disposal 25-Year Permit, March 31, 1984, referenced therein is obsolete and no longer used by the public as result of the exemption in Section 403.813(1)(f) or (3), F.S., and the Environmental Resource Permit under Part IV of Chapter 373, F.S., which covers those activities. After repeal of Rule 62-312.900, F.A.C., other rules incorporating the repealed rule will be revised. Rules citing to Form 62-312.900(1) Joint Application for Works in the Waters of Florida, October 30, 1991, will be revised to reference Form 62-330.060(1), “Joint Application for Individual and Conceptual Environmental Resource Permit/Authorization to Use State-Owned Submerged Lands/Federal Dredge and Fill Permit adopted in Chapter 62-330, F.A.C. Also, Chapter 62-45, F.A.C., which cites to Form 62-312.900(4) is being considered for repeal as being no longer necessary. No other rules incorporate Form 62-312.900(2),

Form 62-312.900(3), Form 62-312.900(5), and Form 62-312.900(6).

**SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION:** The Agency has determined that this will not have an adverse impact on small business or likely increase directly or indirectly regulatory costs in excess of \$200,000 in the aggregate within one year after the implementation of the rule. A SERC has not been prepared by the Agency.

The Agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs or if no SERC is required, the information expressly relied upon and described herein: Based upon the Department’s economic review, legislative ratification is not required because the repeal of the rule and the forms incorporated therein do not increase costs to the regulated public. Currently, the forms are obsolete and no longer needed or have been replaced by forms incorporated in Chapter 62-330, F.A.C., Environmental Resource Permitting, which applies state-wide effective October 1, 2013.

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:** 373.414(11)-(16), 373.4145, 403.805(1) FS.

**LAW IMPLEMENTED:** 373.409, 373.413, 373.414(9), 373.414(11), 373.414(12)(a), 373.414(13), 373.414(14), 373.414(15), 373.414(16), 373.4145, 373.416, 373.418, 403.814 FS.

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

**THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS:** Alice Heathcock, Florida Department of Environmental Protection, Submerged Lands and Environmental Resources Coordination, 2600 Blair Stone Road, MS 2500, Tallahassee, FL 32399-2400, telephone: (850)245-8483, e-mail: Alice.Heathcock@dep.state.fl.us or facsimile (850)245-8499, (OGC NO. 14-0447)

**THE FULL TEXT OF THE PROPOSED RULE IS:**

**62-312.900 Wetland Resource Forms.**

Rulemaking Authority 373.414(11)-(16), 373.4145, 403.805(1) FS. Law Implemented ~~420.53(1)~~, 373.409, 373.413, 373.414(9), (11), (12)(a), (13), (14), (15), (16), 373.4145, 373.416, 373.418, ~~403.0875~~, 403.814 FS. History—New 11-30-82, Amended 3-31-84, 10-16-84, 5-15-88, Formerly 17-1.203, 17-12.900, Amended 10-9-90, 6-5-91, 10-30-91, 5-25-92, Formerly 17-312.900, Amended 10-3-95, Repealed.

**NAME OF PERSON ORIGINATING PROPOSED RULE:** Mark Thomasson, Director, Division of Water Resource Management

**NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE:** Herschel T. Vinyard Jr., Secretary

**DATE PROPOSED RULE APPROVED BY AGENCY HEAD:** September 17, 2014

**DEPARTMENT OF ENVIRONMENTAL PROTECTION**

<b>RULE NOS.:</b>	<b>RULE TITLES:</b>
62-701.200	Definitions
62-701.210	Documents Incorporated by Reference
62-701.220	General Applicability
62-701.300	Prohibitions
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
62-701.400	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 Monitoring Requirements
62-701.520	Special Waste Handling
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 Yard Trash
62-701.900	Forms

**PURPOSE AND EFFECT:** The Department is proposing to amend Chapter 62-701, 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 and recycling facilities. This chapter was last amended with an effective date of August 12, 2012. Subsection 403.707(9), F.S., requires that all construction and demolition debris landfills be constructed with liners and leachate control systems. Amendments are being made to the chapter to implement these changes in the statutes. In addition, a number of simplifying changes are being proposed to the chapter with the goals of: (1) reducing unnecessary regulations; (2) reducing costs to the regulated community; and, (3) clarifying existing regulations. These measures will result in a significant savings to the regulated community while continuing to provide effective environmental protection.

**SUMMARY:** The chapter is being amended in several places to address the requirement that expansions of existing and new C&D debris disposal facilities be equipped with liners and leachate control systems unless the owner or operator can demonstrate that such systems are not required. For C&D debris facilities that must install liners and leachate control systems, additional requirements also become necessary for leachate storage, closure and gas controls at these facilities. Although included in the rule development workshops, this proposed rulemaking does not include amendments for the provision of subsection 403.707(9)(g), F.S., which directs the Department to develop rules that require, to the extent economically feasible, all construction and demolition debris be processed prior to disposal, either at a permitted materials recovery facility or at a permitted disposal facility. The Department intends to receive additional public input prior to publishing a separate notice of proposed rule to complete this specific rule development effort. For all solid waste disposal facilities, the proposed rule provides clarifications for the requirements when evaluating the potential for sinkholes. The proposed rule provides specific conditions for allowing disposal facilities to use on-site soils in their closure plans to lower closure cost estimates. Waste processing facilities that accept Class III wastes would be able to use ground water monitoring in lieu of leachate controls if certain operation criteria are satisfied. Other simplifying changes and technical corrections or updates are also proposed for this chapter.

**OTHER RULES INCORPORATING THIS RULE:** 62-210.200, 62-340.700, 62-521.400, 62-600.300, 62-600.410, 62-600.740, 62-620.620, 62-625.420, 62-640.100, 62-640.860, 62-660.803, 62-709.201, 62-709.300, 62-709.320, 62-709.460, 62-709.510, 62-709.600, 62-710.201, 62-710.210, 62-710.401, 62-710.800, 62-711.300, 62-711.400, 62-711.500, 62-711.520, 62-711.530, 62-711.550, 62-711.801, 62-713.200, 62-713.220, 62-713.300, 400, 62-713.600, 62-780.150, 62-780.500, 62-780.600, and 62C-16.0051.

**EFFECT ON THOSE OTHER RULES:** Amendments to Chapter 62-701, F.A.C., in this Notice of Proposed Rule are not expected to have any significant impact on the following rules: 62-210.200, 62-340.700, 62-521.400, 62-600.300, 62-600.410, 62-600.740, 62-620.620, 62-625.420, 62-640.100, 62-640.860, 62-660.803, 62-709.201, 62-709.320, 62-709.460, 62-709.510, 62-709.600, 62-710.201, 62-710.210, 62-710.401, 62-710.800, 62-711.300, 62-711.400, 62-711.500, 62-711.520, 62-711.530, 62-711.550, 62-711.801, 62-713.200, 62-713.220, 62-713.300, 400, 62-713.600, 62-780.150, 62-780.500, 62-780.600, and 62C-16.0051, F.A.C. Amendments to Chapter 62-701, F.A.C.,

will have an impact to Rule 62-709.300, F.A.C. Since the form for the compost rule asks for six copies of the application to be submitted and Rule 62-701.320, F.A.C., is being amended to only ask for one electronic copy, the compost rule will need to be amended to reflect this change.

**SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION:** The Agency has determined that this will have an adverse impact on small business or likely increase directly or indirectly regulatory costs in excess of \$200,000 in the aggregate within one year after the implementation of the rule. A SERC has been prepared by the Agency.

Many of the proposed changes make clerical or technical clarifications, or simply reorganize existing rule language. Some other proposed changes reduce the regulatory burden of the chapter or clarify that certain procedures will not apply in specific cases. As a result, there are no increased costs associated with any of these particular changes, and in some cases they will significantly reduce costs. However, the Department has determined that proposed changes in four of the rules in the chapter will result in increased costs. These four are Rules 62-701.410, 62-701.500, 62-701.630, and 62-701.730, F.A.C. Further, the Department has evaluated these increased costs and determined that only the costs for Rule 62-701.730, F.A.C., relating to liner requirements for disposal of C&D debris and including the associated costs for leachate management, gas controls and closure, require the Department to prepare a Statement of Estimated Regulatory Cost. A background document explaining these cost evaluations and the Statement of Estimated Regulatory Cost have been prepared. On the minimal assumption that one facility would be affected, the Division estimated a total increased cost for a C&D debris facility meeting these requirements over a 10-year period would be \$8,288,538, an annual average of \$828,854. The Department has also determined that the increased costs to C&D debris disposal facilities will require legislative ratification pursuant to subsection 120.541(3), F.S.

The Agency has determined that the proposed rule is expected to require legislative ratification based on the statement of estimated regulatory costs or if no SERC is required, the information expressly relied upon and described herein:

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, 403.7045, 403.7125, 403.716, 403.814 FS.

LAW IMPLEMENTED: 403.061, 403.087, 403.0877, 403.121, 403.702, 403.703, 403.7031, 403.7032, 403.7033, 403.704, 403.7043, 403.7045, 403.7046, 403.7047, 403.7049, 403.705, 403.7055, 403.706, 403.70605, 403.7061, 403.70611, 403.7063, 403.7065, 403.707, 403.7071, 403.7015, 403.7072, 403.708, 403.709, 403.7095, 403.712, 403.7125, 403.713, 403.714, 403.7145, 403.715, 403.716, 403.717, 403.75, 403.751, 403.753, 403.7531, 403.754, 403.7545, 403.757, 403.758, 403.758, 403.759, 403.760, 403.761, 403.763, 403.767, 403.769, 403.814 FS.

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

DATE AND TIME: October 23, 2014, 10:00 a.m.

PLACE: Department of Environmental Protection, 3900 Commonwealth Blvd., 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 48 hours before the workshop/meeting by contacting: Lisa Brown, ERC Coordinator, Florida Department of Environmental Protection, lisa.l.brown@dep.state.fl.us, (850)245-8531. 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: Richard Tedder, Department of Environmental Protection, MS 4565, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400, telephone: (850)245-8735 or email at Richard.Tedder@dep.state.fl.us

THE FULL TEXT OF THE PROPOSED RULE IS:

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) through (4) No change.

(5) "ASTM" means ASTM International ~~the American Society for Testing and Materials~~.

(6) through (17) No change.

(18) "Closure" means the cessation of operation of a solid waste management facility and the act of securing such a facility so that it will pose no significant threat to human health or the environment. This includes closing, and long term care monitoring, maintenance, and financial responsibility.

(19) through (93) No change.

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

(95) through (136) 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 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, 1-6-10, 8-12-12,\_\_\_\_\_.

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 and Tallahassee offices, and may be obtained directly from the source.

(1) through (9) No change.

(10) 40 C.F.R. 264 subpart H, except for those sections specified in subparagraph 62-701.630(6)(b)1., F.A.C.; July 1, 2013 ~~2007~~, www.gpoaccess.gov/cfr/index.html (http://www.flrules.org/Gateway/reference.asp?No=Ref-?????),

(11) through (13) No change.

(14) ASTM Method D5321/D5321M-14 ~~D5321~~ "Standard Test Method for Determining the Shear Strength of Soil-Geosynthetic and Geosynthetic-Geosynthetic Interfaces (ASTM D5321) Coefficient of Soil and Geosynthetic or Geosynthetic and Geosynthetic Friction by the Direct Shear Method," January 1, 2014, 100 Barr Harbor Drive, P. O. Box C700, West Conshohocken, PA 19428-2959, or at www.astm.org/Standard ~~October 15, 1992~~.

(15) ASTM Method D4716/D4716M-14 ~~D4716~~ "Test Method for Determining the (In-plane) Flow Rate per Unit Width and Hydraulic Transmissivity of a Geosynthetic Using a Constant Head," (ASTM D4716) January 1, 2014, 100 Barr Harbor Drive, P. O. Box C700, West Conshohocken, PA 19428-2959, or at www.astm.org/Standard ~~June 10, 1999~~.

(16) ASTM Method D5887-09 ~~D5887~~ "Standard Test Method for Measurement of Index Flux Through Saturated Geosynthetic Clay Liner Specimens Using a Flexible Wall Permeameter," (ASTM D5887) June 1, 2009, 100 Barr Harbor Drive, P. O. Box C700, West Conshohocken, PA 19428-2959, or at www.astm.org/Standard ~~December 10, 1995~~.

(17) ASTM Method D6243/D6243M-13a ~~D66243-98~~ “Standard Test Method for Determining the Internal and Interface Shear Resistance of Geosynthetic Clay Liner by the Direct Shear Method,” (ASTM D6243) July 1, 2013, 100 Barr Harbor Drive, P. O. Box C700, West Conshohocken, PA 19428-2959, or at [www.astm.org/Standard](http://www.astm.org/Standard) ~~March 10, 1998~~.

(18) through (19) No change.

(20) ASTM Method D6766-12 ~~D6766-06a~~ “Standard Test Method for Evaluation of Hydraulic Properties of Geosynthetic Clay Liners Permeated with Potentially Incompatible Aqueous Solutions Liquids,” (ASTM D6766) July 1, 2012, 100 Barr Harbor Drive, P. O. Box C700, West Conshohocken, PA 19428-2959, or at [www.astm.org/Standard](http://www.astm.org/Standard) ~~November 15, 2006~~.

Rulemaking Authority 403.061, 403.704 FS. Law Implemented 403.061, 403.702-.717 FS. History—New 1-6-93, Amended 1-2-94, Formerly 17-701.210, Amended 5-27-01, 1-6-10, 8-12-12,\_\_\_\_\_.

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 (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(23) ~~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)(c)5., F.A.C.

(h) Fossil fuel combustion products beneficially used in accordance with the requirements of Section 403.7047, F.S.

(3) through (5) No change.

(6) There are several references in this chapter to facilities which are constructed or existing. Unless otherwise specified, these terms mean that the facility has received a permit or is exempt from permitting, and has actually been built or is being built in accordance with that permit or exemption. The terms do not include parts of a facility which, although noted in a long-term design plan, were not authorized to be constructed during the life within the five year term of the facility’s permit(s). A landfill with a slurry wall liner system is deemed to have been constructed when the slurry wall was constructed.

(7) No change.

Rulemaking Authority 403.061, 403.704 FS. Law Implemented 403.061, 403.702-.717 FS. History—New 1-6-93, Amended 1-2-94, 5-19-94, Formerly 17-701.220, Amended 5-27-01, 1-6-10, 8-12-12,\_\_\_\_\_.

62-701.300 Prohibitions.

(1) 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 or site certification based upon site-specific geological, hydrogeological, design, or operational features, no person shall store or dispose of solid waste:

(a) through (c) No change.

(d) In any natural or artificial body of water including ground water and wetlands within the jurisdiction of the Department. This prohibition applies to areas where waste may settle into ground water as a result of the maximum expected loads over the waste. 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) through (f) No change.

(3) through (18) No change.

Rulemaking Authority 403.704 FS. Law Implemented 403.704, 403.7045(3)(d), 403.707, 403.708, 403.751(1) 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, 1-6-10, 8-12-12,\_\_\_\_\_.

62-701.315 Permit Fees for Solid Waste Management Facilities.

