

















































































































approved closure plan. Conditions of temporary closure shall include:

1. The solid waste disposal unit was constructed in compliance with its permit conditions, and has a liner and leachate control system,
2. A schedule for closure is shown in the closure plan application,
3. Final cover is installed on side slopes of each completed disposal unit that will not receive additional waste or that will not be excavated, except that if a landfill owner or operator can demonstrate in individual cases that a different process will be adequate to control erosion and odors, and will be expected to result in compliance with applicable stormwater and leachate management requirements, it can be approved as part of the closure plan,
4. Odors and vectors are controlled,
5. An intermediate cover is installed on the solid waste disposal unit,
6. The financial assurance requirements of Rule 62-701.630, F.A.C., are met, and the closure cost estimate takes into account the costs of temporary closure as well as the costs of the final closure; and,
7. The landfill owner or operator demonstrates that delaying placement of final cover will not cause or contribute to any significant increase in leachate escaping from the solid waste disposal unit into the environment.

(c) In addition, a solid waste disposal unit that will be excavated in the future shall have a temporary final cover installed.

*Rulemaking Authority 403.061, 403.704 FS. Law Implemented 403.702, 403.704, 403.707 FS. History—New 1-6-93, Amended 1-2-94, 5-19-94, Formerly 17-701.600, Amended 5-27-01, 1-6-10, 8-12-12, 2-15-15.*

#### **62-701.610 Other Closure Procedures.**

(1) Use of closed solid waste disposal facilities. Closed solid waste disposal facilities, if disturbed, are a potential hazard to public health, ground water and the environment. The Department retains regulatory control over any activities that may affect the integrity of the environmental protection measures such as the cover, drainage, liners, monitoring systems, or leachate and stormwater controls. Consultation with the Department is required prior to conducting activities at the closed solid waste disposal facilities.

(2) Relocation of waste. The owner of a closed landfill must request permission from the Department to move waste from one point to another within the footprint of the same solid waste disposal unit. If the landfill has a valid closure permit, the permittee shall seek a modification to reflect the relocation of waste. The Department shall approve such a request upon a demonstration that:

(a) The activity will not cause or contribute to any violations of water quality standards or criteria, and will not adversely affect the closure design of the landfill;

(b) Any leachate, stormwater runoff, or gas that is generated by the activity is controlled onsite;

(c) Any hazardous waste that is generated by the activity will be managed in accordance with Chapter 62-730, F.A.C.;

(d) Immediately after the activity is completed, the landfill will be covered, vegetated, and graded to comply with the closure requirements that apply to that landfill, which shall include a final cover of at least two feet of soil; and,

(e) The appropriate District Office of the Department is notified at least seven days before the activity takes place in order to have the opportunity to inspect the site.

*Rulemaking Authority 403.704 FS. Law Implemented 403.704, 403.707 FS. History—New 7-1-85, Formerly 17-7.074, 17-701.074, Amended 1-6-93, 1-2-94, Formerly 17-701.610, Amended 5-27-01, 1-6-10, 2-15-15.*

#### **62-701.620 Long-Term Care.**

(1) Long-term care period. The owner or operator of any landfill which receives wastes after January 6, 1993, shall continue to monitor and maintain the integrity and effectiveness of the final cover as well as other appurtenances of the facility, control erosion, fill subsidences, comply with the water quality monitoring plan, maintain the leachate collection system, measure volumes of leachate removed, and maintain the stormwater system, in accordance with an approved closure plan for 30 years from the official date of closing. Before the expiration of the long-term care monitoring and maintenance period, the Department may extend the time period if the closure design or closure operation plan is found to be ineffective, or if the permittee has not performed all required monitoring and maintenance. For purposes of this subsection, “ineffective” means that:

(a) The water quality monitoring system indicates that the landfill continues to impact ground water or surface water at concentrations that may be expected to result in violations of Department water quality standards or criteria;

(b) The gas monitoring system indicates that the landfill continues to produce gas in amounts that may be expected to exceed

the concentrations of combustible gases allowed in paragraph 62-701.530(1)(a), F.A.C.;

(c) Significant subsidence of waste has not ceased, or

(d) The final cover does not have well established vegetation or is showing signs of continuing significant erosion problems.

(2) Permit for long-term care. Long-term care shall be conducted in accordance with a closure permit. Closure permits involving only long-term care shall be issued with a duration of ten years unless the owner or operator specifically requests a shorter duration. If a shorter duration is requested, the permit fee shall be prorated.

(3) Reduced long-term care period. The owner or operator of a landfill may apply to the appropriate District Office of the Department for a permit modification to reduce the long-term care period or eliminate some aspects of long-term care.

(a) The Department will grant such modification if reasonable assurance is provided to the Department that there is no threat to human health or the environment and if the landfill:

1. Has been constructed and operated in accordance with approved standards,

2. Was closed with appropriate final cover, vegetative cover has been established, and a monitoring system has been installed,

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

4. Has had no detrimental erosion of cover, and subsidence of waste has ceased.

(b) The Department will grant such modification for a portion of a landfill if reasonable assurance is provided to the Department that it was closed in accordance with the requirements of paragraph 62-701.600(8)(b), F.A.C., prior to February 15, 2015. The requirements of subsection 62-701.600(7), F.A.C., shall not apply to that portion of the landfill until the entire landfill is closed.

(4) Modified water quality monitoring plan.

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

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

(5) Gas monitoring. The gas collection and monitoring system required in paragraph 62-701.600(4)(f), F.A.C., shall be maintained for the long-term care period of the landfill. The owner or operator of a landfill may apply for a permit modification to reduce or eliminate the frequency of monitoring. The Department will grant such a modification if the applicant demonstrates that the landfill has stabilized to the point where there is no significant production of combustible gases or objectionable odors.

(6) Stabilization report. Every five years after issuance of a permit for long-term care, the permittee shall submit a report to the Department that addresses stabilization of the landfill. The submittal shall include the technical report required in paragraph 62-701.510(8)(b), F.A.C., and shall also address subsidence, barrier layer effectiveness, storm water management, and gas production and management. For lined landfills, the submittal shall also address leachate collection and removal system effectiveness, and leachate quantity.

(7) Right of access. The landfill owner or operator shall possess or acquire a sufficient interest in, or a right to use, the property for which a permit is issued, including the access route onto the property to carry out the requirements of this rule. The permittee shall retain the right of entry to the landfill property for the long-term care period, after termination of solid waste operations, for inspection, monitoring and maintenance of the site.

(8) Replacement of monitoring devices. If a monitoring well or other device required by the monitoring plan is destroyed or fails to operate for any reason, the landfill owner or operator shall, immediately upon discovery, notify the Department in writing. All inoperative monitoring devices shall be replaced with functioning devices within 60 days of the discovery of the malfunctioning unit unless the landfill owner or operator is notified otherwise in writing by the Department.

(9) Following completion of the long-term care period for each solid waste management unit, the owner or operator shall notify the Department that a certification, signed and sealed by a professional engineer, verifying that long-term care has been completed in accordance with the closure plan has been placed in the operating record.

*Amended 1-6-93, 1-2-94, 5-19-94, Formerly 17-701.620, Amended 5-27-01, 1-6-10, 8-12-12, 2-15-15.*

**62-701.630 Financial Assurance.**

(1) Owner or operator.

(a) "Owner or operator" means, in addition to the usual meanings of the term, any owner of record of any interest in land whereon a landfill is or has been located and any person or corporation which owns a majority interest in any other corporation which is the owner or operator of a landfill.

(b) The owner or operator identified on financial assurance documentation shall be the same individual, registered business entity (not a fictitious name) or government entity as the permit applicant. If there are multiple permittees, only one need be identified on the financial assurance documentation.

(2) Applicability.

(a) A government-owned landfill closed on or before October 1, 1988, shall not be required to comply with this rule.

(b) As a condition for the issuance of a landfill permit, or permit modification authorizing expansion, the owner or operator shall provide the Department with closure cost estimates for the permitted portions of the landfill as part of the application. Proof of financial assurance issued in favor of the Florida Department of Environmental Protection in the amount of the approved current dollar closing and long-term care cost estimates for each permitted disposal unit as determined pursuant to subsection 62-701.630(3), F.A.C., shall be provided at least 60 days prior to the planned initial receipt of waste at such unit. The owner or operator shall maintain financial assurance through the design period of the landfill and through any corrective action period. The financial mechanism shall either be:

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

2. If the landfill is not owned or operated by a government agency, an alternate financial mechanism pursuant to subsection (6), of this rule.

(c) No solid waste shall be stored or disposed of at a solid waste disposal unit until the permittee has received written approval of the financial assurance mechanism from the Department.

(d) Owners or operators of existing Class I landfills receiving waste after October 9, 1993, that are required to undertake a corrective action program in accordance with subsection 62-701.510(6), F.A.C., shall submit proof of financial assurance to the Department no later than 120 days after the corrective action remedy has been selected.

(3) Cost estimates for closure.

(a) For the purpose of determining the amount of proof of financial assurance that is required for closure by this section, the owner or operator shall estimate the total cost of closure in current dollars for the time period in the landfill operation when the extent and manner of its operation make closing most expensive. The owner or operator shall submit the estimates, together with all necessary justification, to the Department as part of the permit application. Except as allowed in paragraph 62-701.630(3)(d), F.A.C., the costs shall be estimated and certified by a professional engineer for a third party performing the work, on a per unit basis, with the source of estimates indicated.

(b) Closing costs shall be based on the nature and characteristics of the wastes disposed of at the site and shall include estimated costs of cover material, topsoil, seeding, fertilizing, mulching, labor, and any other costs of compliance with Rules 62-701.600-.610, F.A.C.

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

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

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

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

related uses; and,

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

(e) Cost estimates required in this section shall be prepared and submitted on Form 62-701.900(28), Closure Cost Estimating Form for Solid Waste Facilities, effective date January 6, 2010, hereby adopted and incorporated by reference. Copies of this form are available from a local District Office or by writing to the Department of Environmental Protection, Solid Waste Section, MS #4565, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400.

