

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

**CHAPTER 1-7
WASTE MANAGEMENT RULE**

PART I (Generally)

- 1-7-00.10** Intent
- 1-7-00.11** Interpretation
- 1-7-01.20** Definitions
- 1-7-01.21** Reference Standards
- 1-7-01.22** EPC Application Fees
- 1-7-01.23** Confidential Information
- 1-7-01.30** Prohibitions
- 1-7-01.31** Approval of Alternate Procedures
- 1-7-01.32** Director's Authorization

PART II (Specific Facilities or Materials)

- 1-7-01.33** Construction on or Excavation of Solid Waste
- 1-7-01.34** Landfills
- 1-7-01.70** Materials Recovery Facilities
- 1-7-01.72** Industrial Solid Waste
- 1-7-01.73** Clean Debris, Construction and Demolition Debris
- 1-7-01.81** Solid Waste Transfer Station
- 1-7-01.82** Land Application of Domestic Wastewater Sludge
- 1-7-02.00** Solid Waste Combustor Ash
- 1-7-09.00** Composting Facilities
- 1-7-10.00** Used Oil
- 1-7-11.00** Waste Tires
- 1-7-12.00** Biomedical and Biological Waste

**PART III (Hazardous Waste of Small
Quantity Generators)**

- 1-7-30.001** Declaration and Intent
- 1-7-30.020** Definitions
- 1-7-30.021** References, Variances and Case-by-Case Regulations
- 1-7-30.030** Identification of Hazardous Waste

- 1-7-30.031** Prohibitions
- 1-7-30.150** General Applicability
- 1-7-30.160** Generators of Hazardous Waste
- 1-7-30.171** Transfer Facilities
- 1-7-30.180** Hazardous Waste Treatment, Storage and Disposal Facilities
- 1-7-30.181** Specific Hazardous Wastes and Types of Hazardous Waste Management Facilities
- 1-7-30.183** Land Disposal Restrictions
- 1-7-30.185** Standards for Universal Waste Management

**PART I
(Generally)**

1-7-00.10 INTENT

(1) The Commission finds that the improper management and disposal of solid wastes and hazardous wastes, as well as the improper management of recycled and recovered materials generally, can result in or contribute to pollution of the waters, soils, property, and air, and that the reasonable regulation of recycled and recovered materials management and waste disposal practices will reduce pollution, protect the public safety, health and welfare, and protect the environment of the County.

(2) Recognizing that proper disposal alternatives for solid and hazardous wastes are becoming limited, the Commission also finds that waste minimization and reuse is necessary for the future protection of our environment.

(3) 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 wastes, hazardous wastes, and recycled and recovered materials in order to protect the public health, safety and welfare to also encourage the recycling of wastes and materials which otherwise would end in the waste stream.

(4) 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 design, location, management, and closure of such facilities so as to eliminate and reduce the risks of pollution.

1-7-00.11 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 Director's action.

1-7-01.20 DEFINITIONS

(1) The Commission adopts for purposes of this rule chapter the definitions contained in Sections 62-701.200, 62-702.200, and 62-709.200 F.A.C. and Section 403.703 F.S., except as may be otherwise defined in Chapter 84-446, Laws of Florida.

(2) In addition, the following definitions apply:

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

(b) "Director's Authorization" means:

1. the specific written approval of the Director, or
2. a Department solid waste permit, the notice or application 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.

(c) "Department" means the Florida

Department of Environmental Regulation and its successor agency, the Florida Department of Environmental Protection.

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

(e) "Solid waste management facility" as defined by section 62-701.200(73) F.A.C., and includes the following: any solid waste disposal area, dump site, landfill, volume reduction plant (incinerator, pulverizer, compactor, shredding and baling plant, composting facility, waste recycling or disposal operation, materials recovery facility), transfer station, or other facility or operation the purpose of which is resource recovery or the disposal, recycling, processing, or storage of solid waste.

(f) "Notice of objection," where not otherwise provided by this rule, means a specific written document or letter signed by the Executive Director and directed to the Department, which states an objection to the basis or criteria for a proposed permit.

1-7-01.21 REFERENCE STANDARDS

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

1-7-01.22 EPC APPLICATION FEES

Applicable application fees for a Director's Authorization or other review required under 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.

1-7-01.23 CONFIDENTIAL INFORMATION

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

1-7-01.30 PROHIBITIONS

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

(2) No person shall conduct the activities listed in 7-01.32 in Hillsborough County without

a Director's Authorization. A valid Department permit issued specifically for a listed activity, which was reviewed by the Director's staff and for which the Director has not issued a notice of objection, shall constitute a Director's Authorization.

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

1-7-01.31 APPROVAL OF ALTERNATE PROCEDURES

The provisions of Sections 62-701.310(1), (2), (4) and (5) 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 EPC fee.

