

**RULES OF THE
ENVIRONMENTAL PROTECTION
COMMISSION
OF HILLSBOROUGH COUNTY**

**CHAPTER 1-7
WASTE MANAGEMENT**

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Part I General

1-7.100 Intent.

(1) The Environmental Protection Commission of Hillsborough County (Commission) finds that the improper management, handling and disposal of solid waste, hazardous waste, and recyclable and recoverable materials can result in or contribute to the pollution of water, soil, and air.

(2) It is the Commission's intent, in adopting this rule, to apply reasonable control and regulation over the storage, collection, transportation, receiving in bulk, separation, processing, recycling, mining and disposal of solid waste, hazardous waste, recyclable and recoverable materials in order to protect the public health, safety and welfare and the environment, and to encourage the recycling of solid waste, recyclable and recoverable materials that would otherwise be destined for disposal.

(3) It is the Commission's intent to require a Director's Authorization for all solid waste management facilities in Hillsborough County prior to the construction, operation, modification, or use of the facility to ensure the proper location, design, management, operation and closure of such facilities in order to reduce or eliminate the risks of pollution.

(4) The Florida Legislature recognizes and requires in Sections 403.7225 and 403.7238, F.S., the need for increased participation by local governments in ensuring that small quantity generators and transfer facilities properly manage their hazardous waste and that waste reduction opportunities are promoted and realized. Hillsborough County, obligated by Section 403.7234, F.S., to implement the small quantity generator notification and verification program, assigned its responsibility to the Commission by Interlocal Agreement [Document #93-1101] on June 18, 1993.

(5) Section 403.7225(12), F.S., authorizes imposition of an annual notification and verification surcharge on the business or occupational license of any firm that is classified as a small quantity generator of hazardous waste. The Commission has adopted such a fee in Section 1-6.03(6) of its rules, which is collected in part by agreement with the Hillsborough County Tax Collector through the County's occupational license program.

(6) All hazardous waste standards and criteria, notification requirements and permit conditions adopted by the Department in Chapter 62-730, Florida Administrative Code (F.A.C.), shall be fully applicable and enforceable on all facilities handling hazardous wastes in Hillsborough County. The Commission, however, intends to directly regulate under Part III of this rule, only those facilities identified as small quantity generators and hazardous waste transfer facilities.

Section History – amended 8/9/12 and effective 8/20/12.

1-7.101 Interpretation.

(1) By adopting certain rules of the Department, the Commission intends that any provision therein requiring permits, application for alternative procedures, notifications, or notices of general permit to the Department shall be interpreted as requiring submission of such documents to the Commission for review and/or issuance of a Director's Authorization under the provisions of this rule.

(2) In implementing any Department rule herein, the Commission will apply the Department's interpretations of its regulations where consistent within the context of these rules, however, any action or position taken by the Commission or its Director in conflict with a Department interpretation or policy applying such regulations will not be invalidated on that basis alone unless the Department interpretation or policy was formally issued in writing prior to the Commission's or the Director's action.

1-7.102 Definitions.

(1) For purposes of Part III of this rule, the definitions adopted or contained in Section 62-730.020, F.A.C., are incorporated herein. Where a definition cannot be reconciled with definitions adopted in this Section, the definitions in Section 62-730.020, F.A.C., shall prevail in application of Part III.

(2) The Commission also adopts for purposes of this rule the definitions contained in Sections 62-701.200, F.A.C. and Section 403.703, F.S., except as may be otherwise defined in Chapter 84-446, Laws of Florida. In addition, the following definitions shall apply:

(a) "Department" means the Florida Department of Environmental Protection

(b) "Director" means the Executive Director of the Environmental Protection Commission or his staff as appropriate.

(c) "Director's Authorization" means:

1. The specific written approval of the Director, or
2. A Department solid waste permit or general permit, the application or notification for which has been reviewed by the Director's staff as provided in this rule, and for which the Director has not issued a written Notice of Objection.

(d) "Leachate" is defined pursuant to Section 62-701.200(59), F.A.C. For the purpose of this rule, leachate shall also include groundwater removed or recovered from solid waste disposal areas for the purpose of dewatering, surface water or storm water that has come in contact with excavated and/or in-situ solid waste, and liquids that may drain or otherwise be expressed from staged or excavated solid waste, separated or co-mingled soils, and RSM.

