

Section I
Notice of Development of Proposed Rules
and Negotiated Rulemaking

DEPARTMENT OF EDUCATION

State Board of Education

RULE NO.: **RULE TITLE:**
 6A-4.0082 Specialization Requirements for
 Certification in Educational Leadership -
 Administrative Class

PURPOSE AND EFFECT: To update specialization requirements for the educational leadership administrative coverage and align requirements to content preparation standards for prospective educators.

SUBJECT AREA TO BE ADDRESSED: Educator Certification.

RULEMAKING AUTHORITY: 1001.02, 1012.55, 1012.56, FS.

LAW IMPLEMENTED: 1001.02, 1012.55, 1012.56, FS.

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

DATE AND TIME: October 5, 2016, 11:00 a.m. – 12:00 pm. and 2:00 p.m. – 3:00 p.m.

PLACE: Conference Call 1(888)670-3525, Conference Code: 4667615653# or Florida Department of Education, Room 244A, 325 West Gaines Street, Tallahassee, FL 32399-0400

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: David LaJeunesse, Chief of Educator Certification, 325 W. Gaines St, Suite 201, Tallahassee, FL 32399, (850)245-0431. To comment on the rule development workshop, please contact: Cathy Schroeder, Director, Office of Executive Management, Department of Education, (850)245-9661 or e-mail: cathy.schroeder@fldoe.org, or go to <https://app1.fldoe.org/rules/default.aspx>.

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS AVAILABLE AT: <https://app1.fldoe.org/rules/default.aspx>.

Section II
Proposed Rules

DEPARTMENT OF ENVIRONMENTAL PROTECTION

RULE NOS.:	RULE TITLES:
62-780.100	Referenced Guidelines and Information Sources
62-780.150	Applicability
62-780.200	Acronyms and Definitions
62-780.210	Contamination Reporting
62-780.220	Notices
62-780.450	Combined Document
62-780.500	Emergency Response Action or Interim Source Removal
62-780.525	Interim Source Removal
62-780.550	Nonpetroleum De Minimis Discharges
62-780.560	Petroleum or Petroleum Product De Minimis Discharges
62-780.600	Site Assessment
62-780.650	Risk Assessment
62-780.680	No Further Action and No Further Action with Controls
62-780.690	Natural Attenuation Monitoring
62-780.700	Active Remediation
62-780.750	Post Active Remediation Monitoring

PURPOSE AND EFFECT: The Department is proposing to amend Chapter 62-780, F.A.C., which was adopted in 2005 and has not been substantially updated on a technical basis since then. In the intervening time, much has been learned with regard to applying Risk-Based Corrective Action (RBCA) principles to contaminated site management and closure. The rule chapter has been modernized to incorporate these “lessons learned” and to facilitate contaminated site closure. The rule was also revised to allow the use of new techniques and approaches. A number of inconsistencies or incongruities within the chapter have also been corrected.

SUMMARY: Specific adjustments to the rule include clarifications and updates on: 1) the use of existing governmental controls as institutional controls for site closure, 2) criteria for consideration when using a risk assessment, 3) taking the additive effects of chemicals into account, 4) procedures and documentation for emergency response and interim source removal, 5) use of alternative soil sampling and analysis techniques, and 6) noticing and reporting requirements throughout the chapter, and 7) specific amendments to incorporate all of the statutory changes from the 2016 legislative session.

OTHER RULES INCORPORATING THIS RULE: 62-701.510, 62-730.210 and 225, 62-772.400 and 200, 62-771.100, 62-777.150 and 170, F.A.C..

EFFECT ON THOSE OTHER RULES: Amendments to Chapter 62-780, F.A.C., in this Notice of Proposed Rule are

not expected to have any significant impact on the following rules: 62-701.510, 62-730.210 and 225, 62-772.400 and 200, 62-771.100, 62-777.150 and 170. Amendments to Chapter 62-780 will have an effect on rule 62-772.200 because the definition for "Site assessment" refers to a rule that has been renumbered.

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

The Agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs or if no SERC is required, the information expressly relied upon and described herein: The proposed amendments to the rule are not projected to result in an increase in the cost of compliance and are expected to reduce the cost of compliance in many circumstances by providing greater flexibility for site management and closure.

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

RULEMAKING AUTHORITY: 376.303, 376.3071, 376.30701, 376.30702, 376.3078, 376.81, 403.061, 403.0877, 403.7255 FS.

LAW IMPLEMENTED: 376.301, 376.305, 376.3071, 376.30701, 376.30702, 376.3078, 376.315, 376.81, 403.021, 403.061, 403.062, 403.0877, 403.7255 FS., Ch. 2016-184, LOF F.

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: Brian Dougherty at Brian.Dougherty@dep.state.fl.us or (8500)245-7503

THE FULL TEXT OF THE PROPOSED RULE IS:

62-780.100 Referenced Guidelines and Information Sources.

Specific references to the guidelines and information sources listed below are made within this chapter. The guidelines and information sources are not standards as defined in Section 403.803, F.S. Use of these guidelines and information sources is not mandatory and not enforceable; the guidelines and

information sources are included for informational purposes only.

(1) through (6) No change.

(7) Institutional Controls Procedures Guidance, Division of Waste Management, Florida Department of Environmental Protection, dated July 2016 ~~November 2013~~.

(8) No Change.

(9) Toxicity Test Methods, Florida Department of Environmental Protection Interoffice Memorandum, dated February 16, 2016 ~~June 24, 2004~~.

(10) through (20) No change.

(21) ITRC (Interstate Technology & Regulatory Council). 2012. Incremental Sampling Methodology. ISM-1. Washington, D.C.: Interstate Technology & Regulatory Council, Incremental Sampling Methodology Team. www.itrcweb.org.

(22) Mineral Oil Dielectric Fluid Emergency Response Action Protocol, dated May 2016.

(23) Heavy Fuel Oil Discharge Response Actions, dated May 2016.

(24) Dose Additivity Guidance, dated August 3, 2016. Rulemaking Authority 376.303, 376.3071, 376.30701, 376.3078(4), 376.81 FS. Law Implemented 376.3071, 376.30701, 376.3078(4), 376.81 FS. History—New 4-17-05, Amended 6-12-13, 2-4-14, _____. Editorial Note: Portions of this rule were copied from 62-770.140; 62-782.100; and 62-785.100.

62-780.150 Applicability.

(1) through (4) No change.

(5) This chapter and the CTLs developed pursuant to this chapter apply to site rehabilitation whether the release or discharge causing or contributing to the contamination occurred prior to, on, or after the effective date of this chapter, unless:

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

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

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

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

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

(9) If a Consent Order, ~~or permit,~~ or CAD that requires assessment and rehabilitation of a site has been entered into with the Department prior April 17, 2005, compliance with the terms of the Consent Order, ~~or permit,~~ or CAD shall constitute compliance with the provisions of this chapter.

(10) through (11) No change.

Rulemaking Authority 376.303, 376.3071, 376.30701, 376.3078(4), 376.81 FS. Law Implemented 376.3071, 376.30701, 376.3078(4), 376.81 FS. History—New 4-17-05, Amended 6-12-13, _____.
Editorial Note: Portions of this rule were copied from 62-770.160, Formerly 17-70.004 and Formerly 17-770.160; 62-782.150; and 62-785.150.

62-780.200 Acronyms and Definitions.

All words and phrases defined in Sections 376.301 and 376.79, F.S., shall have the same meaning when used in this chapter unless specifically stated otherwise in this chapter. See Sections 376.301 and 376.79, F.S., for definitions of the following terms: “Additive effects,” “Antagonistic effects,” “Brownfield area,” “Brownfield site,” “Cleanup target level,” “Contaminant,” “Contaminated site,” “Discharge,”

“Drycleaning facility,” “Drycleaning solvents,” “Hazardous substances,” “Institutional control,” “Long-term natural attenuation,” “Natural attenuation,” “Person responsible for brownfield site rehabilitation,” “Petroleum,” “Petroleum product,” “Pollutants,” “Risk reduction,” “Site rehabilitation,” “Synergistic effects,” “Temporary point of compliance,” and “Wholesale supply facility.” The following words and phrases used in this chapter shall, unless the context clearly indicates otherwise, have the following meanings:

(1) No change.

(2) “Dose Additivity” is the calculated interactive effects of chemicals that share the same mechanism of toxicity. Guidance on the chemicals encompassed and methods for assessing dose additivity is provided in the “Dose Additivity” document referenced in subsection 62-780.100(24), F.A.C. ~~“Apportioned” means CTLs adjusted such that for non-carcinogenic contaminants with the same target organ(s)/systems or effects, the hazard index (sum of the hazard quotients) is 1, and for carcinogens, the cumulative lifetime excess cancer risk level is 1.0E-6, as applicable.~~

(3) “Background concentrations” means concentrations of contaminants that are naturally occurring or resulting from anthropogenic impacts unrelated to the discharge of pollutants or hazardous substances at a contaminated site undergoing site rehabilitation, in the groundwater, surface water, soil, or sediment in the vicinity of the site.

(4) through (8) No change.

(9) “Conceptual Site Model” (CSM) means a written and/or graphic representation of the physical, chemical and biological processes that affect the transport, migration and actual or potential exposure to contamination in all affected media to human and ecological receptors. The CSM is used to develop and refine the extent of site assessment, support remedial alternative, mitigation and cleanup technology evaluations, and support risk management decisions. The CSM is an optional submittal and may be prepared or updated at any time during site rehabilitation as new or revised information becomes available. The CSM may be a single document or combined with any other document.

~~(10)(9)~~ “Contaminated” or “contamination” means the presence of free product or any contaminant in surface water, groundwater, soil, sediment, or upon the land, in concentrations that exceed the applicable CTLs specified in Chapter 62-777, F.A.C., or water quality standards in Chapter 62-302 or 62-520, F.A.C., or in concentrations that may result in contaminated sediment. At sites where alternative CTLs have been developed solely based upon intrinsic chemical properties that do not vary under different exposure scenarios (e.g., toxicity), then such alternative CTLs are the applicable CTLs for evaluating “contaminated” or “contamination” and would supersede the CTLs specified in Chapter 62-777,

F.A.C. However, alternative CTLs can not be substituted for water quality standards in Chapter 62-302 or 62-520, F.A.C. This definition is solely for use within Chapter 62-780, F.A.C., and pursuant to Section 376.30701(1)(a), F.S., shall not be used to establish legal responsibility for conducting site rehabilitation.

~~(11)(10)~~ No change.

~~(12)~~ “CSM” means conceptual site model.

~~(11)~~ through ~~(12)~~ renumbered ~~(13)~~ through ~~(14)~~ No change.

~~(15)(13)~~ “Emergency response action” means activities initiated an interim source removal conducted pursuant to Rule 62-780.500, F.A.C., ~~initiated prior to contact with the Department and~~ within 24 hours of discovery of an unexpected situation or sudden occurrence of a serious and urgent nature that demands immediate action to alleviate a threat to human health, public safety, or the environment.

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

~~(17)(15)~~ “Excessively contaminated soil” for the purposes of Section ~~376.3071(12)(b)~~ 376.3071(11)(b)2, F.S., ~~that only applies to sites scored 29 or less (unless laboratory results verify that the organic vapor analysis data are not relevant)~~, means soil saturated with petroleum or petroleum products or soil that causes a total corrected hydrocarbon measurement of 500 parts per million (ppm) or higher for Gasoline Analytical Group or 50 ppm or higher for Kerosene Analytical Group. Readings shall be obtained at the site on an organic vapor analysis instrument with a flame ionization detector in the survey mode upon sampling the headspace in half-filled, 8-ounce or 16-ounce jars. Each soil sample shall be split into two jars, the two subsamples shall be brought to a temperature of between 20° C. (68° F.) and 32° C. (90° F.), and the readings shall be obtained 5 to 30 minutes thereafter. One of the readings shall be obtained with the use of an activated charcoal filter unless the unfiltered reading is nondetect. The total corrected hydrocarbon measurement shall be determined by subtracting the filtered reading from the unfiltered reading. Instruments with a photo ionization detector may be used, but shall not be used in situations where humidity will interfere with the instruments’ sensitivity (including periods of rain, measuring wet or moist soil). If an instrument with a photo ionization detector is used, a filtered reading is not warranted and therefore sample splitting is not necessary. Analytical instruments shall be calibrated in accordance with the manufacturer’s instructions.

~~(16)~~ through ~~(20)~~ renumbered ~~(18)~~ through ~~(22)~~ No change.

~~(23)~~ “Incremental Sampling Methodology” means a structured composite sampling and processing protocol that reduces data variability and provides a reasonably unbiased estimate of mean contaminant concentrations in a volume of

soil. [Refer to “Incremental Sampling Methodology” referenced in subsection 62-780.100(21), F.A.C., for guidance.]

~~(21)~~ through ~~(22)~~ renumbered ~~(24)~~ through ~~(25)~~ No change.

~~(26)~~ “ISM” means incremental sampling methodology.

~~(23)~~ through ~~(43)~~ renumbered ~~(27)~~ through ~~(47)~~ No change.

~~(48)(44)~~ “Site assessment” means the performance of any of the tasks or activities as described in Rules ~~62-780.525~~ 62-780.500 and 62-780.600, F.A.C.

~~(49)(45)~~ No change.

~~(50)(46)~~ “Surface water” means water upon the surface of the earth where state water quality standards apply, whether contained in bounds created naturally or artificially or diffused. Water from natural springs shall be classified as surface water when it exits from the spring onto the earth’s surface.

~~(47)~~ through ~~(54)~~ renumbered ~~(51)~~ through ~~(58)~~ No change.

Rulemaking Authority 376.303, 376.3071, 376.30701, 376.3078(4), 376.81 FS. Law Implemented 376.301, 376.3071, 376.30701, 376.3078(4), 376.81 FS. History—New 4-17-05, Amended 6-12-13,

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

62-780.210 Contamination Reporting.

(1) Upon discovery of petroleum or petroleum products contamination (unless the contamination is the result of a previously reported discharge for which site rehabilitation completion has not been achieved) or upon a discharge of petroleum or petroleum products, notification shall be submitted using the Discharge Report Form incorporated in Rule 62-761.900, F.A.C. [Form Number 62-761.900(1)], unless the discharge was less than 25 gallons onto a pervious surface and will be addressed pursuant to subsection 62-780.560(1), F.A.C. If the discharge will be addressed as an Emergency Response Action (Rule 62-780.500, F.A.C.) or Interim Source Removal (Rule 62-780.525, F.A.C.), ~~under the de minimis provisions of subsection 62-780.560(2), F.A.C.~~, the discharge shall be reported to the State Watch Office and the Discharge Report Form shall be submitted to the FDEP Office of Emergency Response.

(a) through (b) No change.

(2) through (5) No change.

Rulemaking Authority 376.303, 376.3071, 376.3078 FS. Law Implemented 376.305, 376.3071, 376.30701, 376.3078 FS. History—New 6-12-13, Amended _____.

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

62-780.220 Notices.

(1) through (2) No change.

(3) Subsequent Notice of Contamination Beyond Source Property Boundaries for Establishment of a Temporary Point of Compliance (TPOC). Pursuant to Section 376.30701(2)(b), F.S., ~~prior~~ Prior to the Department authorizing a temporary extension of the point of compliance beyond the boundary of the source property (i.e., the location from which the contamination originates) in conjunction with Natural Attenuation Monitoring pursuant to Rule 62-780.690, F.A.C., or Active Remediation pursuant to Rule 62-780.700, F.A.C., the PRSR shall provide “actual notice” to local governments and the owners of any property into which the point of compliance is allowed to extend and “constructive notice” to residents and business tenants of the property into which the point of compliance is allowed to extend. Persons receiving such notice shall have the opportunity to comment within 30 days after receipt of the notice. For the purposes of this Section 62-780.220, F.A.C., “actual notice” and “constructive notice” shall mean as follows the following notices:

(a) through (c) No change.

(4) through (6) No change.

(7) Notice Requirements for Closure Using Institutional, Engineering Controls or Alternative CTLs. Sections 376.30701(2) (c) and (d), F.S. provide specific notice requirements for conditional closure using institutional controls, engineering controls or alternative CTLs. Prior to the Department’s approval of a No Further Action Proposal with institutional controls, ~~or with~~ institutional and engineering controls, ~~or alternative~~ CTLs, the PRSR shall ~~mail~~ provide ~~constructive~~ notice of the Department’s intent for such approval to the local government(s) with jurisdiction over the property(ies) subject to the institutional or engineering control, to real property owner(s) of any property subject to the institutional or engineering control, to any resident or business tenant, and to any party holding a materially affected encumbrance in the area subject to the control (see the Institutional Control Procedures Guidance referenced in section 62-780.100(7), F.A.C., for guidance on when actual notice should be provided). Notice mailed to the registered agent of any party, if applicable, shall be sufficient notice for the purposes of this paragraph. Where there are multiple residences (e.g., a condominium), businesses or tenants on any property subject to the institutional or engineering control, the PRSR may publish notice in lieu of mailing to such residences, businesses or tenants. The notice shall be mailed or published by the PRSR within 30 days after the Department’s provisional approval of the No Further Action Proposal with institutional or engineering controls, ~~and to residents of any property subject to the institutional control.~~ The PRSR shall provide the Department with a copy of the

mailed notice and a list of names and addresses to whom the notice was sent and the date it was sent. For published notice, proof of such notice that meets the requirements of subsections 62-110.106(5), (8), and (9), F.A.C., shall be provided, ~~except that the notice shall be prepared and published by the PRSR within 30 days after the Department’s provisional approval of the No Further Action Proposal with institutional controls.~~ The notice shall provide the local government(s) with jurisdiction over the property(ies) subject to the ~~institutional~~ control(s), real property owner(s) of any property subject to the ~~institutional~~ control(s), and residents of any property subject to the ~~institutional~~ control(s), any party holding an easement for the area subject to the control(s), and business tenants of any property subject to the controls, the opportunity to comment to the Department within 30 days after receipt of the notice of the Department’s intent of approval. ~~Where subsection 62-110.106(8), F.A.C., requires~~ For a description of the agency action proposed, the notice shall contain “to issue a Site Rehabilitation Completion Order with institutional controls for a contaminated site.” Additionally, the notice of rights language shall be replaced with “Local governments, real property owner(s) of any property subject to the institutional or engineering control, and residents of any property subject to the institutional or engineering control have 30 days from receipt (or publication) of this notice to provide comments to the Department.” The notice shall also ~~shall~~ provide the appropriate mailing address and, if warranted, electronic mail address to which comments should be sent. See subsection 62-780.100(7), Institutional Controls Procedures Guidance, for sample notice templates.

Rulemaking Authority 376.303, 376.3071, 376.30701, 376.30702, 376.3078(4), 376.81, 403.7255 FS. Law Implemented 376.3071, 376.30701, 376.30702, 376.3078(4), 376.81, 403.7255 FS. History—New 4-17-05, Amended 12-27-07, 6-12-13, ____.

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

62-780.300 Quality Assurance Requirements.

(1) through (2) No change.

62-780.400 Professional Certifications.

(1) through (2) No change.

62-780.450 Combined Document.