(f) The owner or operator shall keep the latest closure cost estimate at the facility. When this estimate has been adjusted in accordance with paragraph (4)(a), of this rule, the latest adjusted closure cost estimate shall also be kept at the facility.

(4) Cost adjustments for closure.

(a) Every owner or operator of a landfill shall annually adjust the closure cost estimate for inflation and submit updated information to the Department. Closing and long-term care costs shall be listed separately. For owners or operators using an alternate financial mechanism, this statement shall be submitted between January 1 and March 1 of each year. For owners or operators using an escrow account, this statement shall be submitted between July 1 and September 1 of each year. This paragraph does not prohibit an owner or operator from submitting other information updating the closure cost estimate at other times of the year. Such adjustments shall be made either by:

1. Recalculating the total cost of closure or long-term care, in current dollars, as specified in subsection (3), of this rule, or

2. Using an inflation factor derived from the most recent Implicit Price Deflator for Gross National Product published by the U.S. Department of Commerce in its Survey of Current Business as specified in sub-subparagraphs (4)(a)2.a. and b., of this rule. The inflation factor is the result of dividing the latest published annual Deflator by the Deflator for the previous year.

a. The first adjustment is made by multiplying the closure or long-term care cost estimate by the inflation factor. The result is the adjusted closure or long-term care cost estimate.

b. Subsequent adjustments are made by multiplying the latest adjusted closure or long-term care cost estimate by the latest inflation factor.

(b) At the time of permit renewal, or every fifth year when a permit is issued with a duration greater than 5 years, the owner or operator shall revise the cost estimate. Revisions shall be made by recalculating the total cost of closure or long-term care, in current dollars, as specified in subsection (3), of this rule.

(c) In addition to the requirements of paragraphs (a) and (b), of this subsection, the owner or operator shall revise the closure cost estimate by recalculating the total cost of closure or long-term care, in current dollars, as specified in subsection (3), of this rule, in the following situations:

1. Prior to any changes to the closing or long-term care plan,

2. Within 30 days of discovery that any of the anticipated costs that formed the basis of the current approved closure cost estimate have changed significantly, or

3. Within 30 days of issuance of an order by the Department finding that the facility has exceeded any of its permitted dimensions.

(d) If the value of the alternative funding mechanism is less than the total amount of the current closure cost estimate, the owner or operator shall revise the funding mechanisms to reflect the new estimate within the time frames outlined in 40 C.F.R. Part 264, subpart H.

(5) Landfill management escrow account.

(a) The owner or operator of a landfill that is owned or operated by a government agency shall establish a fee, or a surcharge on existing fees, or other appropriate revenue-producing mechanism, to ensure the availability of financial resources for the proper closing and long-term care of the landfill.

(b) The revenue-producing mechanism shall produce revenue at a rate sufficient to generate funds to meet state landfill closure requirements.

(c) The revenue shall be deposited in an interest-bearing escrow account with a financial institution such as a bank or trust whose operations are regulated and examined by a federal or state agency, or deposited in a Department-approved investment pool, created by the State of Florida or local governments that has as its primary objective liquidity and preservation of principle. The owner or operator shall file with the Department a signed duplicate original of the escrow agreement and an annual audit of the account. The audit shall be conducted by an independent Certified Public Accountant and shall be filed no later than March 31 of the following year. The audit shall identify where funds are on deposit, give the landfill management escrow account balance as of the

end of the fiscal year and itemize, by facility, amounts restricted for closing and long-term care. The audit shall reference subsection 62-701.630(5), F.A.C., and the escrow agreement, and shall also include a list by date of all deposits and withdrawals made.

(d) Payments into the landfill management escrow account shall be made by the owner or operator at least annually.

1. The first payment must be made before the end of the first fiscal year after the initial receipt of solid waste into the landfill. A notice of such payment shall be submitted to the Department. Subsequent payments must be made over the term of the active life of the landfill. The calculations for such annual payment shall be determined using one of the following methods:

a. "Pay-in" method:  $\text{payment} = (\text{CE} - \text{CV})/\text{Y}$ , where CE is the current dollar closing cost estimate at the beginning of the fiscal year (or later, if submitted pursuant to paragraph (4)(c), of this rule), CV is the current value of the escrow account at the beginning of the fiscal year, and Y is the number of remaining years in the design life of the landfill at the beginning of the fiscal year, or

b. "Balance" method: the minimum fiscal year end account balance =  $[\text{CE} \times (\text{DE}/\text{DL})] - \text{E}$ , where CE is the approved current dollar closing cost estimate (by solid waste disposal unit or group of units) at the beginning of the fiscal year (or later, if submitted pursuant to paragraph (4)(c), of this rule); DE, the design life exhausted (by solid waste disposal unit or group of units), is the period of time between the initial receipt of waste and the current fiscal year end (i.e., the year audited); DL, the design life (by solid waste disposal unit or group of units), is the period of time between initial receipt of waste and planned end of receipt of waste and must be reassessed annually in the Closure Cost Estimating Form when an escrow account or trust fund pay-in period is used; and E, all documented closing expenditures to date (by solid waste disposal unit or group of units), are expenses identified by the fiscal year end audit(s) as being incurred closing or maintaining the landfill identified in the closure plan. The choice of use of this formula requires the continued use throughout the remaining design life of the landfill or phase. In the event the fiscal year end audited account balance exceeds the minimum required balance, the owner or operator may remove the excess funds.

2. For government-owned landfills, the owner or operator shall deposit into the escrow account, at the time of closing and each year thereafter, sufficient funds to cover the following year's long-term care costs. In addition, the owner or operator must document specifically how it intends to finance the long-term care of the landfill as part of its closure plan.

3. For landfills not owned by a governmental agency, the long-term care costs shall be included in the closing cost estimates as specified in subparagraph 1., above; long-term care costs must be fully funded when the landfill closes.

4. The owner or operator may accelerate payments into the landfill management escrow account or may deposit the full amount of the current closure cost estimate at the time that the account is established.

(e) The owner or operator may make expenditures from the account and its accumulated interest only for the purpose of landfill closing and long-term care and, if such expenditures do not deplete the fund to the detriment of eventual closing and long-term care, for planning and construction of resource recovery or landfill facilities. If the owner or operator does not operate a landfill, any funds remaining in the account after paying for proper and complete closing and long-term care, as determined by the Department, shall be deposited by the owner or operator into the general fund of the local government of jurisdiction.

(f) The revenue generated under this subsection and any accumulated interest thereon may be applied to the payment of, or pledged as security for, the payment of revenue bonds issued in whole or in part for the purpose of complying with state landfill closing and long-term care requirements. Such application or pledge may be made directly in the proceedings authorizing such bonds or in an agreement with an insurer of bonds to assure such insurer of additional security therefore.

(g) The owner or operator of any landfill that had established an escrow account prior to January 1, 2007, may continue to use that escrow account to provide financial assurance for closure of that landfill, even if that landfill is not owned or operated by a government agency.

(6) Alternate proof of financial assurance.

(a) The appropriate parts of Form 62-701.900(5), Financial Mechanisms for Solid Waste Management Facilities Requiring Closure and/or Corrective Action,

Solid Waste Facility Irrevocable Letter of Credit, <http://www.flrules.org/Gateway/reference.asp?No=Ref-05021>,

Solid Waste Facility Financial Guarantee Bond, <http://www.flrules.org/Gateway/reference.asp?No=Ref-05022>,

Solid Waste Facility Performance Bond, <http://www.flrules.org/Gateway/reference.asp?No=Ref-05023>,

Solid Waste Facility Insurance Certificate, <http://www.flrules.org/Gateway/reference.asp?No=Ref-05024>,

Solid Waste Facility Financial Test, <http://www.flrules.org/Gateway/reference.asp?No=Ref-05025>,

Solid Waste Facility Corporate Guarantee, <http://www.flrules.org/Gateway/reference.asp?No=Ref-05026>,

Solid Waste Facility Trust Fund Agreement, <http://www.flrules.org/Gateway/reference.asp?No=Ref-05027>,

Solid Waste Facility Standby Trust Fund Agreement, <http://www.flrules.org/Gateway/reference.asp?No=Ref-05028>, effective date

February 15, 2015, hereby adopted and incorporated by reference, shall be used, and originally signed duplicates submitted, when demonstrating proof of financial assurance under this section. Copies of this form are available from a local District Office or by writing to the Department of Environmental Protection, Solid Waste Section, MS #4565, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400, or at [http://www.dep.state.fl.us/waste/quick\\_topics/forms/pages/62-701.htm](http://www.dep.state.fl.us/waste/quick_topics/forms/pages/62-701.htm). Proof of financial assurance under this subsection shall include surety bonds, certificates of deposit, securities, letters of credit, trust fund agreements, closure insurance (excluding independent procurement), or financial tests and corporate guarantees, showing that the owner or operator has sufficient financial resources to cover, at a minimum, the costs of complying with all state landfill closing and long-term care requirements, and, if applicable, costs for corrective action. If such proof of financial assurance is surety bonds, letters of credit, trust fund agreements, closure insurance or financial tests and corporate guarantees, such proof shall be submitted on forms provided by the Department in accordance with the requirements of paragraphs (b) through (d), of this subsection. If proof of financial assurance is securities or certificates of deposit, these instruments must be used in conjunction with a trust fund and shall be submitted directly to the trustee. The owner or operator shall estimate such costs pursuant to subsections (3) and (4), of this rule. The financial institutions must include their legal entity name (not just trademark or fictitious names) on financial assurance forms.

