
**Solid Waste,
Chapter 17-701, F.A.C.
Department of Environmental Regulation
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CHAPTER 17-701
SOLID WASTE

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17-701.001 Declaration and Intent.
It is the intention of the Environmental Regulation Commission that the Department of Environmental Regulation encourage, in all appropriate ways, reclamation processes which will reclaim waste material for beneficial uses.

The Florida Department of Environmental Regulation finds and declares that improper disposal of solid waste and use of open dumps as a means of final disposal results in or contributes to air pollution, water pollution, and land blight. The Department further finds that proper methods of disposal of solid waste will reduce air pollution, water pollution and the use of the land as an uncontrolled receptacle for improperly treated waste. The Department further finds that properly designed, operated and monitored disposal of solid waste enhances the environment.

It is the intent of the Department to require that solid waste disposal be conducted in a manner and under conditions which will reduce the waste of recoverable resources and eliminate the dangerous and deleterious effects of improper solid waste disposal upon air quality, water quality, and human health, safety and welfare.

The purpose of this rule is to implement the provisions of the Florida Resource Recovery and Management Act, which directs the Department to plan for and regulate the storage, collection, transportation, separation, processing, recycling and disposal of solid waste in order to protect the public safety, health and welfare, to enhance the environment for the people of the state, and to recover resources which have the potential for further use, and to assure that the final irreducible residue is disposed of in a manner which enhances the environment.

The Department shall establish, maintain and promote a cooperative state program of planning and technical assistance for resource recovery and management; encourage and require designated counties and municipalities to plan for and provide efficient, environmentally acceptable resource recovery and management; review the design of and issue permits for construction and operation of resource recovery and management facilities; promote the application of resource recovery systems which preserve and enhance the quality of air, water and land resources; and establish a system for the examination and certification of resource recovery equipment.

Pursuant to Sections 403.061 and Sections 403.701 through 403.713, Florida Statutes, the execution and enforcement of any section regarding actual or potential pollution of air or waters is under the jurisdiction of the Department of Environmental Regulation. Chapter 17-7 F.A.C. replaces all applicable sections of Chapter 10 D-12 F.A.C.

Specific Authority: 403.061, 403.704, F.S.
Law Implemented: 403.021, 403.061, 403.087, 403.701 through 403.715, F.S.
History: New 10-1-74; Amended 5-24-79; Previously Numbered as 17-7.01; Formerly 17-7.001.

17-701.001 -- 17-701.001(History)

17-701.020 Definitions.

The following words, phrases or terms as used in this Chapter, unless the context indicates otherwise, shall have the following meaning:

- (1) "Agricultural Wastes" means the solid wastes resulting from the rearing and slaughtering of animals and the processing of animal products, orchard and field crops which are stored, transported or disposed of as an unwanted waste material.
- (2) "ASTM" means the American Society for Testing and Materials.
- (3) "Aquifer" means a geologic formation, group of formations, or part of a formation capable of yielding a significant amount of groundwater to wells, springs or surface water.
- (4) "Available Market" means any person, user or enterprise, willing to enter into a long-term contract or agreement to purchase materials or energy recovered from solid waste.
- (5) "Base Flood" means a flood that has a 1% or greater chance of recurring in any year, or a flood of a magnitude equalled or exceeded once in 100 years on the average over a long period. In any given 100 year interval such a flood may not occur, or more than one such flood may occur.
- (6) "Bulky Wastes" means items whose large size or weight precludes or complicates their handling by normal collection, processing, or disposal methods.
- (7) "Cell" means a volume of solid waste received since the last previous application of initial cover. The compacted waste and subsequent initial cover constitute a cell.
- (8) "Closing" means the time at which a resource recovery and management facility ceases to accept wastes, and includes those actions taken by the owner or operator of the facility to prepare the facility for any necessary monitoring and maintenance after closing.
- (9) "Closure" means the cessation of operation of a resource recovery and management facility and the act of securing such a facility so that it will pose no significant threat to human health or the environment. This includes closing, long term monitoring, maintenance and financial responsibility.
- (10) "Closure Plan" means written reports and engineering plans detailing those actions that will be taken by the owner or operator of a resource recovery and management facility to effect proper closure of that facility.

(11) "cm/sec" means centimeters per second.

(12) "Composting" means a controlled process of degrading organic matter by micro-organisms which results in a humus material.

(13) "Composting Facility" means a facility where organic matter is processed by natural or mechanical means to aid the microbial decomposition of the organic matter. Processing may include simple exposure resulting in a natural decay or physically turning, windrowing, aerating or other mechanical reduction of the organic matter.

17-701.020 -- 17-701.020(13)

(14) "Construction and demolition debris" means materials generally considered to be not water soluble and non-hazardous in nature, including but not limited to steel, glass, brick, concrete, asphalt roofing material, pipe, gypsum wallboard, and lumber, from the construction or destruction of a structure as part of a construction or demolition project or from the renovation or maintenance of a structure. The term includes rocks, soils, tree remains, trees, and other vegetative matter which normally results from land clearing or land development operations for a construction project. Mixing of construction and demolition debris with other types of solid waste, including material which is not from the actual construction or destruction of a structure, will cause it to be classified as other than construction and demolition debris.

(15) "Controlled Burning" means forced draft burning used for the combustion of solid waste with control of combustion air to maintain adequate temperature for efficient combustion, containment of the combustion reaction in an enclosed device to provide sufficient residence time and mixing for complete combustion, and control of the emission of combustion products.

(16) "Designated Counties" means those counties which are designated pursuant to Sections 403.705, .706 and .710, F.S., to plan for and engage in resource recovery and management programs and are listed as follows:

Alachua	Hillsborough	Pinellas
Bay	Lee	Polk
Brevard	Leon	Sarasota
Broward	Manatee	Seminole
Dade	Orange	Volusia
Duval	Palm Beach	
Escambia	Pasco	

(17) "Disposal" means the discharge, deposit, injection, dumping, spilling, leaking, or placing of any solid waste or hazardous waste into or upon any land or water so that such solid waste or hazardous waste or any constituent thereof may enter other lands or be emitted into the air or discharged into any waters, including groundwaters, or otherwise enter the environment.

(18) "Disposal facility" means a facility at which disposal of solid waste occurs.

(19) "Energy Recovery" means the conversion of solid waste into energy or a marketable fuel.

(20) "Final Cover" means the material used to cover the top and sides of a landfill when fill operations cease.

(21) "Garbage" means all kitchen and table food waste, animal or vegetative waste that is attendant with or results from the storage, preparation, cooking or handling of food materials.

(22) "Generation" means the act or process of producing either solid waste or a marketable fuel.

(23) "Ground Water" means water beneath the surface of the ground, whether or not it is flowing through known and definite channels.

(24) "Hazardous Wastes" means a solid waste identified by the Department as a hazardous waste in Florida Administrative Code Rule 17-730.

17-701.020(14) -- 17-701.020(24)

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(25) "Implement" means to carry out, accomplish, give practical effect to and ensure actual fulfillment by concrete means or by providing instruments or means of accomplishment.

(26) "Implementation Schedule" means a timetable for carrying out a local plan.

(27) "Infectious Wastes" means those wastes which may cause disease or reasonably be suspected of harboring pathogenic organisms; included are wastes resulting from the operation of medical clinics, hospitals, and other facilities producing wastes which may consist of, but are not limited to, diseased human and animal parts, contaminated bandages, pathological specimens, hypodermic needles, contaminated clothing, and surgical gloves.

(28) "Initial Cover" means a 6-inch layer of compacted earth, or other suitable material as approved by the Department, used to enclose a volume of solid waste prior to intermediate or final cover.

(29) "Intermediate Cover" means a layer of compacted earth one (1) foot in depth applied to a partially completed landfill.

(30) "Landfill" or "Sanitary Landfill" means a disposal facility, excluding those exempted under Subsection 17-701.030(1)(a)11, of this rule, which meets the criteria of Chapter 17-7 Florida Administrative Code. This term shall not include:

(a) a land spreading site; or

(b) a surface impoundment; or

(c) an injection well defined under and subject to the provisions of Chapter 17-28, Florida Administrative Code.

(31) "Leachate" means liquid that has passed through or emerged from solid waste and contains soluble, suspended or miscible materials.

(32) "Lift" means a completed horizontal series of cells.

(33) "Liner" means a continuous layer of low permeability natural or man-made materials, beneath or on the sides of a landfill, or landfill trench, which controls the downward or lateral escape of waste constituents, or leachate.

(34) "Local Agency" means any special district, authority, a county, a municipality, or any other political subdivision.

(35) "Local Solid Waste Program" means a local resource recovery and management program as described in Part II of this rule which includes a plan and an implementation schedule.

(36) "Materials Recovery" means any process by which one or more of the various components in solid waste was separated, concentrated, and reused.

(37) "Milled Refuse" means refuse that has been mechanically ground, shredded or pulverized.

(38) "Monitoring Wells" are strategically located wells from which water samples are drawn for water quality analysis.

17-701.020(25) -- 17-701.020(38)

(39) "Normal farming operations" means the customary and generally accepted activities, practices and procedures that farmers adopt, use or engage in during the production and preparation for market of poultry, livestock, and associated farm products; and in the production and harvesting of agricultural crops which include agronomic, horticultural, and silvicultural crops. Included is the management, collection, storage, composting, transportation and utilization of organic agricultural waste, manure, and wastes solely derived from agricultural crops. For the purposes of Part IV of this Chapter, normal farming operations include the land application of Grade I sludge in accordance with the utilization criteria of Part IV, Chapter 17-7, Florida Administrative Code. Not included in normal farming operations is the use of Grade II or Grade III sludges (except Grade II processed domestic sludge).

(40) "Open Burning" means the burning of any material under such conditions that the products of combustion are emitted directly into the open atmosphere.

(41) "Open Dump" means a site for the disposal of solid waste which does not comply with the criteria of Chapter 17-7, F.A.C.

(42) "Person" means any and all persons, natural or artificial, including any individual, firm, or association; any municipal or private corporation organized or existing under the laws of Florida or any other state; any county of this state; and any governmental agency of this state or the Federal Government.

(43) "Planning Area" means the area defined by a local agency or agencies for solid waste management and resource recovery management planning.

(44) "Promiscuous Dump" means an unauthorized site where indiscriminate deposits of solid waste are made.

(45) "Recovered Materials" means materials which are recovered from the solid waste stream by separation, collection, or other means for reuse or resale.

(46) "Recycling" means the reuse of solid waste in manufacturing, agriculture, power production, or other processes.

(47) "Regional Agency" means one or more public agencies joined together by inter-local agreements for a stated period of time or by special Act of the Legislature, to assume the responsibility for resource recovery and management.

(48) "Residential waste" means a mixture of garbage and trash resulting from the normal housekeeping activities of a residential unit.

(49) "Resource Management" means the process by which solid waste is collected, transported, stored, separated, processed, or disposed of in any other way according to an orderly, purposeful, and planned program.

(50) "Resource Recovery" means the process by which materials, excluding those under control of the Nuclear Regulatory Commission, which still have useful physical or chemical properties after serving a specific purpose are reused or recycled for the same or other purpose, including use as an energy source.

17-701.020(39) -- 17-701.020(50)

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(51) "Resource Recovery and Management Facility" means any solid waste disposal area, volume reduction plant, or other facility the purpose of which is resource recovery or the disposal, recycling, processing, or storage of solid waste.

(52) "Rural Containerized Collection System" means a collection system which involves mechanically serviceable containers, strategically located throughout an area, the contents of which are picked up on a regular schedule by a truck and their contents delivered to a transfer station or solid waste processing or disposal facility.