1-7-01.32 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 in Hillsborough County as required by Chapter 62-701 F.A.C.;

(b) the construction, operation or use of any alternate procedures or requirements as provided in 7-01.31;

(c) the excavation of solid waste, modification of a solid waste filled area, or the construction of buildings, utility lines or pipes, parking lots or paved surfaces, on or through areas filled with solid waste; and

(d) the construction, operation or implementation of any solid waste management facility or recovered materials processing facility, or activity otherwise exempted from DEP regulation by Sections 62-701.220 and 62-701.320 F.A.C.

(2) Except for the activities identified in sections 62-701.320(2)(a); (2)(b)3.; and (2)(c) F.A.C., the specific activities listed in section 62-701.320(2) F.A.C. are hereby granted a Director's Authorization to conduct said activity upon the conditions contained therein.

(3) A general permit granted by the

Department under sections 62-701.801, 62-709.800, 62-710.800, 62-710.803, 62-711.801 62-712.800 F.A.C. shall be a valid Director's Authorization as long as the notice has been submitted to the Director, reviewed according to Department criteria, and no notice of objection has been issued. The specific application requirements of subsection (4) below may be necessary only if the Director has issued an objection.

(4) All applications for a Director's Authorization under this rule shall include the following, along with the appropriate EPC fee required:

(a) Copy of the complete Department permit application where applicable, and as required by sections 62-701.320 or 62-701.330 F.A.C., including copies of all appendices, plans, and drawings.

(b) Evidence of authorization to use the property for the proposed facility, if the property owner is different from the applicant.

(c) A site plan signed, sealed and dated by a State of Florida registered professional engineer, of a scale no greater than one inch equals two hundred feet (1"=200'), to 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 and periodic flooding; and
5. Identification of all potable water wells on or within five hundred feet (500') of the site boundary.

(d) A boundary survey and legal description of the property from the county tax assessor's office.

(e) A signed and sealed general closure plan for the site, 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 wastes and recovered materials.

4. An assessment of the anticipated cost of closure and the applicant's financial ability to effect proper closure. Ninety days prior to the facility's closure, a plan must be submitted which will detail the operator's intentions for the evaluation of the site's environmental condition and explain intended remedies. Any drawings in support of these requirements must be signed, sealed and dated by a professional engineer registered in the State of Florida.

(f) A copy of any SWFWMD permit for the control of stormwater or documentation that no permit is required, and if a SWFWMD permit is not required, plans including topography and stormwater control devices in accordance with Chapter 62-25, F.A.C. These plans must be signed, sealed and dated by a professional engineer.

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

(5) EPC will accept submissions on the forms required by Section 62-701.900 F.A.C. For activities requiring submission under Section 7-01.32(4), 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 within Hillsborough County requiring a Department 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 of 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 EPC or Department rule specifically providing conditions, standards, or criteria for the type of activity seeking authorization.

PART II

(Specific Facilities or Materials)

1-7-01.33 CONSTRUCTION ON OR EXCAVATION OF SOLID WASTE

(1) Applications pursuant to section 7-01.32(1)(c) above, will be reviewed, approved or disapproved based upon the written conclusions and recommendations of appropriately certified professionals according to the following:

(a) A Preliminary Contamination Assessment Plan and Report must be performed as appropriate to the proposed project, and submitted to demonstrate existing and potential contamination of air, water, soil and groundwater from the filled areas of the site. Preliminary contamination assessments must be conducted under the guidance of an experienced professional engineer or professional geologist.

(b) Landfill-generated gases before and after the proposed excavation should be analyzed and monitored for explosive limits and health-related effects by an experienced industrial hygienist, health professional, or professional engineer.

1. Mitigation of harmful levels of landfill-generated gases should be addressed.

2. Explosive landfill gas control and explosive gas monitoring systems must be designed and installed under the supervision of an experienced professional engineer, who must also prepare and provide a gas control system operation plan. The gas control system should meet the Department's requirements for performance and design standards. Additionally, explosive gases should be controlled in order to meet standards defined under Section 257.3-8 of Title 40 of the Code of Federal Regulations. A methane flare unit may require obtaining a permit from the EPC Air Management Division if such a device is deemed to be necessary.

(c) Provisions for the handling and proper disposal of excavated materials must be addressed.

(d) Following completion of the activity, appropriate areas must be graded and sloped in

order to prevent the impoundment of stormwater on solid waste-filled areas. These activities must be conducted under the guidance of an experienced professional engineer.

(e) A geotechnical investigation and appropriate building safeguards should be required in order to address the placement of proposed structures on or through solid waste-filled areas. The geotechnical investigation should be performed under the supervision of an experienced professional engineer. The applicant must comply with all local and State building codes in order to ensure that proposed structures will not be damaged by potential landfill subsidence.

(f) The applicant should comply with all other applicable local, State, and federal codes.

1-7-01.34 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, 62-701.420 and 62-701.430 F.A.C.

(3) (a) 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.

(b) Landfill operators shall be trained and qualified as required by law.

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

(5) Landfills in Hillsborough County 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 and 62-701.640 F.A.C.