(b) 40 C.F.R. Part 264 subpart H which contains EPA's rules on financial requirements for owners and operators of hazardous waste facilities are hereby adopted as financial requirements for purposes of this section incorporated by reference as those rules appear in 40 C.F.R. Part 264, revised as of July 1, 2013, except:

1. The following sections of 40 C.F.R. Part 264, subpart H are specifically not adopted as part of this rule:
  - a. 264.140(a); 264.140(b); 264.140(d); 264.141(a); 264.141(e); 264.142(b); 264.142(c); 264.143(b)(3)(ii)(C); 264.143(c)(3)(ii)(C); 264.143(d)(3)(ii)(C), 264.143(f)(1); 264.144(b); 264.144(c); 264.145(b)(3)(ii)(C); 264.145(c)(3)(ii)(C); 264.145(d)(3)(ii)(C), 264.145(f)(1); 264.147; 264.149; 264.150; and 264.151.
  - b. All references to 40 C.F.R. Part 265.
  - c. All references to sections or subparts of 40 C.F.R. Part 264 not contained in subpart H.
  - d. All references to EPA Regions.
  - e. All references to RCRA.
  - f. 264.140(c) when referring to landfills owned or operated by a government agency.
2. References to 40 C.F.R. 264.143(f)(1) and 264.145(f)(1) shall mean paragraph 62-701.630(6)(c), F.A.C. References in 40 C.F.R. Part 264, subpart H to the United States Environmental Protection Agency (EPA) shall mean the State of Florida Department of Environmental Protection (DEP); to Regional Administrator shall mean the Secretary of the Department or the Secretary's written designee; to RCRA permits shall mean solid waste management permits; to Post-Closure shall mean Long-Term or Long-Term Care, as applicable; to EPA identification number shall mean the Department identification number; to hazardous waste shall mean solid waste; to hazardous waste treatment, storage or disposal facilities shall mean landfills; to Section 3008 of RCRA shall mean FDEP Agency Action; to Circular 570 of the U.S. Department of the Treasury shall mean Circular 570 of the U.S. Department of the Treasury and licensed to do business in the State of Florida; to must also establish shall mean must also establish and maintain; to both closure and post-closure shall mean closing, long-term care and corrective action, or any combination thereof; and to one or more states shall mean in the State of Florida.
3. Financial assurance, when reimbursed, will go towards covering all or any part of the costs for a facility's "Required Action" (closing, long-term care, and/or corrective action) as identified on the first page of the trust fund or insurance certificate regardless of actual cost estimate calculations.
4. When the Department directs financial institutions to make a payment or reimbursement, the payment or reimbursement shall be sent within 30 days of receipt of the Department's direction, unless communication from the Department authorizes a delay.
5. The trust fund pay-in period shall not exceed 5 years. Schedule A of the trust agreement must be updated only during the pay-in period.
6. When Corrective Action is selected on any part of Form 62-701.900(5), 40 C.F.R. 264.145 references to post-closure shall mean corrective action, as applicable.

(c) An owner or operator may satisfy the requirements of this subsection by passing a financial test using Form 62-701.900(5)(e). The financial test shall cover the latest approved estimate or any subsequent estimate that is higher. To pass this test the owner or operator must meet the criteria of either subparagraph 1. or 2., as follows:

1. The owner or operator must have:
  - a. One of the two following ratios: A ratio of less than 1.5 comparing total liabilities to net worth; or a ratio of greater than 0.10



comparing the sum of net income plus depreciation, depletion and amortization, minus \$10,000,000.00 million, to total liabilities

- b. Net working capital of at least three times the sum of the required action
- c. Tangible net worth greater than the sum of the required action plus \$10,000,000.00 million, or at least three times the sum of the required action, whichever is greater; and,
- d. Assets located in the United States amounting to at least three times the sum of the required action.

2. The owner or operator must have:

- a. A bond issuance, secured or unsecured, having a redemption date with at least five years remaining. An unsecured bond rating must maintain a rating of BBB or better as issued by Standard and Poor's bond rating service or Baa2 or better as issued by Moody's bond rating service. A facility using an insured or secured bond must demonstrate to the Department the underlying or senior unsecured bond rating as assigned by Standard and Poor's is BBB or better, or as assigned by Moody's is Baa2 or better,

- b. Tangible net worth greater than the sum of the required action plus \$10 million, or at least three times the sum of the required action, whichever is greater; and,

- c. Assets located in the United States amounting to at least three times the sum of the required action.

(d) Government-owned facilities providing proof of financial assurance using a financial test must send updated information outlined in 40 C.F.R. 264.143(f)(5) and 264.145(f)(5) to the Department within 180 days after the close of each succeeding fiscal year.

(e) An owner or operator using an insurance policy for financial assurance must establish and maintain a standby trust fund that meets the requirements of 40 C.F.R. 264.143(b)(3) and/or 264.145(b)(3). The insurance policy must provide that, upon written direction from the Secretary of the Department or the Secretary's written designee, the entire face amount of the policy, less any amounts previously paid out under requirements of 40 C.F.R. Part 264 subpart H, will be placed into the trust fund to be used by the Department for closure and/or corrective action activities. Once closure and/or corrective action is complete, any money remaining in the trust fund will be returned to the insurer. Direction to make payment into the trust fund must be preceded by one or more of the following:

1. FDEP deems the facility abandoned,
  2. The permit is terminated or revoked or a new permit is denied,
  3. Closure is ordered by the FDEP or a U.S. district court or other court of competent jurisdiction,
  4. The owner or operator is named as debtor in a voluntary or involuntary proceeding under Title 11 (Bankruptcy), U.S. Code,
- or
5. The insurer elected to submit a cancellation, termination, or failure to renew the policy notice in accordance with the provisions of 40 C.F.R. 264.143(e)(8) or 264.145(e)(8) and the insured failed to provide alternate financial assurance within 90 days after the date of notice of cancellation, termination or failure to renew the policy was received by both the insured and the FDEP Secretary, or designee.

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

(8) Cost adjustments for corrective action.

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

1. Recalculating the maximum cost of corrective action, in current dollars, as specified in subsection (7), of this rule, or
2. By using an inflation factor derived from the most recent Implicit Price Deflator for Gross National Product published by the U.S. Department of Commerce in its Survey of Current Business as specified in subparagraphs a. and b. as follows. The inflation factor is the result of dividing the latest published annual Deflator by the Deflator for the previous year.

- a. The first adjustment is made by multiplying the corrective action cost estimate by the inflation factor. The result is the adjusted corrective action cost estimate.

b. Subsequent adjustments are made by multiplying the latest adjusted corrective action cost estimate by the latest inflation factor.

(b) At the time of permit renewal, or every fifth year when a permit is issued with a duration greater than five years, or if the corrective action plan is modified during the corrective action period, the owner or operator shall revise the corrective action cost estimate. Revisions shall be made and submitted as specified in subparagraph (8)(a)1., of this rule. The use of cost estimates that are submitted in accordance with this subsection and used as the basis for comparison against the balance of the funding mechanisms specified in subsection (9), of this rule, does not constitute estimate approval.

(c) The owner or operator shall keep the latest corrective action cost estimate and, when this estimate has been adjusted in accordance with paragraph (8)(a), of this rule, the latest adjusted corrective action cost estimate at the facility until the corrective action is complete.

(9) Financial assurance for corrective action.

(a) For government owned landfills, the owner or operator shall demonstrate proof of financial assurance for corrective action with the Department by identifying a revenue source and establishing an escrow account as specified in paragraph (5)(c), of this rule, or by using one of the approved alternate mechanisms specified in subsection (6), of this rule. Payments into the landfill management escrow account shall be made by the owner or operator according to one of the following methods:

1. The owner or operator shall deposit into the landfill management escrow the full cost associated with the corrective action remedy within 120 days after the corrective action remedy has been selected, or

2. If the local government can document a specific non-general revenue source adequate to cover the total corrective action cost, then only that portion of the corrective action to be undertaken the following year need be funded.

(b) For privately owned landfills, the owner or operator shall demonstrate proof of financial assurance for corrective action with the Department by using one of the approved alternate mechanisms specified in subsection (6), of this rule. If a trust fund is used, the first payment into the trust must be at least equal to one-half of the current cost estimate for corrective action. The amount of subsequent payments must be determined by the following formula:  $\text{Next payment} = [\text{RB} - \text{CV}]/\text{Y}$ , where RB is the most recent estimate of the required trust fund balance for corrective action (i.e., the total costs that will be incurred during the second half of the corrective action period), CV is the current value of the trust fund, and Y is the number of years remaining in the pay-in period. The pay-in period is one-half of the estimated length of the corrective action program.

(10) If long-term care is extended because the permittee has failed to perform all required monitoring and maintenance, financial assurance shall continue to be required during the extended long-term care. If the long-term care is extended for any other reason, financial assurance is not required during the extended long-term care period, except as may be required in subsections (7) through (9), of this rule.

*Rulemaking Authority 403.704 FS. Law Implemented 403.704, 403.707, 403.7125(5) FS. History—New 7-1-85, Formerly 17-7.076, Amended 11-28-89, Formerly 17-701.076, Amended 1-6-93, 1-2-94, 5-19-94, Formerly 17-701.630, Amended 5-27-01, 1-6-10, 8-12-12, 2-15-15.*

#### **62-701.640 Closure of Existing Landfills.**

*Rulemaking Authority 403.704 FS. Law Implemented 403.704, 403.707 FS. History—New 1-2-94, Amended 5-19-94, Formerly 17-701.640, Repealed 5-27-01.*

#### **62-701.700 Materials Recovery Facilities.**

*Rulemaking Authority 403.061, 403.704 FS. Law Implemented 403.702, 403.704, 403.707 FS. History—New 1-6-93, Amended 5-19-94, Formerly 17-701.700, Repealed 5-27-01.*

#### **62-701.710 Waste Processing Facilities.**

(1) Applicability.