(e) "Notice of Objection" means a specific written

document or letter signed by the Director and directed to the Department with copy(ies) provided to the applicant, which states an objection to the basis or criteria for a proposed permit.

(f) "Recovered Screen Material (RSM)" means the fines and/or soils fraction of the material generated through the screening or processing of excavated solid waste or construction and demolition debris.

(g) "Solid Waste Management Facility" as defined by Section 62-701.200(112), F.A.C., and includes any solid waste disposal area, dump site, landfill, volume reduction plant (incinerator, pulverizer, compactor, shredding and baling plant), composting facility, waste recycling or disposal site or facility, recovered materials processing facility, waste processing facility, or other facility or operation the purpose of which is resource recovery or the disposal, recycling, processing, or storage of solid waste or recovered materials.

(h) "SWFWMD" or "District" means the Southwest Florida Water Management District.

Section History – amended 8/9/12 and effective 8/20/12.

1-7.103 Reference Standards.

Standard reference documents used in implementing these rules shall be those listed in Section 62-701.210, F.A.C.

1-7.104 Application Fees.

Applicable application fees for a Director's Authorization or other review required pursuant to this rule shall be as provided in Chapter 1-6, Rules of the Commission. Unless provided otherwise, fees required by regulations adopted by reference in this rule; are separate and shall be paid directly to the Department.

1-7.105 Confidential Information.

Confidential trade secrets shall be kept confidential pursuant to Sections 403.73 and Section 403.111, F.S.

1-7.106 Environmental Sampling.

Any person who may be responsible for the emission or discharge of pollutants to air, surface water, ground water, or soil, may be required by the Director to conduct, at their expense, tests which will identify and quantify the emission or discharge and to provide the results of such tests to the Commission.

Part II Solid Waste Management.

1-7.200 Prohibitions.

(1) The prohibitions of Section 62-701.300, F.A.C., are specifically adopted by reference.

(2) It is unlawful for any person in Hillsborough County to store, process, manage or dispose of solid waste or

recovered materials except as provided for in Section 1-7.202.

(3) No person shall conduct the activities listed in Section 1-7.202 without a Director's Authorization.

(4) No person shall fail to comply with the requirements and conditions contained in a Director's Authorization or Department permit pursuant to this rule.

1-7.201 Alternate Procedures.

The provisions of Section 62-701.310(1), (2), (4), (5) and (7), F.A.C., are adopted by reference. A Director's Authorization shall be required for alternate procedures or requirements. Requests for alternate procedures shall be accompanied by the appropriate application fee pursuant to Chapter 1-6, Rules of the Commission.

1-7.202 Director's Authorization.

(1) The following activities in Hillsborough County shall require a Director's Authorization:

(a) The construction, operation or use of a solid waste management facility requiring a permit or general permit pursuant to Chapter 62-701, F.A.C.;

(b) The construction, operation or use of any alternate procedures or requirements as provided in 1-7.201;

(c) The excavation of solid waste, the modification or development of a solid waste filled area, or the construction of buildings, structures or facilities, utility lines or pipes, parking areas or paved surfaces, on or through areas filled with solid waste or areas otherwise impacted by solid waste disposal; and

(d) The construction, operation or implementation of any solid waste management facility or recovered materials processing facility or activity otherwise exempt from Department regulation pursuant to Sections 62-701.220 and 62-701.320, F.A.C.

(2) The specific activities listed in Section 62-701.320(2), F.A.C., are hereby granted a Director's Authorization except for those activities identified in Sections 62-701.320(2)(a), 62-701.320(2)(b)3, and 62-701.320(2)(c), F.A.C.

(3) A permit or general permit granted by the Department pursuant to Chapters 62-701, 62-709, and 62-711, F.A.C., shall constitute a valid Director's Authorization provided the application or notification has been submitted to the Director, the or application notification has been reviewed according to Department criteria, and no Notice of Objection has been issued. Compliance with the application requirements outlined in Section 1-7.202(4) may be necessary only if the Director has issued a Notice of Objection.

(4) All applications for a Director's Authorization submitted pursuant to this rule shall include the following:

(a) The appropriate application fee as established in Section 1-6.03, Rules of the Environmental Protection

Commission.