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

~~combined document may be submitted for cleanup of a petroleum contamination site subject to a BSRA.~~

(2) The combined document may incorporate, as applicable, the required content for the Interim Source Removal Report, Site Assessment Report, Risk Assessment Report, and Remedial Action Plan program tasks pursuant to Rules ~~62-780.525~~ ~~62-780.500~~, 62-780.600, 62-780.650, and 62-780.700, F.A.C., respectively, including an Interim Source Removal Proposal, a No Further Action Proposal, or a Natural Attenuation with Monitoring Plan associated with the Site Assessment Report or the Risk Assessment Report.

(3) If the PRSR elects to prepare a combined document in lieu of individual program task documents, ~~the decision shall be documented in the CAD or the PRSR shall notify the Department in writing once the decision is made. The~~ the time for filing ~~the any combined~~ document shall be governed by the earliest submission deadline for any component, unless the Department agrees to a different schedule in advance, and in writing.

(4) Within the time frames of Table A ~~(located at the end of Rule 62-780.900, F.A.C.)~~ or the CAD, the PRSR shall submit an electronic or paper copy of the combined document to the Department for review, including all applicable professional certifications as required pursuant to Rule 62-780.400, F.A.C.

(5) through (6) No change.

Rulemaking Authority 376.3071, 376.30701, 376.3078(4), 376.81, 403.0877 FS. Law Implemented 376.3071, 376.30701, 376.3078(4), 376.81, 403.0877 FS. History—New 4-17-05, Amended 6-12-13, _____. Editorial Note: Portions of this rule were copied from 62-782.450; and 62-785.450.

~~62-780.500 Emergency Response Action or Interim Source Removal.~~

(1) Within 24 hours of discovery of an unexpected or sudden discharge of pollutants or hazardous substances which based on the volume, mass, concentration, toxicity, or other characteristics of such discharge requires situation or sudden occurrence of a serious and urgent nature that demands immediate action to alleviate a threat to human health, public safety, or the environment, or within 24 hours after being notified by the Department of such a condition, the PRSR shall commence an emergency response action. For purposes of an emergency response action, “commence” means that the PRSR has employed or contracted with a response action contractor to evaluate, design, plan, engineer, construct, implement, and complete the requirements of the emergency response action, and has given the contractor the authority to proceed with the required work. The emergency response action shall include performing all tasks described in this section that are necessary to eliminate the immediate and serious threat posed by the site conditions. In addition, any

PRSR may conduct an interim source removal in accordance with this section. The objectives of the emergency response action or interim source removal are to remove specific known contaminant source(s) and provide temporary control to prevent or minimize contaminant migration, and to protect human health and the environment prior to the approval of a Remedial Action Plan prepared and submitted pursuant to Rule 62-780.700, F.A.C.

(2) ~~Discharge Free Product~~ Removal and Disposal.

(a) ~~The PRSR may, and for emergency response actions shall, if necessary to alleviate a threat to human health, public safety, or the environment, perform~~ removal of pollutants or hazardous substances free product recovery consistent with the following requirements:

1. The PRSR shall provide to the Department a written notification in accordance with the time schedule in Table A, located at the end of Rule 62-780.900, F.A.C., (Notices for Field Activities) ~~or the CAD~~ that includes a description of the type and estimated volume of pollutants or hazardous substances free product to be removed, and proposed free product recovery and disposal methods to be used ~~utilized~~;

2. The ~~free product~~ recovery shall not spread contamination into previously uncontaminated or less contaminated areas through untreated discharges, improper treatment, improper disposal, or improper storage;

3. Flammable products shall be handled in a safe manner; and

4. The recovered product shall be characterized and properly disposed or recycled; and all sampling and analyses shall be performed pursuant to Rule 62-780.300, F.A.C.

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

1. Excavation;

2. Removal;

~~3.1.~~ Absorbent pads;

~~4.2.~~ Skimmer pumps that include pumps with mechanical, electrical, or hand-bailed purging operations;

~~5.3.~~ Hand or mechanical bailing; and

~~6.4.~~ Fluid or solid vacuum techniques (for example, vacuum pump trucks) or total fluid displacement pumps, as long as the technique used shall not smear or spread ~~free product~~, or contaminate previously uncontaminated or less contaminated media. If this method is used for petroleum ~~or petroleum product~~ contamination sites ~~(except sites subject to a BSRA)~~, the volume of groundwater recovered shall not be greater than two times the volume of ~~free product~~ recovered, except that the first 1,000 gallons of the total fluid recovered per discharge are exempt from meeting the required ratio of groundwater to ~~free product~~.

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

1. Dewatering or groundwater extractions that may influence the depth to the water table;
2. Air/fluid extraction with air emissions treatment; or
3. Excavation of soil saturated with non-aqueous phase liquid into, or below, the water table.
4. Recovery of petroleum or petroleum products that exceeds the water-to-product ratio indicated in subparagraph 62-780.500(2)(b)4., F.A.C.; or
5. On-site treatment and discharge of contaminated water that results from dewatering to excavate free product from below the water table, or on-site treatment and discharge of contaminated water that is separated from recovered ~~free~~ product.

(d) The Department shall:

1. Provide the PRSR with written approval of the Emergency Source Removal Proposal ~~Interim Source Removal Proposal~~; or

2. Notify the PRSR in writing, stating the reason(s) why the Emergency Source Removal Proposal ~~Interim Source Removal Proposal~~ does not contain information adequate to support a free product recovery method pursuant to paragraph 62-780.500(2)(c), F.A.C.

(e) ~~The Free product recovery as an Interim Source Removal~~ task shall be deemed complete when the objectives of subsection 62-780.500(1), F.A.C., have been met.

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

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

(3) ~~Short term Groundwater Recovery.~~

(a) ~~The PRSR may, and for emergency response actions shall, if necessary to alleviate a threat to human health, public safety, or the environment, perform a short term groundwater recovery event as an interim source removal activity. Groundwater recovery from well(s) within the plume with screened intervals that intercept the water table, with the intent~~

~~of achieving cleanup progress, may be performed prior to Department approval of a Remedial Action Plan submitted pursuant to Rule 62-780.700, F.A.C., provided the following criteria are met:~~

~~1. Prior to initiation, the PRSR shall provide to the Department a written notification in accordance with the time frames in Table A (Notices for Field Activities) or the CAD that includes a description of the type of contamination, estimated volume of groundwater to be removed, and proposed disposal methods to be utilized;~~

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

~~3. Free product is not present;~~

~~4. The duration of the groundwater recovery does not exceed 30 days, unless the PRSR demonstrates to the Department that extended groundwater recovery will not result in the spread of contamination;~~

~~5. The recovered groundwater is not treated on site and is properly disposed at a permitted industrial water treatment facility, at a publicly owned treatment works with the approval of the sanitary sewer authority, or at a permitted Hazardous Waste Treatment, Storage, or Disposal facility if the recovered groundwater is a hazardous waste; and~~

~~6. Sampling of representative monitoring wells to determine the effectiveness of the Short term Groundwater Recovery event shall be performed at least 30 days after completion of the groundwater recovery.~~

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

~~(4) Interim Groundwater Remediation.~~

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

~~(b) The Department shall:~~

~~1. Provide the PRSR with written approval of the proposal; or~~

~~2. Notify the PRSR in writing, stating the reason(s) why the proposal does not contain information adequate to perform groundwater recovery pursuant to paragraph 62-780.500(4)(a), F.A.C.~~

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

~~(3)(5) Soil and Sediment Removal, Treatment, and Disposal.~~

~~(a) The PRSR may, and for emergency response actions shall, if necessary to alleviate a threat to human health, public safety, or the environment, excavate contaminated soil or contaminated sediment for proper treatment or proper disposal as a an interim source removal activity provided the following criteria are met:~~

~~1. The Prior to initiation, the PRSR shall provide to the Department a written notification in accordance with the time frames in Table A or the CAD, that includes a description of the type of contamination, estimated volume of soil or sediment to be removed, and proposed disposal methods to be utilized;~~

~~2. through 4. No change.~~

~~5. Contaminated soil removal shall be completed within 30 days of the discovery of a release or spill of a non-petroleum product (i.e., pollutants or hazardous substances other than petroleum or petroleum products as defined in Section 376.301(32) and (33), F.S.). Excavation of a source to a depth of 1 foot below visually stained soil or sediment, if present, is permissible above the groundwater table. When visual staining is not present, soil screening methods may be used for confirming that excavation is complete above the groundwater table provided the soil screening method is applicable to the pollutant or hazardous substance that has been discharged, has been verified and validated against standard laboratory methods, that the detection limit of soil screening instrumentation is appropriate based on the cleanup target levels for the pollutant of hazardous substance and that the applicable quality control/quality assurance protocols are followed (note that proper quality assurance may include correlation with laboratory analytical results). When soil screening methods are not used, soil samples shall be collected at the bottom of the excavation (unless the bottom is below the water table) and walls or perimeter of the excavation. When required, sediment samples shall be collected at the bottom and perimeter of the excavation, if appropriate. If source removal begins after or extends beyond 30 days of discovery, or if CTLs or background concentrations pursuant to~~

subsection 62-780.680(1), F.A.C. are still exceeded after the contaminated soil removal; soil and sediment removal, treatment, and disposal shall be conducted in accordance with Rule 62-780.525, F.A.C.;

6. Contaminated soil removal shall be completed within 30 days of the discovery of a release or spill of petroleum products as defined in Section 376.301(33), F.S., (i.e. gasoline or kerosene). During excavation activities readings must be obtained on an organic vapor analysis (OVA) instrument, as outlined in subsection 62-780.200(15), F.A.C. If one of the objectives of the interim source removal is to excavate all the contaminated soil or sediment, confirmatory soil or sediment samples shall be collected. Soil or sediment OVA samples shall be collected at the bottom of the excavation (unless the bottom is below the water table) and walls or perimeter of the excavation that are characteristic of the area(s) impacted. Representative sediment Sediment samples shall be collected at the bottom and perimeter of the excavation, if applicable. If all post-excavation OVA readings are \leq 10 ppm, confirmatory soil or sediment sampling and analysis are not required. If source removal begins after or extends beyond 30 days of discovery; soil and sediment removal, treatment, and disposal shall be conducted in accordance with Rule 62-780.525, F.A.C.;

7. Contaminated soil removal shall be completed within 30 days of the discovery of a release or spill of petroleum product as defined in Section 376.301(32), F.S., (i.e. oil and used oil). Excavation of a source to a depth of 1 foot below visually stained soil or sediment is permissible above the groundwater table and may be conducted without confirmatory soil or sediment sampling and analysis. If source removal begins after or extends beyond 30 days of discovery; soil and sediment removal, treatment, and disposal shall be conducted in accordance with Rule 62-780.525, F.A.C.;

8. When groundwater is encountered during excavation activities, a temporary monitor well(s) shall be installed and sampled for contaminants of concern within the area(s) of excavation. Well placement should be sufficient to characterize the area(s) of impact.

9.6. A determination shall be made as to whether or not the contaminated soil or sediment contains hazardous waste and shall be conducted in accordance with subsection 62-780.525(5)(a)6, F.A.C. If the soil or sediment is known to be contaminated by hazardous waste, listed in 40 CFR Part 261 Subpart D (7-1-12 Edition), hereby adopted and incorporated by ~~reference~~ reference (<http://www.flrules.org/Gateway/reference.asp?No=Ref-02418>), testing is not required to make the determination. If the soil or sediment is not known to be contaminated with listed hazardous waste, but is contaminated with any of the

~~toxic constituents identified in 40 CFR 261.24(7-1-12 Edition), hereby adopted and incorporated by reference (<http://www.flrules.org/Gateway/reference.asp?No=Ref-02418>), (and the contamination does not result solely from manufactured gas plant waste), then USEPA Test Method 1311, Toxicity Characteristic Leaching Procedure (TCLP) and subsequent analysis of the leachate, shall be performed on a number of samples sufficient to determine whether or not the contaminated soil or sediment exceeds maximum concentrations for the toxicity characteristics. Pursuant to 40 CFR 261.4(b)(10), Subpart A (7-1-12 Edition), hereby adopted and incorporated by reference (<http://www.flrules.org/Gateway/reference.asp?No=Ref-02419>), petroleum contaminated media and debris, associated with an underground storage tank system, that fail the test for the Toxicity Characteristic of 40 CFR 261.24, Subpart C (Hazardous Waste Codes D018 through D043 only) are solid waste, not hazardous waste. Contaminated soil associated with an underground storage tank system, which will be managed as solid waste, is not subject to the requirement that TCLP extraction and subsequent analysis of the leachate be performed; and~~

~~10.7. When excavated contaminated soil or sediment is temporarily stored or stockpiled onsite, the soil or sediment shall be placed on an impermeable surface to prevent leachate infiltration and secured in a manner that prevents human exposure to contaminated soil or sediment and prevents soil or sediment exposure to precipitation that may cause surface runoff. Any excavation shall be secured to prevent entry by the public. Excavated contaminated soil [including excessively contaminated soil as defined in subsection 62-780.200(15), F.A.C.,] may be returned to the original excavation when petroleum storage tank systems have been removed or replaced, and when contaminated soil is encountered during construction activities at a petroleum storage or dispensing facility, to be addressed later pursuant to Rule 62-780.700, F.A.C. The temporary storage or stockpiling of excavated contaminated soil or sediment shall not exceed 60 days, unless it is stockpiled on a right-of-way, in which case it shall be removed for proper treatment or proper disposal as soon as practical but no later than 30 days after excavation, or unless the excavated contaminated soil or sediment contains hazardous waste and a different time frame is authorized pursuant to Chapter 62-730, F.A.C. Excavated petroleum contaminated soil [including excessively contaminated soil as defined in subsection 62-780.200(15), F.A.C.,] may be containerized in water tight containers ~~drums~~ and stored on-site for 90 days, after which time proper treatment or proper disposal of the contaminated soil shall occur, or it may be land farmed pursuant to paragraph [62-780.525\(5\)\(b\)](#) ~~62-~~~~

~~780.500(5)(b), F.A.C. The PRSR is advised that other federal or local laws and regulations may apply to these activities.~~

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

~~1. The land farm operation shall be at least 200 feet from any residence, school, or park;~~

~~2. An area large enough to spread the soil to a thickness of 6 to 12 inches shall be available;~~

~~3. The land farming area shall be secured in a manner that prevents entry by the public and prevents human exposure to contaminated soil;~~

~~4. The materials used to construct the land farm treatment area shall withstand the rigors of the land farming and weather;~~

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

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

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

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

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

~~10. Land farmed soil that does not exceed the lower of the direct exposure residential CTLs and leachability based on groundwater criteria CTLs specified in Chapter 62-777, F.A.C., Table II may be disposed on-site or off-site. The PRSR is advised that other federal or local laws and regulations may apply to these activities. Land farmed soil that exceeds the applicable CTLs specified in Chapter 62-777,~~

~~F.A.C., Table II shall not be disposed or returned to the original excavation without obtaining approval from the Department.~~

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

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

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

~~(e)(f)~~ The Department shall:

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

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

(4) Short-term Groundwater Recovery. The PRSR shall, if necessary to alleviate a threat to human health, public safety, or the environment, perform a short-term groundwater recovery event as a source removal activity provided the following criteria are met:

(a) Prior to initiation, the PRSR shall provide to the Department notification in accordance with the time frames in Table A (Notices for Field Activities) that includes a description of the type of contamination, estimated volume of groundwater to be removed, and proposed disposal methods to be used;

(b) The groundwater contamination has been established to be less than one-fourth (1/4) acre and confined to the shallow aquifer such that the pumping of a shallow aquifer well(s) within the plume may result in the site meeting the No Further Action criteria of Rule 62-780.680, F.A.C..

(c) The duration of the groundwater recovery does not exceed 30 days, unless the PRSR demonstrates to the Department that extended groundwater recovery will not result in the spread of contamination;

(d) The recovered groundwater is not treated on-site and is properly disposed at a permitted industrial water treatment facility, at a publicly-owned treatment works with the approval of the sanitary sewer authority, or at a permitted Hazardous Waste Treatment, Storage, or Disposal facility if the recovered groundwater is a hazardous waste; and

(e) Sampling of representative monitoring wells to determine the effectiveness of the Short-term Groundwater

Recovery event shall be performed no sooner than 30 days after completion of the groundwater recovery.

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

~~(6)(7)~~ Emergency Interim Source Removal Report.

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

1. The type and an estimated volume of free product non-aqueous phase liquids that ~~was~~ were discharged to the environment, if known;

2. through 7. No change.

8. The type of field screening instrument, analytical methods, or other methods used and associated calibration logs;

9. No change.

10. Photographs of the spill area and cleanup (before, during and after). Photographs shall be labeled with the date, direction of view, and the information that is conveyed in the photograph. Whenever possible, the photographs shall include nearby structures or other prominent features in relation to the spill area.

10. through 11. renumbered 11. through 12. No change.

13. If applicable, a benzo(a)pyrene conversion table for each soil sample where at least one of the carcinogenic PAHs [benzo(a)pyrene, benzo(a)anthracene, benzo(b)fluoranthene, benzo(k)fluoranthene, chrysene, dibenz(a,h)anthracene, and indeno(1,2,3 cd)pyrene] was detected at a concentration equal to or greater than the Method Detection Limit (MDL).

~~14,12.~~ No change.

15. GPS coordinates of the spill area and measurements (measuring wheel or tape, in feet) from structures or other prominent features (road exit or street signs, billboards, mileage markers, large tree, storm drainage inlets, buildings, etc.) that can be used to locate the spill area in the future.

13. through 14. renumbered 16. through 17.

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

(b) The Department shall:

1. Provide the PRSR with written approval of the Emergency Interim Source Removal Report submitted

pursuant to the criteria of paragraph 62-780.500(7)(a), F.A.C.; or

2. Notify the PRSR in writing, stating the reason(s) why the Emergency Interim Source Removal Report does not conform with the applicable Emergency Interim Source Removal criteria of paragraph 62-780.500(7)(a), F.A.C.

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

(8) If the information presented in the Emergency Source Removal Report confirms that no contamination remains at the conclusion of the emergency response action, the Department will indicate in writing that information provided on a Discharge Reporting Form, incorporated in Rule 62-761.900, F.A.C. [Form Number 62-761.900(1)], or other discharge record will no longer be tracked by the Division of Waste Management and that no other site rehabilitation requirements of this chapter are required to be followed.

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

Rulemaking Authority 376.303, 376.3071, 376.30701, 376.3078(4), 376.3078(9), 376.81 FS. Law Implemented 376.3071, 376.30701, ~~376.30711~~, 376.3078(4), 376.3078(9), 376.81 FS. History—New 4-17-05, Amended 6-12-13,_____.

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

62-780.525 Interim Source Removal.

(1) Any PRSR may conduct an interim source removal in accordance with this section. The objectives of the interim source removal are to remove specific known contaminant source(s) and provide temporary control to prevent or minimize contaminant migration, and to protect human health and the environment prior to the approval of a Remedial Action Plan prepared and submitted pursuant to Rule 62-780.700, F.A.C., or in the cleanup of de minimis discharges pursuant to Rules 62-780.550 and 63.780.560, F.A.C.

(2) Free Product Removal and Disposal.