(a) This section applies to solid waste management facilities that process but do not dispose of solid waste on-site. This includes materials recovery facilities and transfer stations, but does not include used oil processing facilities, waste tire processing facilities, soil treatment facilities, yard trash processing facilities that meet the registration requirements of Rule 62-709.320, F.A.C., or solid waste composting facilities, each of which is regulated under separate rules. Solid waste combustors will require permits under this section for any storage, processing, or disposal operations that are not directly addressed in another Department permit or

certification as specified in paragraphs 62-701.320(14)(a) and (b), F.A.C. However, in accordance with paragraph 62-701.320(5)(c), F.A.C., owners or operators of facilities which manage several different types of wastes, including used oil, waste tires, contaminated soil, or compost, may apply for a single permit which addresses all applicable requirements.

(b) No person shall construct or operate a waste processing facility without a permit issued by the Department.

(c) The following types of facilities are not subject to the requirements of this section; however, these facilities shall be operated to minimize the discharge of leachate to the environment and to control objectionable odors, litter, dust, and other fugitive particulates:

1. Facilities comprised solely of green boxes, compactor units, permanent dumpsters, and other containers from which wastes are transported to a landfill or other solid waste management facility, which do not accept waste from commercial waste haulers that accept waste from multiple generators,

2. Facilities owned or operated by local governments which serve as drop-off points for household waste, provided:

a. The facility accepts only household waste, which may include yard trash,

b. All putrescible waste, household garbage, yard trash, or other waste which may produce leachate is containerized; and,

c. The facility does not accept waste from commercial waste haulers that collect municipal solid waste from multiple generators,

3. Household hazardous waste collection centers operated by or exclusively on behalf of a local government,

4. Facilities at industrial operations where waste is stored prior to shipment to a solid waste management facility, or where industrial byproducts are segregated and managed, provided that the industrial operation is regulated under another Department permit or certification.

5. Facilities used solely for the temporary storage of road maintenance byproducts, which include street sweepings, ditch scrapings, shoulder scrapings, and catch basin sediments, provided:

a. Materials that require screening, as well as separated Class I wastes, shall be stored so that leachate and litter are controlled. Examples would include storage in covered roll-offs, storage on an impervious surface and under roof, or storage indoors,

b. Unscreened materials that will not be beneficially used shall be disposed of as soon as practical but shall be stored for no longer than three months unless a longer storage time is approved by the Department,

c. Class I wastes that are separated from the material shall be disposed of at a permitted facility at least weekly; and,

d. Screened materials, or materials that do not require screening, shall be stored for no longer than six months unless a longer storage time is approved by the Department.

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

1. Transfer stations that accept primarily household waste, commercial solid waste, recovered materials, or construction and demolition debris, that manage waste on a first-in, first-out basis, and that store such waste for no greater than 7 days are exempt from the requirement to provide financial assurance set forth in subsection (7), of this rule, and are also exempt from the requirement to have a trained spotter set forth in paragraph 62-701.710(4)(c), F.A.C.

2. Waste processing facilities that accept only construction and demolition debris are exempt from the requirement to provide a leachate control system set forth in paragraph (3)(b), of this rule, provided that all areas where waste is stored or processed are covered by a ground water monitoring system which meets the requirements of subsection 62-701.730(8), F.A.C., except the technical report of paragraph 62-701.510(8)(b), F.A.C., is not required. A facility that operates without a leachate control system shall perform a contamination evaluation as part of its closure activities, and shall continue to operate the water quality monitoring system if the evaluation indicates the potential for ground water contamination.

3. Waste processing facilities that accept only Class III wastes are exempt from the requirement to provide a leachate control system set forth in paragraph (3)(b), of this rule, provided that the areas where waste is received is under roof and on an impervious surface and that all areas where waste is stored or processed are covered by a ground water monitoring system which meets the requirements of subsection 62-701.730(8), F.A.C., except the technical report of paragraph 62-701.510(8)(b), F.A.C., is not required. A facility that operates without a leachate control system shall perform a contamination evaluation as part of its closure activities, and shall continue to operate the water quality monitoring system if the evaluation indicates the potential for ground water contamination.

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

(2) Application. A permit application for a waste processing facility shall be submitted on Form 62-701.900(4), Application to

Construct, Operate, or Modify a Waste Processing Facility, <http://www.flrules.org/Gateway/reference.asp?No=Ref-05020>, effective date February 15, 2015, hereby adopted and incorporated by reference. Copies of this form are available from a local District Office or by writing to the Department of Environmental Protection, Solid Waste Section, MS #4565, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400. The form shall indicate whether the facility will operate as a materials recovery facility, transfer station, some other type of processing facility, or some combination thereof, and shall be signed and sealed by a professional engineer. Subsections 62-701.320(5), (6), and paragraph (8)(a), F.A.C., apply to such applications. The application must meet the requirements of subsection 62-701.320(7), F.A.C., except for paragraphs (e) and (h), and subparagraphs (7)(f)4. and 5., and must also include the following:

- (a) A description of the operation of the facility including:
    1. The types of materials, i.e., wastes, recyclable materials or recovered materials, to be managed or processed,
    2. The expected daily average and maximum weights or volumes of materials to be managed or processed,
    3. How the materials will be managed or processed,
    4. How the materials will flow through the facility including locations of the loading, unloading, sorting, processing and storage areas,
    5. The types of equipment that will be used,
    6. The maximum time materials will be stored at the facility,
    7. The maximum amounts of wastes, recyclable materials, and recovered materials that will be stored at the facility at any one time; and,
    8. The expected disposition of materials after leaving the facility.
  - (b) A site plan, of a scale not greater than 200 feet to the inch, which shows the facility location, total acreage of the site, and any other relevant features such as water bodies or wetlands on or within 200 feet of the site and potable water wells on or within 500 feet of the site;
  - (c) A boundary survey and legal description of the property;
  - (d) A construction plan, including engineering calculations, that describes how the applicant will comply with the design requirements of subsection 62-701.710(3), F.A.C.;
  - (e) An operation plan that describes how the applicant will comply with subsection 62-701.710(4), F.A.C., and the recordkeeping requirements of subsection 62-701.710(8), F.A.C.;
  - (f) A closure plan that describes how the applicant will comply with subsection 62-701.710(6), F.A.C.;
  - (g) A contingency plan that describes how the applicant will comply with subsection 62-701.320(16), F.A.C.; and,
  - (h) The financial assurance documentation required by subsection 62-701.710(7), F.A.C.
- (3) Design requirements. Minimum design requirements for waste processing facilities are as follows:
- (a) Tipping, processing, sorting, storage and compaction areas that are not enclosed shall be equipped with litter control devices.
  - (b) The facility shall be designed with a leachate control system to prevent discharge of leachate and avoid mixing of leachate with stormwater, and to minimize the presence of standing water.
  - (c) Provisions shall be made for evaluating the quantity of all incoming solid waste and recovered materials. Storage areas shall be designed to hold the expected volume of materials until they are transferred for disposal or recycling.
- (4) Operational requirements.
- (a) All operations shall be conducted in accordance with the approved Operation Plan. The Department shall be notified before any substantial changes or revisions to the approved Operation Plan are implemented in order to determine whether a permit modification is required.
  - (b) Stored putrescible wastes shall not be allowed to remain unprocessed for more than 48 hours; however, if the operation plan includes provisions to control vectors and odors, putrescible wastes may be stored for up to seven days. Any other unauthorized waste received by the facility shall be segregated and transported to an authorized disposal or recycling facility within 30 days of receipt.
  - (c) Operators and spotters shall be trained in accordance with subsection 62-701.320(15), F.A.C.
    1. A trained operator shall be on duty whenever the facility is operating. Operating hours shall be posted at the facility.
    2. At least one trained spotter shall be on duty at all times that waste is received at the site to inspect the incoming waste. All incoming waste shall be inspected, and any unauthorized waste shall be removed from the waste stream and placed into appropriate containers for disposal at a permitted facility in accordance with a schedule submitted as part of the operation plan.

(d) The facility shall be operated to control objectionable odors in accordance with subsection 62-296.320(2), F.A.C.

(e) Adequate fire protection shall be available at all times.

(f) Access to the facility shall be controlled during the design period of the facility by fencing or other effective barriers to prevent disposal of unauthorized solid waste.

(g) All drains and leachate conveyances shall be maintained so that leachate flow is not impeded.

(h) If any regulated hazardous wastes are discovered to be improperly deposited at the facility, the facility operator shall promptly notify the Department, the person responsible for shipping the wastes to the facility, and the generator of the wastes, if known. The area where the wastes are deposited shall immediately be cordoned off from public access. If the generator or hauler cannot be identified, the facility operator shall assure the cleanup, transportation, and disposal of the waste at a permitted hazardous waste management facility.

(i) If the facility has reached its permitted capacity for storage of wastes or recyclable materials, the permittee shall not accept additional waste for processing until sufficient capacity has been restored.

(5) Certification. Certification of construction completion shall be done in accordance with paragraph 62-701.320(9)(b), F.A.C. Record drawings of relevant construction details shall be submitted along with the certification.

(6) Closure requirements.

(a) The owner or operator shall notify the Department in writing prior to ceasing operations, and shall specify a closing date. No waste shall be received by the facility after the closing date.

(b) Within 30 days after receiving the final solid waste shipment, the owner or operator shall remove or otherwise dispose of all solid waste or residue in accordance with the approved closure plan. Stored putrescible wastes shall continue to be managed in accordance with paragraph 62-701.710(4)(b), F.A.C.

(c) Closure must be completed within 180 days after receiving the final solid waste shipment. Closure will include removal of all recovered materials from the site, as well as performing any contamination evaluation required by subparagraph 62-701.710(1)(d)2., F.A.C. The owner or operator shall certify in writing to the Department when closure is complete.

(7) Financial assurance.

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

(b) In addition to the exemption provided in subparagraph (1)(d)1., of this rule, a standalone waste processing facility is exempt from the requirement to provide proof of financial assurance as long as the current dollar Department approved closing cost estimate is less than \$10,000.00.

(c) If a local government requires financial assurance for closure, which is at least as stringent as that required by this subsection, the Department will attempt to establish a cooperative mechanism with the local government and thereby avoid duplicative financial requirements.