(b) A copy of the complete Department permit application or general permit notification where applicable, as required by Sections 62-701.320 or 62-701.330, F.A.C., including copies of all appendices, plans, and drawings.

(c) If the property owner is different from the applicant, evidence of authorization to use the property for the proposed facility.

(d) Verification that the siting of the facility will not violate local zoning or land use ordinances.

(e) A professionally certified boundary survey, legal description of the property and, property folio number or property identification number on file with the County Property Appraiser's Office.

(f) A regional map or plan illustrating the project location in relation to surrounding land use.

(g) A current vicinity map or aerial photograph taken within one year preceding the application.

(h) A description of the general operating plan for the proposed facility, including equipment to be used and number of personnel.

(i) Detailed site plans of a scale no greater than one inch equals two hundred feet. The site plans must be signed, sealed and dated by a professional engineer registered in the State of Florida and must include notation of:

1. Project location and identification of all structures, roadways and other operational appurtenances;

2. Proposed disposal, handling, storage and processing areas;

3. Total acreage of the site;

4. Access control features and any other relevant physical features such as water bodies, wetlands, and areas subject to frequent or periodic flooding; and

5. Identification of all potable water wells on or within five hundred feet of the site boundary.

(j) A copy of any SWFWMD permit for the control of storm water or documentation that no permit is required. In the event that a SWFWMD permit is not required, plans including site topography and storm water control devices in accordance with Chapter 62-25, F.A.C., shall be provided. All plans and calculations must be signed, sealed and dated by a professional engineer registered in the State of Florida. Storm water shall not be impounded or otherwise accumulated atop areas impacted by solid waste disposal or in areas where RSM has been utilized as fill without Commission approved engineering controls.

(k) A signed and sealed general closure plan or site completion plan to include:

1. Cross section details of any disposal areas with final cover depths and site contours;

2. Revegetation plan details; and

3. A schedule for the removal and proper disposal of excess solid waste, hazardous waste, and recovered materials.

(l) Financial Assurance. The owner or operator of a site or facility requiring a Director's Authorization pursuant to Section 1-7.202(1)(c) and Section 1-7.202(1)(d) shall provide the Commission with proof of financial assurance in compliance with the following:

1. The financial assurance mechanism shall be issued in favor of Hillsborough County in the amount of the closing costs for the site or facility.

2. Proof of financial assurance may consist of one or more of the following instruments: performance bond; irrevocable letter of credit; deposit of cash or cash equivalent into an escrow account or; guarantee bond.

3. Proof of financial assurance along with an assessment of the anticipated cost of closure of the site or facility shall be submitted to the Commission as part of the Application for Director's Authorization. The Commission will accept a suitable financial assurance mechanism held by another regulatory agency upon assurance that the funds are available to the Commission.

4. The requirement to provide proof of financial assurance for sites regulated pursuant to Section 1-7.202(1)(c) may be waived if reasonable assurance can be provided by the applicant which demonstrates that the applicant has the ability to effect proper site closure and that the site will be properly closed even in the event that the proposed development activities are not, for unforeseen reasons, completed in their entirety.

5. For sites or facilities regulated pursuant to Sections 1-7.202(1)(c) and 1-7.202(1)(d) which are owned or otherwise under the control of a local government, the requirement to provide financial assurance may be waived provided that verification, signed by or attested to by an authorized public employee, may be provided which assures that the local government has the financial resources and ability to effect proper site closure and that the site will be properly closed.

(5) The Commission will accept submissions on the forms required by Section 62-701.900, F.A.C. For activities requiring submission pursuant to Section 1-7.202 (1)(c) and Section 1-7.202(1)(d), an application form may be obtained from the Commission.

(6) Pursuant to the existing Operating Agreement between the Department and the Commission, the Commission shall comment to the Department as to completeness on all applications and notifications within Hillsborough County requiring a Department permit or general permit as required therein. Recommendation for issuance or denial, based upon reasonable assurance that the facility will meet Department criteria and standards, shall be submitted to the Department as described in the Operating Agreement or Chapter 120, F.S.

(7) The requirements and standards for review of applications for a Director's Authorization shall be those contained in Section 62-701.320, F.A.C., this rule, and any

other Commission or Department rule specifically providing conditions, standards, or criteria for the type of activity seeking authorization.

Section History – amended 8/9/12 and effective 8/20/12.