(a) The PRSR may, if necessary to alleviate a threat to human health, public safety, or the environment, perform free product recovery consistent with the following requirements:

1. The PRSR shall provide to the Department a written notification in accordance with the time schedule in Table A, located at the end of Rule 62-780.900, F.A.C., (Notices for Field Activities) or the CAD that includes a description of the type and estimated volume of free product to be removed, and proposed free product recovery and disposal methods to be utilized;

2. The free product recovery shall not spread contamination into previously uncontaminated or less contaminated areas through untreated discharges, improper treatment, improper disposal, or improper storage;

3. Flammable products shall be handled in a safe manner; and

4. The recovered product shall be characterized and properly disposed or recycled; and all sampling and analyses shall be performed pursuant to Rule 62-780.300, F.A.C.

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

1. Excavation

2. Absorbent pads;

3. Skimmer pumps that include pumps with mechanical, electrical, or hand-bailed purging operations;

4. Hand or mechanical bailing; and

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

(c) In addition to the free product recovery methods specified in paragraph 62-780.525(2)(b), F.A.C., the PRSR may evaluate, propose, and submit other product recovery methods to the Department for approval prior to implementation. The submittal, as an Interim Source Removal Proposal, shall include the results of the evaluation performed to determine the potential for product smearing or spreading and the potential for air emissions. The free product recovery methods proposed may include:

1. Dewatering or groundwater extractions that may influence the depth to the water table;

2. Air/fluid extraction with air emissions treatment; or

3. Excavation of soil saturated with non-aqueous phase liquid into, or below, the water table.

4. Recovery of petroleum or petroleum products that exceeds the water-to-product ratio indicated in subparagraph 62-780.525(2)(b)5., F.A.C.; or

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

(d) The Department shall:

1. Provide the PRSR with written approval of the Interim Source Removal Proposal; or

2. Notify the PRSR in writing, stating the reason(s) why the Interim Source Removal Proposal does not contain information adequate to support a free product recovery method pursuant to paragraph 62-780.525(2)(c), F.A.C.

(e) Free product recovery as an Interim Source Removal task shall be deemed complete when the objectives of subsection 62-780.525(1), F.A.C., have been met.

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

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

(3) Short-term Groundwater Recovery.

(a) The PRSR may perform a short-term groundwater recovery event as an interim source removal activity. Groundwater recovery from well(s) within the plume with screened intervals that intercept the water table, with the intent of achieving cleanup progress, may be performed prior to Department approval of a Remedial Action Plan submitted pursuant to Rule 62-780.700, F.A.C., provided the following criteria are met:

1. Prior to initiation, the PRSR shall provide to the Department a written notification in accordance with the time frames in Table A (Notices for Field Activities) or the CAD that includes a description of the type of contamination, estimated volume of groundwater to be removed, and proposed disposal methods to be utilized;

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

3. Free product is not present;

4. The duration of the groundwater recovery does not exceed 30 days, unless the PRSR demonstrates to the Department that extended groundwater recovery will not result in the spread of contamination;

5. The recovered groundwater is not treated on-site, unless otherwise approved by the Department in accordance with subsection 62-780.525(4), F.A.C., and is properly disposed at a permitted industrial water treatment facility, at a publicly owned treatment works with the approval of the sanitary sewer authority, or at a permitted Hazardous Waste Treatment, Storage, or Disposal facility if the recovered groundwater is a hazardous waste; and

6. Sampling of representative monitoring wells to determine the effectiveness of the Short-term Groundwater Recovery event shall be performed no sooner than 30 days after completion of the groundwater recovery.

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

(4) Interim Groundwater Remediation.

(a) Prior to approval of a Remedial Action Plan prepared and submitted pursuant to Rule 62-780.700, F.A.C., when any of the criteria of subparagraphs 62-780.525(3)(a)2. through 4., F.A.C., are not met, the PRSR may perform groundwater recovery and on-site treatment and disposal or any other means of interim in situ groundwater remediation, provided the PRSR submits an Interim Source Removal Proposal that includes the same level of engineering detail as a Remedial Action Plan pursuant to Rule 62-780.700, F.A.C. Applicable sections shall be signed and sealed pursuant to Rule 62-780.400, F.A.C.

(b) The Department shall:

1. Provide the PRSR with written approval of the proposal; or

2. Notify the PRSR in writing, stating the reason(s) why the proposal does not contain information adequate to perform groundwater recovery pursuant to paragraph 62-780.525(4)(a), F.A.C.

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

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

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

1. Prior to initiation, the PRSR shall provide to the Department a written notification in accordance with the time frames in Table A or the CAD, that includes a description of the type of contamination, estimated volume of soil or sediment to be removed, and proposed disposal methods to be utilized;

2. Contamination shall not be spread into previously uncontaminated areas or less contaminated areas through untreated discharges, improper treatment, improper disposal, or improper storage;

3. Flammable products shall be handled in a safe manner;

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

5. If one of the objectives of the interim source removal is to excavate all the contaminated soil or sediment, confirmatory soil or sediment samples shall be collected, unless the excavation of the source occurs above the groundwater table to a depth of 1 foot below and 1 foot laterally of visually stained soil or sediment, if present. When visual staining is not present, soil screening methods may be used for confirming that excavation is complete above the groundwater table provided the soil screening method is applicable to the pollutant or hazardous substance that has been discharged provided that the field method has been verified and validated against standard laboratory methods, that the detection limit of soil screening instrumentation is appropriate based on the cleanup target levels for the pollutant of hazardous substance and that the applicable quality control/quality assurance protocols are followed (note that proper quality assurance may include correlation with laboratory analytical results). When soil screening methods are not used, s-Soil samples shall be collected at the bottom of the excavation (unless the bottom is below the water table) and walls or perimeter of the excavation. Sediment samples shall be collected at the bottom and perimeter of the excavation, if applicable;

6. A determination shall be made as to whether or not the contaminated soil or sediment contains hazardous waste. If the soil or sediment is known to be contaminated by hazardous waste, listed in 40 CFR Part 261 Subpart D (7-1-12 Edition), hereby adopted and incorporated by reference (<http://www.flrules.org/Gateway/reference.asp?No=Ref-02418>), testing is not required to make the determination. If the soil or sediment is not known to be contaminated with

listed hazardous waste, but is contaminated with any of the toxic constituents identified in 40 CFR 261.24(7-1-12 Edition), hereby adopted and incorporated by reference (<http://www.flrules.org/Gateway/reference.asp?No=Ref-02418>), (and the contamination does not result solely from manufactured gas plant waste), then USEPA Test Method 1311, Toxicity Characteristic Leaching Procedure (TCLP) and subsequent analysis of the leachate, shall be performed on a number of samples sufficient to determine whether or not the contaminated soil or sediment exceeds maximum concentrations for the toxicity characteristics. Pursuant to 40 CFR 261.4(b)(10), Subpart A (7-1-12 Edition), hereby adopted and incorporated by reference (<http://www.flrules.org/Gateway/reference.asp?No=Ref-02419>), petroleum contaminated media and debris, associated with an underground storage tank system, that fail the test for the Toxicity Characteristic of 40 CFR 261.24, Subpart C (Hazardous Waste Codes D018 through D043 only) are solid waste, not hazardous waste. Contaminated soil associated with an underground storage tank system, which will be managed as solid waste, is not subject to the requirement that TCLP extraction and subsequent analysis of the leachate be performed; and

7. When excavated contaminated soil or sediment is temporarily stored or stockpiled onsite, the soil or sediment shall be placed on an impermeable surface to prevent leachate infiltration and secured in a manner that prevents human exposure to contaminated soil or sediment and prevents soil or sediment exposure to precipitation that may cause surface runoff. Any excavation shall be secured to prevent entry by the public. Excavated contaminated soil [including excessively contaminated soil as defined in subsection 62-780.200(15), F.A.C.,] may be returned to the original excavation when petroleum storage tank systems have been removed or replaced, and when contaminated soil is encountered during construction activities at a petroleum storage or dispensing facility, to be addressed later pursuant to Rule 62-780.700, F.A.C. The temporary storage or stockpiling of excavated contaminated soil or sediment shall not exceed 60 days, unless it is stockpiled on a right-of-way, in which case it shall be removed for proper treatment or proper disposal as soon as practical but no later than 30 days after excavation, or unless the excavated contaminated soil or sediment contains hazardous waste and a different time frame is authorized pursuant to Chapter 62-730, F.A.C. Excavated petroleum contaminated soil [including excessively contaminated soil as defined in subsection 62-780.200(15), F.A.C.,] may be containerized in water tight containers and stored on-site for 90 days, after which time proper treatment or proper disposal of the contaminated soil shall occur, or it may be land farmed pursuant to paragraph 62-780.525(5)(b), F.A.C. The PRSR is

advised that other federal or local laws and regulations may apply to these activities.

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

1. The land farm operation shall be at least 200 feet from any residence, school, or park;

2. An area large enough to spread the soil to a thickness of 6 to 12 inches shall be available;

3. The land farming area shall be secured in a manner that prevents entry by the public and prevents human exposure to contaminated soil;

4. The materials used to construct the land farm treatment area shall withstand the rigors of the land farming and weather;

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

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

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

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

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

10. Land farmed soil that does not exceed the lower of the direct exposure residential CTLs and leachability based on groundwater criteria CTLs specified in Chapter 62-777, F.A.C., Table II may be disposed on-site or off-site. The PRSR is advised that other federal or local laws and regulations may apply to these activities. Land farmed soil that exceeds the applicable CTLs specified in Chapter 62-777,

F.A.C., Table II shall not be disposed or returned to the original excavation without obtaining approval from the Department.

(c) Interim Soil Vapor Extraction or related short term extraction technologies may be performed by the PRSR as an interim source removal activity prior to approval of a Remedial Action Plan prepared and submitted pursuant to Rule 62-780.700, F.A.C., provided the PRSR submits an Interim Source Removal Proposal that includes the same level of engineering detail as a Remedial Action Plan pursuant to Rule 62-780.700, F.A.C. and that air emissions monitoring shall be performed pursuant to paragraphs 62-780.700(4)(a) and (11)(i), F.A.C. Applicable sections shall be signed and sealed pursuant to Rule 62-780.400, F.A.C.

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

(e) Soil or sediment treatment, storage, or disposal techniques not authorized by applicable rules of the Department require approval in an Interim Source Removal Proposal submitted pursuant to paragraph 62-780.525(5)(e), F.A.C., or in a Remedial Action Plan submitted pursuant to Rule 62-780.700, F.A.C.

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

(g) The Department shall:

1. Provide the PRSR with written approval of the Interim Source Removal Proposal submitted pursuant to paragraph 62-780.525(5)(e), F.A.C.; or

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

(6) Authorization or receipt of approval pursuant to Rule 62-780.525, F.A.C., does not relieve the PRSR from the obligation to comply with other Department rules (for example, Chapters 62-701 and 62-730, F.A.C.) for product recovery, product disposal, groundwater recovery, or the handling, storage, disposal, or treatment of contaminated media. The PRSR is advised that other federal or local laws and regulations may apply to these activities.

(7) Interim Source Removal Report.

(a) Within the time frames specified in Table A or the CAD, the PRSR shall submit an electronic or paper copy of an Interim Source Removal Report to the Department for review. If analytical results obtained pursuant to subparagraphs 62-780.525(3)(a)6., 62-780.525(5)(a)5., and 62-780.600(5)(m)3., F.A.C., as applicable, after completion of the interim source removal, demonstrate that the No Further Action criteria of subsection 62-780.680(1), F.A.C., are met, a Site Assessment

Report pursuant to subsection 62-780.600(7), F.A.C., may be submitted in lieu of an Interim Source Removal Report. The Interim Source Removal Report shall contain the following information in detail, as applicable:

1. The type and an estimated volume of non-aqueous phase liquids that were discharged to the environment, if known;

2. The volume of non-aqueous phase liquids and the volume of groundwater recovered;

3. The volume of contaminated soil or sediment excavated and treated or properly disposed;

4. The disposal or recycling methods for non-aqueous phase liquids and contaminated soil or sediment;

5. The disposal methods for other contaminated media and any investigation-derived waste;

6. A scaled site map (including a graphical representation of the scale used) that shows the location(s) of all known on-site structures (including any buildings, underground storage tanks, storm drain systems, and septic tanks), locations where free product was recovered and the area of soil removal or treatment, and the approximate locations where all samples were collected;

7. A table that summarizes free product thickness in each monitoring well or piezometer, the total depth and screened interval of each monitoring well or piezometer, and the dates the measurements were made;

8. The type of field screening instrument, analytical methods, or other methods used;

9. The dimensions of the excavation(s) and location(s), integrity, capacities and last known contents of storage tanks, integral piping, dispensers, or appurtenances removed;

10. A table that indicates the identification, depth, and field soil screening results of each sample collected;

11. Separate tables by media that summarize all available soil, sediment, groundwater, and surface water analytical results, detection limits achieved for non-detected analytes, and analyses performed (listing all contaminants analyzed and their corresponding CTLs);

12. Depth to groundwater at the time of each excavation, measurement locations, and method used to obtain that information;

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

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

documentation or certification of treatment or acceptance of the contaminated soil or contaminated sediment; and

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

(b) The Department shall:

1. Provide the PRSR with written approval of the Interim Source Removal Report submitted pursuant to the criteria of paragraph 62-780.525(7)(a), F.A.C.; or

2. Notify the PRSR in writing, stating the reason(s) why the Interim Source Removal Report does not conform with the applicable Interim Source Removal criteria of paragraph 62-780.525(7)(a), F.A.C.

(8) If the Interim Source Removal Report is incomplete in any respect, or is insufficient to satisfy the criteria of paragraph 62-780.525(7)(a), F.A.C., the Department shall inform the PRSR pursuant to subparagraph 62-780.525(7)(b)2., F.A.C., and the PRSR shall submit to the Department for review an electronic or paper copy of an Interim Source Removal Report Addendum that addresses the deficiencies within 60 days after receipt of the notice.

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

Rulemaking Authority 376.303, 376.3071, 376.30701, 376.3078(4), 376.3078(9), 376.81 FS. Law Implemented 376.3071, 376.30701, 376.3078(4), 376.3078(9), 376.81 FS. History—New

62-780.550 Nonpetroleum De Minimis Discharges.

(1) For purposes of this rule section, a “nonpetroleum de minimis discharge” means a discharge of pollutants or hazardous substances excluding other than petroleum or petroleum products as defined in Section 376.301(32) and (33), F.S., that is removed from the soil, sediment, surface water, and groundwater to CTLs or background concentrations pursuant to subsection 62-780.680(1), F.A.C., within a period of 30 days from the discovery of the discharge.

(2) Nonpetroleum de minimis discharges shall be addressed as an interim source removal and shall be subject to the applicable requirements of Rule 62-780.525 ~~62-780.500~~, F.A.C., except for the notification and reporting requirements of that rule section and the notification requirements of subsection 62-780.220(1), F.A.C. De minimis discharges of drycleaning solvents shall not be exempt from the reporting requirements of subsection 62-780.210(2), F.A.C.

(3) The PRSR shall maintain records of the actions that were taken in response to the discharge including the information required pursuant to paragraph 62-780.525(7)(a) ~~62-780.500(7)(a)~~, F.A.C., for five years from the date of the discharge. The records shall be made available to the Department upon request. Upon completing activities and maintaining records in accordance with this Rule, no other site rehabilitation requirements of this chapter are required to be followed unless, upon Department review, the criteria of this rule have not been met.

Rulemaking Authority 376.30701, 376.3078(4), 376.81 FS. Law Implemented 376.30701, 376.3078(4), 376.81 FS. History—New 4-17-05, Amended 6-12-13, ____.

62-780.560 Petroleum or Petroleum Product De Minimis Discharges.

(1) For purposes of this rule section, a “petroleum or petroleum product de minimis discharge” means a discharge of petroleum or petroleum products of less than 25 gallons onto a pervious surface or that moves onto a pervious surface from an impervious surface. Such discharge is exempt from the notification requirements of subsection 62-780.220(1), ~~and~~ Rule 62-780.500, and 62-780.525, F.A.C., as long as the discharge is removed and properly treated or properly disposed, or otherwise remediated, pursuant to the applicable provisions of Rule 62-780.500 or 62-780.525, F.A.C., so that CTLs or background concentrations pursuant to subsection 62-780.680(1), F.A.C., are achieved.

(2) For purposes of this rule section, a “petroleum or petroleum product de minimis discharge” also means a discharge of petroleum or petroleum products of 25 to 500 gallons onto a pervious surface or that moves onto a pervious surface from an impervious surface, that is not associated with a regulated petroleum storage system and has not impacted groundwater, and for which the FDEP Office of Emergency Response oversees the response actions, if at the conclusion of the emergency response action, CTLs or background concentrations pursuant to subsection 62-780.680(1), F.A.C., are achieved. These de minimis discharges shall be addressed as an emergency response removal or an interim source removal and shall be subject to the applicable requirements of Rule 62-780.500 or 62-780.525, F.A.C., respectively, including notification and reporting. If the information presented in the Emergency Source Removal Report or Interim Source Removal Report confirms that no contamination remains at the conclusion of the emergency response action, the Department will indicate in writing that information provided on a Discharge Reporting Form, incorporated in Rule 62-761.900, F.A.C. [Form Number 62-761.900(1)], or other discharge record will no longer be tracked by the Division of Waste Management and that no

other site rehabilitation requirements of this chapter are required to be followed.

Rulemaking Authority 376.303, 376.3071 FS. Law Implemented 376.303, 376.315, 376.3071 FS. History—New 6-12-13, Amended

62-780.600 Site Assessment.

(1) No change.

(2) To facilitate the site assessment process, the PRSR may have discussions with the Department at various decision points to establish the scope and methodology of the site assessment, applicable exposure factors and the remedial strategy for the site, and risk management options based on the current and projected land use(s) at the site. These discussions may include the development and refinement of the Conceptual Site Model to help inform decisions with regard to site assessment, remedial strategy evaluation, risk management and site closure, including the use of engineering or institutional controls where warranted.

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

(a) No change.

(b) To determine whether contamination is present and the types of contaminants present, and to determine the horizontal and vertical extent of contamination in every medium found to be contaminated (for soil in the unsaturated zone, to the more stringent of the direct exposure residential soil CTLs and the applicable leachability-based soil CTLs provided in Chapter 62-777, F.A.C., Table II; and for groundwater, to the groundwater CTLs or to the surface water CTLs provided in Chapter 62-777, F.A.C., Table I; or to alternative CTLs that have been developed solely based upon intrinsic chemical properties that do not vary under different exposure scenarios (e.g., toxicity) (except that delineation to the water quality standards in Chapter 62-520 or 62-302, F.A.C., is always required), as applicable;

(c) through (j) No change.

(k) To facilitate the selection of a remediation strategy for the site that is protective of human health and the environment, and considers the proposed property use, identifies risks posed by the contamination based on the proposed use, and describes how those risks will be managed, including the use of engineering or institutional controls, as appropriate, unless No Further Action is deemed appropriate pursuant to the provisions of subsection 62-780.680(1), F.A.C. The results of the Site Assessment may be incorporated into the Conceptual Site Model to inform and support the remedial strategy and risk management decisions.

(4) No change.

(5) The site assessment shall include tasks that are necessary to achieve objectives described in subsection 62-

780.600(3), F.A.C., and include the following, as applicable based on site-specific circumstances:

(a) through (b) No change.