(8) Recordkeeping.

(a) Operational records shall be maintained to include a daily log of the quantity of solid waste received, processed, stored, and removed from the site for recycling or disposal, and the county of origin of the waste, if known. These records shall include each type of solid waste, recovered materials, residuals, and unacceptable waste which is processed, recycled, and disposed. Such records shall be compiled on a monthly basis and shall be available for inspection by the Department. Records shall be retained at the facility for three years.

(b) The owner or operator of any facility which recycles construction and demolition debris shall submit an annual report to the Department on Form 62-701.900(7), Annual Report for a Construction and Demolition Debris Facility, effective date January 6, 2010, hereby adopted and incorporated by reference. Copies of this form are available from a local District Office or by writing to the Department of Environmental Protection, Solid Waste Section, MS 4565, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400. This report shall include a summary of the amounts and types of wastes disposed of or recycled. The county of origin of materials which are recycled, or a statement that the county of origin is unknown, shall be included in the report. The report shall be submitted no later than February 1 of each year, and shall cover the preceding calendar year.

(9) Alternate procedures. The owner or operator of a facility may request alternate procedures and requirements in accordance

with Rule 62-701.310, F.A.C. However, if such request is based upon the nature of the waste accepted at the facility (for example, if a facility accepts only segregated wastes which are expected to have a minimal environmental impact), the request will be submitted to and acted on by the appropriate District office of the Department as part of a permit application or modification, and need not be accompanied by any additional fee.

(10) General permit for indoor waste processing facility.

(a) General permit. A general permit is hereby granted to any person for the operation of a waste processing facility at which all incoming solid waste is stored and processed indoors, that has been constructed in conformance with a permit issued pursuant to this rule, and that will be operated in accordance with the standards and criteria set forth in Rules 62-4.540 and 62-701.300, F.A.C., and this subsection. To qualify for a general permit a facility must comply with the following:

1. The facility has been designed to have all incoming wastes tipped, sorted and processed indoors.
2. The facility has been constructed with a leachate control system to prevent discharge of leachate and avoid mixing of leachate with stormwater, and to minimize the presence of standing water.
3. Storage areas are designed to hold the expected volume of materials until they are transferred for disposal or recycling. Recovered materials, yard trash, and untreated wood may be stored outside. Other recyclable materials separated from the incoming waste stream may be stored outside in rolloff containers provided they are covered.

(b) Notification. Any person wishing to operate an indoor waste processing facility pursuant to this subsection shall notify the Department on Form 62-701.900(34), Notification of Intent to Use a General Permit for an Indoor Waste Processing Facility, <http://www.flrules.org/Gateway/reference.asp?No=Ref-01481>, effective August, 2012, hereby adopted and incorporated by reference. Copies of this form are available from a local District Office or by writing to the Department of Environmental Protection, Solid Waste Section, MS 4565, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400. Each notification shall include a certification that the facility has been constructed in accordance with the criteria in this subsection, and the following:

1. A description of the facility that complies with paragraph 62-701.710(2)(a), F.A.C.,
2. An operation plan that complies with paragraph 62-701.710(2)(e), F.A.C.,
3. A closure plan that complies with paragraph 62-701.710(2)(f), F.A.C.; and,
4. A contingency plan that complies with paragraph 62-701.710(2)(g), F.A.C.

(c) Facility information that was submitted to the Department to support the most recent construction or operation permit, and which is still valid, does not need to be re-submitted with the notification. The notification shall list and reaffirm that the information is still valid.

(d) Other requirements. The permittee shall comply with the requirements of subsections 62-701.710(4), (6), and (8), F.A.C.

(11) Transfer stations that consolidate waste directly from one mobile container or vehicle into another mobile container or vehicle are exempt from the requirements of this section provided:

a. The owner or operator notifies the Department, and renews any existing notification by July 1 of each year, on Form 62-701.900(35), Notification of Container-to-Container Waste Transfer Facility, <http://www.flrules.org/Gateway/reference.asp?No=Ref-01482>, effective August, 2012, hereby adopted and incorporated by reference. Copies of this form are available from a local District Office or by writing to the Department of Environmental Protection, Solid Waste Section, MS 4565, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400. A site plan showing the property and area where waste transfer operations will be conducted shall be included in accordance with the directions on Form 62-701.900(35),

b. The facility is operated to minimize the discharge of leachate to the environment and to control objectionable odors, litter, dust, and other fugitive particulates,

c. Only construction and demolition debris and Class III solid waste is accepted at the facility,

d. Waste is stored only in mobile containers or vehicles, and is not stored, placed, or located on the ground, or in an immobile container or structure, or on a tipping floor,

e. No solid waste, including waste in mobile containers or vehicles, is stored at the facility, or on any adjacent property, for more than 7 days,

f. The largest mobile container or vehicle on-site that is used for consolidation and transfer does not hold more than 40 cubic yards,

g. No more than ten mobile containers or vehicles containing waste or recovered materials, and no more than 200 cubic yards of waste and recovered materials, are stored at the facility at any one time,

h. No more than 1,500 cubic yards of waste may be received at the facility during any calendar month,

- i. The waste received at the facility has been collected by the owner or operator and shall not be received from any third party hauler of the waste,
- j. Each mobile container or vehicle received or stored at the facility is owned or leased by the operator of the facility; and,
- k. Operational records shall be maintained on-site documenting the quantity in cubic yards of waste received, stored, and removed from the site, and where it was sent for recycling or disposal. Such records shall be retained at the facility for three years.

*Rulemaking Authority 403.061, 403.704 FS. Law Implemented 403.702, 403.704, 403.707 FS. History—New 5-27-01, Amended 1-6-10, 8-12-12, 2-15-15.*

#### **62-701.720 Industrial Solid Waste Disposal.**

*Rulemaking Authority 403.061, 403.704 FS. Law Implemented 403.702, 403.704, 403.707 FS. History—New 1-6-93, Amended 5-19-94, Formerly 17-701.720, Repealed 12-23-96.*

#### **62-701.730 Construction and Demolition Debris Disposal and Recycling.**

##### **(1) Applicability.**

(a) No person shall construct, operate or close an off-site construction and demolition debris disposal facility without a permit issued by the Department. All holders of construction or operation permits issued prior to January 6, 2010, that contain conditions not in conformance with this chapter shall apply for modification of the permit to conform to this chapter to the District Office of the Department that issued the permit. The submission shall occur at the time of application for renewal of an existing permit, or before July 5, 2010, whichever is earlier. For purposes of this paragraph, a permit issued prior to January 6, 2010, is deemed to include a completed permit application received by the Department prior to January 6, 2010. However, the provisions of paragraph (4)(d), of this rule, will not apply to any disposal units of a facility that have received a Department permit authorizing construction or operation prior to January 6, 2010.

(b) After the applicable compliance deadline specified above, facilities shall operate only in accordance with the provisions of this section. However, any disposal unit that received a significant amount of waste in accordance with the conditions of its permit prior to the applicable compliance deadline is not required to comply with any siting or construction design requirements of this chapter that were not in effect prior to the applicable compliance deadline. For purposes of this subsection:

1. A “significant amount of waste” means that the disposal unit has received sufficient waste for disposal, in accordance with its normal operational plan, so that it is impractical to remove that waste or to relocate or reconstruct the disposal unit.

2. “Siting or construction design requirements” do not include the hydrogeological investigation required by subparagraph 62-701.730(2)(a)3., F.A.C., or the water quality monitoring plan required by subsection 62-701.730(8), F.A.C.

(2) Application. A permit application for an off-site construction and demolition debris disposal facility, disposal unit, or lateral expansion shall be submitted on Form 62-701.900(6), Application to Construct, Operate, or Modify a Construction and Demolition Debris Disposal or Disposal with Recycling Facility, <http://www.flrules.org/Gateway/reference.asp?No=Ref-05029>, effective date June 11, 2015, hereby adopted and incorporated by reference. Copies of this form are available from a local District Office or by writing to the Department of Environmental Protection, Solid Waste Section, MS #4565, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400. The application shall be in conformance with the requirements of subsections 62-701.320(5), (6), (7), and paragraph (8)(a), F.A.C. All applications shall include the information in paragraphs (b) through (f), of this subsection, and applications to construct or laterally expand a disposal unit shall also include the information in paragraph (a), of this subsection.

(a) An engineering report, signed and sealed by a professional engineer, that includes:

1. A site plan, of a scale not greater than 200 feet to the inch, which shows the project location and identifies the proposed disposal units, total acreage of the site and of the proposed disposal units, and any other relevant features such as water bodies or wetlands on or within 200 feet of the site, and potable water wells on or within 500 feet of the site,

2. A geotechnical investigation which meets the criteria of Rule 62-701.410, F.A.C.,

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

4. An estimate of the planned active life of the facility, the design of the disposal areas, the final design height of the facility, and the maximum height of the facility during its operation,

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

(b) A boundary survey, legal description, and topographic survey of the property;

(c) An operation plan which describes how the applicant will comply with subsection 62-701.730(7), F.A.C., which must

include procedures for emergency preparedness and response as required in subsection 62-701.320(16), F.A.C.;

(d) A closure plan that describes how the applicant will comply with subsections 62-701.730(9) and (10), F.A.C.;

(e) The financial assurance documentation required by subsection 62-701.730(11), F.A.C.; and,

(f) The CCA treated wood management plan as required in subsection 62-701.730(20), F.A.C.

(3) Certification. Certification of construction completion shall be done in accordance with paragraph 62-701.320(9)(b), F.A.C.

(4) General requirements. Except as specified in this section, the requirements of Rules 62-701.330 through 62-701.630, F.A.C., do not apply to construction and demolition debris disposal facilities.

(a) No solid waste other than construction and demolition debris shall be disposed of at a construction and demolition debris disposal facility.