Notwithstanding the provisions of paragraph 62-4.050(4)(j), 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) through (d) No change.

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

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

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

(h) through (i) renumbered (e) through (f) No change.

(2) through (11) No change.

(12) Waste tire permits.

<u>(a) Construction/operation waste tire processing facility.</u>	\$ <u>1,250</u>
	\$ <u>500</u>
	\$ <u>500</u>

(b) Construction/operation small waste tire processing facility.

(c) Waste tire collection facility.

(12) through (13) renumbered (13) through (14) No change.

Rulemaking Authority 403.061, 403.087, 403.704 FS. Law Implemented 403.087, 403.702, 403.704, 403.707, 403.70715 FS. History—New 5-27-01, Amended 1-6-10, 8-12-12,\_\_\_\_\_.

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

(1) through (4) No change.

(5) Permit application.

(a) Applications for a solid waste management facility shall be submitted on appropriate Department forms listed in Rule 62-701.900, F.A.C., to the Department's district office with jurisdiction where the facility is located, or Tallahassee office, as appropriate. A minimum of one electronic copy ~~four copies~~ ~~each~~ of the application, engineering plans and reports, and all supporting information for the proposed construction, substantial modification, operation or closure of a facility shall be provided to the Department. The Department shall excuse the applicant from the requirements to submit an application electronically when the applicant files a request with the Department requesting to be excused from the electronic submission requirements. If an applicant is excused from submitting an application electronically, then the applicant shall submit at least one paper copy of the entire application to the Department.

(b) through (c) No change.

(6) through (8) No change.

(9) Permits for construction, modification, operation, and closure. Complete permit applications for construction or operation of a solid waste management facility, renewal of an operation permit for an existing facility, modification of an existing facility, or closure of a facility shall be evaluated by the respective Department district office in accordance with Chapters 62-4 and 62-701, F.A.C.

(a) 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. The final report required by subsection ~~Rule~~ 62-701.400(7), F.A.C., as well as any reports required by subparagraphs 62-701.400(3)(d)10. and 62-701.400(3)(f)5., F.A.C., shall be submitted with the certification. 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. through 2. No change.

(c) through (d) No change.

(10) 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, <http://www.flrules.org/Gateway/reference.asp?No=Ref-????>, effective date [effective date] ~~January 6, 2010~~, 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) through (f) No change.

(12) No change.

(13) Airport safety.

(a) through (c) No change.

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

1. through 3. No change.

4. Yard trash ~~Land clearing debris~~ disposal facilities;

5. through 7. No change.

(14) No change.

(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.

(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 which is 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 ~~pre-approved~~ ~~approved~~ by the Department ~~pursuant to~~ ~~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) through (h) No change.

(16) No change.

(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 62-520.420, 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(6)~~ ~~62-701.510(7)~~, F.A.C.

(18) No change.

Rulemaking Authority 403.061, 403.704, 403.716 FS. Law Implemented 403.0877, 403.121(3)(e), 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, 1-6-10, 8-12-12,\_\_\_\_\_.

62-701.330 Landfill Permit Requirements.

(1) through (2) No change.

(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, <http://www.flrules.org/Gateway/reference.asp?No=Ref-????>, effective date ~~January 6, 2010~~, 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) through (e) No change.

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

(g) through (i) No change.

Rulemaking 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, 1-6-10, 8-12-12,\_\_\_\_\_.

62-701.400 Landfill Construction Requirements.

(1) through (2) No change.

(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) through (c) No change.

(d) Standards for geosynthetic components.

1. through 6. No change.

7. Interface shear strength of the actual components which will be used in the liner system shall be tested with method ASTM D5321, hereby adopted and incorporated by reference, or an equivalent test method. To obtain this standard see subsection 62-701.210(14), F.A.C. However, when testing GCLs, method ASTM D6243, hereby adopted and incorporated by reference, or an equivalent test method, shall be used. To obtain this standard see subsection 62-701.210(17), F.A.C. 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. The transmissivity of geonets shall be tested with method ASTM D4716, hereby adopted and incorporated by reference, or an equivalent test method, to demonstrate that the design transmissivity will be maintained for the design period of the facility. To obtain this standard see subsection 62-701.210(15), F.A.C. The testing for the geonet in the liner system shall be conducted using actual boundary materials intended for the geonet at the maximum design normal load for the landfill, and at the design load expected from one lift of waste. At the maximum design normal load, testing shall be conducted for a minimum period of 100 hours unless data equivalent to the 100-hour period is provided in which case the test shall be conducted for a minimum period of one hour. In the case of the design load from one lift of waste, the minimum period shall be one hour. For geonets used in final covers, only one test shall be conducted for a minimum period of one hour using the expected maximum design normal load from the cover soils and the actual boundary materials intended for the geonet.

9. The hydraulic conductivity of GCLs shall be tested with method ASTM D5887, hereby adopted and incorporated by reference, or ASTM D6766-06a, hereby adopted and incorporated by reference, or an equivalent test method. To obtain these standards see subsections 62-701.210(16) and 62-

701.210(20), F.A.C., respectively. 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.

(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) through (c) No change.

(d) A schedule for routine maintenance of the leachate collection and removal system shall be established to ensure operation of the system. The maintenance schedule shall be a part of the facility operation plan.

(5) No change.

(6) Leachate storage tanks and leachate surface impoundments.

(a) through (d) No change.

~~(e) A schedule for routine maintenance of the leachate collection and removal system shall be established to ensure operation of the system. The maintenance schedule shall be a part of the facility operation plan.~~

(7) through (10) No change.

(11) Landfills in ground water. A landfill constructed so that the bottom liner is constantly in contact with ground water is not prohibited by this rule. However, an applicant proposing such a design shall include special design features that demonstrate that the landfill will provide an equivalent degree of protection for the environment as would a similar landfill whose bottom liner is not in contact with ground water. Such a design is not entitled to the presumption of compliance with performance standards that is set forth in subsection (1) of this section. In addition to any other financial assurance requirements for closure, an applicant shall provide financial assurance in accordance with Rule 62-701.630, F.A.C., a performance bond sufficient to ensure long-term maintenance and operation of the leachate collection system.

Rulemaking 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, 1-6-10, 8-12-12,\_\_\_\_\_.

62-701.410 Hydrogeological and Geotechnical Investigation Requirements.

(1) Applicability. Except as otherwise specifically provided herein, disposal facilities remain subject to the provisions of Rule 62-701.410, F.A.C., that were in effect at the time the facility was permitted or received a site certification, or at the time a complete application was submitted and deemed complete by the Department. This rule shall apply to permits or site certifications issued after [effective date of this rule] for new disposal facilities or lateral expansion of existing disposal facilities that were not authorized by the Department in a permit or site certification prior to [effective date of this rule]. It is not the intent of this rule to require the owner or operator of any disposal unit for which a hydrogeological and geotechnical investigation has been approved in a permit by the Department to submit a new or updated report unless unstable areas have been discovered at the disposal facility since approval of the original investigations, or if design or operational changes will make the original investigations obsolete or incomplete.

~~(2)~~(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) Define the ~~landfill site~~ geology and hydrology of the disposal facility site and its relationship to the local and regional hydrogeologic patterns including:

1. through 2. No change.

3. Any on-site hydraulic connections between aquifers;

4. For all confining layers, semi-confining layers, and all aquifers below the ~~landfill~~ site that may be affected by the disposal facility landfill, the porosity or effective porosity, horizontal and vertical permeabilities, and the depth to and lithology of the layers and aquifers; and

5. No change.

(b) Include an inventory of all the public and private water wells within a one-mile radius of the ~~proposed landfill~~ site. The inventory shall include, where available:

1. through 3. No change.

(c) Identify and locate any existing contaminated areas on the ~~landfill~~ site.

(d) No change.

(3)(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 disposal facility landfill and all installations of the facility and shall:

- (a) No change.
- (b) Explore and address the presence of muck, previously filled areas, soft ground, and lineaments, ~~and sinkholes~~;
- (c) Evaluate and address fault areas, and seismic impact zones, ~~and unstable areas~~ as described in 40 C.F.R. 258.13, hereby adopted and incorporated by reference (<http://www.flrules.org/Gateway/reference.asp?No=Ref-????>), and 258.14, hereby adopted and incorporated by reference (<http://www.flrules.org/Gateway/reference.asp?No=Ref-????>). To obtain these documents see subsections 62-701.210(6) and 62-701.210(7), F.A.C., respectively ~~and~~ 258.15;

(d) Include estimates of the average and maximum high ground water table across the site; ~~and~~

(e) Include a foundation analysis to determine the ability of the foundation to support the expected maximum loads and stresses imposed by the disposal facility landfill. It may include geotechnical measures necessary to modify the foundation to accommodate the imposed loads and stresses. The foundation shall be analyzed for short-term, end of construction, and long-term stability and settlement conditions. Considering the existing or proposed subgrade conditions and the disposal facility landfill geometry, the analysis shall include but not be limited to:

- 1. No change.
- 2. Subgrade settlements, both total and differential; ~~and~~
- 3. Subgrade slope stability; ~~-~~

(f) Evaluate the potential for sinkholes and sinkhole activity as those terms are defined in Section 627.706(2), F.S., and unstable areas as described in 40 C.F.R. 258.15, hereby adopted and incorporated by reference (<http://www.flrules.org/Gateway/reference.asp?No=Ref-????>). To obtain this document see subsection 62-701.210(8), F.A.C. The initial site investigation phase shall include, at a minimum, an evaluation of the following for the proposed site:

- 1. Historical aerial photography;
- 2. Site topographic survey to indicate potential depression areas;
- 3. Lineament features that transverse the site;

4. General information indicating the potential for sinkhole formation such as the Floridan Aquifer Vulnerability Assessment (FAVA) map at <http://www.dep.state.fl.us/geology/programs/hydrogeology/FAVA>, and sinkhole or subsidence occurrence maps; and,

5. Results of borings and/or geophysical work performed to describe the nature of the subsurface geology and hydrogeology for the proposed landfill site, including the potential for unstable areas as described in 40 C.F.R. 258.15; and,

(g) If the investigations required above indicate that portions of subsurface below the disposal facility show signs of past sinkhole activity, or are reasonably expected to develop sinkholes or sinkhole activity in the future, additional geotechnical investigations shall be included to further characterize the subsurface below the disposal facility for the purpose of assessing potentially unstable areas and for evaluating the effectiveness and design for any engineering measures proposed for any potentially unstable areas. The investigation shall also include an evaluation of any engineering measures needed to provide reasonable assurance that the subsurface of the site in those areas will be adequate to support the disposal facility without adversely affecting the performance of the liner or leachate collection system.

(4)(3) Geotechnical rReport. The geotechnical site investigation report shall describe the site subsurface conditions and shall include, at a minimum, the methods used in the investigation, including but not limited to, all soil boring logs and laboratory results, analytical calculations, cross sections, interpretations and conclusions. The report shall also include a description of any engineering measures proposed for the site.

(5)(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. 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. Any portion of the geotechnical report conducted or prepared by a professional geologist shall be signed and sealed by the professional geologist who performed the work.

Rulemaking 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, 1-6-10, \_\_\_\_\_.

62-701.430 Vertical Expansion of Landfills.  
(1) No change.

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

(b) through (d) No change.

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

(a) through (c) No change.

(d) A gas control system shall be installed to vent gas from the interface between the existing landfill slopes and the vertical expansion slopes to prevent accumulation of gas under the new liner system. Gas-venting shall include is achieved by installing a gas-venting layer or system of gas collection wells under the entire slope that will be covered by the new liner system. The gas-venting layer shall convey gas to vertical vents at the crest of the interface slopes.

Rulemaking 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, 1-6-10, \_\_\_\_\_.

62-701.500 Landfill Operation Requirements.

(1) through (3) No change.

(4) Waste records.

(a) The owner or operator of a landfill 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 by county of origin. Waste reports shall be compiled monthly, and copies shall be provided to the Department annually, by February 1 of each year.

(b) No change.

(c) In addition to the reports above, the owner or operator of any landfill that knowingly accepts dedicated loads of construction and demolition debris for disposal shall submit the annual report required in subsection 62-701.730(12), F.A.C., by February 1 of each year.

(5) through (7) No change.

(8) Leachate management.

(a) The landfill operator is responsible for leachate level monitoring, ~~sampling, analysis of the landfill leachate, and for providing copies of the leachate analysis to the Department.~~

(b) through (h) No change.

(9) through (13) No change.

Rulemaking 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 17-701.500, Amended 5-27-01, 1-6-10, 8-12-12, \_\_\_\_\_.

62-701.510 Water Quality Monitoring Requirements.

(1) Applicability.

(a) No change.

(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 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, F.A.C.

(c) The requirements of this rule are the minimum standards for monitoring water quality ~~and leachate~~. Nothing in this rule shall be construed to prevent the Department from imposing more stringent standards as necessary to protect the environment and the public health and safety due to site specific conditions and types of wastes to be disposed of in landfills or solid waste disposal units.

(2) Water quality monitoring plan and system.

(a) The permit applicant shall provide to the Department a water quality monitoring plan for the landfill that describes the proposed ground water, and surface water, ~~and leachate~~ monitoring systems. The plan shall be based on the hydrogeological investigation required in Rule 62-701.410, F.A.C., and be prepared by, or under the supervision of, a professional geologist or professional engineer with experience in hydrogeologic investigations. The plan shall be signed and sealed by the professional geologist or professional engineer.

(b) The water quality monitoring system shall be installed and consist of: a sufficient number of ground water wells installed at appropriate locations and depths to yield ground water samples from the uppermost aquifer, as well as other aquifers reasonably expected to be affected by the landfill; and surface water monitoring points installed at locations to yield samples of surface water that may be affected by the landfill; ~~and leachate monitoring points to yield representative leachate samples~~. All sampling and analysis activities shall be performed in accordance with Chapter 62-160, F.A.C.

(c) No change.

(3) Ground water monitoring.

(a) through (c) No change.

(d) Monitoring wells.

1. through 3. No change.

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. Unless otherwise approved by the Department, 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. through 7. No change.

(4) No change.

(5) Initial and routine sampling frequency and requirements. Except as otherwise specified in a Department permit or order or in subsection (6) 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) Demonstration to delete parameters. A demonstration to delete monitoring parameters may include an evaluation of:

1. The concentration or contrast between contaminants likely to leach from the waste in the disposal unit monitoring parameters in leachate and in background water quality; and

2. No change.

(b) through (d) No change.

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

(a) Evaluation monitoring and prevention measures. If monitoring parameters are detected in detection wells in concentrations that are significantly above background water quality, or that 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. The permittee, upon notification to the Department in writing within 14 days of the finding of the above sampling or resampling event, may also choose to demonstrate that a source other than the solid waste disposal unit is expected to be the cause of the observed detections in the water quality analysis.

A report documenting this demonstration must be signed and sealed by a Florida registered professional geologist or professional engineer and submitted to the Department within 60 days of the demonstration notification. If a successful demonstration is made and approved by the Department, the owner or operator may continue detection monitoring as specified in this section. If the Department determines that a successful demonstration has not been made within 60 days after the permittee submits the demonstration report, or the permittee chooses not to pursue such demonstration, then upon notification by the Department, the permittee shall initiate evaluation monitoring as follows:

1. Routine monitoring of all monitoring wells, and surface water monitoring locations and leachate sampling locations shall continue according to the requirements of subsection (5) of this section.