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

1. Appropriate laboratory analyses to determine the degree and extent of soil contamination and, as applicable, the background concentrations. A sufficient number of soil ~~Soil~~ samples shall be collected ~~from a sufficient number of locations~~ in the unsaturated zone based on the horizontal and vertical extent of contamination. Samples shall be collected at two-foot vertical intervals unless the sampling intervals are adjusted, as necessary, to account for factors such as discrete variations in the lithology, depth to the water table, the point of discharge, and the chemical and physical properties of the contaminants. If a surficial discharge of metals or semi-volatile organic compounds is known or suspected, the sampling vertical intervals shall be as follows: land surface to six inches, six inches to two feet, and two-foot intervals thereafter to the extent necessary to define the soil contamination. If the 95% Upper Confidence Limit (UCL) approach pursuant to subparagraphs 62-780.680(1)(b)1., 62-780.680(2)(b)1., and 62-780.680(3)(b)1., F.A.C., is used ~~utilized~~, the soil sampling shall be sufficient to identify the area(s) of highest contaminant concentrations and to allow the calculation of an exposure unit average concentration. [Refer to the technical report referenced in subsection 62-780.100(2), F.A.C., for guidance.];

2. No change.

3. Fractionation laboratory analyses of TRPHs to determine if the site-specific concentrations of the TRPH fractions exceed the soil CTLs of the TRPH fractions developed using one of the sub-classification methodologies described in Appendix C of the technical report referenced in subsection 62-780.100(2), F.A.C. Fractionation and FL-PRO analyses of TRPHs shall be performed on sub-samples from at least one grab soil sample collected from each source area that exceeds the applicable default soil CTLs for TRPHs specified in Chapter 62-777, F.A.C., Table II, or alternative soil CTLs for TRPHs established pursuant to Rule 62-780.680, F.A.C., with the actual number of samples based on the horizontal and vertical extent of contamination and the site-specific stratigraphy;

4. Direct leachability testing by USEPA Test Method 1312, Synthetic Precipitation Leaching Procedure (SPLP) extraction, or USEPA Test Method 1311, Toxicity Characteristic Leaching Procedure (TCLP) extraction if the contamination is derived from used oil or similar petroleum products, followed by the appropriate analyses of the leachate. Leachability and total soil concentration analysis for the appropriate laboratory analyses shall be performed on sub-

samples from at least one ~~grab~~ soil sample collected from each source area that exceeds the applicable leachability-based soil CTLs specified in subparagraph 62-780.680(1)(b)2., F.A.C., or established pursuant to subparagraph 62-780.680(2)(b)2. or (3)(b)2., F.A.C., with the actual number of samples based on the horizontal and vertical extent of contamination and the site-specific stratigraphy; or

5. No change.

(d) through (e) No change.

(f) Use of field soil screening techniques, which shall be demonstrated to be appropriate for the site conditions and the physical and chemical characteristics of the contaminants, ~~to determine the optimal locations for collection of samples for laboratory analyses.~~ This demonstration ~~These analyses~~ shall be performed on a minimum of three ~~grab~~ samples with high, medium, and low screening results for the site. This demonstration ~~These analyses~~ shall be performed per source area and per sampling event, except that only one representative sample collected from the area most likely to be contaminated shall be sufficient if the field screening results indicate that contaminated soil is not present. The actual number of laboratory samples shall be based on the horizontal and vertical extent of contamination and the degree of correlation between field soil screening and laboratory results;

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

(h) through (u) No change.

(6) through (10) No change.

Rulemaking Authority 376.303, 376.3071, 376.30701, 376.3078(4), 376.81, 403.0877 FS. Law Implemented 376.3071, 376.30701,

376.3078(4), 376.81, 403.0877 FS. History—New 4-17-05, Amended 6-12-13, 2-4-14, ____.
 Editorial Note: Portions of this rule were copied from 62-770.600, Formerly 17-70.008 and Formerly 17-770.600; 62-782.600; and 62-785.600.

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

No change.

62-780.650 Risk Assessment.

(1) No change.

(a) An exposure assessment that identifies pathways and routes by which human and environmental receptors may be exposed to contaminants and determines levels of contaminants to which human and environmental receptors may be exposed. The exposure assessment shall:

1. Identify actual and potential exposure pathways and routes;

2. Identify actual and potential human and environmental receptors for each exposure pathway, and sensitive sub-populations such as children, where applicable;

3. No change.

4. Determine exposure factors (e.g., exposure duration, exposure frequency, body weight and ingestion rate) based on:

a. Site-specific characteristics, including consideration of current and plausible projected land uses. Institutional and engineering controls may be proposed in order to ensure that exposure factors do not change; or

b. Non-site-specific exposure factors contained in the USEPA Exposure Factors Handbook (2011 Edition), hereby adopted and incorporated by reference, (<http://www.flrules.org/Gateway/reference.asp?No=Ref-03403>), or other information on exposure factors relevant or applicable to the actual conditions of exposure a Florida exposure scenario.

5. No change.

(b) A toxicity assessment that determines human health and environmental criteria for contaminants found at the site.

1. No change.

2. Input assumptions different from those used to develop default CTLs may be used to propose alternative CTLs. The appropriate equations from Chapter 62-777, F.A.C., must be used in calculating the alternative CTLs. Toxicity values for quantifying human health risks and for developing alternative CTLs may be taken from the following information sources listed in Rule 62-780.100, F.A.C., in order of preference:

~~a. Tier 1, in order of preference:~~

~~(I) USEPA Integrated Risk Information System (IRIS) database, or~~

~~b.(II) Provisional Peer Reviewed Toxicity Values (PPRTV) derived by EPA's Superfund Technical Support Center for the USEPA Superfund program.~~

~~c. Values proposed by a PRSR from other sources. Values from sources that are either selected by FDEP or proposed by a PRSR and accepted by FDEP that meet statutory requirements. Such values must be compared with any values available from the referenced guidelines in Rule 62-780.100(12) through 62-780.100(20) and be accompanied with a justification for using the proposed value. Such proposals are subject to review and acceptance by FDEP based upon statutory requirements for the protection of human health and the environment.~~

~~b. Tier 2. If a toxicity value is available from more than one source in this tier, the value based upon the most recent review of the toxicological literature and accompanying dose-response analysis should be selected:~~

~~(I) Agency for Toxic Substances and Disease Registry Minimal Risk Levels (MRLs);~~

~~(II) Tolerable Upper Intake Levels issued by the Institute of Medicine, National Academy of Sciences;~~

~~(III) USEPA Health Effects Assessment Summary Tables (HEAST);~~

~~(IV) Human Health Benchmarks for Pesticides and other toxicity values in technical documents available from the USEPA Office of Pesticide Programs; or~~

~~(V) USEPA Office of Water, Drinking Water Regulations and Health Advisory Levels.~~

~~e. Tier 3. If a toxicity value is available from more than one source in this tier, the value based upon the most recent review of the toxicological literature and accompanying dose-response analysis should be selected:~~

~~(VI)(I) California Environmental Protection Agency Office of Environmental Health Hazard Assessment's Chronic Reference Exposure Levels and Cancer Potency Values;~~

~~(VII)(II) World Health Organization Tolerable Daily Intake values;~~

~~(VIII)(III) International Toxicity Estimates for Risk;~~

~~(IX)(IV) Values listed as "Withdrawn" in the IRIS database; or~~

~~(V) Values from sources that are either selected by FDEP or proposed by a PRSR and accepted by FDEP that meet statutory requirements.~~

(c) A risk characterization that utilizes the results of the exposure assessment, the toxicity assessment, and any other relevant public health and epidemiological assessments, to characterize cumulative risks to the affected population(s) and the environment from contaminants found at the site. Based on the concentrations of contaminants found at the site, the characterization shall include:

1. Risks to human health and safety from exposure to the contamination;

2. Risks from the contamination to non-human species and ecosystems; and

3. Derivation of ~~apportioned~~ alternative CTLs, as applicable. [Refer to Appendix C of the technical report referenced in subsection 62-780.100(2), F.A.C., for guidance on the derivation of alternative CTLs for TRPHs based on a sub-classification methodology; and to Chapter 62-777, F.A.C., Table III for methods that may be used in determining soil properties for the derivation of alternative CTLs based on site-specific soil characteristics, if soil properties are used to derive alternative CTLs.] In developing alternative CTLs, the dose additivity of chemicals shall be considered [Refer to the "Dose Additivity" document referenced in subsection 62-780.100(24), F.A.C.], ~~when scientific data are available the potential for additive, synergistic, or antagonistic interactions among contaminants and the potential for exposure to contaminants via multiple pathways shall be considered based on target organ(s) affected, mechanism(s) of toxicity, and empirical observations from clinical and laboratory studies. The default assumptions shall be that non-carcinogenic chemicals affecting the same target organ(s)/systems have additive effects and that carcinogenic risk, regardless of target organ, is additive. However, non default target organ(s)/system(s) or effects may be justified through a detailed toxicological analysis of the contaminants present at a specific site.~~

(d) A justification for ~~apportioned~~ alternative CTLs, as applicable, for groundwater or soil. The justification for the alternative CTLs shall be based upon site-specific or other relevant data and information, risk assessment, modeling results, including results from probabilistic risk assessment modeling, risk assessment studies, risk reduction techniques or a combination thereof. In establishing the alternative CTLs for groundwater or soil, the following factors shall be used, as applicable: calculations using a lifetime excess cancer risk level of 1.0E-6 and a hazard index of 1, and (for groundwater only) nuisance, organoleptic, and aesthetic considerations. However, the Department shall not require site rehabilitation to achieve a CTL for an individual contaminant that is more stringent than the site-specific background concentration for that contaminant or the best achievable detection limit for that contaminant. The justification shall be based on:

1. through 2. No change.

(2) No change.

(3) Where a PRSR elects to perform a risk assessment pursuant to subsection 62-780.650(1), F.A.C., Probabilistic Risk Assessments may be employed to document that human health and environmental risks are acceptable, and to

document that potential risks associated with the establishment of alternative CTLs are acceptable provided:

(a) The equations in Chapter 62-777 Figures (1)-(10), as applicable, shall be used as the basis for calculation of cumulative risks and for the calculation of the alternative CTL.

(b) The selection of the alternative CTL shall be the value that is protective for the pathways and routes by which human and environmental receptors may be exposed representing the 90th percentile of the final exposure or risk variability distributions produced by the model for the general population, or for any identified sensitive life stages, where applicable (or equivalent to the 10th percentile of the CTL distribution if demonstrated to be equivalent); and

(c) The following information regarding the Probabilistic Risk Assessment model is submitted to and approved by the Department pursuant to subsection 62-780.610(2), F.A.C.:

1. All information required by paragraph 62-780.610(2)(b), F.A.C.;

2. The type of simulation used;

3. Whether the simulation used is an open-source model or a proprietary model;

4. The source(s) for the distribution(s), as well as any point values, used in the model;

5. A description of the applicability and scientific basis for each ~~Any information describing the applicability or limitations of the distribution(s) and point values used in the model;~~

6. ~~The Any assumptions made regarding the shapes and parameters of distribution(s) used in the model and the basis for these assumptions; and~~

7. The extent of correlation, if any, assumed between specific input distributions and the scientific rationale for that correlation;

~~8.7.~~ Any default model parameter values that were replaced with other values for the purposes of the Probabilistic Risk Assessment and the rationale for such replacement, specifically including any methods used ~~change made to the algorithms~~ for sampling or resampling from the input distributions. The PRSR may submit the information listed in paragraph 62-780.650(3)(c), F.A.C., above for review and approval in advance of the submittal of the model results; and

~~9.8.~~ A discussion of the uncertainties associated with the models and inputs used in the probabilistic risk assessment, including contributions from:

a. The nature and sources of exposure and toxicity information;

b. The shape of input distributions and limits, and choice of point value inputs, if any, used in the analysis; and

c. The selection of specific models used in the analysis.

d. If the uncertainty discussion includes quantitative information, it may be presented in the form of a parameter sensitivity analysis, or calculation of risk in two dimensions where uncertainty is expressed as the confidence bounds on the risk variability distribution.

10. A quantitative assessment of uncertainty is not required, but if submitted as part of the risk assessment, should quantify how alternative inputs and models would change the 90th percentile risk (and associated CTL) for the population(s) of interest.

(4) through (7) No change.

Rulemaking Authority 376.303, 376.3071, 376.30701, 376.3078(4), 376.81, 403.061 FS. Law Implemented 376.3071, 376.30701, 376.3078(4), 376.81, 403.021, 403.061, 403.062 FS. History—New 4-17-05, Amended 6-12-13, 2-4-14, ____.

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

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

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

(a) Free product is not present and no fire or explosive hazard exists as a result of a release of non-aqueous phase liquids;

(b) Contaminated soil is not present in the unsaturated zone, as demonstrated by the analyses of soil samples collected from representative sampling locations (unless the Department has concurred that soil sampling is unnecessary based on the site-specific conditions), that show that one or more of the criteria for direct exposure and one or more of the criteria for leachability are met, as applicable:

1. Criteria for direct exposure are as follows:

a. Soil contaminant concentrations, or average soil contaminant concentrations calculated based on the 95% UCL approach pursuant to sub-subparagraph 62-780.680(1)(b)1.d., F.A.C., do not exceed the less stringent of:

(I) ~~The residential soil CTLs specified in Chapter 62-777, F.A.C., Table II, except that if the 95% UCL approach is utilized for any contaminant, then the soil contaminant concentrations shall not exceed the apportioned soil CTLs calculated pursuant to sub-sub-subparagraph 62-780.680(1)(b)1.d.(V), F.A.C.;~~

(II) The background concentrations; or

(III) The best achievable detection limits;

b. Soil contaminant concentrations, or average soil contaminant concentrations calculated based on the 95% UCL approach pursuant to sub-subparagraph 62-780.680(1)(b)1.d., F.A.C., do not exceed the alternative residential soil CTLs

established using site-specific soil properties pursuant to subparagraph 62-780.600(5)(c)2., F.A.C., and the equations and default residential exposure assumptions specified in Chapter 62-777, F.A.C., Figures 4, 5, 6, and 7 and Table VI, except that if the 95% UCL approach is utilized for any contaminant, then the soil concentrations shall not exceed the apportioned soil CTLs calculated pursuant to sub-sub-subparagraph 62-780.680(1)(b)1.d.(V), F.A.C.;

c. Soil concentrations of the site-specific fractions of TRPHs established pursuant to subparagraph 62-780.600(5)(c)3., F.A.C., or average soil concentrations of the site-specific fractions of TRPHs calculated based on the 95% UCL approach pursuant to sub-subparagraph 62-780.680(1)(b)1.d., F.A.C., utilizing the soil concentrations of the site-specific fractions of TRPHs established pursuant to subparagraph 62-780.600(5)(c)3., F.A.C., do not exceed the residential soil CTLs for the TRPH fractions provided in Appendix C of the technical report referenced in subsection 62-780.100(2), F.A.C., ~~except that if the 95% UCL approach is utilized for any contaminant, then the soil contaminant concentrations shall not exceed the apportioned soil CTLs calculated pursuant to sub-sub-subparagraph 62-780.680(1)(b)1.d.(V), F.A.C.;~~ and

d. If the 95% UCL approach is utilized to calculate average soil contaminant concentrations pursuant to sub-subparagraph 62-780.680(1)(b)1.a., 62-780.680(1)(b)1.b., or 62-780.680(1)(b)1.c., F.A.C. [refer to the technical report referenced in subsection 62-780.100(2), F.A.C., for guidance], the following criteria shall be met:

(I) ~~An~~ The Florida UCL tool or other approved statistical method pursuant to subsection 62-780.610(2), F.A.C., shall be used to perform the 95% UCL calculations;

(II) ~~The maximum soil contaminant concentrations shall not exceed any CTL based on acute toxicity and shall not exceed three times the applicable direct exposure soil CTLs based on chronic toxicity pursuant to sub-subparagraphs 62-780.680(1)(b)1.a., 62-780.680(1)(b)1.b., and 62-780.680(1)(b)1.c., F.A.C.;~~

(II)(III) The exposure unit shall not exceed 1/4 acre unless it is demonstrated using statistically appropriate techniques, which shall include an appropriate number of samples which are representative of the exposure unit, that the contaminants are uniformly distributed such that a 95% UCL based on an alternative exposure unit size(s) will be sufficiently protective of human health, public safety and the environment. The exposure unit(s) and shall be located within the source property boundaries;

(III)(IV) A minimum of 10 representative soil samples is required when discrete sample data are used and three representative soil samples when ISM sample data are used the Florida UCL tool is utilized; and

(IV) The average soil concentration shall not be compared with any CTL based upon acute toxicity. For acute toxicity CTLs comparisons must be made with discrete sampling data.

~~(V) If more than one contaminant is present in the soil in the unsaturated zone at the site, the soil CTLs for all contaminants detected in soil samples at the site shall be apportioned, as applicable [refer to Appendix D of the technical report referenced in subsection 62-780.100(2), F.A.C., for guidance on apportioning soil CTLs]; and~~

2. Criteria for leachability are as follows:

a. Soil contaminant concentrations measured with discrete samples, or average soil contaminant concentrations based upon the 95% UCL approach from discrete or ISM sampling data do not exceed the less stringent of:

(I) The groundwater and, if applicable, surface water leachability-based soil CTLs specified in Chapter 62-777, F.A.C., Table II;

(II) The background concentrations; or

(III) The best achievable detection limits;

b. Soil contaminant concentrations measured with discrete samples, or average soil contaminant concentrations based upon the 95% UCL approach from discrete or ISM sampling data do not exceed the alternative leachability-based soil CTLs established using the equation and default assumptions specified in Chapter 62-777, F.A.C., Figure 8, the alternative groundwater CTLs based on the site-specific background concentrations [refer to sub-subparagraph 62-780.680(1)(c)1.b., F.A.C.], and, if applicable, the alternative surface water CTLs based on the site-specific background concentrations [refer to subparagraph 62-780.680(1)(d)2., F.A.C.];

c. through d. No change.

e. Soil concentrations of the site-specific fractions of TRPHs established pursuant to subparagraph 62-780.600(5)(c)3., F.A.C., do not exceed the leachability-based soil CTLs for the TRPH fractions provided in Appendix C of the technical report referenced in subsection 62-780.100(2), F.A.C.; ~~and~~

f. For soil that is and has been exposed to the elements (i.e., open ground, not covered by impermeable or semi-permeable cover) and subject to infiltration throughout the entire unsaturated zone for a minimum of two years, it has been subsequently demonstrated to the Department by a minimum of one year of groundwater monitoring data that contaminants will not leach into the groundwater at concentrations that exceed the appropriate groundwater CTLs pursuant to paragraph 62-780.680(1)(c), F.A.C., and, if applicable, the appropriate surface water CTLs pursuant to paragraph 62-780.680(1)(d), F.A.C. This demonstration shall consider site-specific characteristics such as the thickness of the unsaturated zone, depth and mass of soil contaminants, soil

lithology, actual precipitation, concentration gradients, and the chemical and physical characteristics of the contaminants; or

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

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

a. The groundwater CTLs specified in Chapter 62-777, F.A.C., Table I groundwater criteria column, except that for contaminated sites undergoing site rehabilitation pursuant to Sections 376.30701 and 376.81, F.S., and petroleum contamination sites being addressed pursuant to Section 376.3071, F.S., that are not eligible for state-funded site rehabilitation, if the PRSR elects brownfields, groundwater contaminant concentrations may exceed the groundwater CTLs derived from nuisance, organoleptic, or aesthetic considerations if the following additional criteria are met:

(I) through (III) No change.