(b) Waste material from a waste processing facility which is mixed with Class I or Class III waste, either before or after processing, is not considered construction and demolition debris and may not be accepted for disposal at a construction and demolition debris disposal facility.

(c) No solid waste disposal unit shall be located in the 100-year floodplain where it will restrict the flow of the 100-year flood, reduce the temporary water storage capacity of the floodplain unless compensating storage is provided, or result in a washout of solid waste.

(d) For an above-grade disposal facility, the minimum horizontal separation between the waste disposal area and the site property boundary shall be 100 feet, measured from the toe of the proposed final cover slope.

(e) The horizontal boundaries of the waste disposal area authorized in the construction or operation permit shall be clearly delineated with permanent or semi-permanent markers, such as bollards, posts, fencing, or signs, so that the operators can determine on a daily basis whether or not the facility is exceeding its permitted dimensions.

(5) Stormwater. For aboveground disposal units, the design of any features intended to convey stormwater to a permitted or exempted treatment system shall be included in the solid waste construction permit.

(6) Design requirements.

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

(b) The liner system shall consist of at least a single 60-mil minimum average thickness HDPE geomembrane. In the sumps located inside the disposal facility footprint and in the leachate collection trenches, the geomembrane shall be placed on a GCL with a saturated hydraulic conductivity of less than or equal to  $1 \times 10^{-7}$  cm/sec, or on a compacted clay liner which is a minimum six inches thick with a saturated hydraulic conductivity of less than or equal to  $1 \times 10^{-7}$  cm/sec. The liner shall be placed on a prepared subgrade that will not damage the geomembrane liner or the GCL. A primary leachate collection and removal system and a drainage layer shall be installed above the geomembrane liner. Except in sumps and leachate collection trenches, the system shall be designed to limit leachate head above the liner during routine facility operation after placement of initial cover to no greater than 12 inches. The liner system and leachate collection system must be constructed in accordance with the requirements of paragraphs 701.400(3)(a), (d), (e), and (f), and subsections 62-701.400(4), (7), and (8), F.A.C. Any alternative liner system shall be approved only in accordance with the provisions of Rule 62-701.310, F.A.C.

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

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

(a) An operation plan describing the facility operations and maintenance, emergency and contingency plans, and types of equipment that will be used shall be kept at the facility at all times and made available for inspection. The operation plan shall describe the method and sequence of filling waste and shall state the maximum allowed lift depth. Lift depth shall not exceed 10 feet unless authorized in the operation plan. Lift depths greater than 10 feet may be allowed depending on specific operations, daily volume of waste, width of working face, and good safety practices. All activities at the facility shall be performed in accordance with this plan and the permit conditions. The plan shall be updated as operations change but no less frequently than every five years.



The operation permit shall be modified to reflect any substantive changes to the plan, other than those required for routine maintenance.

(b) Construction and demolition debris shall be compacted and sloped during the life of the facility to assure that the requirements of subsection (9), of this rule, can be met. A schedule for compaction and grading shall be included in the operation plan. The external slopes of all disposal units shall be no greater than three feet horizontal to one foot vertical rise. The working face and internal slopes of all disposal units shall not be greater than three feet horizontal to one foot vertical rise unless reasonable assurance is provided in the operation plan that fires can be controlled in steeply sloped areas.

(c) Access to the disposal facility shall be controlled during the design period of the facility by fencing or other effective barriers to prevent disposal of solid waste other than construction and demolition debris. Signs indicating the name of the operating authority, traffic flow, hours of operations and restrictions or conditions of disposal shall be posted.

(d) Operators and spotters employed at the facility shall be properly trained in accordance with subsection 62-701.320(15), F.A.C. A trained operator shall be on duty at the facility at all times that the facility is operating. In addition, a sufficient number of spotters shall be on duty at the working face to inspect the incoming waste at all times waste is being accepted at the site. Waste shall be inspected after it is removed from the transport vehicle and prior to placement for final disposal. Any unauthorized waste shall be removed from the waste stream and placed into appropriate containers or secure storage areas for disposal or recycling at a facility authorized by the Department to receive such waste.

(e) The facility shall be operated to control objectionable odors in accordance with subsection 62-296.320(2), F.A.C. If objectionable odors are detected off-site, the owner or operator shall comply with the requirements of paragraph 62-701.530(3)(b), F.A.C.

(f) Fuels, solvents, lubricants, and other maintenance materials shall be stored in secure areas separate from the disposal or sorting areas.

(g) Plastic buckets may be accepted at the facility unless they contain liquids other than water when they arrive; however, they may contain hardened paint, tar, cement or similar non-hazardous materials.

(h) Carpet remnants that are from a construction or demolition project or from a carpet manufacturer may be accepted at the facility.

(i) CCA treated wood shall be managed as provided in subsection (20), of this rule.

(j) If any regulated hazardous wastes are discovered to be improperly deposited at the facility, the facility operator shall promptly notify the Department, the person responsible for shipping the wastes to the facility, and the generator of the wastes, if known. The area where the wastes are deposited shall immediately be cordoned off from public access. If the generator or hauler cannot be identified, the facility operator shall assure the cleanup, transportation, and disposal of the waste at a permitted hazardous waste management facility.

(k) The owner or operator shall make arrangements or shall have equipment for temporary storage, handling and transport to an authorized disposal or recycling facility for solid waste, other than construction and demolition debris, that is inadvertently accepted by the facility. Such solid waste that is accepted by the facility shall be segregated and disposed of in accordance with Chapter 62-701, F.A.C. Unless an alternate schedule is included in an operation plan submitted with the permit application, which provides for the control of odors and vectors, putrescible waste shall not be stored for longer than 48 hours and non-putrescible waste shall not be stored for longer than 30 days. Any hazardous waste that is received by the facility shall be managed in accordance with the provisions of Chapter 62-730, F.A.C.

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

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

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

(b) The well spacing requirements of subparagraph 62-701.510(3)(d)3., F.A.C., do not apply. A minimum of one upgradient and two downgradient wells is required, as specified in Chapter 62-520, F.A.C.

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

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

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

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

(f) If monitoring parameters are detected in monitoring wells in concentrations which are significantly above background water quality, or which are at levels above the Department’s water quality standards or criteria specified in Chapter 62-520, F.A.C., the provisions of subsection 62-701.510(6), F.A.C., shall apply.

(9) Closure.

(a) At least 90 days prior to the date when wastes will no longer be accepted, the owner or operator of the construction and demolition debris disposal facility shall submit an updated closure plan to the Department to reflect any changes in the closure plan due to actual operational conditions at the facility. If unforeseen circumstances do not allow the notification within 90 days prior to ceasing to receive wastes, then notice shall be provided as soon as the need to close the facility becomes apparent. The updated and approved closure plan shall be incorporated into and made part of the permit.

(b) Final cover and seeding or planting of vegetative cover shall be placed on each disposal unit within 180 days after it has reached its final grade or ceased receiving wastes. Final cover shall consist of a 24-inch-thick soil layer, or a 30-inch thick layer consisting of approximately 50 percent soil and 50 percent ground or chipped yard trash by volume, the upper six inches of which shall be capable of supporting vegetation, and shall be graded and compacted as necessary to eliminate ponding, promote drainage, and minimize erosion. If any disposal unit has been constructed with a liner system, the final cover must include a barrier layer with a permeability that is substantially equivalent to, or less than, the permeability of the bottom liner system or meets the alternative barrier layer design requirements in subparagraph 62-701.600(3)(g)6., F.A.C. The side slopes of all above-grade disposal units shall be no greater than three feet horizontal to one foot vertical rise. If the disposal unit is lined, the closure design shall include a barrier layer or other measures to ensure that the design leachate head over the liner is not exceeded after closure. The final cover shall be vegetated to control erosion. Disposal units that are aboveground shall be designed to control the flow of stormwater, such as building reverse sloping benches or terraces into the side slopes of the disposal units and shall contain down slope drainage ways

with water flow energy dissipaters unless reasonable assurance is provided that adequate erosion control will be achieved in the absence of such measures.

(c) Any disposal unit designed with a geomembrane as part of the barrier layer shall have a gas management system installed during closure that is designed to reduce gas pressure in the interior of the disposal unit and to prevent failure of the final cover. The gas management system may be active or passive. An active system shall be designed and operated in a manner that prevents intrusion of ambient air into the disposal unit.

(d) Placement of final cover may be delayed if additional waste will be deposited on the disposal unit within five years, but only if the disposal unit is temporarily closed in accordance with an approved closure plan. Conditions of temporary closure shall include:

1. The disposal unit was constructed in compliance with its permit conditions,
2. A schedule for temporary and final closure is shown in the closure plan,
3. Final cover is installed on side slopes of each completed disposal unit which will not receive additional waste,
4. Odors and runoff are controlled,
5. The closure cost estimate takes into account the costs of temporary closure as well as the costs of the final closure; and,
6. An intermediate cover is installed on the disposal unit within 30 days after the unit stops accepting waste. The intermediate cover may be removed before placing additional waste or installing final cover.

(e) The owner or operator shall provide a certification of closure construction completion to the Department within 30 days after closing, covering, and seeding the disposal unit. The owner or operator shall also provide a final survey report done by a professional surveyor, in accordance with paragraph 62-701.600(6)(b), F.A.C., if disposal operations have raised the final elevations higher than 20 feet above the natural land surface.

(f) Upon receipt and approval of the documents required in paragraph (d), of this subsection, the Department shall, within 30 days, acknowledge by letter that notice of termination of operations and closing of the facility has been received. The date of this letter shall be the official date of closing for the purpose of determining the long-term care period, in accordance with subsection 62-701.600(8), F.A.C.

(g) Declaration to the public. After closing operations are approved by the Department, the facility owner or operator shall file a declaration to the public in the deed records in the office of the county clerk of the county in which the facility is located. The declaration shall include a legal description of the property on which the facility is located and a site plan specifying the area actually filled with construction and demolition debris. The declaration shall also include a notice that any future owner or user of the site should consult with the Department prior to planning or initiating any activity involving the disturbance of the facility's cover, monitoring system or other control structures. A certified copy of the declaration shall be filed with the Department.

