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, and 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, and 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 9/21/2023; effective date 9/25/2023.*

1-7.101 INTERPRETATION

(1) By adopting certain rules of the Department, the Commission intends that any provision therein requiring permits, application for alternate 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) "Beneficial Use" means that readily degradable organics, including processed yard trash, are placed on or in the soils to provide a viable benefit, such as, reducing erosion and water loss, regulating soil temperature, preventing the growth of weeds, or serving as a soil amendment upon decomposition. Placement of materials for purposes of disposal is not considered to be a beneficial use.

(b) "Development", as it pertains to Historic Solid Waste Disposal Areas, means the construction of buildings, structures or facilities, utility lines or pipes, parking areas, paved surfaces, stormwater

management systems and stormwater management structures and conveyances.

(c) "Clean Wood" means wood, including lumber, tree and shrub trunks, branches, and limbs, which is free of paint, glue, filler, pentachlorophenol, creosote, tar, asphalt, other wood preservatives or treatments.

(d) "Department" means the Florida Department of Environmental Protection.

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

(f) "Director's Authorization" means:

1. The specific written approval of the Director, or

2. A Department solid waste management facility permit or general permit, the application or notification for which has been reviewed by the 'Director or staff as provided in this rule, and for which the Director has issued a written acknowledgment and Notice of Rights and no Notice of Objection as defined in Section 1-7.102(2)(f) has been issued.

(g) "Floodplain" means lands which have a 1 percent or greater chance of flooding each year and a 26 percent chance of flooding in a 30-year period.

(h) "Historic Solid Waste Disposal Area" means a property, group of properties, portion of property or geographic area at which solid waste was disposed underground, disposed and covered, or disposed without cover and for which no federal, state, or local closure permit was issued to eliminate or minimize health hazards and provide for long term monitoring or contingency at the time of site closure or completion. The term "Old Landfill" shall have the same meaning as "Historic Solid Waste Disposal Area".

(i) "Land Clearing Debris" means rocks, soils, tree remains, trees, and other vegetative matter which normally results from land clearing or land development operations for a construction project. Land clearing debris does not include vegetative matter from lawn maintenance, commercial or residential landscape maintenance, right-of- way or easement maintenance, farming operations, nursery operations, or any other sources not related directly to a construction project.

(j) "Leachate" is defined by Section 62-701.200(59), F.A.C. For the purpose of this rule, leachate shall also include groundwater removed or recovered from Historic 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 recovered screen material.

(k) "Mulch" means yard trash that has been mechanically processed so that it will pass through a six-inch sieve. Mulch and processed yard trash are terms which can be used interchangeably.

(l) "Notice of Objection" means a specific written notice signed by the Director and directed to the Department with copy(ies) provided to the applicant, which states the Director's objection to the basis or criteria for the approval of a proposed Department permit and stating that a Director's Authorization is not approved by the Director based on that objection.

(m) "Old Landfill" shall have the same meaning as "Historic Solid Waste Disposal Area" as defined pursuant to Section 1-7.102(2)(h).

(n) "Processed Yard Trash" shall have the same meaning as "mulch" as defined pursuant to Section 1-7.102(2)(k).

(o) "Recovered Screen Material (RSM)" means solid waste which consists of the fines and/or soils fraction of the material generated through the screening or processing of solid waste that has been excavated from an Historic Solid Waste Disposal Area. This definition also includes those materials identified by the Department as "recovered screen material" and "screened solid waste."

(p) "Redevelopment" as pertains to Historic Solid Waste Disposal Areas means development, as defined in Section 1-7.102(b), on property upon which preexisting uses are or have been present.

(q) "Site Closure" means the necessary site or facility closure and cleanup activities that are to occur in the event that site work is stopped or in the event that a site is closed, abandoned or vacated prior to the completion of development or redevelopment activities or prior to the planned or anticipated completion of solid waste management facility closure and cleanup. Necessary site or facility closure and cleanup activities shall include the complete removal and proper disposal of excavated solid waste;

accumulated, stored and staged processed and unprocessed solid waste; and the placement or replacement of necessary fill material.

(r) "Solid Waste Management Facility" is 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, transfer station, 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. For the purposes of this regulation, “Solid Waste Management Facility” does not include those sites defined as “Historic Solid Waste Disposal Areas”.

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

(t) "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. This definition shall also include clean wood.

Section History – *amended 9/21/2023; effective date 9/25/2023.*

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 Department regulations adopted by reference in this rule are separate and shall be paid directly to the Department.