2. through 8. No change.

(b) No change.

(c) Corrective actions.

1. If any contaminants are detected and confirmed in compliance wells in concentrations that exceed both background levels and Department water quality standards or criteria, the permittee shall notify the Department within 14 days of this finding and shall either pursue a demonstration that the exceedance is not related to the solid waste disposal unit in accordance with the requirements of paragraph 62-701.510(6)(a), F.A.C., or shall initiate corrective actions. If the permittee is unable to demonstrate that the exceedance is not related to the solid waste disposal unit, the permittee must 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 ~~(6)(a)(7)(a)~~ of this section.

2. through 3. No change.

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

(a) Ground water monitoring parameters:

Field Parameters	Laboratory parameters
Static water level in wells before purging	Total ammonia – N
<del>Specific</del> <u>Specified</u> conductivity	Chlorides
pH	Iron
Dissolved oxygen	Mercury
Turbidity	Nitrate
Temperature	Sodium
Colors and sheens	Total dissolved solids (TDS)
(by observation)	Those parameters listed in 40 CFR Part 258 Appendix I

(b) through (c) No change.

(8) Water quality monitoring reporting.

(a) 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. The report shall summarize and interpret the water quality and water level measurements collected during the past two and one-half years or five years for facilities in long-term care. The report shall contain, at a minimum, the following:

1. through 2. No change.

3. Comparisons among shallow, middle, and deep zone wells if multiple zones are monitored;

4. through 8. No change.

(c) Instead of submitting the technical report of paragraph 62-701.510(8)(b), F.A.C., every two and one-half years, the permittee may elect to submit this required information annually in the second semi-annual report of each year, provided the annual technical report includes at least the last two and one-half years of water quality data.

~~(d)~~(e) All field and laboratory records specified in Rules 62-160.600-.630, F.A.C., shall be made available to the Department and be retained for the design period of the landfill. Rulemaking 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, 1-6-10, 8-12-12,\_\_\_\_\_.

62-701.520 Special Waste Handling.

(1) through (3) No change.

(4) Contaminated soil. Soil that has been contaminated with petroleum products or any other materials that are not hazardous wastes may be disposed of in Class I landfills, or in lined Class III landfills if the soil does not have the potential to leach constituents in excess of Department ground water standards or criteria. Such soil also ~~and~~ may be used as initial or intermediate cover material at lined landfills ~~solid waste~~

~~disposal facilities~~ if it meets the criteria of subsections 62-701.200(53) or (55), F.A.C., as appropriate. Contaminated soil that has the potential to leach constituents in excess of Department ground water standards or criteria may be used only for cover 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) through (b) No change.

(c) Bodies of captive wildlife, of fish or marine mammals, 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, or other properties approved of by the Department, provided they are buried at least two feet below the surface of the ground and above the water table.

(d) No change.

Rulemaking 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, 1-6-10,\_\_\_\_\_.

62-701.600 Landfill Final Closure.

(1) through (5) No change.

(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. The final report required by subsection 62-701.400(7), F.A.C. shall be submitted with the certification. 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) through (b) No change.

(7) No change.

(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;

(a) The portion that has been closed can be monitored and maintained separately from the rest of the landfill; or,

(b) The portion that has been closed can be maintained separately from the rest of the landfill and monitored within a facility-wide water quality monitoring network.

(9) No change.

Rulemaking 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, 1-6-10, 8-12-12, \_\_\_\_\_.

62-701.610 Other Closure Procedures.

(1) No change.

(2) Relocation of waste. The owner of a closed landfill must 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) The activity will not cause or contribute to any violations of water quality standards or criteria ~~leachate leakage from the landfill~~, and will not adversely affect the closure design of the landfill;

(b) through (e) No change.

Rulemaking Authority 403.704 FS. Law Implemented 403.704, 403.707 FS. History—New 7-1-85, Formerly 17-7.074, 17-701.074, Amended 1-6-93, 1-2-94, Formerly 17-701.610, Amended 5-27-01, 1-6-10, \_\_\_\_\_.

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 quality monitoring plan, maintain the leachate collection system, measure volumes of leachate removed, and maintain the stormwater system, in accordance with an approved closure plan for 30 years from the official 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 quality monitoring system indicates that the landfill continues to impact ground water or surface water at concentrations that may be expected to result in violations of Department water quality standards or criteria;

(b) through (d) No change.

(2) No change.

(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 or eliminate some aspects of long-term care.

(a) 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:

~~1.(a)~~ Has been constructed and operated in accordance with approved standards;

~~2.(b)~~ Was closed with appropriate final cover, vegetative cover has been established, and a monitoring system has been installed;

~~3.(c)~~ Has a 10-year history after closure of no violations of water quality standards or criteria detected in the monitoring system, and no increases over background water for any monitoring parameters which may be expected to result in violations of water quality standards or criteria; and

~~4.(d)~~ Has had no detrimental erosion of cover, and subsidence of waste has ceased.

(b) The Department will grant such modification for a portion of a landfill if reasonable assurance is provided to the Department that it was closed in accordance with the requirements of paragraph 62-701.600(8)(b), F.A.C., prior to [effective date of rule]. The requirements of subsection 62-701.600(7), F.A.C., shall not apply to that portion of the landfill until the entire landfill is closed.

(4) Modified ~~ground~~ water quality monitoring plan.

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

(b) The owner or operator may apply for a modification of its ~~ground~~ water quality monitoring plan to reduce or eliminate the frequency of monitoring. The Department will grant such a modification upon a demonstration that there have been no violations of ~~ground~~ water quality standards or criteria detected in the monitoring system after final closure, and that sufficient time has passed so that any leachate escaping the landfill since final closure would be expected to have reached the monitoring well system.

(5) No change.

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

Rulemaking Authority 403.704 FS. Law Implemented 403.703(5), 403.704, 403.707 FS. History--New 7-1-85, Formerly 17-7.075, 17-701.075, Amended 1-6-93, 1-2-94, 5-19-94, Formerly 17-701.620, Amended 5-27-01, 1-6-10, 8-12-12,\_\_\_\_\_.

62-701.630 Financial Assurance.

(1) No change.

(2) Applicability.

(a) No change.

(b) As a condition for the issuance of a landfill permit, or permit modification authorizing expansion, the owner or operator shall provide the Department with closure cost estimates for the permitted portions of the landfill as part of the application. Proof of financial assurance issued in favor of the Florida Department of Environmental Protection in the amount of the approved current dollar closing and long-term care cost estimates for each permitted disposal unit shall be provided at least 60 days prior to the planned initial receipt of waste at such unit. The owner or operator shall maintain financial assurance through the design period of the landfill and through any corrective action period. The financial mechanism shall either be:

1. If the landfill is owned or operated by a government agency, a landfill management escrow agreement account pursuant to subsection (5) of this section or an alternate financial mechanism pursuant to subsection (6); or

2. No change.

(c) through (d) No change.

(3) Cost estimates for closure.

(a) For the purposes of determining the amount of proof of financial assurance that is required for closure by this section, the owner or operator shall estimate the total cost of closure in current dollars 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, listed separately, and multiplied by the number of years required in the long term care period.~~ The owner or operator shall submit the estimates, together with all necessary justification, to the Department as part of the permit application. Except as allowed in paragraph 62-701.630(3)(d), F.A.C., ~~t~~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) No change.

(c) Long-term care costs shall include land surface care; gas monitoring; leachate pumping, transportation, management monitoring and treatment; ~~ground~~ water quality monitoring, collection and analysis; and any other costs of compliance with Rule 62-701.620, F.A.C. The annual cost of long-term care shall be estimated, listed separately, and multiplied by the number of years required in the long-term care period.

(d) The owner or operator of a landfill may use on-site soils, rather than off-site soils, as part of the facility's final cover, as fill, or for other closure construction purposes, when calculating the facility's closure costs provided that:

1. A professional engineer certifies the designated on-site soils are of a sufficient quantity and have been determined to have suitable properties for their proposed use;

2. The owner or operator, and real property owner where different, shall enter into a covenant, easement, trust, or other legal agreement with the Department, in any combination thereof that may be needed and which shall be recorded and run with the land, to ensure that the designated on-site soils will be available and accessible for the benefit of the Department for the proposed closure related uses; and,

3. The facility's permit is modified to include the requirements of this subsection.

~~(e)~~(d) Cost estimates required in this section shall be prepared and submitted on Form 62-701.900(28), Closure Cost Estimating Form for Solid Waste Facilities, effective date January 6, 2010 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.

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

(4) Cost adjustments for closure.

(a) through (b) No change.

(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. through 2. No change.

3. Within 30 days of issuance of an order by the Department pursuant to subsection 62-701.730(18), F.A.C., finding that the facility has exceeded any of its permitted dimensions.

(d) If the value of the alternative funding mechanism is less than the total amount of the current closure cost estimate, the owner or operator shall revise the funding mechanisms to reflect the new estimate within the time frames outlined in 40 CFR Part 264, subpart H, hereby adopted and incorporated by reference, \_\_\_\_\_ and \_\_\_\_\_ available \_\_\_\_\_ at <http://www.flrules.org/Gateway/reference.asp?No=Ref-?????>.

(5) Landfill management escrow account.

(a) through (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 owner or operator shall file with the Department a signed duplicate original of the escrow 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 the landfill management escrow account balance as of the end of the fiscal year and itemize, by facility, amounts restricted for closing and long-term care. The audit shall reference subsection 62-701.630(5), F.A.C. and the escrow agreement, and shall also include a list by date of all deposits and withdrawals made.

(d) No change.

1. No change.

a. No change.

b. "Balance" method: the minimum fiscal year end account balance = [CE x (DE/DL)] – E, where CE is the approved current dollar closing cost estimate (by solid waste disposal unit or group of units) at the beginning of the fiscal year (or later, if submitted pursuant to paragraph (4)(c) of this section); DE, the design life exhausted (by solid waste disposal unit or group of units), is the period of time between the initial receipt of waste and the current fiscal year end (i.e., the year audited); DL, the design life (by solid waste disposal unit or group of units), is the period of time between initial receipt of waste and planned end of receipt of waste and must be reassessed annually in the Closure Cost Estimating Form when an escrow account or trust fund pay-in period is used; and E, all documented closing expenditures to date (by solid waste disposal unit or group of units), 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 minimum required balance, the owner or operator may remove the excess funds ~~upon written authorization from the Department.~~

2. through 4. No change.

(e) The owner or operator may make expenditures from the account and its accumulated interest only for the purpose of landfill closing and long-term care and, if such expenditures do not deplete the fund to the detriment of eventual closing and long-term care ~~as described under the certification procedure in subsection (4) of this section,~~ for planning and construction of

resource recovery or landfill facilities. If the owner or operator does not operate a landfill, any funds remaining in the account after paying for proper and complete closing and long-term care, as determined by the Department, shall be deposited by the owner or operator into the general fund of the local government of jurisdiction.

(f) through (g) No change.

(6) Alternate proof of financial assurance.

(a) The appropriate parts of Form 62-701.900(5), Financial Mechanisms for Solid Waste Management Facilities Requiring Closure and/or Corrective Action Long-term Care, <http://www.flrules.org/Gateway/reference.asp?No=Ref-?????>, <http://www.flrules.org/Gateway/reference.asp?No=Ref-?????>, <http://www.flrules.org/Gateway/reference.asp?No=Ref-?????>, <http://www.flrules.org/Gateway/reference.asp?No=Ref-?????>, <http://www.flrules.org/Gateway/reference.asp?No=Ref-?????>, <http://www.flrules.org/Gateway/reference.asp?No=Ref-?????>, <http://www.flrules.org/Gateway/reference.asp?No=Ref-?????>, <http://www.flrules.org/Gateway/reference.asp?No=Ref-?????>, effective date [effective date] ~~August 12, 2012,~~ 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, or at [http://www.dep.state.fl.us/waste/quick\\_topics/forms/pages/62-701.htm](http://www.dep.state.fl.us/waste/quick_topics/forms/pages/62-701.htm). Proof of financial assurance under this subsection shall 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, and, if applicable, costs for corrective action. 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 subsections (3) and (4) of this section. The financial institutions must include their legal entity name (not just trademark or fictitious names) on financial assurance forms.

(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, ~~2013~~ 2010, except:

1. No change.

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 ~~or Care/Long-Term Care~~, as applicable ~~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; ~~to must also establish shall mean must also establish and maintain; to both closure and post-closure shall mean closing, long-term care and corrective action, or any combination thereof; and to one or more states shall mean in the State of Florida.~~

3. Financial assurance, when reimbursed, will go towards covering all or any part of the costs for a facility's "Required Action" (closing, long-term care, and/or corrective action) as identified on the first page of the trust fund or insurance certificate regardless of actual cost estimate calculations.

4. When the Department directs financial institutions to make a payment or reimbursement, the payment or reimbursement shall be sent within 30 days of receipt of the Department's direction, unless communication from the Department authorizes a delay.

5. The trust fund pay-in period shall not exceed 5 years. Schedule A of the trust agreement must be updated only during the pay-in period.

6. When Corrective Action is selected on any part of Form 62-701.900(5), 40 CFR 264.145 references to post-closure shall mean corrective action, as applicable.

(c) through (d) No change.

(e) An owner or operator using an insurance policy for financial assurance must establish and maintain a standby trust fund that meets the requirements of 40 CFR 264.143(b)(3) and/or .145(b)(3). The insurance policy must provide that, upon written direction from the Secretary of the Department or the Secretary's written designee, the entire face amount of the policy, less any amounts previously paid out under requirements of 40 CFR Part 264 Subpart H, will be placed into the trust fund to be used by the Department for closure and/or

corrective action activities. Once closure and/or corrective action is complete, any money remaining in the trust fund will be returned to the insurer. Direction to make payment into the trust fund must be preceded by one or more of the following:

1. FDEP deems the facility abandoned;

2. The permit is terminated or revoked or a new permit is denied;

3. Closure is ordered by the FDEP or a U.S. district court or other court of competent jurisdiction;

4. The owner or operator is named as debtor in a voluntary or involuntary proceeding under Title 11 (Bankruptcy), U.S. Code; or

5. The insurer elected to submit a cancellation, termination, or failure to renew the policy notice in accordance with the provisions of 40 CFR 264.143(e)(8) or 264.145(e)(8) and the insured failed to provide alternate financial assurance within 90 days after the date of notice of cancellation, termination or failure to renew the policy was received by both the insured and the FDEP Secretary, or designee.

(7) Cost estimates for corrective action. An owner or operator of a landfill required to establish financial assurance for a corrective action program pursuant to paragraph (2)(d) of this section shall have a detailed written estimate in current dollars, estimated and certified by a professional engineer, of the cost of hiring a third party to perform the corrective action in accordance with subsection 62-701.510(6), F.A.C. The corrective action cost estimate must account for the total cost of corrective action activities as described in the corrective action plan for the entire corrective action period. The owner or operator shall submit the estimate, together with all necessary justification including source of the estimates indicated, to the Department for approval along with proof of financial assurance.