(IV) For contaminated sites undergoing site rehabilitation pursuant to Section 376.81, F.S., the real property owner provides written acceptance of the No Further Action Proposal to the Department. For all other sites being closed under this provision, the real property owner does not object to the No Further Action Proposal to the Department.;

b. The background concentrations; or

c. The best achievable detection limits; and

2. Groundwater contaminant concentrations do not exceed the surface water CTLs specified in Chapter 62-777, F.A.C., Table I freshwater surface water criteria column or marine surface water criteria column, as applicable, if the site's groundwater contaminant concentrations are affecting or may potentially affect a surface water body based on monitoring well data, groundwater flow rate and direction, or fate and transport modeling. The point of measuring compliance with the surface water standards shall be in the groundwater from the landward side immediately adjacent to the surface water body. However, for cleanups being conducted pursuant to 376.30701(2), F.S., (including petroleum contamination sites being addressed pursuant to Section 376.3071, F.S., that are not eligible for state-funded site rehabilitation, if the PRSR elects) or 376.81(1), F.S., such measurement is not necessary if it has been demonstrated that the contaminants do not cause or contribute to the exceedance of applicable surface water quality criteria.;

(d) through (e) No change.

(2) Risk Management Options Level II A No Further Action with institutional controls (whether such institutional controls are recorded in the public records of the County in

which the site is located, or are non-recorded institutional controls), and, if appropriate, engineering controls shall apply if the controls are protective of human health, public safety, and the environment ~~and are agreed to by the current real property owner(s) of the source property subject to the institutional or engineering controls.~~ Notice of the use of institutional or engineering controls shall be provided in accordance with paragraph 62-780.220(7), F.A.C. Fate and transport models, as defined in Rule 62-780.610, F.A.C., ~~supported by a minimum of one year of monitoring data,~~ may be utilized to justify the No Further Action Proposal. It shall be demonstrated to the Department that the following conditions are met for those contaminants that do not meet Risk Management Options Level I criteria of subsection 62-780.680(1), F.A.C.:

(a) Criteria for evaluation of free product are as follows:

1. Free product is not present and no fire or explosive hazard exists as a result of a release of non-aqueous phase liquids, or;

2. Free ~~free~~ product removal is not technologically feasible or cost-effective, and;

3. Free product is not migrating and does not pose a risk to human health, public safety or the environment.

(b) Alternative soil CTLs have been established by the PRSR and one or more of the criteria for direct exposure and one or more of the criteria for leachability are met for soil in the unsaturated zone, as applicable:

1. Criteria for direct exposure are as follows:

a. Soil contaminant concentrations measured with discrete samples, or average soil contaminant concentrations calculated based on the 95% UCL approach from discrete or ISM sampling data pursuant to sub-subparagraph 62-780.680(2)(b)1.e., F.A.C., do not exceed the commercial/industrial soil CTLs specified in Chapter 62-777, F.A.C., Table II, ~~except that if the 95% UCL approach is utilized for any contaminant, then the soil contaminant concentrations shall not exceed the apportioned soil CTLs calculated pursuant to sub-sub-subparagraph 62-780.680(2)(b)1.e.(V), F.A.C.;~~

b. No change.

c. Soil contaminant concentrations, or average soil contaminant concentrations calculated based on the 95% UCL approach pursuant to sub-subparagraph 62-780.680(2)(b)1.e., F.A.C., do not exceed the alternative commercial/industrial soil CTLs calculated using site-specific soil properties pursuant to subparagraph 62-780.600(5)(c)2., F.A.C., and the equations and default commercial/industrial exposure assumptions specified in Chapter 62-777, F.A.C., Figures 4, 5, 6, and 7 and Table VI, ~~except that if the 95% UCL approach is utilized for any contaminant, then the soil contaminant concentrations shall not exceed the apportioned soil CTLs~~

~~calculated pursuant to sub-sub-subparagraph 62-780.680(2)(b)1.e.(V), F.A.C.;~~

d. Soil concentrations of the site-specific fractions of TRPHs established pursuant to subparagraph 62-780.600(5)(c)3., F.A.C., or average soil contaminant concentrations of the site-specific fractions of TRPHs calculated based on the 95% UCL approach pursuant to sub-subparagraph 62-780.680(2)(b)1.e., F.A.C., utilizing the soil concentrations of the site-specific fractions of TRPHs established pursuant to subparagraph 62-780.600(5)(c)3., F.A.C., do not exceed the commercial/industrial soil CTLs for the TRPH fractions provided in Appendix C of the technical report referenced in subsection 62-780.100(2), F.A.C., ~~except that if the 95% UCL approach is utilized for any contaminant, then the soil contaminant concentrations shall not exceed the apportioned soil CTLs calculated pursuant to sub-sub-subparagraph 62-780.680(2)(b)1.e.(V), F.A.C.;~~ and

e. If the 95% UCL approach is utilized to calculate average soil contaminant concentrations pursuant to sub-subparagraph 62-780.680(2)(b)1.a., 62-780.680(2)(b)1.c., or 62-780.680(2)(b)1.d., F.A.C., [refer to the technical report referenced in subsection 62-780.100(2), F.A.C., for guidance], the following criteria shall be met:

(I) ~~An The Florida UCL tool or other~~ approved statistical method pursuant to subsection 62-780.610(2), F.A.C., shall be used to perform the 95% UCL calculations;

~~(II) The maximum soil contaminant concentrations shall not exceed three times the applicable soil CTLs pursuant to sub-subparagraphs 62-780.680(2)(b)1.a., e., and d., F.A.C.;~~

~~(II)(III)~~ The exposure unit shall be located within the source property boundaries and reflect normal activity patterns for the existing commercial/industrial land use with supporting institutional controls. The institutional controls shall require recalculation of the 95% UCL if the property is subdivided or land use changes such that the exposure unit utilized in the original calculation is no longer appropriate; and

~~(III)(IV)~~ A minimum of 10 representative soil samples is required when discrete sampling data are used and three representative soil samples when ISM data are used. ~~the Florida UCL tool is utilized; and~~

~~(V) If more than one contaminant is present in the soil in the unsaturated zone at the site, the soil CTLs for all contaminants detected in soil samples at the site shall be apportioned, as applicable [refer to Appendix D of the technical report referenced in subsection 62-780.100(2), F.A.C., for guidance on apportioning soil CTLs].~~

2. Criteria for leachability are as follows:

a. through c. No change.

d. Soil contaminant concentrations measured with discrete samples, or average soil contaminant concentrations based upon the 95% UCL approach from discrete or ISM sampling

data do not exceed the alternative leachability-based soil CTLs established using site-specific soil properties pursuant to subparagraph 62-780.600(5)(c)2., F.A.C., the equation and appropriate default assumptions specified in Chapter 62-777, F.A.C., Figure 8, the alternative groundwater CTLs established pursuant to paragraph 62-780.680(2)(c), F.A.C., and, if applicable, the appropriate surface water CTLs pursuant to paragraph 62-780.680(1)(d), F.A.C.;

e. through f. No change.

(c) Alternative groundwater CTLs have been established by the PRSR depending on the current and projected use of groundwater in the vicinity of the site and one or more of the following criteria are met, as applicable:

1. through 2. No change.

3. For groundwater contamination that is affecting or may potentially affect only a marine surface water body with no other properties or freshwater surface water bodies located between the source property boundary and the marine surface water body, the CTLs specified in Chapter 62-777, F.A.C., Table I marine surface water criteria column shall apply to groundwater. The point of measuring compliance with the surface water standards shall be in the groundwater from the landward side immediately adjacent to the surface water body. However, for cleanups being conducted pursuant to 376.30701(2), F.S., (including petroleum contamination sites being addressed pursuant to Section 376.3071, F.S., that are not eligible for state-funded site rehabilitation, if the PRSR elects) or 376.81(1), F.S., such measurement is not necessary if it has been demonstrated that the contaminants do not cause or contribute to the exceedance of applicable surface water quality criteria; and

4. No change.

(3) Risk Management Options Level III – A No Further Action with institutional controls, (whether such institutional controls are recorded in the public records of the County in which the site is located, or are non-recorded institutional controls), if needed, and, if appropriate, engineering controls shall apply if the controls are protective of human health, public safety, and the environment and are agreed to by the current real property owner(s) of all properties subject to the institutional or engineering controls. Notice of the use of institutional or engineering controls shall be provided in accordance with paragraph 62-780.220(7), F.A.C. Alternative CTLs that are based on limitations to land use must be used in conjunction with institutional controls and, if appropriate, engineering controls, to ensure that the limited land use upon which the exposure duration and frequency assumptions were based remains in effect in perpetuity until the PRSR submits information to the Department that supports removal or modification of the recorded institutional controls (if applicable) or that reliance on a non-recorded control is no

longer required. The PRSR may also use scientific studies or reports to support a No Further Action Proposal without ~~institutional~~ controls under this subsection. Proposals may be based on information about a contaminant's toxicity or carcinogenicity, provided such information is consistent with the requirements of subparagraph 62-780.650(1)(b)2., F.A.C. Proposals for no further action without controls may also be based on information about non-site-specific exposure factors, provided such information is consistent with the requirements of sub-subparagraph 62-780.650(1)(a)4.b., F.A.C. Fate and transport models, as defined in Rule 62-780.610, F.A.C., ~~supported by a minimum of one year of monitoring data,~~ may be utilized to justify the No Further Action Proposal. It shall be demonstrated to the Department that the following conditions are met for those contaminants that do not meet Risk Management Options Level I or Level II criteria of subsection 62-780.680(1) or 62-780.680(2), F.A.C.:

(a) Criteria for evaluation of free product are as follows:

1. Free product is not present and no fire or explosive hazard exists as a result of a release of non-aqueous phase liquids, or;

2. Free ~~free~~ product removal is not technologically feasible or not cost-effective, and; ~~or~~

3. Free product is not migrating and does not pose a risk to human health, public safety or the environment.

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

1. Soil contaminant concentrations measured with discrete samples, or average soil contaminant concentrations calculated based on the 95% UCL approach from discrete or ISM sampling data pursuant to this subparagraph, do not exceed the alternative direct exposure soil CTLs established pursuant to paragraph 62-780.650(1)(d), F.A.C. ~~If more than one contaminant is present in the soil in the unsaturated zone at the site, the soil CTLs for all contaminants detected in soil samples at the site shall be apportioned, as applicable [refer to Appendix D of the technical report referenced in subsection 62-780.100(2), F.A.C., for guidance on apportioning soil CTLs]. If the 95% UCL approach is utilized to calculate average soil contaminant concentrations pursuant to this subparagraph [refer to the technical report referenced in subsection 62-780.100(2), F.A.C., for guidance], the following criteria shall be met:~~

a. ~~An The Florida UCL tool or other~~ approved statistical method pursuant to subsection 62-780.610(2), F.A.C., shall be used to perform the 95% UCL calculations;

b. The proposed maximum soil contaminant concentrations ~~shall not exceed three times the applicable soil CTLs (apportioned pursuant to subparagraph 62-780.680(3)(b)1., F.A.C., if applicable); higher maximum soil~~

~~contaminant concentrations may be utilized provided the maximum concentrations~~ address the potential risk based on exposure to contaminants which may cause acute toxicity, and the potential for direct contact within the exposure unit that is not equal and random; and

c. No change.

2. One or more of the following criteria for leachability are met, as applicable:

a. through c. No change.

d. Soil contaminant concentrations measured with discrete samples, or average soil contaminant concentrations based upon the 95% UCL approach from discrete or ISM sampling data do not exceed the alternative leachability-based soil CTLs established using site-specific soil properties pursuant to subparagraph 62-780.600(5)(c)2., F.A.C., the equation and appropriate default assumptions specified in Chapter 62-777, F.A.C., Figure 8, the alternative groundwater CTLs established pursuant to paragraph 62-780.680(3)(c), F.A.C., and, if applicable, the appropriate surface water CTLs pursuant to paragraph 62-780.680(1)(d), F.A.C.;

e. through f. No change.

(c) Alternative groundwater CTLs have been established by the PRSR depending on the current and projected use of groundwater in the vicinity of the site, and the following criteria are met:

1. Groundwater contaminant concentrations do not exceed the alternative groundwater CTLs established pursuant to paragraph 62-780.650(1)(d), F.A.C. ~~{apportioned, if applicable; refer to Appendix E of the technical report referenced in subsection 62-780.100(2), F.A.C., for guidance on apportioning groundwater CTLs}~~, and the plume has not affected, and will not affect, a freshwater or marine surface water body pursuant to subparagraph 62-780.680(1)(c)2., F.A.C.; and

2. No change.

(4) Unless the No Further Action Proposal is included in a Site Assessment Report pursuant to subparagraph 62-780.600(8)(b)1., F.A.C., or a Risk Assessment Report pursuant to paragraph 62-780.650(4)(a), F.A.C., or a Site Rehabilitation Completion Report pursuant to subsection 62-780.690(10) or 62-780.750(6), F.A.C., the PRSR shall submit to the Department for review an electronic or paper copy of the No Further Action Proposal when the criteria for No Further Action have been met. The No Further Action Proposal shall include the tables required pursuant to subparagraph 62-780.600(8)(a)27., F.A.C., updated as applicable. Prior to approval of a No Further Action Proposal with an institutional control or an engineering control accompanied by an institutional control, documentation of completion of notification pursuant to 62-780.220(7), F.A.C. ~~the agreement with the real property owner(s) of all properties~~

~~subject to the institutional or engineering controls~~ shall be submitted to the Department.

(5) through (6) No change.

(7) When a No Further Action Proposal is approved pursuant to subparagraph 62-780.600(9)(a)1. or 62-780.650(5)(a)1., F.A.C., or paragraph 62-780.680(5)(a), 62-780.690(11)(a), or 62-780.750(7)(a), F.A.C., the Site Rehabilitation Completion Order shall contain, at a minimum, the following information:

(a) through (e) No change.

(f) If applicable, a reference to all engineering and institutional controls that were implemented or relied upon at the contaminated site. For engineering controls, a brief description of the physical control and any maintenance or monitoring requirements shall be included. ~~For recorded~~ For recorded ~~for~~ institutional controls, a copy of the restrictive covenant (or other recorded instrument) including a reference to the book and page numbers where recorded shall be attached. For non-recorded institutional controls, a citation to the rule(s), ordinance(s), or other instruments (including the Site Rehabilitation Completion Order itself when deemed appropriate by the department) that comprise the institutional control, shall be included together with a copy of the pertinent sections of the instruments;

(g) through (h) No change.

(8) Prior to the Department's approval of a No Further Action Proposal with institutional controls or with institutional and engineering controls or alternative CTLs, the PRSR shall provide ~~constructive~~ notice of the Department's intent for such approval in accordance with subsection 62-780.220(7), F.A.C.

(9) No change.

Rulemaking Authority 376.303, 376.3071, 376.30701, 376.3078(4), 376.81, 403.061, 403.0877 FS. Law Implemented 376.3071, 376.30701, 376.3078(4), 376.81, 403.0877 FS. History—New 4-17-05, Amended 6-12-13, 2-4-14, _____.

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

62-780.690 Natural Attenuation Monitoring.

(1) Natural Attenuation Monitoring and long-term natural attenuation monitoring are allowable strategies ~~is an allowable strategy~~ for site rehabilitation depending on the individual site characteristics, provided human health, public safety, and the environment are protected. The individual site characteristics may include the current and projected use of the affected groundwater and surface water in the vicinity of the site, the current and projected land use of the area affected by the contamination, the exposed population, the location of the plume, the degree and extent of contamination, the rate of migration of the plume, the apparent or potential rate of degradation of contaminants through natural attenuation, and the potential for further migration in relation to the site's

property boundary. Fate and transport models as defined in Rule 62-780.610, F.A.C., may be utilized to support the appropriateness of natural attenuation monitoring. Natural attenuation monitoring is allowable provided the following criteria are met:

(a) through (c) No change.

(d) The physical, chemical, or ~~and~~ biological characteristics of each contaminant and its transformation product(s) are conducive to natural attenuation;

(e) No change.

(f) One of the following is met:

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

2. No change.

(2) No change.

(3) Where surface water is or may be exposed to contaminated groundwater (based on monitoring well data, groundwater flow rate and direction, or fate and transport modeling), the point of measuring compliance with the surface water standards shall be in the groundwater from the landward side immediately adjacent to the surface water body. For cleanups being conducted pursuant to 376.30701(2), F.S., (including petroleum contamination sites being addressed pursuant to Section 376.3071, F.S., that are not eligible for state-funded site rehabilitation, if the PRSR elects) or 376.81(1), F.S., such measurement is not necessary if it has been demonstrated that the contaminants do not cause or contribute to the exceedance of applicable surface water quality criteria.

(4) through (7) No change.

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

(a) No change.

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

(c) No change.

(d) Within the time frames specified in Table A, ~~located at the end of Rule 62-780.900, F.A.C.~~, or the CAD, the PRSR shall submit to the Department for review an electronic or paper copy of a Natural Attenuation Monitoring Report. The report shall include the analytical results (laboratory report),

chain of custody record form [Form 62-780.900(2) or an equivalent chain of custody form that includes all the items required by Form 62-780.900(2)], the tables required pursuant to subparagraph 62-780.600(8)(a)27., F.A.C., updated as applicable, site maps that illustrate the analytical results, and the water-level elevation information (summary table and flow map);

(e) If analyses of groundwater samples indicate that concentrations of applicable contaminants exceed any action levels specified in the Natural Attenuation Monitoring Plan approval, ~~the well or wells shall be resampled no later than 30 days after the initial positive result is known. If the results of the resampling confirm that the applicable action levels are exceeded~~, then the monitoring report referenced in paragraph 62-780.690(8)(d), F.A.C., shall be signed and sealed by an appropriate registered professional pursuant to Rule 62-780.400, F.A.C., and shall include a proposal to:

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

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

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

4. Other action as approved by the department.

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

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

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

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

4. Other action as approved by the department; and

(g) No change.

(9) through (14) No change.

Rulemaking Authority 376.303, 376.3071, 376.30701, 376.3078(4), 376.81, 403.061, 403.0877 FS. Law Implemented 376.3071, 376.30701, 376.3078(4), 376.81, 403.0877 FS. History—New 4-17-05, Amended 6-12-13,_____.

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

62-780.700 Active Remediation.

(1) through (2) No change.

(3) The Remedial Action Plan shall:

(a) through (f) No change.

(g) If groundwater contamination is present:

1. No change.

2. Include a list of contaminants to be monitored, the designation of a representative number of monitoring wells and, if applicable, surface water bodies to be sampled, and a proposal for their sampling frequency adequate to monitor the cleanup progress during active remediation, and the description of the methodology proposed to evaluate the effectiveness and efficiency of the remediation system. The designated wells shall include at least one well located at the downgradient edge of the plume and one well in the area of maximum groundwater contamination or directly adjacent to it if the area of highest groundwater contamination is inaccessible (for example, under a structure). For cleanups expected to last greater than two years, wells shall be sampled quarterly for the first year and semiannually thereafter. For cleanups expected to last less than two years, wells shall be sampled quarterly. For all cleanups, an alternative sampling frequency can be approved based upon site-specific conditions, or at an alternative frequency as proposed in the approved Remedial Action Plan. A reporting frequency should be established that is sufficient to evaluate the progress of the cleanup and a single report can be used to summarize multiple sampling events, as approved based upon site-specific conditions;

3. through 4. No change.