(10) Long-term care. The owner or operator of the construction and demolition debris disposal facility shall continue to monitor and maintain the integrity and effectiveness of the final cover as well as other appurtenances of the facility, control erosion, fill subsidences, control objectionable odors, implement an odor remediation plan that meets the requirements of paragraph 62-701.530(3)(b), F.A.C., if required, and comply with the water quality monitoring plan for five years from the date of closing. Before the expiration of the long-term care monitoring and maintenance period, the Department may extend the time period if the water quality monitoring system indicates that the facility continues to impact water quality at concentrations which may be expected to result in violations of Department water quality standards or criteria; if site-specific conditions make it likely that any contamination that may emanate from the disposal area would not be detected within the long-term care period; if the final cover does not have well established vegetation or is showing signs of continuing significant erosion problems; or if the permittee has not performed all required monitoring or maintenance.

(11) Financial assurance.

(a) Closure cost estimates, estimate updates and financial mechanisms shall comply with the provisions of subsections 62-701.630(1) through (4), F.A.C., except that the cost of long-term care shall be based upon a five-year period, and the costs shall be based upon compliance with this section. Landfill shall mean facility.

(b) If a local government requires financial assurance for closure, which is at least as stringent as that required by this rule, the Department will attempt to establish a cooperative mechanism with the local government and thereby avoid duplicative financial requirements.

(c) Owners or operators of facilities that are required to undertake a corrective action program in accordance with paragraph 62-701.730(8)(f), F.A.C., shall submit proof of financial assurance to the Department in accordance with subsections 62-701.630(7), (8) and (9), F.A.C., no later than 120 days after the corrective action remedy has been selected.

(d) If long-term care is extended because the permittee has failed to perform all required monitoring and maintenance, during the long-term care period, financial assurance shall continue to be required during the extended long-term care. If the long-term care is extended for any other reason, financial assurance is not required during the extended long-term care period, except as may be required in paragraph (c), of this subsection.

(12) Annual Reports. The owner or operator of the facility shall submit an annual report to the Department on Form 62-701.900(7). This report shall include a summary of the amounts and types of wastes disposed of or recycled. The county of origin of materials that are recycled, or a statement that the county of origin is unknown, shall be included in the report. The report shall be submitted no later than February 1 of each year and shall cover the preceding calendar year.

(13) Recycling.

(a) The owner or operator of a facility that accepts construction and demolition debris for disposal and that also recovers materials from the construction and demolition debris waste stream for purposes of recycling shall meet the requirements of this section as well as the requirements of Rule 62-701.710, F.A.C. If there is a conflict between this section and Rule 62-701.710, F.A.C., this section shall govern. It is not necessary for the owner or operator to apply for a separate permit as a waste processing facility or to pay an additional fee.

(b) The owner or operator of a facility that recovers materials from the construction and demolition debris waste stream for purposes of recycling but that does not dispose of any wastes on-site shall apply for a permit on Form 62-701.900(4), and shall comply with the provisions of Rule 62-701.710, F.A.C.

(c) In order to reuse recovered screened material other than clean debris from the construction and demolition debris waste stream, an owner or operator shall demonstrate that this material will be managed and reused in a manner that will pose no significant threat to public health or the environment. In making this demonstration, the owner or operator may consider background levels of receiving soils, whether the material will be blended with other materials, and the likelihood that the material may have unlimited distribution or come into direct contact with the public. Examples of management practices which would not require analysis for health-based criteria include permanent encapsulation, use as initial or intermediate cover or subsurface construction at a permitted landfill, or use under at least two feet of clean cover material.

(d) Metal, paper, glass, plastic, textile, or rubber materials that have been diverted and source separated or have been removed from the construction and demolition debris waste stream for sale, use, or reuse as raw materials may be managed as recovered materials. Other materials that have been diverted and source separated or have been removed from the construction and demolition debris waste stream may be sold, used, or reused as raw materials upon a demonstration that the material will pose no significant threat to public health or the environment.

(e) The owner or operator of any permitted materials recovery or disposal facility that accepts dedicated loads of construction and demolition debris shall ensure that such materials are processed, to the extent economically feasible, to remove recyclable materials prior to disposal. The owner or operator of such a facility shall evaluate the economic feasibility of processing to remove recyclable materials prior to disposal, and shall certify that they have evaluated the economic feasibility for processing construction and demolition debris. The certification shall indicate the economic factors that were considered in the evaluation, the types of construction and demolition debris materials that were evaluated, and whether it was determined that processing to remove recyclable materials prior to disposal was economically feasible. The evaluation and certification shall be documented on Form 62-701.900(36), Certification of Economic Feasibility to Process C&D Debris Prior to Disposal, effective date March 13, 2016, <http://www.flrules.org/Gateway/reference.asp?No=Ref-06527>, hereby adopted and incorporated by reference. Copies of this form are available from a local District Office or by writing to the Department of Environmental Protection, Solid Waste Section, MS #4565, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400. This certification shall be completed no later than September 9, 2016 for existing facilities, or prior to operating a new facility on or after March 13, 2016. Thereafter, the evaluation and certification shall be completed at least annually. Where an owner or operator becomes aware of changed conditions that they believe warrant discontinuing processing to remove recyclable materials prior to disposal, the owner or operator may temporarily discontinue such processing for a period of up to 12 months; however, such changed conditions shall be incorporated in the next evaluation and certification on Form 62-701.900(36). Documentation of each evaluation and certification shall be kept at the facility and made available to the Department upon request, along with supporting documentation for the items considered in the course of the economic evaluation. If the owner or operator determines that it is economically feasible to process some or all of a material being accepted, but the material currently is not being processed, then such material shall be processed prior to disposal to remove the fraction of the recyclable material to the extent economically feasible no later than three months after completion of any process

changes that were identified by the owner or operator as part of the associated economic feasibility evaluation. Reporting the amounts of any recovered materials separated from the waste stream shall continue to be provided in accordance with the requirements of Chapter 62-722, F.A.C. Other than the referenced provisions of Chapter 62-722, F.A.C., this paragraph does not apply to:

1. Recovered materials,
2. Materials that have previously been source-separated and offered for recycling,
3. Materials that have been previously processed to remove recyclable materials, or
4. Off-site disposal of yard trash authorized in accordance with Rule 62-701.803, F.A.C.

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

(15) Clean debris. Clean debris may be used as fill or raw material in any area, including waters of the State, subject to receipt of an environmental resource permit from the Department where applicable. Clean debris used as fill material is not solid waste, and such use does not require a solid waste permit under this rule.

(16) Landfill disposal. Construction and demolition debris may be disposed of in a permitted landfill. However, each county must maintain segregated disposal areas for construction and demolition debris. The cover requirements for a segregated construction and demolition debris disposal area within a permitted landfill shall be those in subsection (9), of this rule. Landfills permitted in accordance with Rule 62-701.330, F.A.C., which have construction and demolition debris disposal units or recycling facilities included as part of their permit conditions, are not required to submit separate permit applications or financial assurance documents under this section.

(17) Onsite disposal. Construction and demolition debris that is disposed of on the property where it is generated, or on property that is adjacent or contiguous to and under common ownership and control as that property where the waste is generated, is exempt from the requirements of this section and Rule 62-701.330, F.A.C. However, such disposal is subject to the prohibitions of Rule 62-701.300, F.A.C. All waste shall be inspected by the generator or a spotter prior to disposal, either at the point of generation or at the disposal site, to ensure that any unauthorized waste is removed from the waste stream prior to disposal and managed in accordance with Department rules. Final cover and seeding or planting of vegetative cover shall be placed on each disposal unit within 180 days after final receipt of waste. Final cover shall consist of a 24-inch-thick soil layer, the upper six inches of which shall be capable of supporting vegetation, and shall be graded and compacted as necessary to eliminate ponding, promote drainage, and minimize erosion. The side slopes of all above-grade disposal areas shall be no greater than three feet horizontal to one foot vertical rise.

(18) Disposal restrictions. Construction and demolition debris may be disposed of only in accordance with one of the methods authorized above. In addition, disposal areas shall be operated so that adverse environmental and public health impacts, such as blowing litter and vectors, are minimized. Upon discovery that a permitted facility has disposed of solid waste outside of its permitted dimensions, the owner or operator shall notify the Department within three working days of this discovery. If all waste is not relocated within the permitted dimensions of the facility within 30 days of discovery, upon order of the Department the facility shall not accept any waste until the facility is in compliance with its permitted dimensions.

(19) Asbestos waste disposal. Asbestos-containing waste materials regulated pursuant to 40 C.F.R. Part 61, Subpart M, shall not be disposed of in a construction and demolition debris disposal unit.

(20) CCA treated wood. The owner or operator of a facility, except for a disposal facility with a constructed liner system, shall design and implement a CCA treated wood management plan. The plan shall be designed to minimize the amount of CCA treated wood that is delivered to the facility, and must describe procedures the operator will use to make a reasonable effort to separate any CCA treated wood from other wastes at the facility. CCA treated wood that is separated from other wastes at the facility shall not be disposed of at an unlined solid waste disposal facility.

(21) Alternate procedures. The owner or operator of a facility may request alternate procedures and requirements in accordance with Rule 62-701.310, F.A.C. However, if such request is based upon the nature of the construction and demolition debris accepted at the facility (for example, if a facility accepts only segregated wastes which are expected to have a minimal environmental impact), the request will be submitted to and acted on by the appropriate District office of the Department, and need not be accompanied by any additional fee.