(53) "Sanitary Nuisance" means a condition created by any person, or the keeping, maintaining, propagation, existence, or permitting of anything by a person which the health or lives of individuals may be threatened or impaired, or by which disease may be caused or transmitted.

(54) "Shallow Water Supply Well" means any potable water well which pumps water from an unconfined water table aquifer.

(55) "Shredding" means a process of reducing the particle size of solid waste through the use of grinding, shredding, milling or rasping machines.

(56) "Site" means the area of land or water within the property boundaries of a resource recovery and management facility where one or more solid waste treatment, resource recovery, recycling, storage or disposal areas are located.

(57) "Sludge" means any solid, or semi-solid, or liquid generated from any waste water treatment plant, water supply treatment plant, air pollution control facility, septic tank, grease trap, portable toilets and related operations, or any other such waste having similar characteristics or effects.

(58) "Solid Waste" means sludge from a waste treatment works, water supply treatment plant, or air pollution control facility or garbage, rubbish, refuse, or other discarded material, including solid, liquid, semisolid, or contained gaseous material resulting from domestic, industrial, commercial, mining, agricultural, or governmental operations. Materials not regulated as solid wastes pursuant to Florida Administrative Code Rule 17-7 are: nuclear source or byproduct materials regulated under Chapter 404 F.S. or under the Federal Atomic Energy Act of 1954 as amended, suspended or dissolved materials in domestic sewage effluent or irrigation return flows, or other regulated point source discharges; regulated air emissions; fluids or wastes associated with natural gas or crude oil exploration or production. Solid waste does not include scrap, or new or used material, separated at the point of generation and held for purposes of recycling, subject to state and local public health and safety laws.

(59) "Source Separation" means the setting aside of separated recyclable waste materials at their point of generation (household or commercial) by the generator.

(60) "Special Wastes" means those wastes that require extraordinary management. They include but are not limited to, abandoned automobiles, white goods, used tires, waste oil, sludges, dead animals, agricultural and industrial wastes, septic tank pumpings, and infectious and hazardous wastes.

17-701.020(51) -- 17-701.020(60)

(61) "Stabilized" means that biological and chemical decomposition of the wastes has ceased or diminished to a level so that such decomposition no longer poses a pollution, health, or safety hazard.

(62) "State Program" means the Resource Recovery and Management Program described in Chapter 403.705 and 403.706, F.S. and this rule.

(63) "Ton" means a short ton, 2,000 pounds (.9078 metric tons).

(64) "Transfer Station" means a facility where solid waste from several relatively small vehicles is placed into a larger vehicle before being transferred to a solid waste processing or disposal facility.

(65) "Trash" means combinations of yard trash and construction and demolition debris along with other debris such as paper, cardboard, cloth, glass, street sweepings, vehicle tires and other like matter.

(66) "Treatment" means the process of altering the character, or physical or chemical condition of the waste to prevent pollution of water, air or soil, to safeguard the public health or enable the waste to be recycled.

(67) "Vector" means a carrier organism that is capable of transmitting a pathogen from one organism to another.

(68) "Volume Reduction Plant" includes, but is not limited to, incinerators, pulverizers, compactors, shredding and baling plants, composting plants and other plants which accept and process solid waste for recycling or disposal.

(69) "Waste Oil" means all types of waste oils, including waste automotive lubricants, industrial waste oils, and petroleum compounds.

(70) "White Goods" means inoperative and discarded refrigerators, ranges, washers, water heaters, and other similar domestic and commercial appliances.

(71) "Working Face" means that portion of a sanitary landfill where waste is discharged, spread and compacted prior to placement of initial cover.

(72) "Yard Trash" means vegetative matter resulting from landscaping maintenance or land clearing operations and includes materials such as tree and shrub trimmings, grass clippings, palm fronds, trees and tree stumps.

(73) "Clean debris" means any solid waste which is virtually inert and which is not a pollution threat to ground water or surface waters and is not a fire hazard, and which is likely to retain its physical and chemical structure under expected conditions of disposal or use. The term includes brick, glass, ceramics and uncontaminated concrete including embedded pipe or steel. Mixing of clean debris with other types of solid waste will cause it to be classified as other than clean debris. Clean debris which is disposed of shall be considered construction and demolition debris.

(74) "Existing unit" means any solid waste disposal unit that is receiving solid waste and has not received final cover.

(75) "Facility" means all contiguous land and structures, other appurtenances and improvements on the land used for solid waste management.

17-701.020(61) -- 17-701.020(75)

(76) "Fill" means man-made deposits of earth or waste materials used to fill excavations, to increase the vertical or horizontal extent of land or solid waste disposal units or to build embankments.

(77) "Off-site" means any location which is not on the property where the waste is generated.

(78) "Solid waste disposal unit" means a discrete area of land used for the disposal of solid waste.

All other definitions found in Chapter 403, F.S., and Chapter 17-7, F.A.C., to the extent that they are consistent with the definitions of this Chapter, are applicable to the terms used in this Chapter.

Specific Authority: 403.061, 403.704, F.S.

Law Implemented: 403.021, 403.031, 403.061, 403.087, 403.701 through 403.715, F.S.

History: Transferred from 10D-12.02, 10-1-74; Revised 7-20-76; Amended 5-24-79, 6-13-84, 4-25-85, 7-1-85; Previously Numbered as 17-7.02; Amended 12-10-85; Formerly 17-7.020; Amended 8-2-89.

17-701.030 Solid Waste Resource Recovery and Management Permit Requirements.

(1) Permit Requirements. No resource recovery and management facility or site shall be operated, maintained, constructed, expanded, modified, or closed without an appropriate and currently valid permit issued by the Department as defined in Florida Administrative Code Rule 17-4.

(a) However, no permit under this section shall be required for the following activities provided that no public nuisance or condition adversely affecting the public health, safety and welfare is created and provided that the activity does not violate other state or local laws, ordinances, rules, regulations or orders including the Florida Air and Water Pollution Control Act, the Florida Safe Drinking Water Act, and standards adopted thereunder.

1. Disposal by persons of solid waste resulting from their own activities on their own property. This exemption shall not apply when solid wastes, other than construction and demolition debris and waste from normal farming operations, generated on non-contiguous property are collected and disposed of at one disposal site. However, persons disposing of solid wastes resulting from their own activities on their own property shall file a written notification to the Department of their disposal activities pursuant to the requirements of Florida Administrative Code Rule 17-701.120.

2. Normal farming operations.

3. Solid waste disposal areas limited to the disposal of construction and demolition debris.

(b) A determination by the department of whether an activity creates a public nuisance or condition adversely affecting the public health, safety or welfare shall include consideration of whether the activity violates the prohibitions set forth in Section 17-701.040 of this rule.

17-701.020(76) -- 17-701.030(1)(b)

(2) Permit Application. The person making application for a resource recovery and management facility permit shall submit to the respective Department district office having jurisdiction where the facility is located a minimum of 6 copies of a permit application, engineering plans, and all supporting data and reports for the proposed construction, operation, and closure of the facility prepared by a Professional Engineer registered in the State of Florida in accordance with provisions of Chapter 471, F.S. Said Engineer or another qualified Professional Engineer shall be required to make periodic inspections during construction of the facility to ensure that design integrity is maintained. If the person is acting as a public officer employed by the State, a county or a municipality and where that person estimates the initial construction cost is less than ten thousand dollars, this requirement may be waived in accordance with Chapter 471.003(2), F.S. Any law to the contrary notwithstanding, for purposes of this subsection, the construction cost of a solid waste disposal area shall not include land acquisition cost or the cost of equipment used to construct and maintain the same.

(3) Preparation of application. The application for a permit shall be prepared and signed by the applicant on form 17-701.130(1). The application shall include all information necessary for the Department to make an evaluation of the proposed facility to ensure that it will pose no significant threat to public health or the environment. The permit application and supporting information shall include the following:

(a) A letter of transmittal to the Department;

(b) A table of contents listing the main sections of the application;

(c) The permit fee specified in Florida Administrative Code Rule 17-4.050 in check or money order payable to the Department;

(d) Engineer seal. Data presented in support of the application shall be sealed in accordance with requirements of Section 471.025 F.S. by a registered professional engineer authorized to practice in the State of Florida;

(e) Engineer's appointment to act on behalf of the applicant;

(f) All construction, operation, closure, and ground water monitoring plans, data, drawings, photographs, and reports to support the application;

(g) All maps, plan sheets, drawings, isometrics, cross-sections, or aerial photographs shall be legible and:

1. Signed and sealed by the registered professional engineer responsible for their preparation. Wherever possible drawings should be no larger than 24 by 36 inches, folded to 9x12 inches. Illustrations, tables or drawings reduced in size should be no smaller than 8 1/2 by 11 inches;

2. Of appropriate scale to show clearly all required details;

3. Numbered, referenced to the narrative, titled, have a legend of symbols used, contain horizontal and vertical scales (where applicable), and specify drafting or origination dates;

17-701.030(2) -- 17-701.030(3)(g)3.

4. Use uniform scales as much as possible, contain a north arrow, use National Geodetic Vertical Datum (NGVD) as a basis for all elevations.

(h) A copy of any lease agreement, transfer of property agreement with right of entry for long-term care, or any other agreement between operator and property owner by which the facility may be affected;

(i) Financial documents assigned to the Department which ensure the financial responsibility for the closing and long-term care of the facility.

(4) An applicant for a permit to construct, expand, or close a resource recovery and management facility shall publish and provide proof of publication to the Department, at his own expense, a Notice of Application in a newspaper of general circulation in accordance with Florida Administrative Code Rule 17-103.150.

(5) Water Management District Report. Upon receipt of a construction permit application for a Class I or Class II landfill the Department shall, within 7 days, provide a copy of the application to the water management district having jurisdiction where the landfill is to be located. The water management district shall prepare a report as to the impact on water resources and shall submit the report to the Department no later than 30 days prior to the deadline for final agency action by the Department.

(6) Construction, Operation and Closure Permits. The Department, following an evaluation of a permit application and all supporting information, shall:

(a) Issue a construction permit for a new solid waste management facility.

After all significant initial construction has been completed and prior to operation or acceptance of any solid waste the engineer or the authorized public officer shall complete an Application to Operate Only Resource Recovery and Management Facility - Certification of Construction Completion, Department Form 17-701.130(2), and contact the Department to arrange for Department representatives to inspect the facility in the company of the permittee, the engineer, and the proposed on-site facility operator. The inspection is to ensure that the facility has been developed in accordance with the approved permit. The facility shall not be operated or accept solid waste until the Department has found that all applicable submissions required for the permit, including financial responsibility documentation have been received and found acceptable; or

(b) Issue an operation permit for new facilities that have been satisfactorily constructed, or to existing facilities which are being operated in accordance with this rule at the time for renewal of their permit; or

(c) Issue a closure permit for closing and long term care of landfills that have satisfied the requirements of Florida Administrative Code Rules 17-701.070 through 17-701.076 and other applicable laws and rules. Permits shall be renewed in accordance with Florida Administrative Code Rule 17-4.070; or

(d) Deny the issuance of a permit if reasonable assurances are not provided that the requirements of Florida Administrative Code Rule 17-7 and other applicable laws and rules will be satisfied.

17-701.030(3X)g4. -- 17-701.030(6X)d)

(7) Time period for construction and operation permits. Landfills are generally long term projects which may be constructed in sections or phases at different time periods throughout the lifetime of the landfill. The Department may approve a permit for construction and operation of the entire facility with permit conditions requiring the permittee to advise the Department when construction is begun on each new section or phase of the landfill and when each section or phase is completed. Permits are issued subject to modification in accordance with Florida Administrative Code Rule 17-4.080.