1-7.105 CONFIDENTIAL INFORMATION

Trade secrets information, as defined by statute, shall be maintained pursuant to Sections 403.111 and 815.045, F.S. or other applicable law.

Section History – *amended 9/21/2023; effective date 9/25/2023.*

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 Director or designated staff.

Section History – *amended 9/21/2023; effective date 9/25/2023.*

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) Unless otherwise addressed herein, no person shall conduct the activities listed in Section 1-7.202 without a currently valid Director's Authorization.

(4) Pursuant to this rule, no person shall fail to comply with the requirements and conditions contained in this rule, a Director's Authorization or a Department solid waste management facility permit.

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 or operation of a solid waste management facility requiring a permit or general permit pursuant to Chapter 62-701, F.A.C.

(b) The construction or operation of any alternate procedures or requirements as provided in Section 1-7.201.

(c) The excavation of solid waste or the modification, development or redevelopment of a Historic Solid Waste Disposal Area including but not being limited to the construction of buildings, structures or facilities, utility lines or pipes, parking areas, paved surfaces, stormwater management systems, and stormwater management structures and conveyances within the boundaries of a Historic Solid Waste Disposal Area. In the event that information and data are provided to the EPC which verify that no solid waste is present within the boundaries of the development or redevelopment project and provided that it is conclusively demonstrated that those development or redevelopment area(s) have not been impacted by the historic disposal of solid waste, as pertains to the presence of landfill generated gas, soil impacts or groundwater impacts, the requirement to obtain a Director's Authorization may be waived.

(d) As described in Section 1-7.203(4)(g) below, the installation, operation, and continued operation of landfill gas mitigation systems and the implementation and continuation of long-term landfill gas monitoring upon expiration of a Director's Authorization issued pursuant to Section 1-7.202(1)(c) above, and upon the determination by the Director or designated staff that landfill gas is present or is likely to be present at concentrations which may pose a threat to public health, public safety, or the environment, the real property owner must be the Authorized Party associated with the renewal of a Director's Authorization pursuant to this section.

(e) 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 timely submitted to the Director or the Director's staff, and the application or notification has been reviewed according to Department criteria, and no Notice of Objection has been issued by the Director. 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 Commission. Failure to remit the required application fee in accompaniment with an application for Director's Authorization may result in a delay in the initiation of the application review until such time as the required fee is received by the EPC. Failure to remit the required application fee in a timely manner may result in the Director's Authorization application being deemed incomplete and may result the denial of the requested Director's Authorization.

(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~~.~~ and written acknowledgement by the property owner of the applicant's

pursuit of the Director's Authorization.

(d) Written verification from the local permitting or approval authority 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 no greater than within one year preceding the application submittal date.

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

(i) Detailed site plans of a scale no greater than one inch (1") equals two hundred feet (200'). All 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 (500') of the site boundary.

(j) A copy of a SWFWMD or Department permit for the control of storm water or written documentation from the permitting or approval authority that no permit is required.

1. In the event that a SWFWMD or Department permit is not required, site plans including site topography and storm water control devices in accordance with applicable federal, state and local stormwater regulations, shall be provided.

2. Without Director approved engineering controls, surface water shall not be impounded or otherwise accumulated so as to:

a. Impact or have the potential to impact solid waste or recovered material storage areas.

b. Impact or have the potential to impact Historic Solid Waste.

Disposal Areas or areas where recovered screen material has been utilized as fill material.

3. All design plans and all design and performance calculations must be signed and sealed by a professional engineer licensed in the State of Florida.

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

1. Cross section details illustrating all disposal areas, areas filled with clean fill, areas where recovered screen material has been used as fill material, details associated with final cover depths, and final site contours.

2. Re-vegetation plan and/or landscape plan details.

3. A schedule for the removal and proper disposal of excess or excavated solid waste, hazardous waste, recovered materials, and recovered screen material; and

4. A detailed estimate of the cost of closure of the site or facility. Closure cost estimates must be based on an assumption that the cumulative maximum volume or material associated with and/or to be generated by the proposed site activities remains on site and must assume all closure activities and tasks are performed by third party entities.

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

1. The financial assurance mechanism shall be issued in favor of the Environmental Protection Commission of Hillsborough County in an amount no less than that provided in an approved closure cost estimate submitted in accordance with Section 1-7.203(4)(k)4.

2. Financial assurance may be provided in the form of one or more of the following

instruments:

a. Performance bond;
b. Irrevocable letter of credit;
c. Deposit of cash or cash equivalent into an escrow account;
d. Guarantee bond.