(h) No change.

(4) Other requirements to be included in the Remedial Action Plan, if applicable, include the following:

(a) through (e) No change.

(f) A sampling and reporting schedule shall be specified for monitoring vacuum extraction systems, in situ sparging, bioremediation, or other in situ means of remediation of soil and groundwater. The reporting schedule should reflect the overall requirements of the Remedial Action Plan and, as appropriate and approved in the Remedial Action Plan, multiple sampling events can be combined in a single report.

(5) through (10) No change.

(11) Within the time frames specified in Table A or the CAD, the operation of the active remediation system(s) shall be initiated unless, after the exercise of reasonable diligence, applicable permits required pursuant to subsection 62-780.700(9), F.A.C., have not been obtained. The following shall be obtained or determined during active remediation at

the specified frequencies and turnaround times, as applicable, unless otherwise provided in the approved Remedial Action Plan:

(a) through (h) No change.

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

1. through 2. No change.

(j) through (k) No change.

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

(a) through (e) No change.

(f) Recommendations to continue or discontinue the operation of the treatment system(s) or to modify the site rehabilitation including switching to Natural Attenuation Monitoring in accordance with 62-780.690, F.A.C.;

(13) No change.

(14) At any time during ~~During~~ implementation of the Remedial Action Plan, the PRSR may propose and justify:

(a) through (d) No change.

(15) through (19) No change.

(20) When the No Further Action criteria of subsection 62-780.680(1), F.A.C., the site-specific alternative cleanup target levels, or the leveling off criteria of subsection 62-780.700(18), F.A.C., have been met, an electronic or paper copy of a Post Active Remediation Monitoring Plan prepared pursuant to the Post Active Remediation Monitoring criteria described in Rule 62-780.750, F.A.C., shall be submitted by the PRSR to the Department for review (unless the Department has concurred that Post Active Remediation Monitoring of groundwater is unnecessary based on the site-specific conditions). If the Department agrees that groundwater sampling is unnecessary and the site meets the No Further Action criteria of subsection 62-780.680(1), F.A.C., 62-780.680(2), F.A.C., or 62-780.680(3), F.A.C., a Site Rehabilitation Completion Order shall be issued as referenced in subsection 62-780.680(7), F.A.C.

Rulemaking Authority 376.303, 376.3071, 376.30701, 376.3078(4), 376.81, 403.0877 FS. Law Implemented 376.3071, 376.30701, 376.3078(4), 376.81, 403.0877 FS. History—New 4-17-05, Amended 6-12-13, _____.
 Editorial Note: Portions of this rule were copied from 62-770.700, Formerly 17-70.010 and Formerly 17-770.700; 62-782.700; and 62-785.700.

62-780.750 Post Active Remediation Monitoring.

(1) Post active remediation groundwater ~~Groundwater~~ monitoring shall be performed following the completion of active groundwater remediation or soil remediation as described in Rule 62-780.700, F.A.C., unless the Department has concurred that groundwater sampling is unnecessary based on the site-specific conditions or the site rehabilitation is continuing under Natural Attenuation Monitoring pursuant to Rule 62-780.690, F.A.C. When active groundwater remediation has met the No Further Action criteria of subsection 62-780.680(1), F.A.C., the site-specific alternative cleanup target levels, or the leveling off criteria of subsection 62-780.700(18), F.A.C., an electronic or paper copy of a Post Active Remediation Monitoring Plan prepared pursuant to the provisions of subsection 62-780.750(4), F.A.C., and including analytical results demonstrating this conclusion, shall be submitted by the PRSR to the Department for review.

(2) through (3) No change.

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

(a) through (d) No change.

(e) If analyses of groundwater samples indicate that concentrations of applicable contaminants exceed any action levels specified in the Post Active Remediation Monitoring Plan approval, the well or wells shall be resampled no later than 30 days after the initial positive result is known. If the results of the resampling confirm that the applicable action levels are exceeded, then the monitoring report described in paragraph 62-780.750(4)(d), F.A.C., shall be signed and sealed by an appropriate registered professional pursuant to Rule 62-780.400, F.A.C., and shall include a proposal to:

1. Perform a supplemental site assessment and submit a supplemental Site Assessment Report pursuant to Rule 62-780.600, F.A.C.;
 2. Continue the implementation of the approved Post Active Remediation Monitoring Plan;
 3. Propose a Natural Attenuation Monitoring plan pursuant to Rule 62-780.690, F.A.C.; or
 - ~~4.~~ Implement additional active remediation pursuant to Rule 62-780.700, F.A.C.
- (f) No change.
 (5) through (10) No change.

Rulemaking Authority 376.303, 376.3071, 376.30701, 376.3078(4), 376.81, 403.061, 403.0877 FS. Law Implemented 376.3071, 376.30701, 376.3078(4), 376.81, 403.0877 FS. History—New 4-17-05, Amended 6-12-13, _____.
 Editorial Note: Portions of this rule were copied from 62-770.750; 62-782.750; and 62-785.750.

62-780.790 Time Schedules.
 No change.

62-780.900 Forms.
 No change.

TABLE A.
 Submittals and Time Frames for PRSR
 (Unless superseded by a CAD)

Type of Report or Activity	PRSR Action or Submittal Time Frames
Notice of Initiation of Emergency Response Action or Interim Source Removal Action per Rule 62-780.500, F.A.C. or 62-780.525, F.A.C.	Within 24 hours of initiation of the action
Emergency or Interim Source Removal Proposal	When seeking approval before implementation of an alternative product recovery method, groundwater recovery, soil treatment or disposal technique (Rule 62-780.500, F.A.C. or Rule 62-780.525, F.A.C.)
Emergency Source Removal Status Report or Interim Source Removal Status Report	Within 60 days of initiating emergency or interim source removal activities and every 60 days thereafter or when the field activity is terminated, whichever occurs first
Emergency Source Removal Status Report or Interim Source Removal Report	Within 60 days of completion of emergency or interim source removal activities
Site Assessment Commenced	Within 60 days after a discharge is discovered
Site Assessment Report (SAR)	SAR submitted within 270 days of discharge or discovery
Risk Assessment Report (RAR)	Optional (within 60 days of SAR approval or within the scheduled approved in the Risk Assessment Work Plan)
Well Survey and	Within 60 days of discovery of

Sampling Results pursuant to paragraph 62-780.600(3)(h), F.A.C.	contamination beyond the property boundaries
No Further Action (NFA) Proposal	When the site meets the criteria for NFA (Rule 62-780.680, F.A.C.)
Natural Attenuation Monitoring (NAM) Plan	When the site meets the criteria for NAM (Rule 62-780.690, F.A.C.)
Natural Attenuation Monitoring (NAM) Report	Within 60 days of sample collection or in accordance with the approved NAM plan
Remedial Action Plan (RAP)	Within 90 days of approval of a SAR or RAR
As-Built Drawings	Within 120 days of initiating operation of active remediation system
Initiate Operation of Active Remediation System	Within 120 days of RAP approval
Remedial Action Status Report	Within 60 days of the anniversary date of initiating operation of active remediation system or in accordance with the approved RAP
Proposals submitted pursuant to subsection 62-780.700(14), F.A.C.	Optional during active remediation
Post Active Remediation Monitoring (PARM) Plan	When the site meets the criteria for NFA (Rule 62-780.680, F.A.C.) or Leveling Off (subsection 62-780.700(18), F.A.C.)
Post Active Remediation Monitoring (PARM) Report	Within 60 days of sample collection or in accordance with the approved PARM plan
Leveling Off Determination	Within 60 days of sample collection
Post Active Remediation Monitoring Plan resampling proposal (paragraph 62-780.750(4)(e), F.A.C.)	Within 60 days of sample collection
Site Rehabilitation Completion Report (SRCR)	Within 60 days of the final sampling event. If SRCR is not approved then submit modifications, etc. within 60 days of Department's response
Pilot Study Work Plan	When seeking approval before implementation of a Pilot Study pursuant to subsection 62-780.700(2), F.A.C.

Combined Document (optional submittal)	Governed by the earliest submission deadline for any component, unless the Department agrees to a different schedule in advance, and in writing. Submitted within 270 days of discharge or discovery
Notices for Field Activities (except for Initiation of Emergency Response Action, De Minimis Discharges or Interim Source Removal Action)	Notice to the Department within seven days but not less than 24 hours prior to performing field activity
Submittal to the Department of addenda, responses, or modification to plans or reports, pursuant to Rule 62-780.790, F.A.C.	Within 60 days of receipt of the Department's response
Submittal of Form and Actual Notice required in subsection 62-780.220(2), F.A.C.	See text of rule for "Initial Notice of Contamination Beyond Property Boundaries" in subsection 62-780.220(2), F.A.C.

TABLE B
 Petroleum, Petroleum Product and Drycleaning Solvent Contaminants of Concern (COCs)
 No change.

TABLE C
 For Gasoline and Kerosene Analytical Groups

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

TRPHs	FL-PRO	FL-PRO
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NOTE 1: Practical quantitation limits shall meet the specified cleanup target levels.

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

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

TABLE D

For used oil, as defined in Rule 62-780.200(50), F.A.C., for identified products not listed in the Gasoline or Kerosene Analytical Groups, and for products for which the specific identity is unknown
No change.

TABLE E

For petroleum as defined in Section 376.301, F.S.

Contaminants of Concern	Groundwater and Surface Water	Soil and Sediment
Benzene, Ethylbenzene, Toluene, total Xylenes, and MTBE	EPA 602, 624, 8021, or 8260	EPA 8021 or 8260
1-methylnaphthalene, 2-methylnaphthalene, and the 16 method-listed PAHs included in Table B	EPA 610 (by HPLC), 625, 8270, or 8310	EPA 8270 or 8310
1,2-dichloroethane and other listed Priority Pollutant Volatile Organic Halocarbons	EPA 601, 624, 8021, or 8260	EPA 8021 or 8260
1,2-dibromoethane [or EDB]	EPA 504, 504.1, or 8011, or 8260	NOT REQUIRED
Arsenic, total	EPA 200.7, 200.8, 6010, or 6020	EPA 6010 or 6020
Cadmium, total	EPA 200.7, 200.8, 6010, or 6020	EPA 6010 or 6020
Chromium, total	EPA 200.7, 200.8, 6010, or 6020	EPA 6010 or 6020
Lead, total	EPA 200.7, 200.8, 6010, or 6020	EPA 6010 or 6020
TRPHs	FL-PRO	FL-PRO
Chloride	EPA 300.0, 9056, 9251, or 9253, or SM 4500-C1 B, 4500-C1 C, or 4500-C1 E	NOT REQUIRED
Sulfate	EPA 300.0, 300.1,	NOT

	375.2, 9038, or 9056, or SM 4500-SO4 C	REQUIRED
Total Dissolved Solids [or TDS]	SM 2540 C	NOT APPLICABLE

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

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

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

Table F

Health-Based Values For Nuisance, Organoleptic, Or Aesthetic Based Groundwater Cleanup Target Levels at Brownfield Sites

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

Isopropyl benzene]	8	Organoleptic		Kidney
Dichlorophenol, 2,3-	576-24-9	0.04 Organoleptic	21	- Immunological
Dichlorophenol, 2,4-	120-83-2	0.3 Organoleptic	21	- Immunological
Dichlorophenol, 2,5-	583-78-8	0.5 Organoleptic	21	- Immunological
Dichlorophenol, 2,6-	87-65-0	0.2 Organoleptic	21	- Immunological
Dichlorophenol, 3,4-	95-77-2	0.3 Organoleptic	21	- Immunological
Ethanol	64-17-5	10000 Organoleptic	400000	- Developmental
Ethyl acrylate	140-88-5	0.4 Organoleptic	0.7	-Carcinogen
Ethyl ether	60-29-7	750 Organoleptic	1400	-Body Weight
Ethylbenzene	100-41-4	30 Secondary Standard	700 (700)	- Developmental -Kidney -Liver
Fluoride	7782-41-4	2000 Secondary Standard	420 (a)	-Teeth mottling
Formaldehyde	50-00-0	600 Organoleptic	1400	-Body Weight -Carcinogen -Gastrointestinal
Hexane, n-	110-54-3	6 Organoleptic	420	-Neurological
Iron	7439-89-6	300 Secondary Standard	4200	- Gastrointestinal
Manganese	7439-96-5	50 Secondary Standard	330	-Neurological
Methyl acetate	79-20-9	3000 Organoleptic	7000	-Liver

Methyl methacrylate	80-62-6	25 Organoleptic	9800	-None specified
Methyl tert-butyl ether [or MTBE]	1634-04-4	20 Organoleptic	NA	-Eye-Kidney-Liver
Phenol	108-95-2	10 Organoleptic	2100	- Developmental
Silver	7440-22-4	100 Secondary Standard	35 (a)	-Skin
Sulfate	14808-79-8	250000 Secondary Standard	NA	-None Specified
Toluene	108-88-3	40 Secondary Standard	1400 (1000) (b)	-Kidney-Liver-Neurological
Total dissolved solids [or TDS]	C-010	500000 Secondary Standard	NA	-None Specified
Trichlorophenol, 2,4,5-	95-95-4	1 Organoleptic	700	-Kidney -Liver
Trimethylbenzene, 1,2,3-	526-73-8	10 Organoleptic	350	-None Specified
Trimethylbenzene, 1,2,4-	95-63-6	10 Organoleptic	350	-None Specified
Trimethylbenzene, 1,3,5-	108-67-8	10 Organoleptic	350	-None Specified
Vinyl acetate	108-05-4	88 Organoleptic	7000	-Body Weight-Kidney-Nasal
Xylenes, total	1330-20-7	20 Secondary Standard	1400 (10000) (c)	-Body Weight-Mortality -Neurological
Zinc	7440-66-6	5000 Secondary Standard	2100 (a)	-Blood

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

Table F in Chapter 62-780, F.A.C., was duplicated in Table 7 of the technical report referenced in this chapter. Table F is for use only when making decisions for brownfield sites regarding sub-subparagraph 62-780.680(1)(c)1.a., F.A.C. for contaminated sites undergoing site rehabilitation pursuant to Sections 376.30701 and 376.81, F.S., and petroleum

contamination sites being addressed pursuant to Section 376.3071, F.S., that are not eligible for state-funded site rehabilitation, if the PRSR elects.

NA = Not available at time of rule adoption.

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

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

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

Rulemaking Authority 376.303, 376.3071, 376.30701, 376.30702, 376.3078(4), 376.81 FS. Law Implemented 376.3071, 376.30701, 376.30702, 376.3078(4), 376.81 FS. History—New 4-17-05, Amended 12-27-07, 6-12-13, ____.

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

NAME OF PERSON ORIGINATING PROPOSED RULE:

Joe Ullo, Director, Division of Waste Management

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Jon Steverson

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: September 06, 2016

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: June 15, 2015

Section III

Notice of Changes, Corrections and Withdrawals

DEPARTMENT OF HEALTH

Board of Nursing

RULE NO.: 64B9-6.003 **RULE TITLE:** Reactivation of Inactive License
NOTICE OF CORRECTION

Notice is hereby given that the following correction has been made to the proposed rule in Vol. 42 No. 103, May 26, 2016 issue of the Florida Administrative Register and the notice of change in Vol. 42 No. 160, August 17, 2016 issue of the Florida Administrative Register.

The date of DH-MQA 1200 in subsection 64B9-6.003(1), F.A.C. is 6/16.

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.: 40D-22.201 **RULE TITLE:** Year-Round Water Conservation Measures

The Southwest Florida Water Management District hereby gives notice that on September 15, 2016, it has issued an order granting a variance.

Petitioner's Name: City of St. Petersburg – File Tracking No. 16-4223

Date Petition Filed: May 31, 2016

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: June 3, 2016

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.

WATER MANAGEMENT DISTRICTS

South Florida Water Management District

RULE NO.: 40E-24.201 **RULE TITLE:** Year-Round Landscape Irrigation Conservation Measures

The South Florida Water Management District (District) hereby gives notice that on September 8, 2016, the Governing Board issued an Order Granting Variance under Section 120.542, Florida Statutes (Fla. Stat.), (Order No. 2016-059-DAO-WU) to the City of Lake Worth, in Palm Beach County.

The Petition for Variance (Petition/Application No. 160624-16) was received by the District on June 24, 2016. Notice of receipt of the Petition requesting the variance was published in the Florida Administrative Register, Vol. 42, No. 126, on June 29, 2016. No public comment was received. Specifically the Order grants a Variance from subsection 40E-24.201(7), Florida Administrative Code (Fla. Admin. Code), which states that irrigation of existing landscaping shall be conducted on specific days. Generally, the Order sets forth the basis of the District’s decision to grant the Variance, as follows: 1) the Petitioner has demonstrated that the use of the advanced technology irrigation system on its specified properties will achieve the purpose of the statutes underlying Chapter 40E-24,

Fla. Admin. Code; 2) the Petitioner has demonstrated that it will experience substantial technological hardship if it is required to comply; and 3) the District has reasonable assurance that the granting of this Variance will be consistent with statutory requirements.

A copy of the Order or additional information may be obtained by contacting The South Florida Water Management District's Water Resource Regulation Department during normal business hours of 8:00 a.m. to 5:00 p.m., Monday through Friday, except legal holidays, 3301 Gun Club Road, West Palm Beach, FL 33406, (561)682-6911; by email to permits@sfwmd.gov or by accessing the District's website: www.sfwmd.gov, using the Application/Permit Search on the ePermitting page.

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 September 7, 2016 the Division of Hotels and Restaurants 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 Pizza Creck located in Doral. 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 collect wastewater at the three-compartment sink and the handwash sink.

The Petition for this variance was published in Vol. 42, No. 176, F.A.R. on September 9, 2016. The Order for this Petition was signed and approved on September 15, 2016. After a complete review of the variance request, the Division finds that the application of this Rule will create a financial hardship for the food service establishment. Furthermore, the Division finds that the Petitioner meets the burden of demonstrating that the purpose of the underlying statute has been achieved by the Petitioner ensuring the wastewater holding tank for the handwash and three-compartment sinks 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 and three-compartment sinks are provided with hot and cold running water under pressure; the handwash sink is provided with soap, an approved hand drying device and a handwashing sign.

A copy of the Order or additional information may be obtained by contacting:

Daisy.Aleman@myfloridalicense.com, Division of Hotels and Restaurants, 2601 Blair Stone Road, Tallahassee, Florida 32399-1011.

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 15, 2016, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety received a petition for Colonial Square Building at 124 South Florida Avenue, Lakeland, FL. Petitioner seeks an emergency variance of the requirements of ASME A17.3, Section 3.11.3, as adopted by subsection 61C-5.001(1), Florida Administrative Code, that requires upgrading the elevators with firefighters' emergency operations which poses a significant economic/financial hardship. Any interested person may file comments within 5 days of the publication of this notice with Michelle Comingore, Division of Hotels and Restaurants, Bureau of Elevator Safety, 2601 Blair Stone Road, Tallahassee, Florida 32399-1013 (VW2016-216).