(8) A copy of the Department approved engineering drawings, plans, reports, operational plan, and supporting information shall be kept at the facility at all times for reference and inspections.

Specific Authority: 403.061, 403.704, F.S.

Law Implemented: 403.021, 403.061, 403.087, 403.702, 403.704, 403.705, 403.707, 403.708, F.S.

History: Transferred from 10-012.03, 10D-12.04, 10D-12.07, 10-1-74; Amended 5-24-79, 6-13-84, 7-1-85; Previously Numbered as 17-7.03; Amended 12-10-85; Formerly 17-7.030.

17-701.040 Prohibitions.

(1) No solid waste shall be disposed of except by sanitary landfill, incineration, recycling process, or other method approved by the Department and consistent with this chapter and applicable approved local agency programs or regulations.

(2) No solid waste shall be disposed of by being placed:

(a) in an open sink hole or in an area where geological formations or subterranean features would not provide support for a landfill.

(b) in a limestone, or gravel pit.

(c) in an area immediately adjacent to or within 500 feet of an existing or approved shallow water supply well unless disposal takes place in a sanitary landfill which was originally permitted before the shallow water supply well was in existence.

(d) in a dewatered pit unless permanent leachate containment and special design techniques are used to ensure the integrity of the landfill liner.

(e) in an area subject to frequent and periodic flooding unless drainage provisions approved by the Department are installed.

(f) in any natural or artificial body of water including ground water.

(g) within 200 feet of any natural or artificial body of water, except bodies of water contained completely within the sanitary landfill site, which do not discharge from the site. A person may dispose of solid waste within the 200 foot setback area upon demonstration to the Department that permanent leachate control methods will result in compliance with water quality standards under Chapter 17-3, F.A.C. Stormwater control methods shall meet stormwater requirements of Chapter 17-25, F.A.C. However, nothing contained herein shall prohibit the Department from imposing conditions necessary to assure that solid waste disposed of within the 200 foot setback area will not cause pollution from the site in contravention of Department rules.

17-701.030(7) -- 17-701.040(2X)g)

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(h) in any area open to public view from any major thoroughfare without proper screening where it can practically be provided.

(i) on the right of way of any public highway, road, or alley.

(j) within the boundaries of any airport property whether such airport be for public, private or limited use.

(k) within ten thousand (10,000) feet of the closest point of any runway at any airport licensed by the State of Florida, owned or operated by the United States, or subject to regulation by the Federal Aviation Administration which may be used by turbo-jet aircraft; or within five thousand (5,000) feet of any runway at any such airport used only by piston engine type aircraft unless it has been determined by the Federal Aviation Administration, the Florida Department of Transportation, or other appropriate federal or state agency charged with preventing airport hazards, that the proposed solid waste facility poses no safety hazards, that the proposed solid waste facility poses no safety hazard to aircraft in the vicinity.

(3) Burning of solid waste shall not be permitted at any landfill except in accordance with Florida Administrative Code Rule 17-701.060(1) and (3).

(4) Hazardous Waste: Any hazardous waste which is intended to be disposed of by land disposal or incineration and which can be reasonably expected to create a condition harmful to human health or air or water quality shall be at the owner's expense, be rendered non-hazardous prior to delivery to the disposal facility. Should a hazardous waste be of such composition that it cannot be rendered non-hazardous, the producer of such wastes must confer with the Department to determine a safe disposal or storage method and shall dispose of or store the waste by a method which is approved by the department. The approved method shall be determined on a case by case basis and shall be governed by the nature of the hazardous waste and its potential impact on air and water resources and public health, safety and welfare.

(5) Infectious waste shall be properly incinerated or processed by an alternate method which has been approved by the Department. No untreated infectious waste shall be deposited in any sanitary landfill.

(6) Transportation and disposal of solid wastes into or through the State, into or across county or municipal boundaries shall not be impeded provided such transport and disposal is in accordance with the provisions of this rule, does not degrade the environment, create a physical or aesthetic nuisance, or endanger or impair the public's health or welfare.

(7) The Department shall not issue a construction permit for a new sanitary landfill within 3,000 ft. of Class I surface waters.

Specific Authority: 403.061, 403.704, F.S.

Law Implemented: 403.021, 403.061, 403.087, 403.702, 403.704, 403.705, 403.707, 403.708, F.S.

History: Transferred from 10D-12.06, 10D-12.07, 10-1-74; Amended 5-24-79, 5-27-82; Previously Numbered as 17-7.04; Amended 12-10-85; Formerly 17-7.040.

17-701.040(2)(h) -- 17-701.040(History)

17-701.050 Sanitary Landfill Criteria.

Applicability. The criteria contained in Florida Administrative Code Rules 17-701.050 and 17-701.060 are applicable to all new landfill construction permits issued by the Department after the effective date of this rule. All permits issued prior to the effective date of this rule which contain conditions not in conformance with this rule shall be re-submitted to the District Office of the Department which issued the permit for purposes of modification of the permit to conform to this rule. The re-submission shall occur at least 90 days prior to the initial placement of waste into any trench or disposal area after January 1, 1987.

(1) Classification of Sanitary Landfills. Sanitary landfills are classified into three (3) different classes based on the amount and type of wastes received at the landfill. There are varying requirements throughout this rule depending upon the class of landfill.

(a) Class I landfills are those which receive an average of 20 tons or more of solid waste per day as weighed by scale if available, or 50 cubic yards or more of solid waste per day as measured in place after covering. Such sites shall receive an initial cover at the end of each working day in accordance with Florida Administrative Code Rule 17-701.050(5)(m).

(b) Class II landfills are those which receive an average of less than 20 tons of solid waste per day as weighed by scales if available, or less than 50 cubic yards of solid waste per day as measured in place after covering. Such sites shall receive an initial cover at least once every four days. If Class II sites receive sewage or industrial sludges, dead animals, rendering wastes, or other nuisance wastes, Class I covering frequency shall be required.

(c) Class III landfills are those which receive only trash or yard trash. Class III sites which are operated as trash facilities, based on site specific information, may be exempt from the liner and leachate and gas controls required in Florida Administrative Code Rules 17-701.050(4)(a),(b), (c), (d), (e), (f), (i), (j), and 17-701.050(5)(i), and are required to apply initial cover once every week. In determining whether a Class III landfill qualifies for the exemptions from certain requirements of Rule 17-701.050 the Department shall consider the hydrogeology, types of waste, and methods used to control types of waste received for disposal. Class III sites which are operated as yard trash composting facilities are not required to apply initial cover and, additionally, are exempt from Florida Administrative Code Rules 17-701.050(2)(a) and (b); (3); (4) and 17-701.050(5)(a), (c)(4), (d), (f), (h), (i), (j), (k), (l), (m), (n), and (o). If trash or yard trash is mixed with other types of solid waste, the disposal site shall be classified as a Class I or II landfill.

(d) More frequent cover may be required at Class II and Class III sites if necessary to prevent health and environmental problems. The department shall consider proximity to nearby residences and wells, evidence of dumping of unauthorized wastes, unlawful fires, littering of nearby property, odor problems, presence of vectors, and any other demonstrable potential or existing problems at such sites when making this determination.

17-701.050 -- 17-701.050(1)(d)

(2) Location Requirements.

(a) Solid waste shall be disposed of only in landfills where a ground water monitoring plan, including a hydrogeological survey, has been completed in accordance with Florida Administrative Code Rules 17-28.700(6) and 17-701.050.

(b) The land disposal site location shall provide support for the landfill including total wastes to be disposed of, cover material, and structures to be built on the site. Site structural acceptability will be subject to Department approval. A hydrogeological survey is required and it shall comply with Florida Administrative Code Rule 17-28.700(6)(X)1. and include a foundation analysis, prior to construction, to determine the structural integrity of the subgrade to support the loads and stresses imposed by the landfill; or, if feasible, acceptable geotechnical measures necessary to modify the structural integrity to accommodate the imposed loads and stresses. These loads shall not cause failure of the liner or other containment system. The strength of the subgrade shall be determined using appropriate ASTM methods, or equivalent methods, and the foundation shall be analyzed for all appropriate short-term, end of construction, and long term conditions.

(c) Site Requirements.

The land disposal site location shall:

1. be easily accessible by collection vehicles, automobiles and where applicable, transfer vehicles;
2. safeguard against water pollution originating from the disposal of solid waste;
3. have an adequate quantity of acceptable earth cover available. The cover material shall be easily workable and compactable.
4. conform with the proper zoning.

(3) Landfill Design. Class I and Class II landfills shall have a liner. Landfills may be designed for sectioned, or phased, construction and closure at scheduled intervals throughout the life of the landfill. Landfill closure design shall address applicable requirements of Florida Administrative Code Rules 17-701.071 through 17-701.076. Landfill design plans shall include:

(a) A map or aerial photograph of the area showing land use and zoning within 1 mile of the landfill. This map, or photograph which shall be taken within one year of the permit application, shall be of sufficient scale to show all homes, industrial buildings, wells, watercourses, dry runs, rock out-croppings, roads and other significant details. All significant features shall be indicated and labeled on the map or aerial photograph;

(b) A plot plan of the site showing dimensions, location of soil borings, proposed trenching or disposal areas plan, original elevations, and proposed final contours, any previously filled waste disposal areas, and fencing. Cross sections shall be included on the plot plan or on separate sheets showing both the original and proposed fill elevations. The scale of the plot plan should not be greater than 200 feet to the inch;

17-701.050(2) -- 17-701.050(3)(b)

(c) Topographic maps at a scale of not over 200 feet to the inch with 5-foot contour intervals. These maps shall show: the proposed fill area; any borrow area; access roads; grades required for proper drainage and a typical cross section of a lift; special drainage devices, if necessary; fencing; equipment facilities; and all other pertinent information;

(d) A report on the:

1. Current and projected population and area to be served by the proposed site.
2. Anticipated type, annual quantity and source of solid waste, expressed in tons or cubic yards of compacted materials.
3. Anticipated life of the site.
4. Source and characteristics of cover material.

(e) Ground water monitoring plan.

(4) Landfill performance and design standards. Performance standards established by the following criteria are the standards which the landfill is to achieve. Design standards are also presented herein which may be used to achieve the performance standards. Alternative designs which achieve performance standards may be used upon approval by the Department.

- (a) Liner construction or installation. Construction or installation of liners shall be in accordance with the methods and procedures given in Lining of Waste Impoundment and Disposal Facilities, EPA publication SW-870, March 1983, which is hereby incorporated into this rule by reference. Copies of this document may be inspected at the Department's district offices.
- (b) Liner performance standards. The liner must be:
 1. Constructed of materials that have appropriate chemical properties and sufficient strength and thickness to prevent failure due to pressure gradients (including static head and external hydrogeologic forces), physical contact with the waste or leachate to which they are exposed, climatic conditions, the stress of installation, and the stress of daily operation;
 2. Installed upon a base, or in a hydrogeological setting capable of providing support to the liner and resistance to pressure gradients above and below the liner to prevent failure of the liner due to settlement, compression, or uplift; and
 3. Installed to cover all surrounding earth likely to be in contact with the waste or leachate.
- (c) Liner Quality Control Plans.

1. Soil liners shall have a soil and liner quality control plan to provide construction and operating personnel with adequate information to assure continuous compliance with the soil and liner construction requirements. The plan shall include specifications and construction methods which use established engineering practices for compaction of clay soils to form a liner and provide for soil and liner quality control testing procedures and sampling frequency. Sampling and testing shall be conducted in the field during construction and after completion by qualified personnel under the direction of the professional engineer in charge to assure the liner will meet the performance standards.