(8) Cost adjustments for corrective action.

(a) The owner or operator shall annually adjust the estimate for inflation and changes in the corrective action plan until the corrective action program is completed in accordance with subsection 62-701.510(6), F.A.C. Inflation adjusted estimates shall be submitted in the timeframes designated by paragraph (4)(a) of this section. The adjustment shall be made either by:

1. No change.

2. No change.

a. The first adjustment is made by multiplying the corrective action cost estimate by the inflation factor. The result is the adjusted corrective action cost estimate. ~~Inflation adjusted estimates shall be submitted along with annual closing and/or long term care cost estimates.~~

b. No change.

(b) through (c) No change.

(9) through (10) No change.

Rulemaking Authority 403.704 FS. Law Implemented 403.704, 403.707, 403.7125(5) 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, 1-6-10, 8-12-12, \_\_\_\_\_.

#### 62-701.710 Waste Processing Facilities.

##### (1) Applicability.

##### (a) through (c) No change.

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

##### 1. No change.

2. Waste processing facilities that 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 subsection 62-701.730(8) paragraph 62-701.730(4)(b), F.A.C., except the technical report of paragraph 62-701.510(8)(b), F.A.C., is not required. 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 quality monitoring system if the evaluation indicates the potential for ground water contamination.

3. Waste processing facilities that accept only Class III wastes are exempt from the requirement to provide a leachate control system set forth in paragraph (3)(b) of this section, provided that the areas where waste is received is under roof and on an impervious surface and that all areas where waste is stored or processed are covered by a ground water monitoring system which meets the requirements of subsection 62-701.730(8), F.A.C., except the technical report of paragraph 62-701.510(8)(b), F.A.C., is not required. 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 water quality monitoring system if the evaluation indicates the potential for ground water contamination.

~~4.3.~~ Waste-to-energy facilities are exempt from the requirement to have a trained operator and a trained spotter set forth in paragraph 62-701.710(4)(c), F.A.C. This does not exempt such facilities from operator training requirements set forth in other Department rules.

(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, <http://www.flrules.org/Gateway/reference.asp?No=Ref-????>, effective date [effective date] ~~January 6, 2010~~, 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, or some combination thereof, shall be signed and sealed by a professional engineer. Subsections 62-701.320(5), (6), and paragraph (8)(a), F.A.C., apply to such applications. The application must meet the requirements of subsection 62-701.320(7), F.A.C., except for paragraphs (e) and (h) and subparagraphs (7)(f)4. and 5., and must also include the following:

(a) through (h) No change.

(3) through (6) No change.

(7) Financial assurance.

~~(a) The owner or operator of a waste processing facility shall provide the Department with proof of financial assurance issued in favor of the State of Florida in the amount of the closing cost estimates for the facility. The closing cost estimates shall be submitted to the Department as part of the permit application for the facility. Proof of financial assurance shall be submitted at least 60 days prior to the initial receipt of waste at the facility. 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.~~

(a)(b) Closure cost estimates and estimate annual updates and financial mechanisms thereof shall comply with the provisions of subsections 62-701.630(1) through 62-701.630(3) and (4), F.A.C., except that long-term care costs need not be included, and the costs shall be based upon compliance with this section. If a trust fund is used, the full amount of the current closing cost estimate must be deposited at the time funding is required. If an escrow account is used, the fiscal year-end escrow balance must cover the entire waste processing facility closing cost estimate. Landfill and disposal unit shall mean facility.

(b) In addition to the exemption provided in subparagraph (1)(d)1. of this section, a standalone waste processing facility is exempt from the requirement to provide proof of financial assurance as long as the current dollar Department approved closing cost estimate is less than \$10,000.

(c) If a local government requires financial assurance for closure, which is at least as stringent as that required by this

~~subsection rule~~, the Department will attempt to establish a cooperative mechanism with the local government and thereby avoid duplicative financial requirements.

(8) through (11) No change.

Rulemaking Authority 403.061, 403.704 FS. Law Implemented 403.702, 403.704, 403.707 FS. History—New 5-27-01, Amended 1-6-10, 8-12-12, \_\_\_\_\_.

62-701.730 Construction and Demolition Debris Disposal and Recycling.

(1) Applicability.

(a) No person shall construct, 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 January 6, 2010, 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 July 5, 2010, whichever is earlier. For purposes of this paragraph, a permit issued prior to January 6, 2010, is deemed to include a completed permit application received by the Department prior to January 6, 2010. However, the provisions of paragraph ~~(4)(d)(4)(h)~~ of this section will not apply to any disposal units of a facility that have received a Department permit authorizing construction or operation prior to January 6, 2010.

(b) No change.

1. No change.

2. "Siting or construction design requirements" do not include the hydrogeological investigation required by subparagraph 62-701.730(2)(a)3., F.A.C., or the ~~ground water quality~~ monitoring plan required by paragraph ~~62-701.730(8) 62-701.730(4)(b)~~, F.A.C.

(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, <http://www.flrules.org/Gateway/reference.asp?No=Ref-????>, effective date ~~[effective date] August 12, 2012~~, 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 shall be in conformance with the requirements of 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.

(a) No change.

1. through 2. No change.

3. A hydrogeological investigation which meets the criteria of paragraphs ~~62-701.410(2)(a) 62-701.410(1)(a)~~, and (c) and (d), F.A.C.;

4. No change.

5. Documentation that the facility location will comply with the requirements of paragraphs ~~62-701.730(4)(c) 62-701.730(4)(g)~~ and ~~(d)(h)~~, F.A.C.

(b) through (f) No change.

(3) No change.

(4) ~~General~~ ~~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) The Department shall not require liners and leachate collection systems at individual facilities unless it demonstrates based upon the types of waste received, methods for controlling the types of waste disposed of, the proximity of ground water and surface water, and the results of the hydrogeological and geotechnical investigations that operation of the facility is reasonably expected to result in violations of ground water standards and criteria otherwise. If the Department determines that a liner and leachate control system may be required, it shall notify the applicant within 30 days of receipt of the information which forms the basis for such a determination. The applicant may either submit additional information, redesign the facility to include a liner and leachate collection system, or demand that the Department process the application without such additional information or redesign.~~

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

~~1. If no disposal unit is constructed with a liner and leachate collection system, then leachate sampling is not required.~~

~~2. Unless a disposal unit is constructed or operated within 200 feet of a surface water body, or unless site specific conditions could reasonably be expected to result in contaminants entering a surface water body, surface water sampling is not required. For purposes of this subparagraph, a surface water body does not include a body of water contained completely within the property boundaries of the disposal site that does not discharge from the site to surface waters.~~

~~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, 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 (by observation)	Sodium
	Arsenic
	Cadmium
	Chromium
	Lead
	Mercury
	Total ammonia—N
	Xylenes
	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(5)(b), F.A.C., except that the analysis shall also include sulfate and aluminum. In addition, all background and detection wells shall be sampled and analyzed at least once every five years for those parameters listed in paragraph 62-701.510(7)(a), F.A.C., as well as sulfate and aluminum.~~

6. ~~The owner or operator of the facility may request a permit modification from the appropriate District Office of the Department to delete specific laboratory parameters or field parameters from routine analyses of detection wells and surface water. The Department will grant a request for a permit modification upon a demonstration that these parameters are not reasonably expected to be in or derived from the waste which was received or disposed of at the facility.~~

~~(e) 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(6), F.A.C., shall apply.~~

~~(d) through (e) renumbered (a) through (b) 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  $1 \times 10^{-7}$  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  $1 \times 10^{-7}$  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) through (i) renumbered (c) through (e) No change.~~

~~(5) No change.~~

~~(6) Design requirements. 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 is inadvertently accepted by the facility. Such solid waste that 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 is received by the facility shall be managed in accordance with the provisions of Chapter 62-730, F.A.C.~~

~~(a) Each new disposal unit, as well as each lateral expansion of an existing disposal unit, that has not received a Department permit authorizing construction or operation prior to July 1, 2010, shall be constructed with a liner and leachate collection system, unless the applicant demonstrates, based upon the types of waste received, methods for controlling the types of waste disposed of, the proximity of ground water and surface water, and the results of the hydrogeological and geotechnical investigations including any ground water monitoring analyses, that operation of the facility is not expected to result in violations of ground water standards and criteria otherwise.~~

~~(b) The liner system 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  $1 \times 10^{-7}$  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  $1 \times 10^{-7}$  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 and leachate collection 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.

(c) Leachate shall be managed in accordance with subsection 62-701.500(8), F.A.C. Any leachate storage tanks or surface impoundments constructed or operated at the facility shall comply with the requirements of subsection 62-701.400(6), F.A.C.

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

(a) through (c) No change.

(d) Operators and spotters employed at the facility shall be properly trained in accordance with subsection 62-701.320(15), F.A.C. 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 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 (j) No change.

(k) 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 is inadvertently accepted by the facility. Such solid waste that 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 is received by the facility shall be managed in accordance with the provisions of Chapter 62-730, F.A.C.

(l) If a disposal unit is constructed with a liner and leachate collection system, the first layer of waste placed above the liner shall be a minimum of four feet in compacted thickness and consist of selected wastes containing no large rigid objects that may damage the liner or leachate collection system.

(8) Water quality monitoring. A water quality monitoring plan that meets the criteria set forth in Rule 62-701.510 and Chapter 62-520, F.A.C., shall be included with the permit application. This plan shall be implemented and maintained by the owner or operator, and shall include provisions to provide the reports required by subsection 62-701.510(8), F.A.C., with the following exceptions: ~~Training. Operators and spotters employed at the facility shall be properly trained in accordance with subsection 62-701.320(15), F.A.C.~~

(a) Unless a disposal unit is constructed or operated within 200 feet of a surface water body, or unless site-specific conditions could reasonably be expected to result in contaminants entering a surface water body, surface water sampling is not required. For purposes of this subparagraph, a surface water body does not include a body of water contained completely within the property boundaries of the disposal site that does not discharge from the site to surface waters.

(b) 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, F.A.C.

(c) Detection wells, and compliance wells if applicable, shall be sampled and analyzed at least semi-annually for the following parameters:

<u>Field Parameters</u>	<u>Laboratory Parameters</u>
<u>pH</u>	<u>Aluminum</u>
<u>Turbidity</u>	<u>Chlorides</u>
<u>Temperature</u>	<u>Nitrate</u>
<u>Specific conductivity</u>	<u>Sulfate</u>
<u>Dissolved oxygen</u>	<u>Total dissolved solids (TDS)</u>
<u>Water elevations</u>	<u>Iron</u>
<u>Colors and sheens</u>	<u>Sodium</u>
<u>(by observation)</u>	<u>Arsenic</u>
	<u>Cadmium</u>
	<u>Chromium</u>
	<u>Lead</u>
	<u>Mercury</u>
	<u>Total ammonia – N</u>
	<u>Xylenes</u>
	<u>Those parameters listed in</u>
	<u>EPA Methods 601 and 602</u>

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

(e) The owner or operator of the facility may request a permit modification from the appropriate District Office of the Department to delete specific laboratory parameters or field

parameters from routine analyses of detection or compliance wells and surface water. The Department will grant a request for a permit modification upon a demonstration that these parameters are not reasonably expected to be in or derived from the waste which was received or disposed of at the facility.

(f) 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(6), F.A.C., shall apply.

(9) Closure.

(a) No change.

(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, or a 30-inch thick layer consisting of approximately 50 percent soil and 50 percent ground or chipped yard trash by volume, 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. If any disposal unit has been constructed with a liner system, the final cover must include a barrier layer with a permeability that is substantially equivalent to, or less than, the permeability of the bottom liner system or meets the alternative barrier layer design requirements in subparagraph 62-701.600(3)(g)6., F.A.C. 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) Any disposal unit designed with a geomembrane as part of the barrier layer shall have a gas management system installed during closure that is designed to reduce gas pressure in the interior of the disposal unit and to prevent failure of the final cover. The gas management system may be active or passive. An active system shall be designed and operated in a manner that prevents intrusion of ambient air into the disposal unit.

(c) through (f) renumbered (d) through (g) No change.

(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, control objectionable odors, implement an odor remediation plan that meets the requirements of paragraph 62-701.530(3)(b), F.A.C., if required, and comply with the ground water quality 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 quality~~ monitoring system indicates that the facility continues to impact ~~ground water quality~~ 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 that which may emanate from the disposal area would not be detected within the long-term care period 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.

(11) Financial assurance.

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

~~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.~~

(a)(b) Closure cost estimates, estimate and annual updates and financial mechanisms thereof shall comply with the provisions of subsections 62-701.630(1) through (4) 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. Landfill shall mean facility.

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

~~(c)(d)~~ Owners or operators of facilities that are required to undertake a corrective action program in accordance with

paragraph ~~62-701.730(8)(f)~~ ~~62-701.730(4)(e)~~, F.A.C., shall submit proof of financial assurance to the Department in accordance with subsections ~~62-701.630(7), (8) and (9)~~, F.A.C., no later than 120 days after the corrective action remedy has been selected.

~~(d)(e)~~ If long-term care is extended because the permittee has failed to perform all required monitoring and maintenance during the long-term care period, 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 ~~(c)(4)~~ of this subsection.

(12) through (13) No change.

(14) Incineration. A facility that employs an air curtain incinerator and that also stores or disposes of construction and demolition debris at the site shall meet the permitting requirements of Rule ~~62-256.700~~ ~~62-256.500~~, F.A.C., as well as this section.

(15) through (21) No change.

Rulemaking 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, 1-6-10, 8-12-12, \_\_\_\_\_.

62-701.803 General Permit for Off-site Disposal of Yard Trash.

(1) Notification. Notwithstanding the provisions of Rule 62-701.730, F.A.C., facilities that accept for disposal only yard trash may operate under a general permit pursuant to Part III of ~~Chapter Rule~~ 62-4, F.A.C., and this section. For purposes of this section, yard trash includes land clearing debris and unpainted, nontreated wood scraps and wood pallets that meet the definition of construction and demolition debris. The owner or operator of the yard trash 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 Yard Trash Disposal Facility, <http://www.flrules.org/Gateway/reference.asp?No=Ref-?????>, effective date [effective date] ~~August 12, 2012~~, 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. Owners or operators of solid waste management facilities which have a permit under Chapter 62-701, F.A.C., to receive yard trash are exempt from this requirement. The notification shall include:

(a) through (h) No change.

(2) through (9) No change.

(10) Incineration. A facility that employs an air curtain incinerator and that also stores or disposes of yard trash at the

site shall meet the permitting requirements of Rule ~~62-256.700~~ ~~62-256.500~~, F.A.C., as well as this section.

~~(11) A general permit issued under this section shall be valid for five years.~~

Rulemaking 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, 1-6-10, 8-12-12, \_\_\_\_\_.

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. 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. 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, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400, or \_\_\_\_\_ at \_\_\_\_\_ [http://www.dep.state.fl.us/waste/quick\\_topics/forms/pages/62-701.htm](http://www.dep.state.fl.us/waste/quick_topics/forms/pages/62-701.htm).

(1) Form 62-701.900(1), Application to Construct, Operate, Modify, or Close a Solid Waste Management Facility, effective [effective date of this rule] ~~August 12, 2012~~.