3. Proof of financial assurance along with a detailed estimate of the cost of closure of the site or facility shall be submitted to the Director as part of the Application for Director's Authorization in accordance with Section 1-7.202(4)(k)4. The Director may accept a suitable financial assurance mechanism held by another regulatory agency upon assurance that the funds are available to the Director.

4. For sites or facilities regulated pursuant to Sections 1-7.202(1)(c), 1-7.202(1)(d) and 1-7.202(1)(e) 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. Any request for relief from the requirement to provide financial assurance shall be evaluated and processed pursuant to the provisions of Chapter 1-2, Rules of the Commission, Section 1-2.50.

(5) Pursuant to the existing Operating Agreement between the Department and the Commission, the Director or assigned staff shall comment to the Department as to completeness on all applications and notifications within Hillsborough County requiring a Department solid waste management facility 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.

(6) 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 relevant to the type of facility or activity seeking authorization.

(7) A Director's Authorization shall be valid for a period of no greater than five (5) years. In the event that no authorized site activities are initiated or undertaken within the five (5) year term, a Director's Authorization may be extended, upon submittal of a written extension request by the Authorized Party and upon written approval by the Director.

Section History – *amended 9/21/2023; effective date 9/25/2023.*

1-7.203 REDEVELOPMENT OF HISTORIC SOLID WASTE DISPOSAL AREAS

Except as provided in 1-7.202(6), all applications for Director's Authorization submitted 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 all solid waste disposal areas and all areas affected by subsurface solid waste.

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

(c) All buried solid waste excavation locations, locations where construction will occur atop and/or adjacent to solid waste disposal areas and locations where buried solid waste will be left in place.

(d) Horizontal and vertical extent of all areas where recovered screen material will be used as fill material.

(e) Excavated solid waste, recovered screen material, and leachate handling, temporary storage, processing and treatment areas or locations.

(2) A geotechnical investigation in accordance with applicable industry standards must be submitted. In addition, appropriate safeguards must be addressed in order to protect proposed structures that may be

constructed on, through or adjacent to solid waste filled areas and areas where recovered screen material has been used as fill material. The investigations, analyses and reports required by this Section shall be certified by a professional engineer licensed in the State of Florida.

(3) As pertains to all parcels identified in the application information, an Environmental Status Report must be submitted which will report and evaluate site conditions with respect to landfill generated gas, surface water, soil and groundwater quality associated with all areas within the project boundaries.

(a) Initial landfill gas investigations shall be completed through the installation and monitoring of properly designed, properly installed and appropriately located landfill gas monitoring wells. Landfill gas data shall be reported as a percent of the Lower Explosive Limit with respect to methane or shall be reported as the percentage of methane in air.

(b) All soil, surface water and groundwater data obtained shall be evaluated based on comparison to the Chapter 62-777, F.A.C., Contaminant Cleanup Target Levels and all site investigation activities associated with the completion of the Environmental Status Report required pursuant to Section 1-7.203(3) shall be completed in substantial conformance with the site assessment procedures required pursuant to Chapter 62-780.600, F.A.C.

1. In the event that it can be conclusively shown that the site has been solely utilized for the historic disposal of construction and demolition debris, soil and ground water may be characterized in accordance with the laboratory parameters listed in Section 62-701.730(8)(c), F.A.C., as appropriate.

2. In the event that it is determined that the site has been utilized for the historic disposal of solid waste other than and/or in addition to construction and demolition debris, soil and ground water must be characterized in accordance with the laboratory parameters listed in Section 62-701.510(7)(a) and Section 62-701.510(7)(c), F.A.C., as appropriate.

(c) All Environmental Status Report related investigation activities must be conducted under the guidance of a professional geologist or professional engineer licensed in the State of Florida and all Environmental Status Reports submitted must be signed and sealed by the professional of record.

(4) Landfill generated gas shall be investigated, monitored, and mitigated, as determined necessary by the Director, at all sites requiring a Director's Authorization pursuant to Section 1-7.202(1)(c). Mitigation systems and landfill gas monitoring plans shall be designed, installed, and implemented under the supervision of a professional engineer licensed in the State of Florida.

(a) At a minimum, landfill gas 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 pursuant to Section 257.3-8, Title 40 of the Code of Federal Regulations.

(b) Landfill gas flare units and landfill gas extraction units may require permitting through the Commission's Air Management Division if such a device is deemed necessary.