17-701.050(3)(c) -- 17-701.050(4)(c)1.

2. Synthetic liners shall be installed in accordance with a Department approved quality control plan which incorporates the manufacturer's specifications and recommendations.

(d) Liner Design Standards.

1. Soil liners:

a. Shall be a minimum of 3 feet of soil e.g., clay, with an in-place saturated hydraulic conductivity not greater than 1×10^{-7} cm/sec. Saturated hydraulic conductivity shall not be increased above 1×10^{-7} cm/sec as a result of contact with the leachate generated by the landfill. Testing of the saturated hydraulic conductivity and the effect of leachate on soil permeability shall be performed in accordance with test methods given in EPA publication SW-870, ASTM test procedures or other tests which may be approved by the Department;

b. Shall not have any lenses, cracks, channels, root holes, pipes or other structural inconsistencies that can increase the saturated hydraulic conductivity of the liner above 1×10^{-7} cm/sec. The design shall illustrate and describe those instances in which over excavation of permeable areas and backfilling may be necessary to seal the permeable area e.g., when sand filled sinkholes are encountered. Where recompacted emplaced soil liners are used, they shall be placed in layers not exceeding 12 inches before compaction to maximize the effectiveness of compaction;

c. May consist of in-situ soils provided they meet the specifications for soil liners. Testing of in-situ soil shall be performed in accordance with the soil liner quality control plan.

2. Synthetic liners:

a. Shall consist of at least a reinforced 30 mil membrane or a 60 mil unreinforced membrane that meets minimum requirements of the National Sanitation Foundation Standard Number 54, Flexible Membrane Liners, November, 1983, which standard is hereby incorporated into this rule by reference, copies of this document may be inspected at the Department's district offices;

b. Shall be protected from physical damage from above and below the membrane, by bedding soil material underlying the liner and a minimum 24 inch thick protective soil layer on top of the membrane; both the bedding and protective layer shall be free of rocks, roots, debris, sharps or particles larger than 1/4 inch. The lower 12 inches of material in contact with the top of the liner, if sufficiently permeable, may be used as a drainage layer; and

c. Shall have factory and field seams that equal or exceed the strength requirements defined by National Sanitation Foundation Standard 54 for that lining material. All field seams must be visually inspected and pressure or vacuum tested for seam continuity using suitable non-destructive techniques.

3. Other liner materials. Constructed liners other than compacted clay soils e.g., asphalt, polymeric membranes, concrete, bentonite slurry or admixture or other suitable material, may be approved by the Department if it can be shown that these alternative materials will have performance equivalent to those stated for soil liners.

17-701.050(4)(c)2.-- 17-701.050(4)(d)3.

(e) Leachate control performance standards. Landfills shall have a leachate collection and removal system immediately above the liner that is designed, constructed, maintained, and operated to collect and remove leachate from the landfill. The leachate depth on top of the liner shall not exceed one foot depth of leachate. The leachate collection and removal system shall:

1. Be constructed of materials that are chemically resistant to the waste disposed of in the landfill and the leachate expected to be generated;

2. Be of sufficient strength and thickness to prevent collapse under pressures exerted by overlying wastes, cover materials, and by any equipment used at the landfill;

3. Be designed and operated to function without clogging through the active life and closure period of the landfill; and

4. Be designed and constructed to provide for removal of the leachate within the drainage system to a central collection point for treatment and disposal.

(f) Leachate Control System Design Standards. Leachate collection and removal systems shall have:

1. At least a 12 inch drainage layer above the liner with a hydraulic conductivity permeability of not less than 1×10^{-3} cm/sec at a slope to promote drainage;

2. A drainage tile or pipe collection system of appropriate size and spacing; sumps and pumps or other means to efficiently remove leachate. The design shall demonstrate through calculations in the permit application that a maximum one-foot depth of leachate on the liner will be achieved; and

3. Granular material or synthetic fabric filter overlying or surrounding the leachate collection and removal system to prevent clogging of the collection system by infiltration of fines from the waste or drainage layer; and have a method to test that the system is not clogged and a method for cleaning the system if it becomes clogged.

(g) Surface water management system performance standards. Landfills shall have surface water management systems designed, constructed, operated, and maintained to prevent surface water flow onto waste filled areas, and a storm water run-off control system designed, constructed, operated, and maintained to collect and control stormwater to meet requirements of Florida Administrative Code Rule 17-25 and requirements of the respective water management district.

(h) Surface Water Management System Design Standards.

1. Storm water controls should be specifically designed and sized according to local drainage patterns, soil permeability, annual precipitation, area land use, and other characteristics of the contributing watershed;

2. Retention and detention ponds and drainage ways shall be designed, constructed, and maintained to meet the requirements of Florida Administrative Code Rule 17-25, or requirements of the water management district where the Department has delegated storm water permitting to a water management district;

17-701.050(4)(e) -- 17-701.050(4)(h)2.

3. Stormwater management systems shall be designed to minimize to the maximum extent possible the mixing of stormwater with leachate. Stormwater or other surface water which comes into contact with the solid waste or mixes with leachate shall be considered leachate and shall be treated to meet applicable standards of Florida Administrative Code Rules 17-3 and 17-4 at the point of discharge.

(i) Gas control system performance standards. Landfills shall have a gas control system to prevent: Explosion and fires due to the accumulation of methane concentrations on-site or off-site; damage to vegetation on final cover of closed portions of the landfill or vegetation beyond the perimeter of the property on which the landfill is located; and objectionable odors off site.

(j) Gas control system design standards. Landfill gas control systems may:

1. Be designed for site-specific conditions and be installed in each section of the landfill that has been filled to design dimensions; and
2. Be installed to reduce gas pressure in the interior of the landfill by collecting the gases to prevent them from moving laterally. Collection pipes, pathways, or vents shall be installed to the lower regions of the filled waste or where the more anaerobic conditions exist. The gas control system shall not interfere with or cause failure of the liner or leachate control systems.

(5) Operations.

(a) Ground Water Monitoring.

1. Monitor well location, construction, and collection of samples shall be as specified in Florida Administrative Code Rules 17-3.401, 17-28.700, and 17-4.246. Guidance for construction of monitor wells and collection of samples is contained in Procedures Manual for Ground Water Monitoring at Solid Waste Disposal Facilities (EPA/530/SW-611).

2. Sampling and testing of ground water at landfills shall be in accordance with Florida Administrative Code Rule Sections 17-3.401, 17-28.700, 17-4.246, and 17-22, Part III and IV.

3. When requested by the Department the facility operator shall inform the department of the next sampling schedule so that a representative of the Department may be present to collect a split sample.

(b) Operation Plan. An operation plan shall be submitted with all landfill construction permit applications. The operation plan shall provide written instructions for the daily operation of the landfill. The plan shall be revised when operational procedures change. The plan shall include detailed procedures such as:

1. Designation of persons responsible for operation and maintenance of the facility;
2. Contingency operations, alternate waste handling and disposal methods in case of emergency such as a natural disaster or equipment failure;
3. Controlling the type of waste received at the site. The plan shall specify inspection procedures, number and location of spotters and procedures to be followed if prohibited wastes are discovered;
4. Weighing or measuring incoming waste;

17-701.050(4)(h)3. -- 17-701.050(5)(k)4.

5. Vehicle traffic control and unloading;
6. Method and sequence of filling waste;
7. Waste compaction and application of cover;
8. Operations of gas, leachate, and storm water controls;
9. Ground water monitoring.

(c) Operational design features. The disposal site shall be provided with operation features and appurtenances necessary to maintain a clean and orderly operation. These minimum features are:

1. An effective barrier designed to prevent unauthorized entry and dumping into the landfill site.
2. An all-weather access road to the site. A special area with a stabilized roadway shall be provided within the site for wet weather operations.
3. Signs indicating name of operating authority, traffic flow hours of operation, and charges for disposal (if any).
4. Scales for weighing solid waste received at the landfill, or in lieu thereof, estimates the number of cubic yards received at all Class I and Class II sites. Quantitative records shall be forwarded to the Department upon request.
5. Dust control methods such as approved chemicals, oils, or water sprays.
6. Litter control devices, portable fences, or other suitable means.
7. Fire protection and fire-fighting facilities adequate to insure the safety of employees and provisions to deal with accidental burning of solid waste within the sanitary landfill.
- (d) Personnel and Facilities. In order to insure proper staffing and suitable facilities the following shall be required:
 1. During hours of operation, an attendant at Class I sites. The Department may require an attendant at Class II or Class III sites if the Department affirmatively demonstrates that such a requirement is necessary to prevent unlawful fires, unauthorized dumping, or littering of nearby property.
 2. Communication facilities for use in emergencies at Class I sites.
 - (e) Equipment. To insure adequate operation the following is required:
 1. Equipment sufficient for excavating, spreading, compacting, covering operations, and other transportation and earthmoving needs.
 2. Sufficient reserve equipment, or arrangements to provide alternate equipment within 24 hours following equipment breakdown.
 3. Safety devices on equipment to shield and protect the operators from potential hazards during operation.
 - (f) The Department recommends but does not require:
 1. A potable water supply.
 2. A suitable employee shelter.
 3. Handwashing and toilet facilities.
 4. Equipment wash-out facilities.
 5. Electric service for operations and repairs.
 6. Equipment shelter for maintenance and storage of parts, equipment and tools.

17-701.050(5)(k)5. -- 17-701.050(5)(k)6.

7. Emergency first aid equipment to provide adequate treatment of an injured person in case of an accident.

8. That employees be trained in the proper and safe operation of all equipment and first aid procedures.

(g) Sanitary landfills shall be operated to provide for the collection, control and treatment of surface runoff from the site as necessary to meet the applicable standards of Florida Administrative Code Rules 17-3, 17-4, and 17-25;

(h) Any leachate emanating from a landfill shall be collected and treated as necessary to meet the applicable standards of Florida Administrative Code Rules 17-3, 17-4, and 17-25;

(i) Gas control systems shall be operated and maintained in accordance with the gas control system design. Operational procedures shall include measures to prevent damage to vents, and equipment repair or replacement as expeditiously as possible if damaged or destroyed;

(j) All solid waste at Class I and Class II sites shall be spread in layers of approximately two (2) feet in thickness and compacted to approximately one (1) foot in thickness or as thin a layer as practical before the next layer is applied. Solid waste at all Class III sites, except those yard trash sites which are operated as composting facilities, shall be spread in layers and compacted once every week using suitable heavy equipment. Bulky materials such as tree stumps or large pieces of concrete which are not easily compacted should be worked into other materials as much as practical.

(k) All compacted solid waste shall be formed into cells with the working face, and side grades above land surface, at a slope no greater than thirty (30) degrees. Cell depth shall be constrained by the type of operation in use (area, trench), the daily volume of waste, width of the working face, and good safety practices.

(l) The working face of a cell shall be only wide enough to efficiently accommodate vehicles discharging waste and to minimize the exposed area and the use of unnecessary cover material;

(m) Initial cover shall be applied to enclose each landfill waste disposal cell except the working face which may be left uncovered if solid waste will be placed on the working face within 18 hours. Any adverse environmental or health effects such as blowing litter, odors, flies, or rats resulting from this practice shall be cause to place initial cover on the working face. Initial cover shall be applied to landfills as follows:

1. Class I; at the end of each working day;

2. Class II; every four days;

3. Class III; once every week;

(n) An intermediate cover of one (1) foot of compacted earth in addition to the six (6) inch initial cover shall be applied within seven (7) days of cell completion at all landfills if final cover or an additional lift is not to be applied within 180 days of cell completion.