1-7.203 Construction on Areas Impacted by Solid Waste Disposal or Excavation of Solid Waste Disposal Areas.

Applications pursuant to Section 1-7.202(1)(c) will be reviewed, approved or denied based upon the written conclusions and recommendations of appropriately certified professionals according to the following:

(1) Detailed site plans in compliance with Section 1-7.202(4)(i) which clearly illustrate and delineate the following:

(a) Horizontal and vertical extent of solid waste fill;

(b) All proposed buildings, structures, utility lines or pipes, parking areas, paved or impervious surfaces, and storm water impoundment and conveyance structures;

(c) Solid waste excavation locations, locations where construction will occur atop solid waste fill and where solid waste will be left in place;

(d) Horizontal and vertical extent of areas where RSM will be used as fill;

(e) Excavated solid waste handling, temporary storage, and processing areas;

(2) A geotechnical investigation and foundation analysis in accordance with the Florida Building Code and applicable industry standards must be submitted. In addition, appropriate building safeguards must be addressed in order to protect proposed structures that may be constructed on or through solid waste filled areas. The investigations, analyses and reports required by this Section shall be certified by an experienced professional engineer registered in the State of Florida.

(3) The applicant must comply with all local, state and federal building codes in order to ensure that proposed structures will not be damaged by potential landfill subsidence.

(4) A Preliminary Site Assessment Plan and Site Assessment Report must be submitted appropriate to the proposed project to demonstrate existing and potential contamination of air, water, soil and groundwater from the solid waste filled areas of the site. Preliminary site assessments activities must be conducted under the guidance of an experienced professional geologist or professional engineer registered in the State of Florida.

(5) Landfill-generated gas (LFG) shall be investigated and monitored at all sites requiring a Director's Authorization pursuant to Section 1-7.202(1)(c). LFG mitigation systems and LFG monitoring plans shall be designed, installed, and implemented under the supervision of an experienced professional engineer registered in the State of Florida. LFG control systems shall be designed to

meet the requirements of Section 62-701.530(1)(a)1, (1)(a)2, and (1)(a)3, F.A.C., and the standards defined under Section 257.3-8, Title 40 of the Code of Federal Regulations. LFG flare units and/or LFG extraction units may require permitting through the Commission's Air Management Division if such a device is deemed necessary.

(a) LFG shall be monitored prior and subsequent to any excavation or development activity. Data generated through the monitoring of LFG prior to excavation or development activities may be submitted as part of the Site Assessment Report required pursuant to Section 1-7.203(4).

(b) All structures and enclosed spaces constructed atop or adjacent to areas where solid waste has been left in place or where RSM has been utilized as fill, will require protection through the design, implementation and operation of a LFG mitigation system.

(c) The design of LFG mitigation systems must provide for the effective collection and venting of LFG that may accumulate beneath structure slabs, foundations, impervious surfaces and within structures.

(d) A routine LFG monitoring schedule shall be developed and implemented. LFG monitoring data shall be collected through the monitoring of Commission approved mitigation systems, exterior LFG monitoring wells, and/or monitoring points, and interior monitoring devices. LFG monitoring data shall be submitted to the Commission in accordance with an approved reporting schedule.

(6) Leachate generated at all sites requiring a Director's Authorization pursuant to Section 1-7.202(1)(c) shall be managed in accordance with the following:

(a) The off-site discharge of leachate is prohibited unless in accordance with a National Pollutant Discharge Elimination System (NPDES) permit.

(b) Leachate may be re-infiltrated only into areas up gradient of solid waste impacted areas and within areas previously impacted by solid waste disposal. Leachate re-infiltration shall not exacerbate, expand or otherwise contribute to or increase groundwater contamination or groundwater impacts.

(c) Leachate may require treatment prior to re-infiltration. The levels of treatment required will be determined based upon site specific conditions and proposals.

(7) RSM proposed for onsite reuse and excavated solid waste shall be characterized, managed, reused and disposed in accordance with the following:

(a) Characterization, through laboratory analyses, of RSM proposed for onsite reuse is required.

(b) Analytical data from the in-situ sampling of solid waste and/or soil matrices may not be used to support a reuse proposal in lieu of data generated from the analysis of RSM.

(c) RSM generated from solid waste which has been excavated from areas that can be conclusively shown to be filled solely with construction and demolition debris must, at

a minimum, be analyzed for the laboratory parameters listed in Section 62-701.730(4)(b)4, F.A.C.

