

62-701.730 Construction and Demolition Debris Disposal and Recycling.

(1) Applicability.

(a) No person shall construct or operate an off-site construction and demolition debris disposal facility without a permit issued by the Department. Except as otherwise specifically provided in this rule, such facilities which were constructed or operated in accordance with a general permit issued by the Department on or before June 1, 1996, may continue to operate in accordance with that general permit in accordance with the following schedule:

1. Owners or operators of facilities operating under a general permit issued prior to May 1, 1992, shall submit a timely and sufficient permit application that complies with this section by March 1, 1997.
2. Owners or operators of facilities operating under a general permit issued between May 1, 1992, and April 1, 1993, shall submit a timely and sufficient permit application that complies with this section at least 60 days prior to the expiration date of that general permit. A complete permit application shall be submitted no later than April 1, 1998.
3. Owners or operators of facilities operating under a general permit issued after April 1, 1993, shall, by April 1, 1998, either submit a complete permit application that complies with this section, or shall:
 - a. Submit a ground water monitoring plan that complies with the requirements of paragraph (4)(b) of this section, and a hydrogeological investigation which complies with the requirements of subparagraph (2)(a)3. of this section, along with a \$500 processing fee as required by subsection 62-701.315(10), F.A.C. The plan shall be implemented within 90 days of submittal;
 - b. Submit a notification of intent to modify a general permit as provided in subparagraph (1)(a)4. of this section; and
 - c. Submit financial assurance documentation that complies with the requirements of subsection (11) of this section.
4. For owners or operators of facilities operating under a general permit issued after April 1, 1993, a modification to that general permit is hereby granted under the following conditions:
 - a. A person wishing to continue to operate the facility in accordance with a modified general permit shall notify the Department.
 - b. The notification shall include documentation which demonstrates how the applicant is complying or will comply with the requirements of subsections (6) through (10) of this section. Information which was submitted to the Department to support the existing general permit and which is still valid does not need to be re-submitted. Instead, the notification shall list the information and reaffirm that it is still valid.
 - c. The notification shall include a \$250 processing fee.
 - d. The modification to the general permit shall have the effect of allowing the applicant to continue to operate under that general permit, but shall not have the effect of changing the expiration date of that general permit. At least 60 days prior to the expiration date, the applicant shall submit a timely and sufficient permit application that complies with the requirements of this section.
5. Notwithstanding the compliance deadlines specified above, the operation requirements in subsection (7) of this section and the training requirements in subsection (8) of this section shall be complied with no later than May 1, 1997.

6. Notwithstanding the compliance deadlines specified above, the annual report required in subsection (12) of this section shall be submitted no later than April 1, 1998.

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

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

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

(c) A disposal facility which ceases accepting waste prior to the compliance deadline specified above shall close in accordance with the provisions of its general permit.

(d) A permit application which complies with the provisions of this section is required for any lateral expansion of a construction and demolition debris disposal unit after June 1, 1996, notwithstanding the compliance schedule above.

(e) No person shall construct or operate a facility which accepts construction and demolition debris for recycling without a permit issued by the Department. Persons operating materials recovery facilities which accept construction and demolition debris may continue to operate under their existing permits. At the time of renewal of that permit, the requirements of this section shall be complied with.

(f) The provisions of paragraph 62-701.320(8)(b), F.A.C., do not apply to construction and demolition debris disposal facility applications. Instead, the Department will provide notice to local governments in accordance with Section 403.707(12)(i), F.S.

(2) Application. A permit application for an off-site construction and demolition debris disposal facility, disposal unit, or lateral expansion shall be submitted on Form 62-701.900(6) and shall include the information required in subsections 62-701.320(5), (6), (7), and (8)(a), F.A.C., specifically including:

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

1. A site plan, of a scale not greater than 200 feet to the inch, which shows the project location and identifies the proposed disposal units, total acreage of the site and of the proposed disposal units, and any other relevant features such as water bodies or wetlands on or within 200 feet of the site, potable water wells on or within 500 feet of the site, and community water systems on or within 1000 feet of the site;

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

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

4. An estimate of the planned active life of the facility, the design of the disposal areas, and the design height of the facility;

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

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

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

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

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

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

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

(b) A ground water monitoring plan which meets the criteria set forth in Rule 62-701.510 and Chapter 62-522, F.A.C., shall be included with the permit application, and shall be implemented and maintained by the owner or operator, with the following exceptions:

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

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

3. The well spacing requirements of subparagraph 62-701.510(3)(d)3., F.A.C., do not apply. A minimum of one upgradient and two downgradient wells is required, as specified in Chapter 62-522, F.A.C. – 728

4. Detection wells shall be sampled and analyzed at least semi-annually for the following parameters:

5. Background water quality shall be established in accordance with the provisions of paragraph 62-701.510(6)(b), F.A.C., except that sulfate, aluminum and phenols shall also be analyzed for. In addition, all background and detection wells shall be sampled and analyzed at least once prior to permit renewal for those parameters listed in paragraph 62-701.510(8)(a), F.A.C., as well as sulfate, aluminum and phenols.

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

(c) Putrescible household waste shall not be disposed of at a construction and demolition debris disposal facility.

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

(5) Stormwater. Stormwater shall be controlled in accordance with Part IV of Chapter 373, F.S., and the rules promulgated thereunder. A copy of any permit for stormwater control issued by the Department, or documentation that no such permit is required, shall be submitted to the Department before the facility receives waste for disposal or recycling. Applicants should be aware that other government agencies may also regulate stormwater management and may require separate permits.