(o) Portions of landfills which have been filled with waste to the extent of designed dimensions shall be closed in accordance with the closure plan required in Florida Administrative Code Rules 17-701.050(3) and 17-701.070 through 17-701.076;

17-701.050(5)(f)7. -- 17-701.050(5)(o)

(p) Pesticides used to control rodents, flies and other insects shall be as specified by the Florida Department of Agriculture and Consumer Services.

(q) Uncontrolled and unauthorized scavenging shall not be permitted at any sanitary landfill site. Controlled salvaging may be permitted by the local authority responsible for the facility.

Specific Authority: 403.061, 403.704, F.S.

Law Implemented: 403.702, 403.704, 403.705, 403.707, 403.708, F.S.

History: Transferred from 10D-12.07, 10-1-74; Revised 5-11-75; 7-20-76; Amended 5-24-79; Previously Numbered as 17-7.05; Amended 12-10-85; Formerly 17-7.050.

17-701.060 Special Waste Handling.

(1) Controlled burning of solid wastes shall be accomplished in an incinerator, with the exception of controlled burning of only vegetative wastes, such as yard trash, which may be done in a permitted, properly operated incinerator or trench burner. A trench burner is an installation consisting of an open pit with fixed walls and a mechanically forced draft air supply to provide excess oxygen and turbulence to accomplish smokeless combustion of clean wood wastes and vegetative matter.

(2) Abandoned vehicles brought to the site may be stored temporarily in a separate area, provided arrangements have been made for frequent removal to an automobile recycler. If such arrangement has not been made all abandoned vehicles, white good and similar materials shall be compacted to minimize voids before being placed in the fill area.

(3) In the event of a natural disaster, during which large volumes of debris are accumulated (such as trees and buildings that have been destroyed) the debris may be transported to an area remote from habitation, and burned, in accordance with Florida Administrative Code Rule 17-5.090(1).

(4) Landfilling milled solid waste without daily soil cover may be an environmentally acceptable method of final disposal. However, the same engineering principles required for a sanitary landfill site must be employed, including a properly designed and operated milling facility. The Department will grant approval for such disposal method contingent upon the following conditions:

(a) Particle size. Seventy percent (70%) of all milled refuse, dry weight, shall be capable of passing through a three (3) inch screen.

(b) Waste shall be spread to a smooth contour and compacted promptly after placement and left undisturbed to prevent odors. Wind blowing of milled refuse and paper shall be controlled.

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

(d) An operational plan shall include provision for removal and proper disposal of wastes within 24 hours should the mill facility breakdown or operational quality be diminished. The operational plan shall include provision for a stock pile of emergency soil cover material and a plan to convert the operation to a sanitary landfill.

17-701.050(5)(p) -- 17-701.060(4)(d)

(e) Leachate collection and treatment as necessary to meet water quality standards of Chapters 17-3 and 17-4, F.A.C., shall be provided at all milled solid waste sites. The design of the treatment facility shall be reviewed and approved by the department as a part of the permit required for the milled solid waste site.

(f) Upon completion of the site, it shall be closed, covered with a final one (1) foot thick soil cover and shall be seeded or planted with grass or suitable cover vegetation to minimize erosion.

(5) Asbestos-containing solid waste shall be covered daily with a proper dust suppressant or six inches of non-asbestos material, or disposed of in an area where proper warning signs and fences or barriers are present, as described in 40 CFR 61.25. This federal Environmental Protection Agency regulation (40 CFR 61.25) is hereby adopted and incorporated in this rule by reference as it is stated in the October 14, 1975, Federal Register (40 FR 199), and as amended in the April 5, 1984, Federal Register (49 FR 13658). For purposes of this rule, the term "Administrator," when used in 40 CFR 61.25, shall mean Secretary of the Department of Environmental Regulation. Additionally, any asbestos-containing solid waste disposed of at a Class I or Class II Sanitary Landfill shall be disposed of according to the requirements of Section 17-701.050, F.A.C.

Specific Authority: 403.061, 403.704; 403.705, 403.8055, F.S.

Law Implemented: 403.021, 403.061, 403.087, 403.702, 403.704, 403.705, 403.707, 403.708, F.S.

History: Transferred from 100-12.07, 10-1-74; Amended 5-24-79, 11-25-82, 7-10-84; Previously Numbered as 17-7.06; Amended 12-10-85; Formerly 17-7.060.

17-701.061 Construction and Demolition Debris Disposal

(1) Clean debris may be used as fill material in any area, including waters of the State, subject to receipt of a dredge and fill 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. Clean debris that is not used as fill material shall be disposed of as construction and demolition debris.

(2) Construction and demolition debris may be disposed of in a permitted landfill. However, pursuant to Section 403.706(2), F.S. each county must initiate by July 1, 1989, a program to develop segregated disposal areas for construction and demolition debris. This program shall be designed to assure that all construction and demolition debris is disposed in segregated areas after August 1, 1990. The cover requirements for a segregated construction and demolition debris disposal area within a permitted landfill shall be those in Rule 17-701.803(9), F.A.C.

(3) Construction and demolition debris which is disposed of on the property where it is generated, or on property which is adjacent or contiguous to and under common ownership and control as that property where the waste is generated, is exempt from the permitting requirements of Chapter 17-701, F.A.C. However, such disposal is subject to the provisions of Rule 17-701.040, F.A.C. Such disposal areas must also be closed, graded and vegetated as specified in Rule 17-701.803(9), F.A.C.

17-701.060(4)(e) -- 17-701.061(3)

(4) Construction and demolition debris may be disposed of off-site at a facility operating under a general permit pursuant to Rules 17-4, Part III and 17-701.803, F.A.C., or at a solid waste facility permitted under Rule 17-701, F.A.C. Such a facility operating under a general permit shall accept only construction and demolition debris for disposal. Owners and operators of a new disposal facilities for construction and demolition debris shall comply with this rule after the effective date of this rule. Owners or operators of existing facilities for the off-site disposal of construction and demolition debris shall comply with the general permit requirements of this section within 90 days after the effective date of this rule.

(5) Nothing in this rule shall prevent the burning or recycling of construction and demolition debris in accordance with Department rules.

(6) Construction and demolition debris may be disposed of only in accordance with one of the methods authorized above.

Specific Authority: 403.061, 403.704, 403.707, F.S.

Law Implemented: 403.706, 403.707, F.S.

History: New 8-2-89.

17-701.070 Closure of Landfills. This section contains the minimum permit application requirements to close a landfill and monitor and maintain the closed facility after closing so that it will pose no significant threat to human health or the environment. If an applicant cannot provide reasonable assurance that the requirements of Florida Administrative Code Rules 17-3 and 17-4 will not be violated, then the Department may impose additional closure requirements on a landfill based upon site specific conditions. In subsequent rules regarding landfill construction and operation, the Department shall assure that Florida Administrative Code Rule 17-701.070 through 17-701.076 are consistent and conforming.

(1) Effective Date and applicability. Effective July 1, 1985, Florida Administrative Code rules 17-701.070 through 17-701.076 shall apply to all portions of landfills receiving waste, portions of landfills not having final cover, and all future landfills requiring solid waste permits, with the following exceptions:

(a) Any site at which a person disposes of solid wastes resulting from his own activities on his own property, pursuant to the exemption created in section 403.707(2), Florida Statutes.

(b) Any dredge spoil site permitted or exempt from permitting under Chapter 403 Florida Statutes.

(c) Any yard trash composting site at which only vegetative material was disposed.

(d) Any area limited solely to the disposal of construction and demolition debris.

(e) Any portion of a landfill for which a modification of an operation permit to close or a closure plan has been approved by the department as of July 1, 1985.

17-701.061(4) -- 17-701.070(1)(e)

(2) Permit Applications. Construction permit applications for new landfills shall include general plans and schedules for closure of the facility.

Specific Authority: 403.061, 403.704, F.S.
Law Implemented: 403.021, 403.061, 403.087, 403.702, 403.704, 403.705, 403.707, 403.708, F.S.

History: New 10-1-74; Amended 5-24-79, 7-1-85; Previously Numbered as 17-7.07; Amended 12-10-85; Formerly 17-7.070.

17-701.071 Closure Schedule. At least one year prior to the projected date when wastes will no longer be accepted, the landfill owner or operator shall provide a written notice to the Department District Office and local pollution control agency with a schedule for cessation of waste acceptance and closure of the landfill. The closure schedule shall become an addendum to the currently valid facility permit. If unforeseen circumstances do not allow the one year notification, notice shall be provided as soon as the need to close the facility becomes apparent.

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

(2) Notice to the Public. Within 10 days prior to the date when wastes will no longer be accepted at the landfill a notice shall be published in the legal advertising section of a newspaper of general circulation in the county where the activity is proposed, and the applicant shall provide proof of publication to the Department within 7 days of publication.

Specific Authority: 403.704, F.S.
Law Implemented: 403.704, 403.707, F.S.
History: New 7-1-85; Formerly 17-7.071.

17-701.072 Closure Permit Application Submittal. At least 90 days prior to the date when wastes will no longer be accepted, the landfill owner or operator who does not possess an approved closure plan shall submit a closure permit application to the Department. Landfill owners or operators that have a closure plan which was submitted and approved as part of the landfill construction permit shall resubmit that closure plan, and revised to agree with the requirements of Florida Administrative Code Rule 17-701.073, to the Department no less than 90 days prior to the scheduled closing day. Upon approval by the Department the closure plan shall become an addendum to the currently valid permit.

Specific Authority: 403.704, F.S.
Law Implemented: 403.704, 403.707, F.S.
History: New 7-1-85; Formerly 17-7.072.

17-701.070(2) -- 17-701.072(History)

17-701.073 Closure Plan Requirements. All closure plans shall address the following eight parts contained in this sub-section, and for non-applicable requirements, shall contain an explanation of why the requirement is not applicable. Valid information on record in a previously approved permit or approved groundwater permit or groundwater monitoring plan may be used to satisfy the applicable requirements of this subsection.

(1) General landfill information report. This report shall contain:

(a) Identification of the landfill;

(b) Name, address and phone number of primary contact persons;

(c) Identification of persons or consultants preparing this report;

(d) Present property owner; landfill operator;

(e) Location by township, range and section, and latitude and longitude of main entrance or operators office of the landfill;

(f) Total acreage of waste disposal area; total acreage of landfill property;

(g) Legal description of property on which the landfill is located;

(h) History of landfill: when constructed; description of fill operations, sequence of trenching, cell construction, or sequence of areas filled;

(i) Identity of types of waste disposed of in the completed landfills; based on records, composition studies, operator memory, major waste depositors, or other information sources.

(2) Area information report. An information report on the area in which the landfill is located shall be included in the closure plan. The report may use verifiable information available from published documents. The term "area" means that area which may affect or has been affected by or will be affected by, the landfill, and at a minimum includes the land within a one mile radius of the landfill. The report should be supplemented by maps and cross-section drawings. The following topics shall be addressed in the report:

(a) Topography;

(b) Hydrology, including surface water drainage patterns and hydrologic features such as surface waters, springs, drainage divides and wetlands;

(c) Geology, including the nature and distribution of lithology, unconsolidated deposits, major confining units and sinkholes;

(d) Hydrogeology, including depth to groundwater table, groundwater flow directions, recharge and discharge areas, used by public and private wells within 1 mile of the landfill;

(e) Ground and surface water quality;

(f) Land use information. The report shall include a discussion and maps indicating:

1. Identification of adjacent landowners;

2. Zoning;

3. Present land uses;

4. Roads, highways, rights-of-way, or other easement.

17-701.073 -- 17-701.073(2)(14).