(c) The presence of landfill gas and the concentrations of landfill gas present shall be evaluated prior to, during and subsequent to the initiation of any solid waste excavation or site development activities. Data generated through the investigation of landfill gas prior to excavation or development activities shall be submitted as part of the Environmental Status Report required pursuant to Section 1-7.203(3).

(d) All structures and enclosed spaces constructed atop or adjacent to areas where buried solid waste has been left in place or where recovered screen material has been utilized as fill material, will require protection through the design, implementation and operation of a Director approved landfill gas mitigation system.

(e) The design of landfill gas mitigation systems must provide for the effective collection and venting of landfill gas that may migrate to and accumulate beneath structure slabs, foundations, impervious surfaces within structures and within enclosed spaces.

(f) A routine landfill gas monitoring schedule shall be developed and implemented at all sites requiring landfill gas mitigation. Landfill gas monitoring data shall be collected through the monitoring of Director approved landfill gas monitoring systems procedures, and protocols. Landfill gas monitoring systems may include exterior landfill gas monitoring wells, and/or monitoring points, and interior monitoring devices. Landfill gas monitoring data shall be submitted to the Director in accordance with an approved reporting schedule.

(g) At the conclusion of the term of a Director's Authorization, in the event that landfill gas concentrations are determined to exceed those limits specified as a condition of a Director's Authorization, the Authorized Party and the current property owner shall remain fully responsible for the continued mitigation, management and control of landfill gas. In this event, the Authorized Party and the real property owner shall:

1. Seek and obtain a Renewed Director's Authorization prior to the Director's Authorization expiration date, or;

2. Seek to obtain closure of the Director's Authorization and the associated requirements wherein the current real property owner shall record a Director approved institutional Control, in the form of a covenant in favor of the Commission, in the public record.

a. The institutional control shall run with the land and shall require the maintenance of installed engineering controls, shall provide for the continuation of necessary landfill gas monitoring, shall provide for the retention of records associated with landfill gas monitoring data and shall provide for the operation and maintenance of any active or passive landfill gas mitigation systems until such time as landfill gas concentrations have been documented to remain below those limits specified as a condition of a Director's Authorization.

b. The institutional control shall be free and clear of any conflicting real property encumbrances that may affect the enforcement of the prohibitions and covenants in the future.

(5) 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 or other appropriate federal, state or local permit.

(b) Leachate may not be discharged on site unless specifically approved in writing by the Director and in accordance with the conditions of an approved Director's Authorization.

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

(d) Leachate may not be re-infiltrated unless properly treated to meet the appropriate ground water cleanup target levels as outlined in Chapter 62-777, F.A.C., Table I.

(6) Recovered screen material proposed for onsite reuse and excavated solid waste shall be characterized, managed, reused, and disposed in accordance with the following:

(a) Recovered screen material shall not be reused without the installation of appropriate, Director approved engineering controls.

(b) Recovered screen material reuse shall require the recording of an institutional control in the form of a restrictive covenant, or other deed restriction, as appropriate, in the public property record(s).

(c) Recovered screen material reuse shall not exacerbate, expand or otherwise contribute to or increase existing groundwater contamination or existing groundwater impacts.

(d) Characterization, through laboratory analyses, of recovered screen material proposed for onsite reuse is required.

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

(f) Recovered screen material 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 be analyzed for the laboratory parameters listed in Section 62-701.730(8)(c), F.A.C., as appropriate for the characterization of a solid material.

(g) Recovered screen material 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)(e), must be analyzed for the parameters listed in Section 62-701.510(7)(a) and Section 62-701.510(7)(c), F.A.C., as appropriate for the characterization of a solid

material.

(h) The minimum sampling frequencies at which both discrete and composite recovered screen material samples will be obtained shall be in accordance with the following:

1. In association with recovered screen material volumes of less than 100 yd^3 or less than 140 tons, one (1) discrete and one (1) composite sample shall be obtained.

2. In association with recovered screen material volumes of 100 yd^3 to less than 500 yd^3 or of 140 tons to less than 700 tons, three (3) discrete and three (3) composite samples shall be obtained.

3. In association with recovered screen material volumes of 500 yd^3 to less 1,000 yd^3 or of 700 tons to less than 1,400 tons, five (5) discrete and five (5) composite samples shall be obtained.

4. In association with each additional 500 yd^3 or each additional 700 tons of recovered screen material, one (1) additional discrete and one (1) additional composite sample shall be obtained.