(d) RSM generated from solid waste which has been excavated from areas filled with solid waste other than construction and demolition debris, or from areas that do not otherwise meet the criteria outlined in Section 1-7.203(7)(c), must be analyzed for the parameters listed in Section 62-701.510(8)(d), F.A.C.

(e) The minimum sampling frequencies at which both discrete and composite RSM samples will be obtained shall be in accordance with Section 62-713.510(4)(b), F.A.C. Each composite sample shall be comprised of four randomly selected sub-samples in accordance with Section 62-713.510(6)(a)2, F.A.C.

(f) The onsite reuse of RSM exhibiting hazardous waste characteristics is prohibited.

(g) RSM found not to exceed leachability based Soil Cleanup Target Levels, as established in Chapter 62-777, F.A.C., Table II, may be reused onsite in accordance with the following:

1. RSM shall be placed no less than six inches above the seasonal high water ground water elevation.

2. Direct human exposure of RSM shall be prevented through the design and implementation of approved site specific engineering controls.

3. Reuse of RSM found to exceed Residential use based Soil Cleanup Target Levels, as established in Chapter 62-777, F.A.C., Table II, shall require the recording of an institutional control in the form of a restrictive covenant in the public property record(s).

(h) The onsite reuse of RSM found to exceed leachability based Soil Cleanup Target Levels, as established in Chapter 62-777, F.A.C., Table II, is prohibited unless the requirements of Sections 1-7.203(7)(g)1, 1-7.203(7)(g)2 and 1-7.203(7)(g)3 are met and the reuse proposal is in accordance with a Remedial Action Plan approved by the Commission. Remedial Actions Plans may also require approval by the Department.

(i) The locations, dimensions, configurations and elevations of all RSM reuse areas must be documented on as-built site plans or site diagrams.

(j) Unprocessed/un-separated, non-hazardous solid waste excavated from solid waste disposal areas and non-hazardous RSM requiring disposal shall be disposed at a Class I solid waste disposal facility permitted by the Department. Disposal of excavated solid waste at a Department permitted Class III disposal facility may be approved by the Commission with appropriate analytical testing, as determined by the Commission, and on a case specific basis.

(k) Excavated solid waste which has been processed/separated shall be disposed at an appropriately permitted solid waste disposal facility or permitted hazardous waste disposal facility.

1-7.204 Landfills.

(1) Landfills in Hillsborough County shall comply with the standards and criteria contained in Section 62-701.340, F.A.C.

(2) Landfills shall at a minimum comply with the standards and criteria contained in Sections 62-701.400, 62-701.410, and 62-701.430, F.A.C.

(3) Operational standards and requirements shall be in compliance with Section 62-701.500, F.A.C., and monitoring requirements shall be consistent with Section 62-701.510, F.A.C.

(4) Landfill operators shall be appropriately trained in accordance with Section 62-701.320(15), F.A.C., or as otherwise required by law.

(5) Special waste handling at landfills shall conform to the standards and criteria contained in Section 62-701.520, F.A.C.

(6) Landfills shall be subject to the closure and long term care procedures, criteria and standards contained in Sections 62-701.600, 62-701.610, and 62-701.620, F.A.C.

1-7.205 Recovered Materials Processing Facilities and Waste Processing Facilities.

(1) Any person proposing to operate, maintain, construct, expand or modify a recovered materials processing facility or solid waste management facility not specifically requiring permitting pursuant to Department rule shall submit to the Director an application for said operation pursuant to Section 1-7.202(1)(d) prior to implementation.

(2) Solid waste management facilities which are waste processing facilities shall comply with the criteria and standards contained in Section 62-701.710, F.A.C.

1-7.206 Clean Debris and Construction and Demolition Debris.

(1) Clean debris may be used as fill in accordance with Section 62-701.730(15), F.A.C. The use of clean debris as fill is hereby granted a Director's Authorization provided its placement does not constitute violations of other Commission rules or Hillsborough County land development ordinances.

(2) Construction and demolition debris may only be disposed at an appropriate disposal facility permitted in accordance with the criteria and requirements of Section 62-701.730, F.A.C.

1-7.207 Solid Waste Combuster Ash.

The management of solid waste combuster ash residue shall comply with the criteria and requirements of Chapter 62-702, F.A.C.