(3) Groundwater monitoring plan and site specific information. The closure plan shall include an approved groundwater monitoring plan containing site specific information which meets the criteria specified in Florida Administrative Code Rule 17-28.700(6)(d).

(4) Gas migration investigation. A report on methane gas where actual or potential gas migration exists i.e., in landfills that have been in operation for a year and contain organic wastes disposed of in porous soils which allows or would allow migration of gas off the landfill property. Gas migration test points shall be located along property boundaries, or alternate boundaries approved by the Department, particularly, those adjacent to off-site occupied structures within 100 feet of the property boundary or where distressed vegetation is present. Test points are required along each boundary segment spaced as needed to detect gas migration. Test points should extend 3 feet below ground surface. Where sand, gravel, or more gas permeable soil strata may interconnect the waste deposit and the property boundary, multiple depth sampling points should be used, with the uppermost one 3 feet deep and additional ones in the permeable layers. A combustible gas indicator meter is recommended to determine methane concentrations as a percent of the lower explosive limit (LEL). Lower explosive limit means the lowest percent by volume of a mixture of explosive gases which will propagate a flame in air at a temperature of 25 degrees Celsius and atmospheric pressure. Methane concentrations shall not exceed the LEL at the property boundary or 25% of the LEL within structures on the property.

(5) Assessment of effectiveness of existing landfill design and operation. Based on the area information report, the groundwater monitoring plan, and the gas migration report, a landfill assessment shall be prepared which discusses the effects of the landfill on adjacent ground and surface waters, and the landfill area. Specific concerns to be addressed are:

- (a) Effectiveness and results of the groundwater investigation;
- (b) Effects of surface water runoff, drainage patterns, existing storm water controls;
- (c) Extent and effects of methane gas migration, LEL percentage readings in migration paths, and description of the gas venting system if one is installed;
- (d) Condition of existing cover, thicknesses and types of soils or materials used for cover, and effectiveness of cover material as a leachate control mechanism;
- (e) The nature and characteristics of the wastes disposed of at the landfill.
- (6) Closure design plan. A closure design plan shall be prepared based on the area information report, groundwater monitoring plan, and assessment of the effectiveness of the existing landfill design and operation. The closure design plan shall consist of engineering plans and a report on closing procedures which shall apply to the closing of the landfill and the monitoring and maintenance during the long term care period. The closure design plan shall include the following information:
 - (a) A plan sheet showing phases of site closing;

17-701.073(3) -- 17-701.073(6)(a)

(b) Drawings showing existing topography and proposed final grades;

(c) Final cover installation plans showing the sequence of applying final cover, including thickness and type of material that will be used. All waste filled areas shall have a final cover designed to minimize infiltration and subsequent leachate generation, based on water balance calculations and leachate controls used. Final cover may consist of synthetic membranes, soils, or chemically or physically amended soils approved by the Department, underlying at least six inches of top soil or soils that will sustain vegetative growth, to achieve a minimum thickness of two feet of soils or one foot of soils and synthetic or soil admixtures above the waste material. The types of materials used in a final cover are dependent upon the leachate control system used. Nothing in this rule shall be construed to require final cover which is incompatible with the leachate control system, including a system which utilized permeable final cover, which has been permitted by the department and meets all other applicable department standards and criteria.

1. The final cover shall be placed over the entire surface of each completed portion of the filled areas within 180 days after the final waste deposit date. The final cover of the filled area shall be seeded or planted with vegetation to control erosion. Where the final cover is intended to be a moisture infiltration seal, vegetational species planted shall be drought resistant and such that the roots will not penetrate the seal and thus provide a channel for moisture infiltration.

2. Side slopes and all other grades shall be designed to minimize erosion of the final cover material. Such designs shall consider the erosion susceptibility of the earthen material proposed for final cover relative to historical rainfall patterns for the area, the period between application of the final cover and establishment of vegetative growth, and special maintenance procedures proposed to insure that infiltration is minimized earthen material exists after vegetative growth is established.

a. Side slopes of all above-ground disposal areas shall not exceed a 33 percent grade, 3 feet horizontal run to 1 foot vertical rise, to minimize erosion.

b. Top gradients of final cover on landfill areas should not normally exceed 4 percent grade, 100 feet horizontal run to 4 feet vertical rise, considering total fill height, and expected subsidence caused by decomposing waste, and be designed to prevent ponding or low spots and minimize erosion. Alternate gradients, justified by the landfill design, may be approved by the Department.

c. Fill areas of new landfills which are constructed above land surface shall incorporate drainage and erosion control structures in accordance with good engineering practice.

3. The closure design plan shall describe provisions for cover material for the long term care erosion control, filling areas of subsidence or other depressions, maintaining berms, and general maintenance of the facility, and specify the anticipated source and amount of material necessary for proper closure of the landfill.

17-701.073(6)(b) -- 17-701.073(6)(c)3.

(d) Type of leachate control system proposed. The leachate control system shall be designed to prevent leachate from escaping beyond the approved zone of discharge for the landfill and to meet the requirements of Chapter 17-3 and 17-4, Florida Administrative Code;

(e) Compliance with groundwater protection requirements. The closure design plan shall show how the landfill will meet the requirements of Sections 17-28.700 and 17-4.246 Florida Administrative Code. The groundwater monitoring plan and sampling schedule may be adjusted for a landfill where groundwater contamination is not evident or corrective measures have been taken to correct contamination.

(f) Type of gas or odor control which may be used. Control systems shall be installed at landfills which have a gas or odor problem as determined in the gas migration investigation report. Monitoring for methane gas at the property boundary shall be performed at regularly scheduled intervals to determine the effectiveness of the migration controls. If the investigation indicates that gas and odors will not be a problem, gas and odor control systems may, with Department approval, be omitted from the closing design plan. The plan shall include an explanation of why they were omitted. The Department shall require gas migration investigations where the potential for migration exists and require control systems to be installed any time gas or odors become evident;

(g) Proposed method of stormwater control. This shall include control of stormwater occurring on the landfill property. Stormwater from areas adjacent to the landfill property shall be prevented from coming on or into waste filled areas or cells. Other surface waters, such as streams or canals which originate off of, or other surface water bodies which adjoin the landfill property, shall be prevented from flooding waste filled areas or cells. Infiltration of stormwater into the waste shall be precluded or minimized by the leachate control system. Stormwater or other surface water which mixes with leachate shall be considered to be leachate and shall be treated to meet the water quality standards of rules 17-3 and 17-4, Florida Administrative Code at the point of discharge. The stormwater control plan shall meet the requirements of Chapter 17-25, Florida Administrative Code, and requirements of the respective water management district.

(h) Proposed method of access control. The closure design plan shall describe how access to the closed landfill shall be restricted to prevent any future waste dumping or use of the facility by unauthorized persons. Restricted access shall remain in force until the landfill is stabilized and there is no evidence that facility property is being used as an unauthorized dump site. In the event that use of the property during the long term care period is planned, access shall be restricted until landfill closing is completed and approved by the Department;

(i) Final Use. The closure design shall contain a description of any proposed final use of the landfill property.

(7) Closure Operation Plan. The closure operation plan shall;

17-701.073(6)(d) -- 17-701.073(7)

(a) Describe the actions which will be taken to close the landfill, such as placement of cover, grading, construction of berms, ditches, roads, retention-detention ponds, installation or closure of wells and boreholes, installation of fencing or seeding of vegetation, protection of on-site utilities and easements;

(b) Provide a time schedule for completion of the closing and long term care;

(c) Contain appropriate references to the Closure Design Plan, area information report, groundwater monitoring plan, and other supporting documents;

(d) Describe the proposed method of demonstrating financial responsibility for the long term monitoring and maintenance;

(e) Indicate any additional equipment and personnel needed to complete closure of the landfill;

(f) Modification of the plan based on a showing of good cause by the permittee may be approved by the Department. The permittee shall submit to the Department a revised plan prior to implementation of any necessary deviation. In the event that a necessary deviation is the result of unforeseen circumstances and there is insufficient time to prepare and submit a revised plan, the owner or operator shall immediately contact the Department and obtain an interim authorization pending the submission and review of the revised plan. Interim authorization shall not exceed 30 days during which time the revised plan shall be prepared and submitted to the Department.

(g) Certification by registered professional engineer. Information, plans, and drawings presented in support of a closure permit for a landfill shall be prepared under the direction of, and certified by, a registered professional engineer authorized to practice in the State of Florida in accordance with the provisions of Chapter 471, Florida Statutes. A letter of appointment shall be submitted by the proper federal, state, county, municipal or agency employee, or company official, or individual, confirming that the engineer is authorized to prepare plans and specifications. The professional engineer or another qualified engineer shall be required to make periodic inspections during the closing of the facility to insure closure is being accomplished according to the closure plan.

Specific Authority: 403.704, F.S.

Law Implemented: 403.704, 403.707, F.S.

History: New 7-1-85; Formerly 17-7.073.

17-701.074 Closure Procedures. Upon approval of the closure plan and issuance of the closure permit by the Department, the landfill owner or operator shall close the landfill in accordance with the approved plans and any special permit provisions.

(1) Closing inspections. The Department may specify in the closure permit that particular closing steps or operations must be inspected and approved by the Department before proceeding with subsequent closure actions.

17-701.073(7)(a) -- 17-701.074(1)

(2) Survey monuments: Concrete monuments shall be installed to mark the boundaries of the landfill property and other permanent markers installed to outline the general waste filled areas. These latter markers shall be tied to one or more of the boundary markers by a survey performed by an engineer or a registered land surveyor. The location and elevation of all markers shall be shown on a site plan filed with the "Declaration to the Public" described in subsection (4) below.

(3) Final survey and as built report. When landfill operations have been conducted which have raised the final elevations higher than 10 feet above the natural land surface, a final survey shall be performed by an engineer or a registered surveyor to verify that final contours and elevations of the facility are in accordance with the plans as approved in the permit. Aerial mapping techniques which provide equivalent survey accuracy may be substituted for the survey. The survey or aerial mapping information shall be a report which also includes information reflecting the as-built conditions of the landfill. Contours should be shown at no greater than 5 foot intervals. The landfill owner or operator shall submit this report to the Department in accordance with the closing schedule.

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

(5) Official date of closing. Upon receipt of the documents required in paragraphs (3) and (4) of this section, the Department shall, within 30 days, acknowledge by letter to the facility operator, that notice of termination of operations and closing of the facility has been received. The date of this letter shall be the official date of landfill closing for purposes of determining the long term care period.

(6) Use of closed landfill areas. Closed landfill areas, if disturbed, are a potential hazard to public health, groundwater and the environment. The Department retains regulatory control over any activities which may affect the integrity of the environmental protection measures such as the landfill cover, drainage, liners, monitoring system or leachate and stormwater controls. Consultation with the Department is required prior to conducting activities at the closed landfill.

(7) Construction on closed landfill. Pursuant to s. 403.705(1), Florida Statutes, the following guidance is provided for use of a closed landfill.

(a) Enclosed ground level and underground structures should be avoided due to the potential for explosive concentrations of methane gas. Special construction and ventilation techniques must be employed if such structures are contemplated.

17-701.074(2) -- 17-701.074(7Xa)

(b) Ponding of water, excessive irrigation, or plowing to a depth below the topsoil should not be done unless there is assurance that percolation of moisture into the buried waste will not occur.

(c) Concentrated weight loadings should be avoided to prevent uneven settlement.