(2) No change.

(3) Form 62-701.900(3), Notification of Intent to Use a General Permit for a Yard Trash Disposal Facility, effective [effective date of this rule] ~~August 12, 2012~~.

(4) Form 62-701.900(4), Application to Construct, Operate, or Modify a Waste Processing Facility, effective [effective date of this rule] ~~August 12, 2012~~.

(5) Form 62-701.900(5), Financial Mechanisms for Solid Waste Management Facilities Requiring Closure and/or ~~Corrective Action Long-term Care~~, effective [effective date of this rule] ~~August 12, 2012~~.

(a) Solid Waste Facility Irrevocable Letter of Credit.

(b) Solid Waste Facility Financial Guarantee Bond.

(c) Solid Waste Facility Performance Bond.

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

(e) Solid Waste Facility Financial Test.

(f) Solid Waste Facility Corporate Guarantee.

(g) Solid Waste Facility Trust Fund Agreement.

(h) Solid Waste Facility Standby Trust Fund Agreement.

(6) Form 62-701.900(6), Application to Construct, Operate, or Modify a Construction and Demolition Debris Disposal or Disposal with Recycling Facility, effective [effective date of this rule] ~~August 12, 2012~~.

(7) No change.

(8) Form 62-701.900(8), Permit Transfer Form, effective [effective date of this rule] ~~January 6, 2010~~.

(9) through (25) No change.

Rulemaking 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, 1-6-10, 8-12-12,\_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Richard B. Tedder, P.E., Environmental Administrator  
NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Herschel T. Vinyard Jr., Secretary, Florida Department of Environmental Protection  
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: September 22, 2014  
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: February 27, 2014

**Section III**

**Notice of Changes, Corrections and Withdrawals**

**DEPARTMENT OF FINANCIAL SERVICES**

**Division of Worker’s Compensation**

RULE NO.: RULE TITLE:  
69L-7.501 Florida Workers’ Compensation Reimbursement Manual for Hospitals  
NOTICE OF CORRECTION

Notice is hereby given that the following correction has been made to the proposed rule in Vol. 40, No. 23, February 4, 2014 issue of the Florida Administrative Register. Proposed Rule 69L-7.501, F.A.C., has been clarified to indicate a proposed effective date of January 1, 2015.

**Section IV**

**Emergency Rules**

**NONE**

**Section V**

**Petitions and Dispositions Regarding Rule Variance or Waiver**

**WATER MANAGEMENT DISTRICTS**

Southwest Florida Water Management District

RULE NO.: RULE TITLE:  
40D-22.201 Year-Round Water Conservation Measures  
The Southwest Florida Water Management District hereby gives notice that on September 30, 2014, it has issued an order granting a variance.  
Petitioner’s Name: Fernwood Property Association, Inc. – File Tracking No. 14-4193

Date Petition Filed: May 27, 2014

Rule No.: 40D-22.201, F.A.C.

Nature of the rule for which variance or waiver was sought: lawn and landscape irrigation

Date Petition Published in the Florida Administrative Register: May 29, 2014

General Basis for Agency Decision: Petitioner demonstrated substantial hardship and proposed an alternative means of achieving the purpose of the statute implemented by the rule.

A copy of the Order or additional information may be obtained by contacting: Lois Sorensen, 7601 US Highway 301, Tampa, Florida 33637, (813)985-7481, ext. 2298, water.variances@watermatters.org.

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

Division of Hotels and Restaurants

RULE NO.: RULE TITLE:

61C-5.001 Safety Standards

NOTICE IS HEREBY GIVEN that on September 29, 2014, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety, received a petition for Tampa VAMC Sterile Processing/Distribution. Petitioner seeks an emergency variance of the requirements of ASME A17.1, Section 3.19.4.1, 3.19.4.4, 3.19.4.5, and 3.26.8, as adopted by subsection 61C-5.001(1), Florida Administrative Code, that requires upgrading the elevators shutoff valve, manual lowering valve, pressure gauge fittings and pressure switch (Endura design) which poses a significant economic/financial hardship. Any interested person may file comments within 5 days of the publication of this notice with Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013 (VW2014-350).

A copy of the Petition for Variance or Waiver may be obtained by contacting: Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013.

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

Division of Hotels and Restaurants

RULE NO.: RULE TITLE:

61C-1.004 General Sanitation and Safety Requirements

NOTICE IS HEREBY GIVEN that on September 22, 2014, the Florida Department of Business and Professional Regulation, Division of Hotels and Restaurant, received a petition for an Emergency Variance for paragraph 61C-1.004(1)(a), Florida Administrative Code, and Paragraph 5-202.11(A), 2009 FDA Food Code, from Double Six Diner located in Deltona. The above referenced F.A.C. addresses the requirement that each establishment have an approved plumbing system installed to transport potable water and wastewater. They are requesting to

utilize holding tanks to provide potable water and to collect wastewater at the handwash sink in the front counter area.

The Division of Hotels and Restaurants will accept comments concerning the Petition for 5 days from the date of publication of this notice. To be considered, comments must be received before 5:00 p.m.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Lydia.Gonzalez@myfloridalicense.com, Division of Hotels and Restaurants, 1940 North Monroe Street, Tallahassee, Florida 32399-1011.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Division of Hotels and Restaurants

RULE NO.: RULE TITLE:

61C-5.001 Safety Standards

The Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety hereby gives notice:

On September 29, 2014, the Department issued a Final Order that was in response to a Petition for Variance from Lakeside Point Apt #11, A Condo., Assoc., Inc., filed September 4, 2014, and advertised on September 9, 2014, in Vol. 40, No. 175, of the Florida Administrative Register. No comments were received in response to the petition. The Final Order on the Petition for Variance denies the Petitioner a variance from Rule 3.11.1, ASME A17.3, 1996 edition, as adopted by paragraph 61C-5.001(1)(a), Florida Administrative Code, that requires two way communication because the Petitioner has not demonstrated that the purpose of the underlying statute has been met or that Petitioner would suffer a substantial hardship if required to comply with this rule (VW2014-323).

A copy of the Order or additional information may be obtained by contacting: Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013, (850)488-1133.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Division of Hotels and Restaurants

RULE NO.: RULE TITLE:

61C-5.001 Safety Standards

The Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety hereby gives notice:

On September 29, 2014, the Division issued an order. The Final Order was in response to a Petition for a Variance from D R Horton Corporate Offices, filed September 10, 2014, and advertised on September 11, 2014, in Vol. 40, No. 177, of the Florida Administrative Register. No comments were received in response to the petition. The Final Order on the Petition for Variance grants the Petitioner a variance from Rule 2.20.1,

2.18.5.1, 2.20.4, 2.20.5 and 2.20.9 ASME A17.1b, 2009 edition, as adopted by paragraph 61C-5.001(1)(a), Florida Administrative Code, that requires steel ropes of a minimum diameter of 9.5 mm because the Petitioner has demonstrated that the purpose of the underlying statute has been met and that Petitioner would suffer a substantial hardship if required to comply with this rule (VW2014-326).

A copy of the Order or additional information may be obtained by contacting: Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Division of Hotels and Restaurants

RULE NO.: RULE TITLE:

61C-5.001 Safety Standards

The Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety hereby gives notice:

On September 29, 2014, the Division issued an order. The Final Order was in response to a Petition for an emergency Variance from Reed @ Encore, filed September 16, 2014, and advertised on September 18, 2014, in Vol. 40, No. 182, of the Florida Administrative Register. No comments were received in response to the petition. The Final Order on the Petition for Variance grants the Petitioner a variance from Rule 2.20.4, 2.18.5.1, and 2.24.2.1 ASME A17.1b, 2009 edition, as adopted by paragraph 61C-5.001(1)(a), Florida Administrative Code, that requires the use of a 9.5 mm steel rope and requirement of a metallic sheave because the Petitioner has demonstrated that the purpose of the underlying statute has been met and that Petitioner would suffer a substantial hardship if required to comply with this rule (VW2014-340).

A copy of the Order or additional information may be obtained by contacting: Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Division of Hotels and Restaurants

RULE NO.: RULE TITLE:

61C-1.004 General Sanitation and Safety Requirements

The Florida Department of Business and Professional Regulation, Division of Hotels and Restaurants hereby gives notice:

On August 20, 2014, the Division of Hotels and Restaurants received a Petition for a Routine Variance for paragraph 61C-1.004(1)(a), Florida Administrative Code, Paragraph 5-202.11(A), 2009 FDA Food Code, Paragraph 4-301.12(A), 2009 FDA Food Code, subsection 61C-4.010(5), Florida Administrative Code, Subparagraph 3-305.11(A)(2), 2009 FDA Food Code, and subsection 61C-4.010(1), Florida

Administrative Code, from Grill #1-5, ML2B.C.D. located in Daytona Beach. The above referenced F.A.C. addresses the requirement that each establishment have an approved plumbing system installed to transport potable water and wastewater; that dishwashing facilities for manually washing, rinsing and sanitizing equipment and utensils are provided, and that each establishment have areas for food storage. They are requesting to utilize holding tanks to provide potable water and to collect wastewater at the handwash sink and to share the dishwashing and food storage areas with another food service establishment under the same ownership and on the same premises.

The Petition for this variance was published in Vol. 40, No. 171, F.A.R., on September 3, 2014. The Order for this Petition was signed and approved on September 18, 2014. After a complete review of the variance request, the Division finds that the application of this Rule will create a financial hardship to the food service establishment. Furthermore, the Division finds that the Petitioner meets the burden of demonstrating that the underlying statute has been achieved by the Petitioner ensuring the wastewater holding tank for the handwash sink is emptied at a frequency as to not create a sanitary nuisance; and potable water provided must come from an approved source and be protected from contamination during handling. The Petitioner shall also ensure that all the handwash sinks are provided with hot and cold running water under pressure, soap, an approved hand drying device and a handwashing sign. The dishwashing, food preparation and food storage areas within Area 18, 21, 22, 23, 25 & Area 8, 9, 11, 12, 14 must be maintained in a clean and sanitary manner. These areas must also be available to Grill #1-5, ML2B.C.D. during all hours of operation. If the ownership of Area 18, 21, 22, 23, 25, Area 8, 9, 11, 12, 14 or Grill #1-5, ML2B.C.D. (Americrown Service Corporation) changes, a signed agreement between the establishments for the use of the shared facilities must be provided to the division immediately.

A copy of the Order or additional information may be obtained by contacting: Lydia.Gonzalez@myfloridalicense.com, Division of Hotels and Restaurants, 1940 North Monroe Street, Tallahassee, Florida 32399-1011.

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DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Division of Hotels and Restaurants

RULE NO.: RULE TITLE:

61C-1.004 General Sanitation and Safety Requirements

The Florida Department of Business and Professional Regulation, Division of Hotels and Restaurants hereby gives notice:

On August 20, 2014, the Division of Hotels and Restaurants received a Petition for a Routine Variance for paragraph 61C-1.004(1)(a), Florida Administrative Code, Paragraph 5-202.11(A), 2009 FDA Food Code, Paragraph 4-301.12(A), 2009 FDA Food Code, subsection 61C-4.010(5), Florida Administrative Code, Subparagraph 3-305.11(A)(2), 2009 FDA Food Code, and subsection 61C-4.010(1), Florida Administrative Code, from Grill #1-4, UC5B.C.D located in Daytona Beach. The above referenced F.A.C. addresses the requirement that each establishment have an approved plumbing system installed to transport potable water and wastewater; that dishwashing facilities for manually washing, rinsing and sanitizing equipment and utensils are provided, and that each establishment have areas for food storage. They are requesting to utilize holding tanks to provide potable water and to collect wastewater at the handwash sink and to share the dishwashing and food storage areas with another food service establishment under the same ownership and on the same premises.

The Petition for this variance was published in Vol. 40, No. 171, F.A.R., on September 3, 2014. The Order for this Petition was signed and approved on September 18, 2014. After a complete review of the variance request, the Division finds that the application of this Rule will create a financial hardship to the food service establishment. Furthermore, the Division finds that the Petitioner meets the burden of demonstrating that the underlying statute has been achieved by the Petitioner ensuring the wastewater holding tank for the handwash sink is emptied at a frequency as to not create a sanitary nuisance; and potable water provided must come from an approved source and be protected from contamination during handling. The Petitioner shall also ensure that the handwash sinks are provided with hot and cold running water under pressure, soap, an approved hand drying device and a handwashing sign. The dishwashing, food preparation and food storage areas within Area 111 114 115 must be maintained in a clean and sanitary manner. These areas must also be available to Grill #1-4, UC5B.C.D during all hours of operation. If the ownership of Area 111 114 115 or Grill #1-4, UC5B.C.D (Americrown Service Corporation) changes, a signed agreement between the establishments for the use of the shared facilities must be provided to the division immediately.

A copy of the Order or additional information may be obtained by contacting: Lydia.Gonzalez@myfloridalicense.com, Division of Hotels and Restaurants, 1940 North Monroe Street, Tallahassee, Florida 32399-1011.

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DEPARTMENT OF BUSINESS AND PROFESSIONAL  
REGULATION

Division of Hotels and Restaurants

RULE NO.: RULE TITLE:

61C-1.004 General Sanitation and Safety Requirements

The Florida Department of Business and Professional Regulation, Division of Hotels and Restaurants hereby gives notice:

On August 20, 2014, the Division of Hotels and Restaurants received a Petition for a Routine Variance for paragraph 61C-1.004(1)(a), Florida Administrative Code, Paragraph 5-202.11(A), 2009 FDA Food Code, Paragraph 4-301.12(A), 2009 FDA Food Code, subsection 61C-4.010(5), Florida Administrative Code, Subparagraph 3-305.11(A)(2), 2009 FDA Food Code, and subsection 61C-4.010(1), Florida Administrative Code, from Grill #1-3, MC4B.D located in Daytona Beach. The above referenced F.A.C. addresses the requirement that each establishment have an approved plumbing system installed to transport potable water and wastewater; that dishwashing facilities for manually washing, rinsing and sanitizing equipment and utensils are provided, and that each establishment have areas for food storage. They are requesting to utilize holding tanks to provide potable water and to collect wastewater at the handwash sink and to share the dishwashing and food storage areas with another food service establishment under the same ownership and on the same premises.

The Petition for this variance was published in Vol. 40, No. 171, F.A.R., on September 3, 2014. The Order for this Petition was signed and approved on September 18, 2014. After a complete review of the variance request, the Division finds that the application of this Rule will create a financial hardship to the food service establishment. Furthermore, the Division finds that the Petitioner meets the burden of demonstrating that the underlying statute has been achieved by the Petitioner ensuring the wastewater holding tank for the handwash sink is emptied at a frequency as to not create a sanitary nuisance; and potable water provided must come from an approved source and be protected from contamination during handling. The Petitioner shall also ensure that all the handwash sinks are provided with hot and cold running water under pressure, soap, an approved hand drying device and a handwashing sign. The dishwashing, food preparation and food storage areas within Areas 68 69 must be maintained in a clean and sanitary manner. These areas must also be available to Grill #1-3, MC4B.D during all hours of operation. If the ownership of Areas 68 69 or Grill #1-3, MC4B.D (Americrown Service Corporation) changes, a signed agreement between the establishments for the use of the shared facilities must be provided to the division immediately.