1-7.208 Composting Facilities and Yard Trash Processing Facilities.

(1) Solid waste management facilities which use composting technology to process solid wastes other than yard trash and clean wood shall comply with the provisions, prohibitions and standards of Chapter 62-709, F.A.C.

(2) Solid waste management facilities which process yard trash and/or clean wood into other usable materials, such as compost, mulch, soil amendment(s) or top soil are considered yard trash processing facilities and are regulated pursuant to Section 1-7.205(1). Yard trash processing facilities shall, at a minimum, comply with the provisions, prohibitions, and standards of Sections 62-709.320 and .330, F.A.C.

Section History – amended 8/9/12 and effective 8/20/12.

1-7.209 Waste Tires.

The collection, transport, processing and disposal of waste tires shall comply with the criteria, prohibitions, procedures and standards contained in Chapter 62-711, F.A.C.

Part III Hazardous Waste Management (Small Quantity Generators)

1-7.301 References, Variances and Case-By-Case Regulations.

The Commission adopts by reference Section 62-730.021, F.A.C.

Section History – amended 8/9/12 and effective 8/20/12.

1-7.302 Identification of Hazardous Waste.

The Commission adopts the criteria and standards referenced by Section 62-730.030 F.A.C. for identifying hazardous waste and conditionally exempt small quantity generator requirements.

1-7.303 Prohibitions.

(1) No person shall discharge, cause or permit the discharge, of hazardous waste to the soils, air, surface water, or ground water in Hillsborough County, unless the discharge is in compliance with federal, state, and local regulations.

(2) No person shall discharge, cause or permit the discharge, of hazardous waste to a septic tank, oil/water separator, or other system of waste management which is designed to discharge into soils, air, surface water, or ground water, unless the discharge is in compliance with federal, state, and local regulations.

(3) No person shall manage hazardous waste in violation of any federal, state, or local regulations.

(4) No person subject to inspection pursuant to Section 403.7234 F.S. shall fail to pay the small quantity generator notification/verification fee required pursuant to Section 1-6.03(6) of the Commission's rules upon written notification that they are classified as a potential small quantity generator

of hazardous wastes.

1-7.304 Generators of Hazardous Waste.

All generators of hazardous waste in Hillsborough County shall comply with the standards and criteria required by Sections 62-730.160(1), (3), (4), (6) and (7), F.A.C.

1-7.305 Transfer Facilities.

All transfer facilities in Hillsborough County shall comply with the standards and requirements contained in Section 62-730.171, F.A.C. except for subsection (1), and a copy of each record, report and plan required therein shall be submitted to the Commission within the time frames provided.

1-7.306 Hazardous Waste Treatment, Storage and Disposal Facilities.

Owners and operators of hazardous waste treatment, storage and disposal facilities in Hillsborough County shall comply with subsection 62-730.180(2), F.A.C.

1-7.307 Specific Hazardous Wastes and Types of Hazardous Waste Management Facilities.

The application of recycled materials to land, the recovery of precious metals, reclamation of lead acid batteries, the burning of hazardous wastes in furnaces, and the posting of warning signs at suspected or confirmed contaminated sites shall comply with the standards in Section 62-730.181, F.A.C.

1-7.308 Land Disposal Restrictions for Hazardous Waste.

All land disposal of hazardous waste shall comply with the restrictions and record keeping requirements of Section 62-730.183, F.A.C.

1-7.309 Standards for Universal Waste Management.

The management of universal wastes shall comply with the criteria and requirements of Section 62-730.185, F.A.C.

Part IV Site Rehabilitation.

1-7.400 Brownfields.

As pertains to proposals for Brownfields Site Rehabilitation, Chapter 62-785, F.A.C., is hereby adopted by reference except for Section 62-785.650.

1-7.401 Petroleum Cleanup.

As pertains to petroleum contaminated sites, Chapter 62-770, F.A.C., is hereby adopted by reference except for Section 62-770.650 and Section 62-770.890.

1-7.402 Cleanup Standards.

As pertains to the standards and criteria for contaminated site cleanup, Chapter 62-777, F.A.C., is hereby adopted by reference in its entirety.

Adopted 8/10/78

Amended 12/21/95

Amended 10/17/02

Amended 8/9/12; Effective 8/20/12