A copy of the Petition for Variance or Waiver may be obtained by contacting: Michelle Comingore, Division of Hotels and Restaurants, Bureau of Elevator Safety, 2601 Blair Stone Road, Tallahassee, Florida 32399-1013, hdr.elevators@myfloridalicense.com.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

RULE NO.: RULE TITLE:

62-711.500 Waste Tire Site Notification and Requirements

NOTICE IS HEREBY GIVEN that on September 14, 2016, the Department of Environmental Protection received a petition for waiving the requirements for financial assurance to close a waste tire site from E. A. Tires International, Corp. The petition requested a waiver from paragraph 62-711.500(3)(a), F.A.C., which requires owners or operators of waste tire sites to provide proof of financial assurance in the amount of the closing cost estimate for the facility. The activity is located at 3739 NW 71 Street, Hialeah, in Miami-Dade County. The petition has been assigned File No. SWVA-16-4 and OGC File No. 16-1282.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Department of Environmental Protection, Solid Waste Section, Mail Station 4565, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400, Attn: Cory Dilmore, (850)245-8735, email: cory.dilmore@dep.state.fl.us during normal business hours, 8:00 a.m. to 5:00 p.m., Monday through Friday, except legal holidays. Written comments must

be received by the Department of Environmental Protection no later than 14 days from the date of publication of this notice.

Section VI Notice of Meetings, Workshops and Public Hearings

DEPARTMENT OF STATE

Division of Historical Resources

The Division of Historical Resources announces a public meeting to which all persons are invited.

DATE AND TIME: Thursday, September 29, 2016, 11:30 a.m. to conclusion

PLACE: R.A. Gray Bldg., 500 S. Bronough St., Room 307, Tallahassee, FL 32399

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Friends of Florida History, Inc. Finance and Investment Committee will hold a meeting to conduct Friends' business and to support the Florida Department of State's Office of External Affairs to implement and manage programs designed to create statewide impact and position Florida as a national leader in historic preservation.

A copy of the agenda may be obtained by contacting: Diane Ogorzaly, Diane.Ogorzaly@DOS.MyFlorida.com or (850)245-6388.

DEPARTMENT OF STATE

Division of Historical Resources

The Friends of Florida History, Inc. Board of Directors announces a public meeting to which all persons are invited.

DATE AND TIME: Thursday, September 29, 2016, 12:00 Noon to conclusion

PLACE: R.A. Gray Bldg., 500 S. Bronough St., Room 307, Tallahassee, FL 32399

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Friends of Florida History, Inc. Board of Directors will hold a meeting to conduct Friends' business and to support the Florida Department of State's Office of External Affairs to implement and manage programs designed to create statewide impact and position Florida as a national leader in historic preservation.

A copy of the agenda may be obtained by contacting: Diane Ogorzaly with the Office of External Affairs at Diane.Ogorzaly@DOS.MyFlorida.com or (850)245-6388.

Under Florida law, email addresses are public records. If you do not want your email address released in response to a public records request, do not send electronic mail to this entity. Instead, contact this office by phone or in writing.

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Division of Plant Industry

The Division of Plant Industry; Honey Bee Technical Council announces a public meeting to which all persons are invited.

DATE AND TIME: October 20, 2016, 1:00 p.m. – 4:00 p.m.

PLACE: Hilton Conference Center; 1714 SW 34th Street; Gainesville, Florida 32607

GENERAL SUBJECT MATTER TO BE CONSIDERED: Introduce new board member: Theodor (Ted) Miksa; Board will elect a chairman; changes forthcoming to bee industry; Jeanette Klopchin – Bee Protection; Ashley Mortensen UF, will review current research projects.

A copy of the agenda may be obtained by contacting: David Westervelt, (352)395-4636.

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Division of Licensing

The Private Investigation, Recovery and Security Advisory Council announces a public meeting to which all persons are invited.

DATE AND TIME: Thursday, December 8, 2016, 9:00 a.m.

PLACE: Hyatt Regency Grand Cypress, One Grand Cypress Blvd., Orlando, Florida 32836, (407)239-1234

GENERAL SUBJECT MATTER TO BE CONSIDERED: The quarterly meeting of the Council pursuant to the requirement of Section 493.6104(4), Florida Statutes. The Council will conduct a general business meeting. A copy of the agenda may be obtained by contacting: Stefannie Carter, Post Office Box 5647, Tallahassee, Florida 32314, (850)245-5443.

A copy of the agenda may be obtained by contacting: Stefannie Carter, Post Office Box 5647, Tallahassee, Florida 32314, (850)245-5443.

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: Stefannie Carter at (850)245-5443. 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: Stefannie Carter at (850)245-5443.

DEPARTMENT OF EDUCATION

The Florida Rehabilitation Council announces a telephone conference call to which all persons are invited.

DATE AND TIME: October 5, 2016 10:00 a.m. – 11:00 a.m., ET

PLACE: Conference call number: 1(888)670-3525, participant code: 7513637441

GENERAL SUBJECT MATTER TO BE CONSIDERED: Florida Rehabilitation Council Executive Committee General Business.

A copy of the agenda may be obtained by contacting: Roy Cosgrove at (850)245-3317 or roy.cosgrove@vr.fldoe.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 7 days before the workshop/meeting by contacting: Roy Cosgrove at (850)245-3317 or roy.cosgrove@vr.fldoe.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).

For more information, you may contact: Roy Cosgrove at (850)245-3317 or roy.cosgrove@vr.fldoe.org.

DEPARTMENT OF EDUCATION

Florida School for the Deaf and the Blind

The Florida School for the Deaf and the Blind (FSDB) announces a public meeting to which all persons are invited.

DATE AND TIME: Friday, September 30, 2016, 8:00 a.m.

PLACE: Florida School for the Deaf and the Blind campus, Moore Hall Room 215, 207 N. San Marco Avenue, St. Augustine, FL 32084

GENERAL SUBJECT MATTER TO BE CONSIDERED: This is a meeting of the Investment and Endowment Committee. Matters will pertain to the investments and/or policies of the FSDB Endowment.

A copy of the agenda may be obtained by contacting: Ms. Julia Mintzer, Administrator of Business Services, (904)827-2300, mintzerj@fsdb.k12.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 48 hours before the workshop/meeting by contacting: Cindy Brueckner, Exec. Assistant the President, (904)827-2210 or bruecknerc@fsdb.k12.fl.us. American Sign Language interpreters are available at all meetings of the Board of Trustees and its Committee. If other accommodations are required, please contact: Cindy Brueckner at (904)827-2210 or bruecknerc@fsdb.k12.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).

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: Dr. Jeanne Prickett, President, at (904)827-2210, prickettj@fsdb.k12.fl.us, or in writing at FSDB, 207 N. San Marco Ave., St. Augustine, FL 32084.

DEPARTMENT OF EDUCATION

Florida School for the Deaf and the Blind

The Florida School for the Deaf and the Blind (FSDB) announces a public meeting to which all persons are invited.

DATE AND TIME: Friday, September 30, 2016, 9:30 a.m.

PLACE: FSDB campus, 207 N. San Marco Ave., Moore Hall - CLD Room, St. Augustine, FL 32084

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Board of Trustees will consider the following items: 1. 2016-2017 Revised Operating Budget; 2. 2016-2017 Uniform Statewide Assessment Calendar.

A copy of the agenda may be obtained by contacting: Dr. Jeanne G. Prickett, President, Florida School for the Deaf and the Blind, 207 N. San Marco Ave., St. Augustine, FL 32084; or Cindy Brueckner, (904)827-2210, bruecknec@fsdb.k12.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 48 hours before the workshop/meeting by contacting: Cindy Brueckner, (904)827-2210, bruecknec@fsdb.k12.fl.us. ASL Interpreters are available at all meetings of the BOT. If other accommodations are required please contact Cindy Brueckner, (904)827-2210, bruecknec@fsdb.k12.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).

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: Dr. Jeanne G. Prickett, President, Florida School for the Deaf and the Blind, 207 N. San Marco Ave., St. Augustine, FL 32084 or call (904)827-2210.

REGIONAL PLANNING COUNCILS

South Florida Regional Planning Council

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

DATE AND TIME: Friday, October 21, 2016, 9:00 a.m.

PLACE: South Florida Regional Council, 3440 Hollywood Boulevard, Suite 140, Hollywood, FL 33021

GENERAL SUBJECT MATTER TO BE CONSIDERED: To support the reduction of our nation's dependence on imported oil by discussing and promoting the region's use of alternative

fuels and alternative fuel vehicles through the Southeast Florida Clean Cities Coalition.

A copy of the agenda may be obtained by contacting: Christine Heshmati.

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 1 day before the workshop/meeting by contacting: Christine Heshmati. 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: Christine Heshmati at (954)985-4416 or cheshmati@sfrpc.com.

WATER MANAGEMENT DISTRICTS

Northwest Florida Water Management District

The Northwest Florida Water Management District announces a public meeting to which all persons are invited.

DATE AND TIME: October 6, 2106, 2:30 p.m., ET

PLACE: District Headquarters, 81 Water Management Drive, Havana, Florida 32333

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 Invitation to Bid (ITB) 17B-002 for the 2017 Upland Wiregrass Seed Collection Bid.

A MANDATORY Pre-Bid tour of all upland wiregrass seed collection sites will be held on Monday, September 26, 2016, at 1:00 p.m. Central Time.

A copy of the agenda may be obtained by contacting: Bill Cleckley, (850)539-5999, Bill.cleckley@nfwwater.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 72 hours before the workshop/meeting by contacting: Division of Administration, (850)539-5999. 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: Bill Cleckley, (850)539-5999, Bill.cleckley@nfwwater.com.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Florida Real Estate Appraisal Board

The Florida Real Estate Appraisal Board announces a public meeting to which all persons are invited.

DATE AND TIME: Monday, October 3, 2016, 8:30 a.m., Eastern Time

PLACE: Zora Neale Hurston Building, North Tower, Suite N901, 400 W. Robinson St., Orlando, FL 32801

GENERAL SUBJECT MATTER TO BE CONSIDERED: Official business of the Appraisal Board; topics include, but are not limited to, proposed legislation affecting Chapter 475, Part II, F.S., Chapter 61J1, F.A.C. rule amendments, budget discussions, education issues, petitions for declaratory statement, petitions for rule variance/waiver, and disciplinary actions. All or part of this meeting may be conducted as a teleconference in order to permit maximum participation of the Board members or Board counsel.

A copy of the agenda may be obtained by contacting: DREAppraisalSection@myfloridalicense.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 five (5) days before the workshop/meeting by contacting: Department of Business and Professional Regulation at (407)481-5632. 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 BUSINESS AND PROFESSIONAL REGULATION

Florida Real Estate Appraisal Board

The Florida Real Estate Appraisal Board Probable Cause Panel announces a public meeting to which all persons are invited.

DATE AND TIME: Wednesday, October 5, 2016, 9:00 a.m., Eastern Time

PLACE: Zora Neale Hurston Building, 400 West Robinson Street, Suite N901, Orlando, Florida 32801

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct a private meeting to review cases to determine probable cause and to conduct a public meeting to review cases where probable cause was previously found. Portions of the probable cause proceedings are not open to the public. All or part of this meeting may be conducted by teleconference in order to permit maximum participation of the Board members or Board counsel.

A copy of the agenda may be obtained by contacting: Deputy Clerk, Division of Real Estate, 400 W. Robinson St., Suite N801, Orlando, FL 32801-1772. Only public portions of the agenda are available upon request.

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 five (5) days before the workshop/meeting by contacting: Division of Real Estate, (407)481-5662. 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 ENVIRONMENTAL PROTECTION

The Department of Environmental Protection announces a public meeting to which all persons are invited.

DATE AND TIME: September 28, 2016, 9:30 a.m.

PLACE: Deltona City Hall, Commission Chambers, 2345 Providence Blvd., Deltona, FL 32725

GENERAL SUBJECT MATTER TO BE CONSIDERED: Announcing a Technical Meeting for the Basin Management Action Plan (BMAP) for Volusia Blue Spring. Topic of discussions will be the development of the OSTDS remediation Plan for Volusia Blue Spring, and potential approaches for other sources of nitrogen to groundwater to the basin. The BMAP is the means for implementation of the adopted Total Maximum Daily Loads (TMDLs).

A copy of the agenda may be obtained by contacting: Moira Homann, Watershed Planning and Coordination Section, Florida Department of Environmental Protection, 2600 Blair Stone Road, MS 3565, Tallahassee, Florida 32399-2400, moira.homann@dep.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 48 hours before the workshop/meeting by contacting: Moira Homann, Watershed Planning and Coordination Section, Florida Department of Environmental Protection, 2600 Blair Stone Road, MS 3565, Tallahassee, Florida 32399-2400, moira.homann@dep.state.fl.us. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact: Moira Homann, Watershed Planning and Coordination Section, Florida Department of Environmental Protection, 2600 Blair Stone Road, MS 3565, Tallahassee, Florida 32399-2400, moira.homann@dep.state.fl.us.

DEPARTMENT OF HEALTH

Board of Nursing Home Administrators

The Board of Nursing Home Administration announces a telephone conference call to which all persons are invited.

DATE AND TIME: September 30, 2016, 9:00 a.m.

PLACE: Telephone conference number: 1(888)670-3525, participant code: 7342425515

GENERAL SUBJECT MATTER TO BE CONSIDERED: General Board Meeting.

A copy of the agenda may be obtained by contacting: <http://floridasnursinghomeadmin.gov/meeting-information/>.

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: Anthony.Spivey@flhealth.gov. 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: Anthony.Spivey@flhealth.gov.

DEPARTMENT OF HEALTH

Board of Speech-Language Pathology and Audiology

The Board of Speech-Language Pathology & Audiology announces a public meeting to which all persons are invited.

DATE AND TIME: October 26, 2016, 9:00 a.m.

PLACE: Caribe Royale, 8101 World Center Drive, Orlando, FL 32821, (407)238-8000

GENERAL SUBJECT MATTER TO BE CONSIDERED: General business of the Board.

A copy of the agenda may be obtained by contacting: <http://floridasspeechaudiology.gov/meeting-information/>.

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: Kama Monroe, Executive Director 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.

For more information, you may contact: Kama Monroe, Executive Director at (850)245-4161.

DEPARTMENT OF HEALTH

Division of Emergency Preparedness and Community Support

RULE NOS.:RULE TITLES:

64J-2.010 Apportionment of Trauma Centers Among the Trauma Service Areas (TSA)

- 64J-2.012 Process for the Approval of Trauma Centers
- 64J-2.013 Extension of Application Period
- 64J-2.016 Site Visits and Approval

The Department of Health announces a hearing to which all persons are invited.

DATE AND TIME: Monday, September 26, 2016, 9:00 a.m.
 PLACE: 4025 Esplanade Way, Room 301, Tallahassee, Florida; telephone conference: 1(888)670-3525, participant code: 1043560135, then #

THIS NOTICE AMENDS THE PREVIOUS HEARING NOTICE ISSUED SEPTEMBER 7, 2015 (Vol. 42, No. 174, F.A.R.) TO CORRECT THE LOCATION OF THE HEARING.

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Department proposes to amend these rules to develop an inclusive, sustainable trauma system that allocates trauma center need necessary to establish reasonable access to high-quality trauma services.

A copy of the agenda may be obtained by contacting: Michael Leffler, Michael.Leffler@flhealth.gov, 4052 Bald Cypress Way, Bin #A-22, Tallahassee, Florida 32399, (850)245-4440, ext. 2760.

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: Michael Leffler as shown 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).

DEPARTMENT OF CHILDREN AND FAMILIES

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

DATE AND TIME: October 13, 2016, 10:00 a.m. – 11:30 a.m., CT

PLACE: Panhandle Area Educational Consortium, 753 West Boulevard, Chipley, Florida 32428

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Department of Children and Families, Circuit 14 Community Alliance provides a forum for providers and the Community to identify needs and gaps in services in order to improve the lives of children and families in the Big Bend area which covers Franklin, Gadsden, Jefferson, Leon, Liberty and Wakulla Counties. For those who cannot attend in person, a conference call is available at 1(888)670-3525, participant code: 2450895791.

Agenda: Department of Children and Families Update, Big Bend Community Based Care Update, Mental Health Governing Council Update, Assisted Living Facilities Update.

A copy of the agenda may be obtained by contacting: Jeanna Olson, Circuit 2 & 14 Community Development Administrator, at (850)921-8269 or jeanna.olson@myflfamilies.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: Jeanna Olson, Circuit 2 & 14 Community Development Administrator, at (850)921-8269 or jeanna.olson@myflfamilies.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: Jeanna Olson, Circuit 2 & 14 Community Development Administrator, at (850)921-8269 or jeanna.olson@myflfamilies.com.

FISH AND WILDLIFE CONSERVATION COMMISSION

RULE NO.: RULE TITLE:

68-1.003 Florida Fish and Wildlife Conservation Commission Grants Program

The Florida Fish and Wildlife Conservation Commission's Fish and Wildlife Research Grants Program announces a public meeting to which all persons are invited.

DATE AND TIME: October 3, 2016 8:00 a.m. – 8:30 a.m., ET

PLACE: Florida Fish and Wildlife Conservation Commission, Room 101, Koger-Atkins, 1320 Executive Center Drive, Tallahassee FL 32301; and the Fish and Wildlife Research Institute, Room 2015-A, 100 8th Avenue S.E., St. Petersburg, Florida, 33701. Video conferencing will be used. Interested persons may participate through video conferencing by appearing in person at the Fish and Wildlife Research Institute, Room 2015-A, 100 8th Avenue S.E., St. Petersburg, Florida, 33701 or the Florida Fish and Wildlife Conservation Commission, Room 101, Koger-Atkins 1320 Executive Center Drive Tallahassee FL 32301.

GENERAL SUBJECT MATTER TO BE CONSIDERED: This is the meeting of the Fish and Wildlife Research Institute Grants Program Committee to evaluate proposals for Oceanaria Reimbursement Assistance for facilities that provide services for rescuing, treating, releasing and monitoring Florida manatees who are sick, injured, or orphaned. A copy of the agenda may be obtained by contacting: Ann Forstchen, Florida Fish and Wildlife Conservation Commission, 100 8th Ave SE, St. Petersburg, FL 33701, (727)502-4765 or Ann.Forstchen@MyFWC.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 5 days before the workshop/meeting by

contacting: The ADA Coordinator, at (850)617-9436. 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: Ann Forstchen, Florida Fish and Wildlife Conservation Commission, Fish and Wildlife Research Institute, 100 8th Ave SE, St. Petersburg, FL 33701, (727)502-4765 or Ann.Forstchen@myFWC.com.

MOFFITT CANCER CENTER & RESEARCH INSTITUTE

The H. Lee Moffitt Cancer Center & Research Institute announces a public meeting to which all persons are invited.

DATE AND TIME: September 26, 2016, 1:00 p.m.

PLACE: Moffitt Cancer Center, Vincent A. Stabile Research Building, Trustees Board Room

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct the general business of the Joint Finance & Planning Committee.

A copy of the agenda may be obtained by contacting: Kathy McKinley, Administration, Moffitt Cancer Center, 12902 Magnolia Drive, SRB-ADM, Tampa, FL 33612.

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: Kathy McKinley. 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).

WILLIAM W. "BILL" HINKLEY CENTER FOR SOLID AND HAZARDOUS WASTE MANAGEMENT

The Hinkley Center for Solid and Hazardous Waste Management Advisory Board announces a public meeting to which all persons are invited.