A copy of the Order or additional information may be obtained by contacting: Lydia.Gonzalez@myfloridalicense.com, Division of Hotels and Restaurants, 1940 North Monroe Street, Tallahassee, Florida 32399-1011.

DEPARTMENT OF BUSINESS AND PROFESSIONAL  
REGULATION

Division of Hotels and Restaurants

RULE NO.: RULE TITLE:

61C-1.004 General Sanitation and Safety Requirements

The Florida Department of Business and Professional Regulation, Division of Hotels and Restaurants hereby gives notice:

On August 20, 2014, the Division of Hotels and Restaurants received a Petition for a Routine Variance for paragraph 61C-1.004(1)(a), Florida Administrative Code, Paragraph 5-202.11(A), 2009 FDA Food Code, Paragraph 4-301.12(A), 2009 FDA Food Code, subsection 61C-4.010(5), Florida Administrative Code, Subparagraph 3-305.11(A)(2), 2009 FDA Food Code, and subsection 61C-4.010(1), Florida Administrative Code, from Cuban ML2E located in Daytona Beach. The above referenced F.A.C. addresses the requirement that each establishment have an approved plumbing system installed to transport potable water and wastewater; that dishwashing facilities for manually washing, rinsing and sanitizing equipment and utensils are provided, and that each establishment have areas for food storage. They are requesting to utilize holding tanks to provide potable water and to collect wastewater at the handwash sink and to share the dishwashing and food storage areas with another food service establishment under the same ownership and on the same premises.

The Petition for this variance was published in Vol. 40, No. 171, F.A.R., on September 3, 2014. The Order for this Petition was signed and approved on September 18, 2014. After a complete review of the variance request, the Division finds that the application of this Rule will create a financial hardship to the food service establishment. Furthermore, the Division finds that the Petitioner meets the burden of demonstrating that the underlying statute has been achieved by the Petitioner ensuring the wastewater holding tank for the handwash sink is emptied at a frequency as to not create a sanitary nuisance; and potable water provided must come from an approved source and be protected from contamination during handling. The Petitioner shall also ensure that all the handwash sinks are provided with hot and cold running water under pressure, soap, an approved hand drying device and a handwashing sign. The dishwashing, food preparation and food storage areas within Area 18, 21, 22, 23, 25 must be maintained in a clean and sanitary manner. These areas must also be available to Cuban ML2E during all hours of operation. If the ownership of Area 18, 21, 22, 23, 25 or Cuban ML2E (Americrown Service Corporation) changes, a

signed agreement between the establishments for the use of the shared facilities must be provided to the division immediately. A copy of the Order or additional information may be obtained by contacting: Lydia.Gonzalez@myfloridalicense.com, Division of Hotels and Restaurants, 1940 North Monroe Street, Tallahassee, Florida 32399-1011.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Division of Hotels and Restaurants

RULE NO.: RULE TITLE:

61C-1.004 General Sanitation and Safety Requirements

The Florida Department of Business and Professional Regulation, Division of Hotels and Restaurants hereby gives notice:

On August 20, 2014, the Division of Hotels and Restaurants received a Petition for a Routine Variance for paragraph 61C-1.004(1)(a), Florida Administrative Code, Paragraph 5-202.11(A), 2009 FDA Food Code, Paragraph 4-301.12(A), 2009 FDA Food Code, subsection 61C-4.010(5), Florida Administrative Code, Subparagraph 3-305.11(A)(2), 2009 FDA Food Code, and subsection 61C-4.010(1), Florida Administrative Code, from Cuban MC4E located in Daytona Beach. The above referenced F.A.C. addresses the requirement that each establishment have an approved plumbing system installed to transport potable water and wastewater; that dishwashing facilities for manually washing, rinsing and sanitizing equipment and utensils are provided, and that each establishment have areas for food storage. They are requesting to utilize holding tanks to provide potable water and to collect wastewater at the handwash sink and to share the dishwashing and food storage areas with another food service establishment under the same ownership and on the same premises.

The Petition for this variance was published in Vol. 40, No. 171, F.A.R., on September 3, 2014. The Order for this Petition was signed and approved on September 18, 2014. After a complete review of the variance request, the Division finds that the application of this Rule will create a financial hardship to the food service establishment. Furthermore, the Division finds that the Petitioner meets the burden of demonstrating that the underlying statute has been achieved by the Petitioner ensuring the wastewater holding tank for the handwash sink is emptied at a frequency as to not create a sanitary nuisance; and potable water provided must come from an approved source and be protected from contamination during handling. The Petitioner shall also ensure that all handwash sinks are provided with hot and cold running water under pressure, soap, an approved hand drying device and a handwashing sign. The dishwashing, food preparation and food storage areas within Area 80 81 must be maintained in a clean and sanitary manner. These areas must also be available to Cuban MC4E during all hours of operation.

If the ownership of Area 80 81 or Cuban MC4E (Americrown Service Corporation) changes, a signed agreement between the establishments for the use of the shared facilities must be provided to the division immediately.

A copy of the Order or additional information may be obtained by contacting: Lydia.Gonzalez@myfloridalicense.com, Division of Hotels and Restaurants, 1940 North Monroe Street, Tallahassee, Florida 32399-1011.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Division of Hotels and Restaurants

RULE NO.: RULE TITLE:

61C-5.001 Safety Standards

The Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety hereby gives notice:

On September 30, 2014, the Division issued an order. The Final Order was in response to a Petition for an emergency Variance from Bayview Gardens Apartments, filed September 10, 2014, and advertised on September 11, 2014, in Vol. 40, No. 177, of the Florida Administrative Register. No comments were received in response to the petition. The Final Order on the Petition for Variance grants the Petitioner a variance from Rule 2.20.4, 2.18.5.1 and 8.11.2.1.3(cc)(1) & (3) ASME A17.1b, 2009 edition, as adopted by paragraph 61C-5.001(1)(a), Florida Administrative Code, that requires steel ropes of a minimum diameter of 9.5 mm because the Petitioner has demonstrated that the purpose of the underlying statute has been met and that Petitioner would suffer a substantial hardship if required to comply with this rule (VW2014-327).

A copy of the Order or additional information may be obtained by contacting: Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Division of Hotels and Restaurants

RULE NO.: RULE TITLE:

61C-5.001 Safety Standards

The Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety hereby gives notice:

On September 30, 2014, the Division issued an order. The Final Order was in response to a Petition for an emergency Variance from Comfort Cove of Bradenton, filed September 10, 2014, and advertised on September 11, 2014, in Vol.40, No. 177, of the Florida Administrative Register. No comments were received in response to the petition. The Final Order on the Petition for Variance grants the Petitioner a variance from Rule 2.20.4, 2.18.5.1 and 8.11.2.1.3(cc)(1) & (3) ASME A17.1b, 2009 edition, as adopted by paragraph 61C-5.001(1)(a), Florida

Administrative Code, that requires steel ropes of a minimum diameter of 9.5 mm because the Petitioner has demonstrated that the purpose of the underlying statute has been met and that Petitioner would suffer a substantial hardship if required to comply with this rule (VW2014-325).

A copy of the Order or additional information may be obtained by contacting: Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Division of Hotels and Restaurants

RULE NO.: RULE TITLE:

61C-5.001 Safety Standards

The Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety hereby gives notice:

On September 30, 2014, the Division issued an order. The Final Order was in response to a Petition for a Variance from Brokaw Hall, Trinity Preparatory School, filed August 28, 2014, and advertised on September 2, 2014, in Vol. 40, No. 170, of the Florida Administrative Register. No comments were received in response to the petition. The Final Order on the Petition for Variance grants the Petitioner a variance from Rule 3.19.4.1, 3.19.4.4, 3.19.4.5, and 3.26.8 ASME A17.1b, 2009 edition, as adopted by paragraph 61C-5.001(1)(a), Florida Administrative Code, that requires upgrading the elevators shutoff valve, manual lowering valve, pressure gauge fittings and pressure switch (Endura design) because the Petitioner has demonstrated that the purpose of the underlying statute has been met and that Petitioner would suffer a substantial hardship if required to comply with this rule (VW2014-306).

A copy of the Order or additional information may be obtained by contacting: Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Division of Hotels and Restaurants

RULE NO.: RULE TITLE:

61C-1.004 General Sanitation and Safety Requirements

The Florida Department of Business and Professional Regulation, Division of Hotels and Restaurants hereby gives notice:

On August 20, 2014, the Division of Hotels and Restaurants received a Petition for a Routine Variance for paragraph 61C-1.004(1)(a), Florida Administrative Code, Paragraph 5-202.11(A), 2009 FDA Food Code, Paragraph 4-301.12(A), 2009 FDA Food Code, subsection 61C-4.010(5), Florida Administrative Code, Subparagraph 3-305.11(A)(2), 2009 FDA Food Code, and subsection 61C-4.010(1), Florida Administrative Code, from BBQ ML2E located in Daytona

Beach. The above referenced F.A.C. addresses the requirement that each establishment have an approved plumbing system installed to transport potable water and wastewater; that dishwashing facilities for manually washing, rinsing and sanitizing equipment and utensils are provided, and that each establishment have areas for food storage. They are requesting to utilize holding tanks to provide potable water and to collect wastewater at the handwash sink and to share the dishwashing and food storage areas with another food service establishment under the same ownership and on the same premises.

The Petition for this variance was published in Vol. 40, No. 171, F.A.R., on September 3, 2014. The Order for this Petition was signed and approved on September 18, 2014. After a complete review of the variance request, the Division finds that the application of this Rule will create a financial hardship to the food service establishment. Furthermore, the Division finds that the Petitioner meets the burden of demonstrating that the underlying statute has been achieved by the Petitioner ensuring the wastewater holding tank for the handwash sink is emptied at a frequency as to not create a sanitary nuisance; and potable water provided must come from an approved source and be protected from contamination during handling. The Petitioner shall also ensure that the handwash sinks are provided with hot and cold running water under pressure, soap, an approved hand drying device and a handwashing sign. The dishwashing, food preparation and food storage areas within Area 18, 21, 22, 23, 25 must be maintained in a clean and sanitary manner. These areas must also be available to BBQ ML2E during all hours of operation. If the ownership of Area 18, 21, 22, 23, 25 or BBQ ML2E (Americrown Service Corporation) changes, a signed agreement between the establishments for the use of the shared facilities must be provided to the division immediately.

A copy of the Order or additional information may be obtained by contacting: Lydia.Gonzalez@myfloridalicense.com, Division of Hotels and Restaurants, 1940 North Monroe Street, Tallahassee, Florida 32399-1011.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Division of Hotels and Restaurants

RULE NO.: RULE TITLE:

61C-1.004 General Sanitation and Safety Requirements

The Florida Department of Business and Professional Regulation, Division of Hotels and Restaurants hereby gives notice:

On August 20, 2014, the Division of Hotels and Restaurants received a Petition for a Routine Variance for subsection 61C-1.004(1)(a), Florida Administrative Code, Paragraph 5-202.11(A), 2009 FDA Food Code, Paragraph 4-301.12(A), 2009 FDA Food Code, subsection 61C-4.010(5), Florida Administrative Code, Subparagraph 3-305.11(A)(2), 2009

FDA Food Code, and subsection 61C-4.010(1), Florida Administrative Code, from BBQ MC4D located in Daytona Beach. The above referenced F.A.C. addresses the requirement that each establishment have an approved plumbing system installed to transport potable water and wastewater; that dishwashing facilities for manually washing, rinsing and sanitizing equipment and utensils are provided, and that each establishment have areas for food storage. They are requesting to utilize holding tanks to provide potable water and to collect wastewater at the handwash sink and to share the dishwashing and food storage areas with another food service establishment under the same ownership and on the same premises.

The Petition for this variance was published in Vol. 40, No. 171, F.A.R., on September 3, 2014. The Order for this Petition was signed and approved on September 18, 2014. After a complete review of the variance request, the Division finds that the application of this Rule will create a financial hardship to the food service establishment. Furthermore, the Division finds that the Petitioner meets the burden of demonstrating that the underlying statute has been achieved by the Petitioner ensuring the wastewater holding tank for the handwash sink is emptied at a frequency as to not create a sanitary nuisance; and potable water provided must come from an approved source and be protected from contamination during handling. The Petitioner shall also ensure that all handwash sinks are provided with hot and cold running water under pressure, soap, an approved hand drying device and a handwashing sign. The dishwashing, food preparation and food storage areas within Area 75 78 79 must be maintained in a clean and sanitary manner. These areas must also be available to BBQ MC4D during all hours of operation. If the ownership of Area 75 78 79 or BBQ MC4D (Americrown Service Corporation) changes, a signed agreement between the establishments for use of the shared facilities must be provided to the division immediately.

A copy of the Order or additional information may be obtained by contacting: Lydia.Gonzalez@myfloridalicense.com, Division of Hotels and Restaurants, 1940 North Monroe Street, Tallahassee, Florida 32399-1011.

**DEPARTMENT OF CHILDREN AND FAMILY SERVICES**  
 Agency for Persons with Disabilities

RULE NO.: RULE TITLE:

65G-1.047 Crisis Status Criteria

NOTICE IS HEREBY GIVEN that on September 29, 2014, the Agency for Persons with Disabilities received a petition for an emergency variance from Rule 65G-1.047, from T.H., a medically complex and fragile 18-year old female, by and through Peter Digre, Deputy Secretary, Department of Children and Families. The rule sets forth crisis status for available waiver placement in a Home and Community-Based (HCBS) waiver (“waiver”) authorized by 42 U.S.C. 1396n(c) of the

Federal Social Security Act and Section 409.906(13), F.S. Specifically, the rule establishes crisis status criteria whereby individuals determined to be in crisis are prioritized for available placements in order of severity of crisis relative to that of other applicants for crisis. The rule establishes a “first priority” for homeless applicants which includes those living in homeless shelters or in an unsafe environment. The rule provides for a “second priority” for those applicants who exhibit behaviors that are seriously harmful to themselves or others. Lastly, the rule provides a “third priority” where the applicant’s caregiver is in extreme duress and is no longer able to provide for the applicant’s health and safety because of illness, injury or advanced age, and immediate waiver services are necessary for the applicant to remain living with the caregiver or to relocate to an alternative living arrangement. Petitioner does not fall squarely within the priority crisis categories of the rule. Petitioner states that in her unique circumstances the rules creates an unintended substantial hardship for T.H. that would be inconsistent with the intent of the statute. Petitioner states that lack of funding from this program would displace T.H. from her facility and negatively impact her medical treatment, while enrolling her into the waiver would ensure continuity of T.H.’s care and serve the purposes of the HCBS program.

Any interested person or other agency may submit written comments within 5 days after the publication of this notice. Comments received will be made a part of the record regarding the petition for emergency variance.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Brian McGrail, Agency for Persons with Disabilities, 4030 Esplanade Way, Suite 380, Tallahassee, Florida 32399-0950, brian.mcgrail@apdcare.org.

**Section VI**

**Notice of Meetings, Workshops and Public Hearings**

**DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES**

Division of Aquaculture

The Aquaculture Review Council announces a public meeting to which all persons are invited.