### **62-701.801 General Permit for Solid Waste Transfer Station.**

*Rulemaking Authority 403.814(1) FS. Law Implemented 403.061, 403.087, 403.088, 403.702-403.73, 403.814 FS. History—New 7-8-82, Formerly 17-4.61, 17-4.610, 17-7.801, Amended 1-6-93, 5-19-94, Formerly 17-701.801, Repealed 5-27-01.*

### **62-701.802 General Permit for Land Application of Grade II Domestic Wastewater Treatment Sludge.**

*Rulemaking Authority 403.814 FS. Law Implemented 403.061, 403.087, 403.702-.715, 403.814 FS. History—New 6-16-84, Formerly 17-4.64, 17-4.640, 17-7.802, 17-701.802, Repealed 12-23-96.*

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

(1) Notification. Notwithstanding the provisions of Rule 62-701.730, F.A.C., facilities that accept for disposal only yard trash may operate under a general permit pursuant to Part III of Chapter 62-4, F.A.C., and this section. For purposes of this section, yard trash includes land clearing debris and unpainted, nontreated wood scraps and wood pallets that meet the definition of construction and demolition debris. The owner or operator of the yard trash disposal facility shall notify the Department in writing of the intent to use this general permit on Form 62-701.900(3), Notification of Intent to Use a General Permit for a Yard Trash Disposal Facility, <http://www.flrules.org/Gateway/reference.asp?No=Ref-05019>, effective date February 15, 2015, hereby adopted and incorporated by reference. Copies of this form are available from a local District Office or by writing to the Department of Environmental Protection, Solid Waste Section, MS #4565, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400. Owners or operators of solid waste management facilities which have a permit under Chapter 62-701, F.A.C., to receive yard trash are exempt from this requirement. The notification shall include:

(a) A site plan, of a scale not greater than 200 feet to the inch, that shows the project location and identifies the proposed disposal areas, total acreage of the site and of the proposed disposal area, and any other relevant features such as water bodies, wetlands, or potable water wells within 100 feet of the site;

(b) Identification of ground water levels at the site, including the seasonal high ground water level if known;

(c) A general description of the facility operations, including equipment and personnel planned for the operation and closure of the facility, and a training plan which complies with the requirements of subsection 62-701.320(15), F.A.C.;

(d) A boundary survey and legal description, of the property;

(e) The planned active life of the facility, and the design height of the facility;

(f) Closure plans and cross section details of the final cover;

(g) The mailing address and phone number of the owner and operator; and,

(h) Documentation that the applicant either owns the land or has legal authorization from the landowner to use the land for a disposal facility.

(2) Other requirements.

(a) The requirements of Rules 62-701.330 through 62-701.630, F.A.C., do not apply to yard trash disposal facilities, provided that none of the prohibitions contained in Rule 62-701.300, F.A.C., shall be violated.

(b) The owner or operator shall construct the facility only in accordance with the site plan submitted with the notification.

(c) The owner or operator shall operate the facility only in accordance with the descriptions and plans submitted with the notification.

(d) The external slopes of all disposal units shall be no greater than three feet horizontal to one foot vertical rise. The working face and internal slopes of all disposal units shall not be greater than three feet horizontal to one foot vertical rise unless reasonable assurance is provided in the notification that fires can be controlled in steeply sloped areas.

(e) The facility shall be operated to control objectionable odors in accordance with subsection 62-296.320(2), F.A.C. If objectionable odors are detected off-site, the owner or operator shall comply with the requirements of paragraph 62-701.530(3)(b), F.A.C.

(3) Temporary storage. The owner or operator shall make arrangements or shall have equipment for temporary storage, handling and transport to an authorized disposal or recycling facility for solid waste, other than yard trash, that is inadvertently accepted by the facility. Such solid waste that is accepted by the facility shall be segregated and disposed of in accordance with Department rules. Unless an alternate schedule is included in an operation plan submitted with the permit application, which provides for the control of odors and vectors, putrescible waste shall not be stored for longer than 48 hours and non-putrescible waste shall not be stored for longer than 30 days. Any hazardous waste that is received by the facility shall be managed in accordance with the

provisions of Chapter 62-730, F.A.C.

(4) Compaction. Yard trash shall be compacted and sloped as necessary to assure that the requirements of subsection (8), of this rule, can be met.

(5) Access. Access to the disposal facility shall be controlled during the active life of the facility by fencing or other effective barriers to prevent disposal of solid waste other than yard trash.

(6) Inspection of waste. At least one spotter shall be on duty at the working face at all times that the site is operating to inspect the incoming waste. Any material other than yard trash shall be removed from the waste stream and placed into appropriate containers for disposal at a permitted facility. Spotters shall be trained in accordance with subsection 62-701.320(15), F.A.C.

(7) Inspections. Operation of a facility under a general permit constitutes consent for Department personnel to inspect the site and such records as are required by this section during normal business hours for compliance with Department rules.

(8) Closure. Final cover and seeding or planting of vegetative cover shall be placed on each disposal unit within 180 days after final receipt of wastes. Final cover shall consist of a 24-inch-thick soil layer, the upper six inches of which shall be capable of supporting vegetation and shall be graded to eliminate ponding, promote drainage, and minimize erosion. The side slopes of all above-grade disposal areas shall be no greater than three feet horizontal to one foot vertical rise.

(9) Notification of closure. The owner or operator shall notify the Department within 30 days after closing, covering, and seeding the facility as required in subsection (8), of this rule.

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

*Rulemaking Authority 403.704, 403.707, 403.814 FS. Law Implemented 403.707, 403.814 FS. History—New 8-2-89, Amended 1-6-93, 1-2-94, 5-19-94, Formerly 17-701.803, Amended 12-23-96, 4-23-97, 5-27-01, 1-6-10, 8-12-12, 2-15-15.*

#### **62-701.900 Forms.**

The forms used by the Department in the solid waste management program are adopted and incorporated by reference elsewhere in this chapter. The following list of forms is provided solely for convenience. Some of the form numbers may not be consecutive due to repeal or transfer of earlier forms. Copies of forms may be obtained from a local District Office or by writing to the Florida Department of Environmental Protection, Solid Waste Section, Mail Station #4565, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400, or at [http://www.dep.state.fl.us/waste/quick\\_topics/forms/pages/62-701.htm](http://www.dep.state.fl.us/waste/quick_topics/forms/pages/62-701.htm).

(1) Form 62-701.900(1), Application to Construct, Operate, Modify, or Close a Solid Waste Management Facility, effective February 15, 2015.

(2) Form 62-701.900(2), Certification of Construction Completion of a Solid Waste Management Facility, effective May 19, 1994.

(3) Form 62-701.900(3), Notification of Intent to Use a General Permit for a Yard Trash Disposal Facility, effective February 15, 2015.

(4) Form 62-701.900(4), Application to Construct, Operate, or Modify a Waste Processing Facility, effective February 15, 2015.

(5) Form 62-701.900(5), Financial Mechanisms for Solid Waste Management Facilities Requiring Closure and/or Corrective Action, effective February 15, 2015.

(a) Solid Waste Facility Irrevocable Letter of Credit.

(b) Solid Waste Facility Financial Guarantee Bond.

(c) Solid Waste Facility Performance Bond.

(d) Solid Waste Facility Insurance Certificate.

(e) Solid Waste Facility Financial Test.

(f) Solid Waste Facility Corporate Guarantee.

(g) Solid Waste Facility Trust Fund Agreement.

(h) Solid Waste Facility Standby Trust Fund Agreement.

(6) Form 62-701.900(6), Application to Construct, Operate, or Modify a Construction and Demolition Debris Disposal or Disposal with Recycling Facility, effective February 15, 2015.

(7) Form 62-701.900(7), Annual Report for a Construction and Demolition Debris Facility, effective January 6, 2010.

(8) Form 62-701.900(8), Permit Transfer Form, effective February 15, 2015.

(9) Form 62-701.900(9), Application for Preliminary Examination and Final Examination and Certification of Resource

Recovery Equipment, effective November 15, 2009.

- (10) Form 62-701.900(18), Waste Tire Collector Registration Application, effective January 6, 2010.
- (11) Form 62-701.900(19), Waste Tire General Permit Application, effective January 6, 2010.
- (12) Form 62-701.900(20), Waste Tire Site Notification, effective January 6, 2010.
- (13) Form 62-701.900(21), Waste Tire Processing Facility Quarterly Report, effective January 6, 2010.
- (14) Form 62-701.900(22), Waste Tire Collector Annual Report, effective January 6, 2010.
- (15) Form 62-701.900(23), Waste Tire Processing Facility Permit Application, effective January 6, 2010.
- (16) Form 62-701.900(24), Waste Tire Small Processing Facility Permit Application, effective January 6, 2010.
- (17) Form 62-701.900(25), Waste Tire Collection Center Permit Application, effective January 6, 2010.
- (18) Form 62-701.900(26), Application for Recovered Materials Certification, effective January 6, 2010.
- (19) Form 62-701.900(27), Reporting Form for Recovered Materials, effective January 6, 2010.
- (20) Form 62-701.900(28), Closure Cost Estimating Form For Solid Waste Facilities, effective January 6, 2010.
- (21) Form 62-701.900(30), Monitoring Well Completion Report, effective January 6, 2010.
- (22) Form 62-701.900(31), Water Quality Monitoring Certification, effective January 6, 2010.
- (23) Form 62-701.900(32), Application for a Permit to Construct and Operate a Research, Development and Demonstration Facility, effective January 6, 2010.
- (24) Form 62-701.900(34), Notification of Intent to Use a General Permit for an Indoor Waste Processing Facility, effective August, 2012.
- (25) Form 62-701.900(35), Notification of Container-to-Container Waste Transfer Facility, effective August, 2012.
- (26) Form 62-701.900(36), Certification of Economic Feasibility to Process C&D Debris Prior to Disposal, effective March 13, 2016.

*Rulemaking Authority 403.704 FS. Law Implemented 403.707 FS. History—New 8-2-89, Amended 1-6-93, 5-19-94, Formerly 17-701.900, Amended 12-23-96, 4-23-97, 5-27-01, 1-6-10, 8-12-12, 2-15-15, 3-13-16.*