(d) The effectiveness of landfill cover and any liners or barriers must not be disturbed when structures are built, particularly when pilings are used.

(e) Underground utilities and similar installations that are placed within 200 feet of, or cross any side of any filled areas should be avoided. If they cannot, a properly located gas barrier or ventilation system should be placed at each property boundary crossed to prevent methane gas migration along the utility line to off-site structures.

Specific Authority: 403.704, F.S.

Law Implemented: 403.704, 403.707, F.S.

History: New 7-1-85; Formerly 17-7.074.

17-701.075 Long Term Care. The following long term care provisions shall apply to landfills after closing operations have been completed:

(1) Long term care period. The owner or operator of any landfill in operation after the effective date of this rule shall be responsible for monitoring and maintenance of the facility in accordance with an approved closure plan for 20 years from the date of closing. Prior to the expiration of the post closing monitoring and maintenance period the Department may extend the time period if it finds extension is necessary if the closure design or closure operation plan is found to be ineffective.

(2) Reduced long term care period. The owner or operator of a landfill may apply to the Department for a reduced long-term care schedule if reasonable assurance is provided to the Department that there is no significant threat to human health or the environment and if the landfill:

(a) Has been constructed and operated in accordance with approved standards, has a leachate control system, has a liner or

(b) Was closed with appropriate final cover, good vegetative cover established, and a good monitoring system installed and;

(c) Has a 10 year history of no leachate detected in the monitoring system, no leachate collected after closing, no detrimental erosion of cover, and subsidence of waste has ceased.

(3) Right of access. It is the responsibility of the owner or operator to 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 issuance of a permit by the Department does not convey any property rights or interest in real or personal property, invasion of personal rights, or impairment of previous contract rights; nor any infringement of federal, state, or local laws or regulations outside the authority under which a permit is issued. The permittee must 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.

17-701.074(7Xb) -- 17-701.075(3)

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(4) Successors in interest. Any person acquiring rights or ownership, possession or operation of a permitted landfill through lease or transfer of property shall be subject to all requirements of the permit for the facility and shall provide any required proof of financial responsibility to the Department in accordance with this rule. Any lease or transfer of property shall include specific conditions to delineate:

(a) The previous owner or operator is responsible for closure and shall maintain any required proof of financial responsibility until the person acquiring ownership, possession or operation of the landfill establishes the required proof of financial responsibility with the Department;

(b) Responsibility for the continuance of monitoring, maintenance, and correction of deficiencies or problems;

(c) Mineral rights attached to the property and the rights to any recoverable materials that may be buried on the property or landfill gases that may be produced. A Department permit shall be required if any on-site operations subsequent to closing of a landfill involve disturbing the landfill.

(5) Transfer of Permit. Transfer of landfill permit shall be in accordance with the provisions of Chapter 17-4.120 Fla. Admin. Code and this rule.

(6) 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.

Specific Authority: 403.704, F.S.

Law Implemented: 403.704, 403.707, F.S.

History: New 7-1-85; Formerly 17-7.075.

17-701.076 Financial Responsibility.

(1) Cost estimates.

(a) For the purpose of determining the amount of proof of financial responsibility that is required in subsection 17-701.076(3) the owner or operator shall estimate the total cost of closure for the time period in the landfill operation when the extent and manner of its operation make closing most expensive, and shall estimate the annual cost of long-term care and submit the estimate together with all necessary justification for approval to the Department. The costs shall be based on a third party performing the work, reported on a per unit basis. The source of estimates shall be 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 and labor;

(c) Long-term care costs shall include land surface care, gas monitoring, leachate pumping, transportation, monitoring and treatment; and groundwater monitoring, collection and analysis.

17-701.075(4) -- 17-701.076(1)(c)

(2) Government owned landfills. After July 1, 1985, federal, state, county, or municipal governments or special districts which own a landfill shall provide the department with a plan or documentation of how they will finance the closure of the facility. The plan or documentation shall be submitted with the initial construction permit application. For existing, but not closed landfills, it shall be submitted by July 1, 1986.

(3) Non-government owned landfills. After July 1, 1985, any person applying for a permit to construct a new landfill which is not owned by federal, state, county or municipal government or special districts, shall obtain and submit proof of financial responsibility 60 days prior to acceptance of solid waste as a condition of the permit. Owners or operators of existing but not closed landfills shall submit proof of financial responsibility to the Department, by July 1, 1986. Proof of financial responsibility shall be submitted on forms provided by the Department in accordance with the requirements of this Section 17-701.076, F.A.C.

(a) 40 CFR Part 264 Subpart H which contains EPA's rules on financial requirements for owners and operators of hazardous waste facilities are hereby adopted as financial requirements for purposes of this rule and incorporated by reference as those rules appear in 40 CFR 264 revised as of July 1, 1984, except:

(b) the following sections of 40 CFR Part 264 Subpart H are specifically not adopted as part of this rule:

1. 264.140; 264.141(a); 264.141(e); 264.143(f); 264.145(f); 264.147; 264.149; 264.150; and 264.151(f)(g)(h)(i) and (j).

2. All references to 40 CFR Part 265.

3. All references to sections or subparts of 40 CFR 264 not contained in Subpart H.

4. All references to EPA Regions.

5. All references to RCRA, Section 3008 of RCRA, or RCRA permits.

(c) References in 40 CFR 264 Subpart H to the United States Environmental Protection Agency or to EPA shall mean the State of Florida Department of Environmental Regulation; to Regional Administrator shall mean the Secretary of DER; to EPA identification number shall mean the DER Identification Number; to hazardous waste shall mean solid waste; and to hazardous waste treatment, storage or disposal facilities shall mean landfills.

Specific Authority: 403.704, F.S.

Law Implemented: 403.704, 403.707, F.S.

History: New 7-1-85; Formerly 17-7.076.

17-701.077 Permit Application Requirements.

Specific Authority: 403.704, F.S.

Law Implemented: 403.704, 403.707, F.S.

History: New 7-1-85; Transferred to 17-701.030(M3), 12-10-85.

17-701.076(2) -- 17-701.077

17-701.078 Approval of Alternative Procedures and Requirements.

(1) The owner or operator of a landfill subject to the provisions of Sections 17-701.030 and 17-701.050 through 17-701.030(3) may request in writing a determination by the Secretary that a requirement shall not apply to such landfill, and shall request approval of alternate procedures or requirements.

(2) The request shall set forth at a minimum the following information:

- (a) Specific landfill for which an exception is sought;
- (b) The specific provisions of Sections 17-701.030 through 17-701.030(3) from which an exception is sought;
- (c) The basis for the exception, including but not limited to the hardship which would result from compliance with the established provision;
- (d) The alternate procedure or requirement for which approval is sought and a demonstration that the alternate procedure or requirement provides an equal degree of protection for the public and the environment;
- (e) A demonstration of the effectiveness of the proposed alternate procedure.

(3) The Secretary shall specify by order each alternate procedure or requirement approved for an individual landfill in accordance with this section or shall issue an order denying the request for such approval. The Department's order shall be final agency action, reviewable in accordance with section 120.57, Florida Statutes.

Specific Authority: 403.704, F.S.

Law Implemented: 403.704, 403.707, F.S.
History: New 7-1-85; Amended 12-10-85; Formerly 17-7.078.

17-701.080 Supervision and Inspection.

(1) Supervision of the operation shall be the responsibility of a qualified person experienced in the operation of a resource recovery and management facility.

(2) Routine inspections and evaluations of facility operations shall be made by the Department. A notice of deficiencies, with recommendations for their correction, shall be provided to the person responsible for the operation.

(3) Inspection of a completed sanitary landfill shall be made by the Department before the earthmoving equipment is removed from the site. Any corrective work shall be performed before the landfill project is accepted by the Department as completed. Arrangements shall be made for the repair or restoration of the final cover as required for at least two years following completion.

Specific Authority: 403.061, F.S.

Law Implemented: 403.021, 403.031, 403.061, 403.087, 403.701 through 403.713, F.S., Chapter 74-342.

History: Transferred from 10D-12.07, 10-1-74; Previously Numbered as 17-7.08; Formerly 17-7.080.

17-701.090 Volume Reduction Plants.

(1) Permits shall be required for all volume reduction plants as defined in Section 17-701.020(59).

17-701.078 -- 17-701.090(1)

(2) Volume reduction plants shall be designed and operated to meet all applicable rules of the Department including Chapters 17-2 and 17-3, F.A.C., and shall be reviewed for permitting based on the receipt of comprehensive data on the process and its relative potential as a pollution source.

(3) All volume reduction plants shall provide a suitable system for the collection and treatment necessary to meet water quality standards of all leachate and other liquid wastes such as wash-down water produced as a result of the operation of such a facility.

(4) Volume reduction plants shall be designed so as to divert surface water away from all open storage areas.

(5) Alternate or sufficient overcapacity waste handling capability for proper disposal of solid waste shall be provided in the event of diminished operational quality or overloads due to breakdowns or natural disasters.

(6) Volume reduction plants shall be operated so as to handle solid wastes on a first-in, first-out basis. At no time shall any stored solid waste be allowed to remain unprocessed for more than forty-eight (48) hours unless adequate provisions are made to control flies, rodents and odors.

(7) Adequate fire control facilities shall be provided at all volume reduction plants.

(8) All solid waste storage areas in the volume reduction plant shall be maintained and cleaned at the end of each day's operations or during continuous operation, as necessary, to prevent fly, rodent and other vector problems. All milling equipment must be designed and maintained to control spillage and to achieve the required milled product quality.

(9) All solid waste, recovered materials or residues handled at a volume reduction plant, shall be stored in a manner so as not to constitute a fire or safety hazard or a sanitary nuisance, and shall comply with all applicable local and state regulations.

(10) Recovered resources resulting from such facilities and which may be offered for sale shall comply with applicable regulations of all appropriate State agencies.

(11) Experimental methods and operations will be reviewed by the Department for a permit based on purpose and design effectiveness.

Specific Authority: 403.061, 403.704, F.S.

Law Implemented: 403.021, 403.061, 403.087, 403.702, 403.704, 403.705, 403.707, 403.708, F.S.

History: New 10-1-74; Amended 5-24-79; Previously Numbered as 17-7.09; Formerly 17-7.090.

17-701.091 Transfer Stations.

(1) Transfer stations shall not be constructed or operated without a permit.

(2) The transfer station shall be provided with operational appurtenances necessary to maintain a clean and orderly operation. These minimum features are:

17-701.090(2) -- 17-701.091(2)

(a) An effective barrier designed to prevent unauthorized entry and dumping into the transfer station.

(b) Fire protection and fire fighting equipment to insure the safety of employees, and provisions to deal with accidental burning of solid waste within the transfer station.

(c) Communication facilities for use in emergencies.

(d) The transfer station operator shall keep accurate records of materials handled at the station. Such records shall include weights or volumes of waste handled in a manner and form approved by the department. Accurate records shall be kept for operational control and resource recovery planning. The records shall be open for inspection by department representatives, health inspectors and other authorized regulatory and enforcement agencies during normal business hours.

(e) The transfer station shall be properly staffed to deal with all aspects of the station operation and to insure that health, fire or safety problems are not inflicted upon or caused by the public.

(f) Transfer stations shall be operated and maintained to comply with all applicable regulations. Proper operation shall include unloading of wastes to prevent them from becoming a hazard or nuisance; cleaning of all loose materials or litter daily or on a cleaning schedule approved by the department; removal of all solid wastes every 48 hours or in accordance with an approved schedule.

(g) Salvaging in a controlled manner is allowed provided it does not interfere with other aspects of the transfer station operation. Uncontrolled scavenging is prohibited.