DATE AND TIME: Wednesday, October 15, 2014, 10:00 a.m. – 3:00 p.m.

PLACE: Oak Ridge Fish Hatchery, 1507 Williams Road, Plant City, FL 33565-2458, contact phone: (850)879-9803

GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss issues affecting the growth of aquaculture in Florida.

A copy of the agenda may be obtained by contacting: Paul Zajicek at the Division of Aquaculture, 600 South Calhoun

Street, Suite 217, Tallahassee, FL 32399-1300, (850)617-7600, Paul.Zajicek@FreshFromFlorida.com.

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 2 days before the workshop/meeting by contacting: Paul Zajicek, (850)617-7600. 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).

**DEPARTMENT OF TRANSPORTATION**

The Florida Transportation Commission announces a telephone conference call to which all persons are invited.

DATE AND TIME: October 2, 2014, 10:00 a.m.

PLACE: Florida Transportation Commission

GENERAL SUBJECT MATTER TO BE CONSIDERED: **\*\*Cancelled\*\*** The bi-weekly FTC teleconference scheduled for October 2, 2014 has been cancelled.

A copy of the agenda may be obtained by contacting: Lisa O. Stone at (850)414-4105.

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: Lisa O. Stone at (850)414-4105. 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).

For more information, you may contact: Florida Transportation Commission, 605 Suwannee Street, Room 176, Tallahassee, Florida 32399 or phone: (850)414-4105.

**EXECUTIVE OFFICE OF THE GOVERNOR**

Division of Emergency Management

The Division of Emergency Management announces a public meeting to which all persons are invited.

DATE AND TIME: October 9, 2014, 2:30 p.m.

PLACE: William E. Sadowski Office Building, 2555 Shumard Oak Blvd., Room 120L, Tallahassee, FL 32399

GENERAL SUBJECT MATTER TO BE CONSIDERED: In accordance with the timeframe set forth in section 120.525, Florida Statutes, a Public Opening is hereby noticed within the timeline for the Intent to Negotiate (ITN-DEM-14-15-015) for 2014 Statewide Special Needs Registry.

The Division reserves the right to issue amendments, addenda, and changes to the timeline and specifically to the meeting notice listed above. The Division will post notice of any changes or additional meetings within the Vendor Bid System (VBS) in accordance with Section 287.042(3), Florida Statutes, and will not re-advertise notice in the Florida Administrative

Review (FAR). Access the VBS at: [http://vbs.dms.state.fl.us/vbs/main\\_menu](http://vbs.dms.state.fl.us/vbs/main_menu).

A copy of the agenda may be obtained by contacting: Tara Walters, Division Purchasing Specialist, Bureau of Finance, Florida Division of Emergency Management, 2555 Shumard Oak Blvd., Tallahassee, FL 32399, phone: (850)410-1391, email: Tara.Walters@em.myflorida.com.

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: the Procurement Officer, Tara Walters at (850)410-1391. 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).

**REGIONAL PLANNING COUNCILS**

Southwest Florida Regional Planning Council

The Southwest Florida Regional Planning Council announces a public meeting to which all persons are invited.

DATE AND TIME: Thursday, October 16, 2014, 9:00 a.m.

PLACE: Southwest Florida Regional Planning Council, 1926 Victoria Avenue, Fort Myers

GENERAL SUBJECT MATTER TO BE CONSIDERED: The regular monthly meeting of the SWFRPC. The SWFRPC's Quality of Life and Safety Committee will be meeting immediately following the SWFRPC meeting.

A copy of the agenda may be obtained by contacting: Ms. Nichole Gwinnett at (239)338-2550, ext. 232 or [ngwinnett@swfrpc.org](mailto:ngwinnett@swfrpc.org).

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: the SWFRPC's offices at (239)338-2550. 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).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

For more information, you may visit the SWFRPC's website: [www.swfrpc.org](http://www.swfrpc.org).

**REGIONAL PLANNING COUNCILS**

Treasure Coast Regional Planning Council

The Treasure Coast Regional Planning Council announces a public meeting to which all persons are invited.

DATE AND TIME: October 17, 2014, 9:30 a.m.

PLACE: Indian River State College, Wolf High Technology Center, 2400 SE Salerno Road, Stuart, Florida 34997

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Treasure Coast Regional Planning Council will conduct its regular Board meeting.

A copy of the agenda may be obtained by contacting: Liz Gulick at (772)221-4060 or lgulick@tcrpc.org.

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: Liz Gulick at (772)221-4060 or lgulick@tcrpc.org. 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).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

For more information, you may contact: Liz Gulick at (772)221-4060 or lgulick@tcrpc.org.

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**REGIONAL PLANNING COUNCILS**

Treasure Coast Regional Planning Council

The Treasure Coast Regional Planning Council announces a public meeting to which all persons are invited.

DATE AND TIME: October 17, 2014 (immediately following the regular Board meeting)

PLACE: Indian River State College, Wolf High Technology Center, 2400 SE Salerno Road, Stuart, FL 34997

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct a meeting of the Treasure Coast Regional Planning Council's Gubernatorial Committee.

A copy of the agenda may be obtained by contacting: Liz Gulick at (772)221-4060 or lgulick@tcrpc.org.

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: Liz Gulick at (772)221-4060 or lgulick@tcrpc.org. 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).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

For more information, you may contact: Liz Gulick at (772)221-4060 or lgulick@tcrpc.org.

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**REGIONAL PLANNING COUNCILS**

Treasure Coast Regional Planning Council

The Treasure Coast Regional Planning Council announces a public meeting to which all persons are invited.

DATE AND TIME: October 16, 2014, 11:00 a.m.

PLACE: Treasure Coast Regional Planning Council, 421 SW Camden Avenue, Stuart, Florida 34994

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct a meeting of Council's Comprehensive Economic Development Committee.

A copy of the agenda may be obtained by contacting: Liz Gulick at (772)221-4060 or lgulick@tcrpc.org.

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: Liz Gulick at (772)221-4060 or lgulick@tcrpc.org.

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).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

For more information, you may contact: Liz Gulick at (772)221-4060 or lgulick@tcrpc.org.

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**DEPARTMENT OF ELDER AFFAIRS**

Long-Term Care Ombudsman Program

The Department of Elder Affairs, Long-Term Care Ombudsman Program announces public meetings to which all persons are invited.

DATES AND TIMES: October 7, 2014, 1:00 p.m. – 2:30 p.m.; November 4, 2014, 1:00 p.m. – 2:30 p.m.; December 9, 2014, 1:00 p.m. – 2:30 p.m. (new dates)

PLACE: Renaissance Senior Center, 3800 S Econlockhatchee Trail, Orlando, FL 32829

GENERAL SUBJECT MATTER TO BE CONSIDERED: East Central Council Long-Term Care Ombudsman Program business.

A copy of the agenda may be obtained by contacting: Department of Elder Affairs/LTCOP, 4040 Esplanade Way, Tallahassee, FL 32399, telephone: (850)414-2323 or email: LTCOPInformer@elderaffairs.org.

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 72 hours before the workshop/meeting by

contacting: above referenced number. 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).

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**DEPARTMENT OF MANAGEMENT SERVICES**

Division of Purchasing

The Department of Management Services, Division of State Purchasing announces a public meeting to which all persons are invited.

DATE AND TIME: October 8, 2014, 10:00 a.m.

PLACE: Building 4055 Esplanade Way (conference room inside Shuster's Café-Eatz), Tallahassee, FL 32399

**GENERAL SUBJECT MATTER TO BE CONSIDERED:** In accordance with the timeframe set forth in section 120.525, Florida Statutes, a Pre-Proposal Vendor Conference is hereby noticed within the timeline for the Request For Proposal (RFP) (Number: 05-92121500-J) for Security Officer Services, Armed and Unarmed.

The Department reserves the right to issue amendments, addenda, and changes to the timeline and specifically to the meeting notice listed above. The Department will post notice of any changes or additional meetings within the Vendor Bid System (VBS) in accordance with Section 287.042(3), Florida Statutes, and will not re-advertise notice in the Florida Administrative Review (FAR). Access the VBS at: [http://vbs.dms.state.fl.us/vbs/main\\_menu](http://vbs.dms.state.fl.us/vbs/main_menu).

A copy of the agenda may be obtained by contacting: Procurement Officer Donna M. Smith, PMP®, CPPO, CPPB, FCCN, FCCM, Associate Category Manager, Division of State Purchasing, Florida Department of Management Services, 4050 Esplanade Way, Suite 360, Tallahassee, FL 32399-0950, phone: (850)488-8855, email: [Donna.Smith@dms.myflorida.com](mailto:Donna.Smith@dms.myflorida.com).

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: Donna M. Smith (see contact information above). 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).

For more information, you may contact: Donna M. Smith (see contact information above).

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**DEPARTMENT OF MANAGEMENT SERVICES**

Division of Purchasing

The Florida Department of Management Services (DMS) announces a public meeting to which all persons are invited.

DATE AND TIME: October 3, 2014, 1:00 p.m., E.T.

PLACE: Department of Management Services, 4050 Esplanade Way, Room 380K, Tallahassee, Florida 32399-0950

**GENERAL SUBJECT MATTER TO BE CONSIDERED:** The Florida Department of Management Services will conduct a public, non-mandatory, Pre-proposal Conference for the Request for Proposals (RFP) No.: DMS-14/15-001, entitled "Live Auctioneer Services."

The purpose of the conference is to answer any questions or concerns vendors may have regarding the services sought by the Department or RFP.

This meeting may be attended telephonically by calling 1(888)670-3525. At prompt, enter participant passcode: 9628766126#.

This meeting is subject to cancellation. Further information and future updates regarding this meeting or any future meeting will be available via the system of record, the Vendor Bid System, located

at [http://www.myflorida.com/apps/vbs/vbs\\_www.search.criteria\\_form](http://www.myflorida.com/apps/vbs/vbs_www.search.criteria_form) and searching for DMS-14/15-001.

Any person requiring a special accommodation due to a disability should contact the Department's Americans with Disabilities Act (ADA) Coordinator for the Department at (850)922-7535 or via email at the address listed on: [http://www.dms.myflorida.com/agency\\_administration/human\\_resources/dms\\_contacts\\_by\\_role](http://www.dms.myflorida.com/agency_administration/human_resources/dms_contacts_by_role).

Requests for accommodation for this meeting must be made at least five workdays prior to the meeting. A person who is hearing or speech impaired can contact the ADA Coordinator by using the Florida Relay Service at 1(800)955-8771 (TDD).

A copy of the agenda may be obtained by contacting: Cassandra Williams, Procurement Manager, (850)410-1423, [dms.purchasing@dms.myflorida.com](mailto:dms.purchasing@dms.myflorida.com).

For more information, you may contact: Cassandra Williams, Procurement Manager, (850)410-1423, [dms.purchasing@dms.myflorida.com](mailto:dms.purchasing@dms.myflorida.com).

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**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

Board of Architecture and Interior Design

The Board of Architecture and Interior Design announces public meetings to which all persons are invited.

DATE AND TIME: October 27, 2014, 9:00 a.m.; October 28, 2014, 9:00 a.m.

PLACE: Hilton Clearwater Beach, 400 Mandalay Avenue, Clearwater, Florida 33767, telephone: (727)461-3222

**GENERAL SUBJECT MATTER TO BE CONSIDERED:** October 27, 2014, 9:00 a.m. – General Business including disciplinary cases, if time allows to be followed by General Business discussion items – architecture profession, interior design profession, rules, and reports.

October 28, 2014, 9:00 a.m. – General Business discussion items continued – architecture profession, interior design profession, rules, reports, and review of applications.

A copy of the agenda may be obtained by contacting: Board of Architecture and Interior Design, 1940 North Monroe Street, Tallahassee, Florida 32399-0751, telephone: (850)717-1982.

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: Board of Architecture and Interior Design, 1940 North Monroe Street, Tallahassee, Florida 32399-0751, telephone: (850)717-1982. 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).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

For more information, you may contact: Board of Architecture and Interior Design, 1940 North Monroe Street, Tallahassee, Florida 32399-0751, telephone: (850)717-1982.

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#### DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

##### Construction Industry Licensing Board

The Probable Cause Panel of the Construction Industry Licensing Board announces public meetings to which all persons are invited.

DATE AND TIMES: October 28, 2014, 9:00 a.m. and 10:00 a.m.

PLACE: Department of Business and Professional Regulation, Office of the General Counsel, 1940 N. Monroe Street, Suite 42, Tallahassee, Florida 32399-2202

GENERAL SUBJECT MATTER TO BE CONSIDERED: To review complaints in which a determination of the existence of probable cause has already been made.

A copy of the agenda may be obtained by contacting: Kyle Christopher, Chief Construction Attorney, Department of Business and Professional Regulation, Office of the General Counsel, 1940 N. Monroe Street, Suite 42, Tallahassee, Florida 32399-2202.

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 7 days before the workshop/meeting by contacting: Kyle Christopher, Chief Construction Attorney, Department of Business and Professional Regulation, Office of the General Counsel, 1940 N. Monroe Street, Suite 42, Tallahassee, Florida 32399-2202. 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).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

For more information, you may contact: Kyle Christopher, Chief Construction Attorney, Department of Business and Professional Regulation, Office of the General Counsel, 1940 N. Monroe Street, Suite 42, Tallahassee, Florida 32399-2202.

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#### DEPARTMENT OF HEALTH

##### Board of Osteopathic Medicine

The Probable Cause Panel of the Board of Osteopathic Medicine announces a telephone conference call to which all persons are invited.

DATE AND TIME: October 14, 2014, 2:00 p.m.

PLACE: Conference call number: 1(888)670-3525; participant passcode: 5476653057

GENERAL SUBJECT MATTER TO BE CONSIDERED: This notice replaces Notice 14319351, published in Vol. 40, No. 51, F.A.R., March 14, 2014. Please note the change in participant passcode.

A copy of the agenda may be obtained by contacting: Christy Robinson, Executive Director at (850)245-4161 or 4052 Bald Cypress Way, #C-06, Tallahassee, FL 32399.

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: Christy Robinson at (850)245-4161. 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).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

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#### DEPARTMENT OF HEALTH

##### Council of Licensed Midwifery

The Council of Licensed Midwifery announces a public meeting to which all persons are invited.

DATE AND TIME: October 3, 2014, 9:00 a.m.

PLACE: Meet Me number: 1(888)670-3525, participant passcode: 1413486382

GENERAL SUBJECT MATTER TO BE CONSIDERED: This notice replaces Notice 14073747, published in Vol. 40, No. 11, F.A.R., January 16, 2014. The meeting is canceled.

A copy of the agenda may be obtained by contacting: Christy Robinson, Executive Director, 4052 Bald Cypress Way, Bin #C-06, Tallahassee, Florida 32399-3256, (850)245-4161.