1-7-01.70 MATERIALS RECOVERY FACILITIES

(1) Any person proposing to operate, maintain, construct, expand or modify a recovered materials processing facility or recycling facility in

Hillsborough County shall submit to the Environmental Director an application for said operation pursuant to Section 7-01.32(4) prior to implementation.

(2) Solid waste management facilities which are materials recovery facilities shall comply with the criteria and standards contained in Section 62-701.700 F.A.C.

1-7-01.72 INDUSTRIAL SOLID WASTE

Solid waste management facilities that accept primarily industrial wastes other than construction and demolition debris, shall comply with the standards and criteria of Section 62-701.720 F.A.C.

1-7-01.73 CLEAN DEBRIS, CONSTRUCTION & DEMOLITION DEBRIS

(1) Clean debris may be used as allowed by Section 62-701.730(1) F.A.C., and its use is hereby granted a Director's Authorization as long as its placement complies with applicable EPC wetland requirements and County development regulations.

(2) Construction and demolition debris may only be disposed of in Hillsborough County at an appropriately permitted disposal facility according to the criteria and requirements of Sections 62-701.730(2), (4), (6) and (7) F.A.C.

1-7-01.81 SOLID WASTE TRANSFER STATION

Any person wishing to utilize the Department general permit for a waste transfer station shall submit to the Director a complete copy of the notice as required by Section 62-701.801 F.A.C.

1-7-01.82 LAND APPLICATION OF DOMESTIC WASTEWATER SLUDGE

The Director hereby gives notice of objection to any Department general permit for land application of grade II domestic wastewater treatment sludge pursuant to Section 62-701.802 F.A.C., and requires therefor a complete application pursuant to Section 7-01.32(4) above, with specific written authorization from the

Director.

1-7-02.00 SOLID WASTE COMBUSTOR ASH

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

1-7-09.00 COMPOSTING FACILITIES

Solid waste management facilities which use composting technology to process wastes shall comply with the provisions, prohibitions and standards of Chapter 62-709 F.A.C., except as it may apply to the processing of yard trash. The applicable criteria and requirements for the processing of yard trash into other usable materials, such as compost and mulch, is regulated under Section 7-01.70 of this rule.

1-7-10.00 USED OIL

(1) The collection, transport, storage, recycling, use and disposal of used oil and oily wastes shall comply with the criteria, prohibitions, procedures and standards contained in Chapter 62-710, F.A.C.

1-7-11.00 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.

1-7-12.00 BIOMEDICAL AND BIOLOGICAL WASTE

The transport, storage, treatment and disposal off-site of biohazardous and biological wastes shall comply with the criteria, prohibitions, procedures and standards contained in Chapter 62-712, F.A.C.

PART III (Hazardous Waste of Small Quantity Generators)

1-7-30.001 DECLARATION AND INTENT

(1) 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 properly manage their hazardous waste and that waste reduction opportunities are promoted and realized. Counties are encouraged to adopt local ordinances to address compliance with and enforcement of the federal and state hazardous waste regulations for small quantity generators. Therefore, in this part of Chapter 1-7, the Commission adopts rules to specifically address the proper management of hazardous wastes by small quantity generators and transfer facilities.

(2) 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.

(3) 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 tax collector through the County's occupational license program.

(4) It is the Commission's intent that all hazardous waste standards and criteria, notification requirements and permit conditions adopted by the Department in Chapter 62-730 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.

1-7-30.020 DEFINITIONS

For purposes of part III of this rule, the definitions adopted or contained in Section 62-730.020 F.A.C. shall apply. Where said definitions cannot be reconciled with definitions adopted in Section 7-01.01 of this rule, the definitions in Section 62-730.020 F.A.C. shall prevail in application of this part.

**1-7-30.021 REFERENCES, VARIANCES
AND CASE-BY-CASE
REGULATIONS**

The Commission adopts by reference Section 62-730.021(1), F.A.C.

**1-7-30.030 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.

1-7-30.031 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.

1-7-30.150 GENERAL APPLICABILITY

The provisions of Section 62-730.150, F.A.C. are adopted as specified therein, except that generators, transporters, or persons who own or operate a facility which treats, stores, or disposes of hazardous waste are not required to submit EPA Form 8700-12 to the Commission.

**1-7-30.160 GENERATORS OF
HAZARDOUS WASTE**

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

1-7-30.171 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.

**1-7-30.180 HAZARDOUS WASTE TREATMENT, STORAGE &
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.

**1-7-30.181 SPECIFIC HAZARDOUS
WASTES AND TYPES OF
HAZARDOUS WASTE
MANAGEMENT FACILITIES**

The application of recycled materials to the land, recovery of precious metals, reclamation of lead-acid batteries, and the burning of hazardous wastes in furnaces, shall comply with the standards in Section 62-730.181 F.A.C.

**1-7-30.183 LAND DISPOSAL
RESTRICTIONS**

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

**1-7-30.185 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.

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