(h) Equipment sufficient for operational needs.

(i) The department recommends but does not require:

1. a potable water supply
2. a suitable employee shelter
3. hand washing and toilet facilities
4. equipment washout facilities
5. electric service for operations and repairs
6. equipment shelter for maintenance and storage of parts, equipment and tools.
7. emergency first aid equipment to provide adequate treatment of an injured person in case of an accident.
8. that employees be trained in the proper and safe operation of all equipment and first aid procedures.

(3) Subsection 17-701.091(1) and (2) shall not apply to commercially available standard roll-off containers or similar wheeled containers which are provided to serve as a community or multi-residence receptacles for residential refuse, nor do they apply to storage receptacles for commercial solid wastes or containers used to store salvage materials.

Specific Authority: 403.061, 403.7044, F.S.

Law Implemented: 403.021, 403.061, 403.087, 403.702, 403.704, 403.705, 403.707, 403.708, F.S.

History: New 5-24-79; Formerly 17-7.091.

17-701.091(2)(Xa) -- 17-701.091 (History)

17-701.120 Notification of Disposal Activity.

(1) Applicability.

This section shall apply to persons disposing of solid waste resulting from their own activities on their own property. All such persons shall file written notification of their disposal activities to the department on forms prescribed by the department.

(2) Exemptions.

(a) The following persons shall be exempt from the notification requirements of this section:

1. Persons who dispose of only residential solid waste.
2. Persons who dispose of solid wastes resulting solely from normal farming operations.
3. Persons who dispose of solid waste limited solely to construction and demolition debris.
4. Persons whose activities are sources exempt from permit requirements pursuant to Florida Administrative Code Rule 17-4.040 and 17-28.700(4)(c).
5. Persons whose activities are exempt from the groundwater monitoring requirements of Florida Administrative Code Rule 17-28.700(6)(k).

(b) The following persons may submit a certification of their status, as prescribed in the notification form, in lieu of completion of the notification form:

1. Persons who have submitted complete groundwater monitoring plans for solid waste disposal sites prepared pursuant to Florida Administrative Code Rule 17-28.700(6)(c). Upon review of the monitoring plan, the department may require the submittal of any additional information necessary to meet the requirements of Florida Administrative Code Rule 17-701.120(4).
2. Persons whose solid waste disposal activities are currently performed subject to valid department permits or certifications.

(3) Notification Submission.

(a) Persons subject to the requirements of this section shall notify the department of their solid waste disposal activity according to the following schedule:

1. For persons located within the geographic areas of the Tampa Bay Regional Planning Council, the South Florida Regional Planning Council, the Northeast Florida Regional Planning Council and the East Central Florida Regional Planning Council and Volusia County by July 1, 1985.

2. For persons located within the geographic areas of the Treasure Coast Regional Planning Council, the Southwest Florida Regional Council, and the Central Florida Regional Planning Council by December 31, 1985.

3. For persons located within the geographic area of the Apalachee Regional Planning Council, the North Central Florida Regional Planning Council, and the Withlacoochee Regional Planning Council, and Jefferson County by December 31, 1986.

(b) Persons initiating new disposal activity shall notify the department within 10 days after beginning disposal.

17-701.120 -- 17-701.120(3)(b)

(c) Any person who, subsequent to notification, modifies the type of waste disposed, the location of disposal or the management practice used to control disposal shall notify the department of the modification within 10 days after beginning the modified disposal activity.

(4) Notification Information Requirements.

Persons required to notify the department of solid waste disposal activity shall provide the following information on forms prescribed by the department:

- A description of the location of the property used for solid waste disposal.
- A list of the types of solid waste that are being disposed of.
- An estimate of the annual quantity of each type of solid waste disposed of.
- A description of the size and location of each disposal area on the property.
- A description of the disposal processes and operating procedures used to manage the disposal of solid waste.
- A description of the status of groundwater monitoring at the site.
- Evaluation of Notification Information.
 - The department will evaluate the information provided on the notification forms. The department may perform inspections at a disposal facility to determine whether the solid wastes disposed are managed consistent with the notification information provided to the department.
 - If the department determines that the solid waste disposal activity at a disposal facility:
 - creates a public nuisance or any condition adversely affecting the environment or public health; or
 - violates other state or local laws, ordinances, rules, regulations or orders; then the department shall require the owner or operator of the disposal facility to obtain a solid waste permit or to otherwise correct these conditions or violations.

Specific Authority: 403.061, 403.704, F.S.

Law Implemented: 403.707, F.S.
History: New 6-13-84; Amended 4-25-85; Previously Numbered as 17-7.12; Formerly 17-7.120.

17-701.130 Forms. The forms and instructions used by the Department in the Solid Waste Management Program are adopted and incorporated by reference in this section. The forms are listed by rule number, which is also the form number, and with the subject title and effective date. Copies of forms may be obtained by writing to the Director, Division of Environmental Permitting, Department of Environmental Regulation, 2600 Blair Stone Road, Tallahassee, Florida 32301.

- Application for Permit to Construct/Operate a Solid Waste Resource Recovery and Management Facility, December 10, 1985.
- Application to Operate Only Resource Recovery and Management Facility - Certification of Construction Completion, November 30, 1982.

17-701.130(c) -- 17-701.130(2)

(3) Application for: Preliminary Examination/Final Examination and Certification of Resource Recovery Equipment, November 30, 1982.

(4) Land Application Field Package for Grade I Sludges, June 16, 1984.

(5) General Permit Application for Grade II Sludges, June 16, 1984.

(6) Solid Waste Disposal Notification Form, October 1, 1984.

(7) Application for Registration Used Oil Collection and Recycling Facilities and Transporters, February 25, 1985.

(8) Annual Report by Used Oil Facilities and Transporters, February 25, 1985.

(9) Used Oil Recordkeeping Form, February 25, 1985.

(10) Application for Permit to Close a Solid Waste Resource Recovery and Management Facility, July 1, 1985.

(11) Solid Waste Facility Trust Fund Agreement to Demonstrate Closure and/or Post-Closure Financial Assurance, Solid Waste Facility Standby Trust Fund Agreement, Solid Waste Facility Irrevocable Letter of Credit, Solid Waste Facility Closure/Post-Closure Insurance Certificate, Solid Waste Facility Financial Guarantee Bond, Solid Waste Facility Performance Bond, July 1, 1985.

Specific Authority: 120.53(1), 403.061, F.S.

Law Implemented: 120.53(1), 120.55, 403.0875, F.S.

History: New 11-30-82; Amended 6-16-84, 9-12-84, 2-25-85, 7-1-85; Formerly 17-1.206 and Amended 12-10-85; Formerly 17-7.130.

17-701.801 General Permit for Solid Waste Transfer Station.

(1) A general permit is hereby granted to any person for the construction and operation of a solid waste transfer station that has been designed or will be operated in accordance with the standards and criteria set forth in Fla. Admin. Code Rule 17-701.091.

(2) This general permit is subject to the general conditions of Rule 17-4.540 and the following specific conditions:

- Within thirty (30) days of completion of construction, the engineer of record shall certify to the Department that the permitted construction is complete and that it was done in accordance with the plans submitted to the Department except where minor deviation was necessary. All deviations shall be described in detail and the reasons therefore enumerated.
 - Monthly operating reports shall be filed with the Department and the local pollution control office, where applicable, which contain information on the volume, type and frequencies of waste being received. Reports shall be submitted no later than the fifteenth day of the succeeding month.
 - No hazardous or infectious waste shall be accepted at the transfer station.
 - This general permit does not relieve the permittee of the responsibility for obtaining a dredge and fill permit where it is required.
- Specific Authority: 403.814(1), F.S.
Law Implemented: 403.061, 403.087, 403.088, 403.702-403.73, 403.814, F.S.
History: New 7-8-82. Previously numbered as 17-4.61. Formerly 17-4.610. Formerly 17-7.801.

17-701.130(3) -- 17-701.801 (History)

17-701.802 General Permit for Land Application of Grade II Domestic Wastewater Treatment Sludge.

(1) As a result of the potential harm to human health or the environment resulting from sludge disposal activities, it is important that public notice be given before a general permit for such activities is utilized. Therefore, a general permit is hereby granted to any person for land application of Grade II domestic wastewater treatment sludge; provided:

(a) The person intending to apply the sludge to the land submits a completed General Permit Application for Grade II Sludges, as specified in Fla. Admin. Code Rule 17-701.060.

(b) The permit applicant, within 14 days of notice to the department, has published in a newspaper of general circulation in the area affected, a notice of the intended land application of Grade II sludge. The notice shall include the name of the applicant and a brief description of the proposed activity and location.

(c) The sludge is land applied pursuant to the requirements of Fla. Admin. Code Rule 17-7.540(5).

(2) The general permit shall be subject to the general conditions of Fla. Admin. Code Rule 17-4.540.

Specific Authority: 403.814, F.S.

Law Implemented: 403.061, 403.087, 403.702, through 403.715, 403.814, F.S.
History: New 6-16-84. Previously numbered as 17-4.64. Formerly 17-4.640, Formerly 17-7.802.

17-701.803 General Permit for Off-site Disposal of Construction and Demolition Debris.

(1) The owner or operator of the construction and demolition debris disposal facility shall notify the Department in writing on form 17-701.900(1) of the facility location, size in acres, general description of the facility operations, planned active life of the facility and the mailing address and phone number of the owner and operator. Owners and operators of Solid Waste Facilities which have a permit under Rule 17-701, F.A.C. to receive construction and demolition debris are exempt from this requirements.

(2) The owner or operator of the disposal facility shall certify in writing to the Department that the owner or operator will operate the disposal facility in accordance with the requirements of this section and that they either own the land or have legal authorization from the land owner to use the land for a disposal facility.

(3) The disposal facility is exempt from the requirements of Rule 17-701.050 and 17-701.070 through 17-701.076, F.A.C., provided that none of the Prohibitions contained in Rule 17-701.040, F.A.C., or the water quality standards contained in Chapters 17-3 and 17-28, F.A.C., shall be violated.

(4) Stormwater shall be controlled in accordance with Chapter 17-25, F.A.C., and any water management district rules.

17-701.802 -- 17-701.803(4)

(5) The disposal facility shall have equipment for temporary storage and transport for solid waste, other than construction and demolition debris, to an authorized disposal facility. Such solid waste which is accepted by the facility shall be segregated and disposed of in accordance with Department rules.

(6) Construction and demolition debris shall be compacted as necessary to assure that the requirements of section (9) below can be met.

(7) 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 construction and demolition debris.

(8) Operation of a facility under a general permit constitutes consent for Department personnel to inspect the site during normal business hours for compliance with Department rules.

(9) 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.

(10) The owner or operator shall notify the Department within 30 days after closing, covering, and seeding the facility as required in (9) above.

Specific Authority: 403.061, 403.704, 403.707, 403.814, F.S.

Law Implemented: 403.707, 403.814, F.S.

History: New 8-2-89.

17-701.900 Forms

The forms used by the Department in the Solid Waste Management Program are adopted and incorporated by reference in this section. The form is listed by rule number, which is also the form number, and with the subject, title and effective date. Copies of forms may be obtained by writing to the:

Department of Environmental Regulation

Solid Waste Section

Tallahassee, Florida 32399-2400

(1) DER form 17-701.900(1), Notification of a General Construction and Demolition Debris Solid Waste Management Facility, August 1, 1989.

Specific Authority: 120.53(1), 403.061, 403.704, F.S.

Law Implemented: 120.53(1), 403.707, F.S.

History: New 8-2-89.

17-701.803(5) -- 17-701.900 (History)