DATE AND TIME: September 23, 2016, 9:00 a.m.

PLACE: The Point Orlando Hotel, 7389 Universal Blvd., Orlando, FL 32819

GENERAL SUBJECT MATTER TO BE CONSIDERED: Consideration, discussion and adoption of the Hinkley Center Research Agenda for the 2016-2017 Request for Proposals.

A copy of the agenda may be obtained by contacting: John Schert, jschert@ufl.edu, (352)339-2010.

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: John Schert, jschert@ufl.edu, (352)339-2010. 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: John Schert, jschert@ufl.edu, (352)339-2010.

ENTERPRISE FLORIDA, INC.

Enterprise Florida Inc., announces public meetings to which all persons are invited.

DATES AND TIMES:

Wednesday, September 28, 2016:

9:00 a.m. – 10:00 a.m., Board Finance & Compensation Committee Meeting; call-in number 1(800)501-8979, access code 9565631#

10:15 a.m. – 11:15 a.m., Board Audit Committee Meeting; call-in number 1(800)501-8979, access code 9565631#

2:00 p.m. – 3:00 p.m., Board Legislative Policy Committee Meeting; call-in number 1(800)501-8979, access code 2986630#

2:00 p.m. – 4:00 p.m., Florida International Trade Partnership Meeting; call-in number 1(800)501-8979, access code 8083668#

3:00 p.m. – 4:00 p.m., Team Florida Marketing Meeting; call-in number 1(800)501-8979, access code 9565628#

4:15 p.m. – 5:15 p.m., Board Executive Committee Meeting; call-in number 1(800)501-8979, access code 8344260#

Thursday, September 29, 2016:

7:00 a.m. – 8:00 a.m., Board Education & Workforce Talent Task Force Meeting; call-in number 1(800)501-8979, access code 9565602#

9:30 a.m. – 11:30 a.m., Enterprise Florida Board of Directors Meeting; call-in number 1(877)402-9753, access code 6423569#

2:30 p.m. – 4:30 p.m., Stakeholder Council Meeting; call-in number 1(877)402-9753, access code 6423569#

PLACE: Hyatt Regency Grand Cypress, One Grand Cypress Boulevard, Orlando, Florida 32836

GENERAL SUBJECT MATTER TO BE CONSIDERED: Enterprise Florida Board & Stakeholder Meetings.

These meetings will discuss on-going issues, deliberate new issues and consider other matters.

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 1 day before the workshop/meeting by contacting: Katie Richardson, (850)298-6625, krichardson@enterprise-florida.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: Mike Grissom, (850)298-6630, mgrissom@enterprise-florida.com or Katie Richardson, (850)298-6625, krichardson@enterprise-florida.com.

FLORIDA SURPLUS LINES SERVICE OFFICE

The Florida Surplus Lines Service Office, Budget Committee announces a workshop to which all persons are invited.

DATE AND TIME: October 18, 2016, 2:00 p.m.

PLACE: 1441 Maclay Commerce Drive, Suite 200, Tallahassee, FL 32312

GENERAL SUBJECT MATTER TO BE CONSIDERED: 2017 Budget Proposal.

A copy of the agenda may be obtained by contacting: Georgie Barrett at gbarrett@fslso.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: Bobbi Harter at bharter@fslso.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).

CARPE DIEM COMMUNITY SOLUTIONS, INC.

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

DATE AND TIME: Tuesday, October 4, 2016, 5:30 p.m. – 6:30 p.m., ET

PLACE: North Florida Fairgrounds, Building 2, 441 East Paul Russell Road, Tallahassee, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED:

The intent of these projects is to improve the traffic flow through the Four Points area of State Road (S.R.) 363 (Woodville Highway) and S.R. 61 (Crawfordville Road), and to widen S.R. 363 (Woodville Highway) from two to four lanes with buffered bicycle lanes between Capital Circle and Gaile Avenue. Improvements also include re-alignment of the St. Marks Trail, sidewalk construction, widening of Ross Road and Tram Road, the extension of Tram Road, and the construction of five stormwater ponds and a closed storm sewer system. Segment 4 (S.R. 263 to Gaile Avenue) is funded for right-of-way acquisition beginning fiscal year 2018. Segment 5 (Gaile Avenue to Paul Russell Road) is funded for right-of-way acquisition beginning fiscal year 2019. Neither segment is funded for construction in the current FDOT Five-Year Work Program.

A copy of the agenda may be obtained by contacting: FDOT General Consultant Project Manager, Jessica Golema, P.E.,

toll-free at 1(866)855-7275 or via email at jessica.golema@atkinsglobal.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 7 days before the workshop/meeting by contacting: FDOT General Consultant Project Manager, Jessica Golema, P.E., at the above phone number or email address. 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 Ian Satter, District Three Public Information Director, toll-free at 1(888)638-0250, ext. 1205 or at ian.satter@dot.state.fl.us.

Section VII

Notice of Petitions and Dispositions Regarding Declaratory Statements

NONE

Section VIII

Notice of Petitions and Dispositions Regarding the Validity of Rules

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

NONE

Notice of Disposition of Petition for Administrative Determination has been filed 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 AGRICULTURE AND CONSUMER SERVICES

Division of Administration

BRONSON ANIMAL DIAGNOSTIC DISEASE LABORATORY EXPANSION

REQUEST FOR STATEMENT OF QUALIFICATIONS
(SOQ) (UPDATED)

As a Contractor or Construction Management Firm, you are invited to submit an SOQ to the FLORIDA DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES, DIVISION OF ANIMAL INDUSTRY, hereinafter referred to as the Department.

The project consists of the construction of an 18,768 sf. new office/laboratory facility to be built on the forested site adjacent to the Bronson Animal Diagnostic Disease Laboratory complex. The project will also include new utilities and parking, new storm water provisions, new covered walkways, possible phased design for future expansion to the west, emergency vehicle storage, laboratory designs compatible with BSL-2 guidelines. The laboratory includes Virology, Bacteriology, Serology, Histology, IHC, Clinical Pathology and lab equipment. The project is located at 2700 North John Young Parkway, Kissimmee, Florida. The construction budget for this project is approximately \$7,350,000.

PROJECT LOCATION: Bronson Animal Diagnostic Disease Laboratory, 2700 North John Young Parkway, Kissimmee, Florida.

SOLICITATION DOCUMENT: The entire solicitation document, which includes specifications, may be viewed and downloaded from the Vendor Bid System at <http://myflorida.com>; click on Business, Doing Business with the State of Florida, Everything for Vendors and Customers, Vendor Bid System, Search Advertisements, Bid Number SOQ/AI-16/17-27, or call the purchasing office at (850)617-7181.

PUBLIC ENTITY CRIME INFORMATION STATEMENT: A person or affiliate, who has been placed on the convicted

vendor list following a conviction for a public entity crime; may not submit a bid on a contract to provide any goods or services to a public entity; may not submit a bid on a contract with a public entity for the construction or repair of a public building or public work; may not submit bids on leases of real property to a public entity; may not be awarded or perform work as a contractor, supplier, subcontractor or consultant under a contract with any public entity and may not transact business with any public entity in excess of the threshold amount provided in Section 287.017, Florida Statutes, for category two, for a period of 36 months from the date of being placed on the convicted vendor list.

DISCRIMINATION; DENIAL OR REVOCATION FOR THE RIGHT TO TRANSACT BUSINESS WITH PUBLIC ENTITIES: An entity or affiliate, who has been placed on the discriminatory vendor list, may not submit a bid on a contract to provide goods or services to a public entity; may not submit a bid on a contract with a public entity for the construction or repair of a public building or public work; may not submit bids on leases of real property to a public entity; may not award or perform work as a contractor, supplier, subcontractor or consultant under contract with any public entity and may not transact any business with any public entity.

Statements of Qualifications will be received and publicly opened on:

DATE AND TIME: OCTOBER 13, 2016, 2:00 P.M.

PLACE: Florida Department of Agriculture and Consumer Services, 407 S. Calhoun Street, SB-8, Mayo Building, Tallahassee, Florida 32399-0800, (850)617-7181.

CONTRACT AWARD: The official Notice of Award Recommendation will be by electronic posting at http://fcn.state.fl.us/owa_vbs/owa/vbs_www.main_menu Failure to file a protest within the time prescribed in Section 120.57(3), Florida Statutes, shall constitute a waiver of proceedings under Chapter 120, Florida Statutes. If no protest is filed, the contract will be awarded to the qualified, responsive low bidder in accordance with Chapter 60D-5, F.A.C. by the owner.

FLORIDA HOUSING FINANCE CORPORATION

Request for Applications 2016-108 for Elderly Housing
Community Loan

This Request for Applications (RFA) is open to Applicants proposing the rehabilitation of affordable, multifamily housing utilizing Elderly Housing Community Loan (EHCL) funding established under Section 420.5087(3)(e), F.S. Funding under this RFA must be used to provide for life-safety, building preservation, health, sanitation, or security-related repairs or improvements to Developments currently serving Elderly residents aged 62 or older. Under this RFA, Florida Housing Finance Corporation expects to have up to an estimated

\$2,415,000 of EHCL available for award to proposed Developments.

Applications shall be accepted until 11:00 a.m., Eastern Time, on October 6, 2016, to the attention of Ken Reecy, Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32301-1329. For questions or additional information, please contact Ken Reecy at Ken.Reecy@floridahousing.org or as otherwise directed in the RFA. This Request for Applications, which outlines selection criteria and Applicant’s responsibilities, can be downloaded from the Florida Housing Finance Corporation website at <http://www.floridahousing.org/Developers/MultiFamilyPrograms/Competitive/2016-108/>.

Any modifications that occur to the Request for Applications will be posted at the website and may result in an extension of the deadline. It is the responsibility of the Applicant to check the website for any modifications prior to the deadline date.

**HEDRICK BROTHERS CONSTRUCTION CO., INC.
WEST PALM BEACH CALLAWAY NGA RENOVATION
LEGAL NOTICE**

Notice is hereby given pursuant to State Statute 255.0525 that Hedrick Brothers Construction (Construction Manager) for State of Florida, Department of Military Affairs, Construction & Facility Management Office (Owner) will receive Proposals for WEST PALM BEACH CALLAWAY NGA RENOVATION. Sealed Proposals will be received at Hedrick Brothers Construction Co. Inc. office located at 2200 Centrepark West Drive – West Palm Beach, FL 33409 no later than 2:00 P.M., TUESDAY, 10/25/2016. Bids will be publicly opened at this time. No submission after this time will be considered.

WEST PALM BEACH CALLAWAY NGA RENOVATION consists of Selective Demolition, Concrete and Masonry work, Addition of Elevator, Structural Steel, Roofing, Interior & Exterior Doors, Window Replacement, Drywall & Metal Framing, Floor, Wall and Ceiling Finishes, Casework, Restroom Redesign, Fire Suppression, Plumbing, HVAC, and Electrical.

Interested Bidders specified and / or approved by Construction Manager prior to Proposal due date are invited to submit proposals.

PRE-BID SITE VISIT – WEDNESDAY, 9/28/2016 at 9:00 A.M.

PROPOSALS DUE – TUESDAY, 10/25/2016 at 2:00 P.M.

Proposals MUST be Signed and Sealed in a marked envelope as directed by Hedrick Brothers Construction Co., Inc.

The State of Florida encourages MWBE and SBE participation for this project. Only firms Certified by Palm Beach County, Florida or other acceptable Small Business

certification are acceptable for participation as a Small Business Firm.

Owner and/or Construction Manager reserve the right to reject any or all Proposals or to accept any Proposals which is in its best interest. Owner and/or Construction Manager also reserve the right to waive any informalities, irregularities and technicalities in procedure.

All cost incurred by Bidder in preparing a Proposal response shall be the sole responsibility of the Bidder.

Interested Bidders must contact Trent Swann - tswann@hedrickbrothers.com to obtain Plans, Specifications and additional required information.

All inquiries shall be by email - NO PHONE CALLS PLEASE.

**Section XII
Miscellaneous**

DEPARTMENT OF HIGHWAY SAFETY AND MOTOR VEHICLES

Division of Motor Vehicles

Withdrawal of Arrigo Ft. Pierce, LLC for the establishment of FIAT vehicles

NOTICE OF WITHDRAWAL

Notice is hereby given that the publication of Arrigo Ft. Pierce, LLC, d/b/a Arrigo Dodge Chrysler Jeep Ram Fiat Ft. Pierce , as a new point for FIAT passenger cars and light trucks (line-make FIAT) franchise dealership in Fort Pierce, (St Lucie County) by FCA US LLC, published in Volume 42, Number 180, of the Florida Administrative Register on September 15, 2016, is being withdrawn by the department. At the request of FCA US LLC, the department will publish a revised notice for this proposed dealership.

DEPARTMENT OF HIGHWAY SAFETY AND MOTOR VEHICLES

Division of Motor Vehicles

Arrigo Ft. Pierce, LLC for the establishment of FIAT vehicles

Notice of Publication for a New Point

Franchise Motor Vehicle Dealer in a County of Less than 300,000 Population

Pursuant to Section 320.642, Florida Statutes, notice is given that FCA US LLC, intends to allow the establishment of Arrigo Ft. Pierce, LLC, d/b/a Arrigo Dodge Chrysler Jeep Ram Fiat Ft. Pierce as a dealership for the sale of FIAT passenger cars and light trucks (line-make FIAT) at 5851 South US Highway 1, Fort Pierce, (St Lucie County), Florida 34982, on or after October 19, 2016.

The name and address of the dealer operator(s) and principal investor(s) of Arrigo Ft. Pierce, LLC, d/b/a Arrigo Dodge Chrysler Jeep Ram Fiat Ft. Pierce are dealer

operator(s): James J. Arrigo, 6500 Okeechobee Boulevard, West Palm Beach, Florida 33411, John Arrigo, 6500 Okeechobee Boulevard, West Palm Beach, Florida 33411; principal investor(s): The James J. Arrigo Revocable Trust II dated June 9, 2011, 6500 Okeechobee Boulevard, West Palm Beach, Florida 33411-2701, James J. Arrigo, Trustee and Beneficiary; The John J. Arrigo 2012 Irrevocable Trust dated December 27, 2012, 6500 Okeechobee Boulevard, West Palm Beach, Florida 33411-2701, Trustees: John J. Arrigo and Kevin Richardson, Beneficiaries: John J. Arrigo, Alyssa Arrigo, Angela Arrigo and Amanda Arrigo, 6500 Okeechobee Boulevard, West Palm Beach, Florida 33411-2701; The Virginia A. Landrum 2012 Irrevocable Trust dated December 27, 2012, 6500 Okeechobee Boulevard, West Palm Beach, Florida 33411-2701, Trustees: Virginia A. Landrum and Kevin Richardson, Beneficiaries: Virginia A. Landrum, Don Landrum, Frances Landrum, Gina Landrum and Ashley Landrum, 6500 Okeechobee Boulevard, West Palm Beach, Florida 33411-2701.

The notice indicates intent to establish the new point location in a county of less than 300,000 population, according to the latest population estimates of the University of Florida, Bureau of Economic and Business Research.

Certain dealerships of the same line-make may have standing, pursuant to Section 320.642, Florida Statutes, to file a petition or complaint protesting the application.

Written petitions or complaints must be received by the Department of Highway Safety and Motor Vehicles within 30 days of the date of publication of this notice and must be submitted to: Nalini Vinayak, Administrator, Dealer License Section, Department of Highway Safety and Motor Vehicles, Room A-312, MS 65, Neil Kirkman Building, 2900 Apalachee Parkway, Tallahassee, Florida 32399-0635.

A copy of such petition or complaint must also be sent by US Mail to: Chris Chandler, FCA US LLC, 10300 Boggy Creek Road, Orlando, Florida 32824.

If no petitions or complaints are received within 30 days of the date of publication, a final order will be issued by the Department of Highway Safety and Motor Vehicles approving the establishment of the dealership, subject to the applicant's compliance with the provisions of Chapter 320, Florida Statutes.

DEPARTMENT OF VETERANS' AFFAIRS

Environmental Assessment - Ardie R. Copas State Veterans' Nursing Home Construction Site - St. Lucie, FL
The Florida Department of Veterans' Affairs (FDVA) has received the draft Environmental Assessment for the Ardie R. Copas State Veterans' Nursing Home Construction Site, St. Lucie, FL dated June 2016. The Environmental Assessment resulted in finding of no significant issues (FONSI). This

report is available for review and comment for 31 days following the date of this posting. Please contact Ms. Connie Tolley, FDVA Homes Director, to request a copy of this document and to file any subsequent comments regarding this assessment. Ms. Tolley's email is: TolleyC@FDVA.STATE.FL.US, and her office phone number is (727)518-3202, ext. 5516. Comments received after the 30 day period will be considered untimely.

AGENCY FOR HEALTH CARE ADMINISTRATION Medicaid

The Agency for Health Care Administration is requesting an amendment to the Medicaid State Plan for personal care services. This amendment includes technical and editorial changes, deletes obsolete language, and updates the fee schedule. This amendment will not have a federal fiscal impact or change services to eligible Medicaid recipients.

Interested parties may contact the following staff for further information: Shameria Davis, Medicaid Policy, 2727 Mahan Drive, Mail Stop 20, Tallahassee, Florida 32308-5407, (850)412-4235, Shameria.Davis@ahca.myflorida.com.

DEPARTMENT OF JUVENILE JUSTICE

Policy and Procedure Updates

The Department of Juvenile Justice has posted one revised policy for comment and review: FDJJ 1520, Employee Training. The policy will be posted until September 29, 2016, on the Department's webpage at: <http://www.djj.state.fl.us/partners/policies-resources/department-policies/policies-under-review>.

Directions for submitting comments can be found at the above webpage.

DEPARTMENT OF ECONOMIC OPPORTUNITY

Division of Community Development

Final Order No. DEO-16-169

NOTICE IS HEREBY GIVEN that the Florida Department of Economic Opportunity issued Final Order No. DEO-16-169 on September 16, 2016, in response to an application submitted by Forest Park Villas Homeowners Association, Inc., for covenant revitalization under Chapter 720, Part III, Florida Statutes.

The Department's Final Order granted the application for covenant revitalization after determining that the application met the statutory requirements for covenant revitalization.

Copies of the final order may be obtained by writing to the Agency Clerk, Department of Economic Opportunity, 107 E. Madison Street, MSC 110, Tallahassee, Florida 32399-4128 or Agency.Clerk@DEO.MyFlorida.com.

DEPARTMENT OF ECONOMIC OPPORTUNITY

Division of Community Development

Final Order No. DEO-16-172

NOTICE IS HEREBY GIVEN that the Florida Department of Economic Opportunity issued Final Order No. DEO-16-172 on September 16, 2016, in response to an application submitted by Sombrero Isle Property Owners Association, Inc., for covenant revitalization under Chapter 720, Part III, Florida Statutes.

The Department's Final Order denied the application for covenant revitalization after determining that the application did not meet the statutory requirements for covenant revitalization.

Copies of the final order may be obtained by writing to the Agency Clerk, Department of Economic Opportunity, 107 E. Madison Street, MSC 110, Tallahassee, Florida 32399-4128 or Agency.Clerk@DEO.MyFlorida.com.

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.