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

(7) Operation requirements. Owners and operators of construction and demolition debris disposal facilities shall comply with the following requirements by May 1, 1997, or at the time of permit issuance, whichever is sooner:

(a) An operation plan describing the facility operations and maintenance, emergency and contingency plans, and types of equipment that will be used shall be kept at the facility at all times and made available for inspection. All activities at the facility shall be performed in accordance with this plan and the permit conditions. The plan shall be updated as operations change but no less frequently than upon renewal of the permit. The Department shall be notified of changes to the plan other than those required for routine maintenance.

(b) Construction and demolition debris shall be compacted and sloped as necessary to assure that the requirements of subsection (9) of this section can be met. A schedule for compaction and grading shall be included in the operation plan.

(c) 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.

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

Field Parameters Laboratory Parameters

pH Aluminum

Turbidity Chlorides

Temperature Nitrate

Specific conductivity Sulfate

Dissolved oxygen Total dissolved solids

Water elevations Iron

Colors and sheens Sodium

(by observation) Arsenic

Cadmium

Chromium

Lead

Mercury
Total ammonia – N
Phenols
Those parameters listed in
EPA Methods 601 and 602 - 729

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

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

(g) Plastic buckets may not be accepted at the facility unless they are empty when they arrive.

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

(8) Training. Operators and spotters employed at the facility shall be properly trained in accordance with subsection 62-701.320(15), F.A.C.

(9) Closure.

(a) At least 90 days prior to the date when wastes will no longer be accepted, the owner or operator of the construction and demolition debris disposal facility shall submit an updated closure plan to the Department to reflect any changes in the closure plan due to actual operational conditions at the facility.

(b) Final cover and seeding or planting of vegetative cover shall be placed on each disposal unit within 180 days after it has reached its final grade. Final cover shall consist of a 24-inch-thick soil layer, the upper six inches of which shall be capable of supporting vegetation, and shall be graded and compacted as necessary to eliminate ponding, promote drainage, and minimize erosion. The side slopes of all above-grade disposal units shall be no greater than three feet horizontal to one foot vertical rise. If the disposal unit is lined, the closure design shall include a barrier layer or other measures to ensure that the design leachate head over the liner is not exceeded after closure.

(c) The owner or operator shall provide a certification of closure construction completion to the Department within 30 days after closing, covering, and seeding the disposal unit. The owner or operator shall also provide a final survey report done by a professional surveyor, in accordance with subsection 62-701.610(3), F.A.C., if disposal operations have raised the final elevations higher than 20 feet above the natural land surface.

(d) Upon receipt of the documents required in paragraph (c) of this subsection, the Department shall, within 30 days, acknowledge by letter that notice of termination of operations and closing of the facility has been received. The date of this letter shall be the official date of landfill closing for the purpose of determining the long-term care period, in accordance with Rule 62-701.610(6), F.A.C.

(10) Long-term care. The owner or operator of the construction and demolition debris disposal facility shall continue to monitor and maintain the facility for five years from the date of closing. This time period shall be extended if assessment monitoring or corrective action has been initiated in accordance with subsection 62-701.510(7), F.A.C., or if site-specific conditions make it likely that any contamination which may emanate from the disposal area would not be detected within five years.

(11) Financial assurance.

(a) The owner or operator of an off-site construction and demolition debris disposal facility shall provide the Department with proof of financial assurance issued in favor of the State of Florida in the amount of the closing and long-term care cost estimates for the facility. This proof, along with the closing and long-term

care cost estimates, shall be submitted to the Department as part of the permit application for the facility. Proof of financial assurance shall consist of one or more of the following financial instruments which comply with the requirements of subsection 62-701.630(6), F.A.C.: trust fund; surety bond guaranteeing payment; surety bond guaranteeing performance; irrevocable letter of credit; insurance; and financial test and corporate guarantee. If the owner or operator of the facility is a local government, an escrow account which complies with the requirements of subsection 62-701.630(5), F.A.C., may be used to provide proof of financial assurance. Financial documents shall be submitted on Form 62-701.900(5)(a), (b), (c), (d), (e), (f), (g), or (h), as appropriate.

(b) Closure cost estimates and annual updates thereof shall comply with the provisions of paragraphs 62-701.630(3) and (4)(a) through (d), F.A.C., except that the cost of long-term care shall be based upon a five-year period, and the costs shall be based upon compliance with this section.

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

(12) Annual Reports. The owner or operator of the facility shall submit an annual report to the Department on Form 62-701.900(7). This report shall include a summary of the amounts and types of wastes disposed of or recycled. The county of origin of materials which are recycled, or a statement that the county of origin is unknown, shall be included in the report. The report shall be submitted no later than April 1 of each year beginning in 1998, and shall cover the preceding calendar year. This provision applies to all facilities regardless of the compliance schedules in subsection 62-701.730(1), F.A.C.

(13) Recycling.

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

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

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

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

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

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

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

(18) Disposal restrictions. Construction and demolition debris may be disposed of only in accordance with one of the methods authorized above. In addition, disposal areas shall be operated so that adverse environmental and public health impacts, such as blowing litter and vectors, are minimized.

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

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

Specific Authority 403.0877, 403.704, 403.707 FS. Law Implemented 403.0877, 403.706, 403.707 FS. History—New 8-2-89, Formerly 17-701.061, Amended 1-6-93, Formerly 17-701.730, Amended 12-23-96, 4-23-97, 5-27-01.