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: Alexandra Alday at (850)245-4161. 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).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

DEPARTMENT OF HEALTH

Division of Environmental Health

RULE NOS.:RULE TITLES:

- 64E-6.001 General
- 64E-6.002 Definitions
- 64E-6.003 Permits
- 64E-6.004 Application for System Construction Permit
- 64E-6.005 Location and Installation
- 64E-6.006 Site Evaluation Criteria
- 64E-6.008 System Size Determinations
- 64E-6.009 Alternative Systems
- 64E-6.010 Septage and Food Establishment Sludge
- 64E-6.0101 Portable Restrooms and Portable or Stationary Holding Tanks
- 64E-6.011 Abandonment of Systems
- 64E-6.012 Standards for the Construction, Operation, and Maintenance of Aerobic Treatment Units
- 64E-6.013 Construction Materials and Standards for Treatment Receptacles
- 64E-6.014 Construction Standards for Drainfield Systems
- 64E-6.015 Permitting and Construction of Repairs
- 64E-6.0151 Additive Use
- 64E-6.016 U.S. Department of Agriculture Soil Textural Classification System
- 64E-6.017 Definitions
- 64E-6.018 System Location, Design and Maintenance Criteria
- 64E-6.0181 System Repair and Cesspit and Undocumented System Replacement
- 64E-6.0182 Coordinated Permitting
- 64E-6.019 Requirements for Registration

- 64E-6.020 Master Septic Tank Contractors
- 64E-6.021 Issuance of Registration Certificates and Renewal
- 64E-6.022 Standards of Practice and Disciplinary Guidelines
- 64E-6.023 Certification of Partnerships and Corporations
- 64E-6.025 Definitions
- 64E-6.026 Applications for Innovative System Permits and System Construction Permits
- 64E-6.027 Permits
- 64E-6.028 Location and Installation
- 64E-6.029 Monitoring
- 64E-6.0295 Innovative System Reclassification
- 64E-6.030 Fees

The Department of Health announces a telephone conference call to which all persons are invited.

DATE AND TIME: October 16, 2014, 10:00 a.m.

PLACE: Conference call meeting, teleconference phone number: 1(888)670-3525, at the prompt enter the participant code: 2980 214 500

For those who wish to attend the meeting in person, the conference call will originate from: Capital Circle Office Complex, Conference Room 110 F, 4025 Bald Cypress Way, Tallahassee, Florida 32399

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Technical Review and Advisory Panel will discuss issues relating to onsite sewage treatment and disposal systems which may require changes to Chapter 64E-6, Florida Administrative Code. The panel may also hear updates on research underway and may discuss research proposals as requested by the Research Review and Advisory Committee.

A copy of the agenda may be obtained by contacting: Dale Holcomb, Department of Health, Bureau of Environmental Health, 4052 Bald Cypress Way, Bin # A08, Tallahassee, Florida 32399-1710.

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 7 days before the workshop/meeting by contacting: Dale Holcomb, Department of Health, Bureau of Environmental Health, 4052 Bald Cypress Way, Bin # A08, Tallahassee, Florida 32399-1710. 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).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

For more information, you may contact: Gerald Briggs, Department of Health, Bureau of Environmental Health, 4052 Bald Cypress Way, Bin #A08, Tallahassee, Florida 32399-1710.

**DEPARTMENT OF CHILDREN AND FAMILY SERVICES**  
 The Department of Children and Families announces a public meeting to which all persons are invited.

**DATE AND TIME:** October 14, 2014, 9:00 a.m.

**PLACE:** 1002 E. Palm Avenue, Tampa, FL

**GENERAL SUBJECT MATTER TO BE CONSIDERED:**  
 Ongoing Hillsborough Alliance business.

A copy of the agenda may be obtained by contacting: Gabriela Reece at (813)337-5805.

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: Gabriela Reece at (813)337-5805. 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).

**DEPARTMENT OF CHILDREN AND FAMILY SERVICES**  
 Substance Abuse Program

The Department of Children and Families, SunCoast Region announces a public meeting to which all persons are invited.

**DATE AND TIME:** October 16, 2014, 1:00 p.m. – 3:00 p.m.

**PLACE:** Mary Grizzle State Office Building, 11351 Ulmerton Road, Suite 418D, Largo, FL 33778

**GENERAL SUBJECT MATTER TO BE CONSIDERED:**  
 Designation of Mease Dunedin Hospital in Dunedin, FL, as a Baker Act Receiving Facility.

A copy of the agenda may be obtained by contacting: Robin Ragan at (813)337-5812 or email: Robin\_Ragan@dcf.state.fl.us.

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 3 days before the workshop/meeting by contacting: Robin Ragan at (813)337-5812 or email: Robin\_Ragan@dcf.state.fl.us. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

**DEPARTMENT OF ECONOMIC OPPORTUNITY**

The East Central Florida Corridor Task Force announces a public meeting to which all persons are invited.

**DATE AND TIME:** October 10, 2014, 9:00 a.m.

**PLACE:** University of Florida/IFAS Orange County Extension Office, Magnolia Room, 6021 S. Conway Road, Orlando, Florida 32812

**GENERAL SUBJECT MATTER TO BE CONSIDERED:** The Task Force will continue discussion of potential recommendations on corridor needs and alternatives, will discuss a potential action plan, will review the draft Task Force report, will provide guidance for completion of the Task Force

report, will obtain public input, and will identify action items and next steps.

A copy of the agenda may be obtained by contacting: James Stansbury at james.stansbury@deo.myflorida.com or going to the East Central Florida Corridor Task Force website at <http://ecfcorridor-taskforce.org>.

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 96 hours before the workshop/meeting by contacting: James Stansbury at (850)717-8475 or james.stansbury@deo.myflorida.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).

For more information, you may contact: James Stansbury at james.stansbury@deo.myflorida.com or go to the East Central Florida Corridor Task Force website at <http://ecfcorridor-taskforce.org>.

**DEPARTMENT OF ECONOMIC OPPORTUNITY**

Division of Workforce Services

The Reemployment Assistance Appeals Commission announces a public meeting to which all persons are invited.

**DATE AND TIME:** October 8, 2014, 9:00 a.m.

**PLACE:** Reemployment Assistance Appeals Commission, 101 Rhyne Building, 2740 Centerview Drive, Tallahassee, Florida 32399-4151

**GENERAL SUBJECT MATTER TO BE CONSIDERED:**  
 Deliberation for cases pending before the Reemployment Assistance Appeals Commission that are ready for final review and the Chairman's report. No public testimony will be taken. A copy of the agenda may be obtained by contacting: Reemployment Assistance Appeals Commission, 101 Rhyne Building, 2740 Centerview Drive, Tallahassee, Florida 32399-4151, (850)487-2685.

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 24 hours before the workshop/meeting by contacting: Reemployment Assistance Appeals Commission, 101 Rhyne Building, 2740 Centerview Drive, Tallahassee, Florida 32399-4151, (850)487-2685. 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).

For more information, you may contact: Reemployment Assistance Appeals Commission, 101 Rhyne Building, 2740 Centerview Drive, Tallahassee, Florida 32399-4151, (850)487-2685.

FLORIDA LOCAL GOVERNMENT FINANCE COMMISSION

The Florida Local Government Finance Commission announces a public meeting to which all persons are invited.

DATE AND TIME: October 17, 2014, 10:30 a.m.

PLACE: 2502 Rocky Point Drive, Suite 1060, Tampa, Florida 33607

GENERAL SUBJECT MATTER TO BE CONSIDERED: The meeting of the Commission will be for the purposes of reviewing the statewide pooled commercial paper loan program for Florida governmental entities. The Commission is an unincorporated, nonprofit association whose members are comprised of Brevard County, Florida, Charlotte County, Florida, Collier County, Florida, Lee County, Florida, Osceola County, Florida and Sarasota County, Florida.

A copy of the agenda may be obtained by contacting: Anna Doughty, Florida Association of Counties, 100 S. Monroe Street, Tallahassee, Florida 32301.

WADETRIM

The Florida Department of Transportation (FDOT) announces a public meeting to which all persons are invited.

DATE AND TIME: October 14, 2014, 5:00 p.m. – 7:00 p.m.

PLACE: Venice Community Center, 326 Nokomis Avenue South, Venice, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Florida Department of Transportation (FDOT) will hold a public information meeting regarding the US 41 Venice By-Pass widening improvements from Center Road to Bird Bay Drive West.

The US 41 Venice By-Pass widening in Sarasota County begins at Center Road (Mile Post 0.443) and extends northerly to Bird Bay Drive West (Mile Post 2.766). The existing roadway consists of 2.333 miles of four-lane roadway and one bridge culvert. The improvements will upgrade the US 41 Venice By-Pass by reconstructing the existing four lanes and adding two lanes to make it a six-lane section. The construction phase is funded through two separate contracts: Financial Project ID Numbers 198017-6-52-01 (Center Road to Gulf Coast Boulevard) and 198017-4-52-01 (Gulf Coast Boulevard to Bird Bay Drive West). FDOT will construct the northern section from Gulf Coast Boulevard to Bird Bay Drive West first, beginning in spring of 2015. The southern section from Center Road to Gulf Coast Boulevard is currently funded for construction in Fiscal Year 2018-2019 of the Department’s Five Year Work Program.

This meeting is to inform the public about the project’s progress. It will be conducted as an open house and participants are welcome to come anytime between 5:00 p.m. and 7:00 p.m. Aerial maps, plans, and other documents pertaining to the US 41 Venice By-Pass roadway projects will be available for

review and FDOT representatives will be present to discuss the projects or answer questions. FDOT welcomes written comments at the public information meeting and by mail.

A copy of the agenda may be obtained by contacting: this meeting will be conducted as an open house.

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 7 days before the workshop/meeting by contacting: Mr. Brian Blair, Project Manager, by telephone: (863)519-2676 or by writing to FDOT District One Office, P.O. Box 1249, Bartow, FL 33831. 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).

For more information, you may contact: Mr. Brian Blair, Project Manager, by telephone: (863)519-2676 or by writing to FDOT District One Office, P. O. Box 1249, Bartow, FL 33831.

Section VII Notice of Petitions and Dispositions Regarding Declaratory Statements

DEPARTMENT OF CORRECTIONS

NOTICE IS HEREBY GIVEN that the Florida Department of Corrections has received the petition for declaratory statement from inmate Jason Jenkins, DC#S05703. The petition seeks the agency’s opinion as to the applicability of subsection 33-602.101(4), F.A.C., as it applies to the petitioner.

The petition seeks to resolve a controversy or answer questions or doubts regarding the application of subsection 33-602.101(4), F.A.C., regarding haircuts of male inmates.

A copy of the Petition for Declaratory Statement may be obtained by contacting: Valerie Robinson, 501 S. Calhoun Street, Tallahassee, Florida 32399.

Section VIII Notice of Petitions and Dispositions Regarding the Validity of Rules

Notice of Petition for Administrative Determination has been filled with the Division of Administrative Hearings on the following rules:

NONE

Notice of Disposition of Petition for Administrative Determination has been filled with the Division of Administrative Hearings on the following rules:

NONE

**Section IX**  
**Notice of Petitions and Dispositions**  
**Regarding Non-rule Policy Challenges**

NONE

**Section X**  
**Announcements and Objection Reports of the**  
**Joint Administrative Procedures Committee**

NONE

**Section XI**  
**Notices Regarding Bids, Proposals and**  
**Purchasing**

DEPARTMENT OF TRANSPORTATION

Contract No.: E-5L19

ITB – Remove/Replace existing generator and main  
breaker panel in Orange County

Bids will be accepted at the District 5 District Office in DeLand  
until: 2:00 p.m. local time, Thursday, October 30, 2014.

Budget Estimate: \$460,000.00

Request ITB package at:  
<http://www.dot.state.fl.us/contractsadministrationdistrict5/FCO/FCOContracts.shtm>, or call Jamie Carter at (386)943-5525 or  
Ashley Cooper at (386)943-5529.

Plans and Specs will be given per Fax Order Form.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Notice of Application Period for Advanced  
Cleanup Program (ACP)

The Department of Environmental Protection announces, in  
accordance with Section 376.30713, F.S., that it will accept  
Advanced Cleanup Program (ACP) applications submitted  
between November 3, 2014, and on or before 5:00 p.m. on  
December 31, 2014. Public opening of timely submitted ACP  
applications shall be on January 8, 2015, beginning at 9:00 a.m.  
at the Department of Environmental Protection, 2600 Blair  
Stone Road, Conference Room 433, Tallahassee, Florida. The  
required application forms and instructions for both the  
individual and bundled ACP applications may be obtained at  
the following internet site on October 24, 2014:  
<http://www.dep.state.fl.us/waste/categories/pcp/pages/pac.htm>.  
Ken Busen, the AC Program Administrator, is the point of  
contact for the AC Program. He can be contacted in regard to

ACP applications on or after October 24, 2014. Please direct  
mail inquiries to: Ken Busen, Environmental Administrator,  
Department of Environmental Protection, Petroleum  
Restoration Program, 2600 Blair Stone Road, MS 4580,  
Tallahassee, Florida 32399-2400, phone: (850)245-8745,  
email: [Kenneth.Busen@dep.state.fl.us](mailto:Kenneth.Busen@dep.state.fl.us).

VERNIS & BOWLING OF THE FLORIDA KEYS, P.A.  
NOTICE OF PUBLIC-PRIVATE PARTNERSHIP  
PROPOSAL

PURSUANT TO FLORIDA STATUTE 287.05712, NOTICE  
IS HEREBY GIVEN THAT THE FLORIDA KEYS  
MOSQUITO CONTROL DISTRICT (“FKMCD”) HAS  
RECEIVED A PROPOSAL BY THE PRIVATE  
CORPORATION OXITEC. AS A RESULT OF THE  
PROPOSAL THE FKMCD IS CONSIDERING A PUBLIC-  
PRIVATE PARTNERSHIP.

The purpose of the partnership is to develop, pursuant to FDA  
rules, guidelines and subject to FDA oversight, a 1-year sterile  
mosquito rearing trial in Key Haven, Monroe County, together  
with a temporary insect rearing facility in the Marathon  
facilities of the FKMCD. The program is being developed to  
assist the FKMCD in combating specifically the *Aedes aegypti*  
mosquito. In accordance with Florida Statute 287.05712(4)(b),  
the FKMCD will accept other proposals for the same project.  
Other parties interested in submitting a proposal for a sterile  
mosquito program should submit such a proposal to the  
FKMCD, Purchasing Agent, 5224 College Road, Key West, FL  
33040. Any questions regarding the proposal by interested  
parties should be directed to the Purchasing Agent at (305)292-  
7190 or via email: [RLMiller@keysmosquito.org](mailto:RLMiller@keysmosquito.org). Competing  
proposals must be submitted prior to November 3, 2014, at 5:00  
p.m.

**Section XII**  
**Miscellaneous**

LAND AND WATER ADJUDICATORY COMMISSION

Supplemented Petition to Contract the River Hall Community  
Development District

The hearing scheduled for October 14, 2014, 9:00 a.m., as  
published in the September 4, 2014, (Volume 40, Number 172)  
edition of the Florida Administrative Register has been  
canceled. The hearing has been rescheduled for December 2,  
2014, 2:00 p.m., at the River Hall Town Hall Building Center,  
3089 River Hall Parkway, Alva, Florida.

Section XIII  
Index to Rules Filed During Preceding  
Week

NOTE: The above section will be published on Tuesday beginning October 2, 2012, unless Monday is a holiday, then it will be published on Wednesday of that week.

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