5. Composite recovered screen material samples shall be comprised of no less than four (4) randomly selected sub-samples.

(i) Regardless of the nature of any recovered screen material reuse proposal, the onsite reuse of recovered screen material exhibiting hazardous waste characteristics is prohibited.

(j) Recovered screen material 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. Recovered screen material shall be placed no less than six inches (6") above the elevation of seasonal high ground water.

2. Direct human exposure to recovered screen material shall be prevented through the design and implementation of Director approved site specific engineering controls.

3. Reuse of recovered screen material 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, or other deed restriction, as appropriate, in the public property record(s).

(k) The onsite reuse of recovered screen material 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(6)(j)1, 1-7.203(6)(j)2 and 1-7.203(6)(j)3 are met, and the reuse proposal is in accordance with a Remedial Action Plan approved by the Director.

(l) Responsible parties must be advised that Remedial Actions Plans submitted in accordance with Section 1-7.203(7)(j) may also require approval by the Department.

(m) The locations, dimensions, configurations and elevations of all recovered screen material reuse areas must be documented on professionally certified record drawings.

(n) Unprocessed or un-separated, non-hazardous solid waste excavated from Historic Solid Waste Disposal Areas and non-hazardous recovered screen material requiring disposal shall be disposed at a Class I solid waste disposal facility permitted by the Department. Disposal of unprocessed or un-separated excavated solid waste and non-hazardous recovered screen material at a Department permitted Class III disposal facility shall not be assumed but may be approved with appropriate analytical testing, as determined by the Director, and on a case specific basis.

(o) Processed or separated excavated solid waste shall be disposed at an appropriately permitted solid waste disposal facility or permitted hazardous waste disposal facility.

(7) In association with all development and redevelopment projects, the real property owner(s) shall record, in the public record, a Director approved institutional control in favor of the Commission. Recorded institutional controls shall:

(a) Identify and ensure the protection and continued maintenance and upkeep of all engineering controls installed in accordance with an approved Director's Authorization.

(b) Identify all areas where solid waste has been left in place; all areas of soil impacts exceeding the Chapter 62-777, F.A.C., Residential Use Based Soil Cleanup Target Levels (SCTLs) and all areas of RSM reuse.

(c) Restrict the use of the property or portions of the property based on site specific conditions and based on the Director approved development or redevelopment plans.

(d) Require inspections and inspection reporting in accordance with the conditions of an approved Director's Authorization.

(e) Prohibit the installation of any water well or the drilling for water on the site without the specific written approval of the Director.

Section History – *amended 9/21/2023; effective date 9/25/2023.*

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.

Section History – *amended 9/21/2023; effective date 9/25/2023.*

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.

(3) Waste processing facilities which receive and process only road base materials and aggregate, roadway demolition debris, roadway construction debris, and/or materials which are considered as clean debris are not required to obtain a Director's Authorization provided the following criteria are met:

(a) The materials received and processed are strictly limited to those materials considered as clean debris, cured asphalt and cured asphalt debris, soils, aggregate and/or other materials which are widely accepted and commonly utilized in the construction and repair of roadways, highways, and paved parking surfaces.

(b) The materials received at the facility have been separated at the site where the material is generated or at a properly permitted or Authorized waste processing facility.

(c) No waste separation or segregation activities take place at the facility.

(d) No solid waste requiring removal and/or off-site disposal is generated through waste receipt and processing activities.

(e) The materials produced at the facility are utilized in the construction and/or repair of roadways, highways, paved parking surfaces or other similar projects approved by the Director.

Section History – *amended 9/21/2023; effective date 9/25/2023.*

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 COMPOSTING FACILITIES, YARD TRASH PROCESSING FACILITIES, AND BENEFICIAL USE OF PROCESSED YARD TRASH

(1) Solid waste management facilities which use composting technology to process solid waste 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 topsoil 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 62-709.330, F.A.C.

(3) Sites or facilities which are maintained and operated in compliance with Chapter 62-709, Florida Administrative Code and which, through normal business operations, generate, store and process yard trash on-site for use in association with those normal business operations, and which manage no greater than a cumulative 500 cubic yards of material, shall be exempt from the requirement to obtain a Director's Authorization.

(4) Land application of processed yard trash, on property owned, controlled or where legal authority or permission has been granted, to cumulative depths not to exceed twenty-four inches (24") is considered a beneficial use and does not require the obtainment of a Director's Authorization. Land application of mulch or other processed or non-processed yard trash regardless of depth is prohibited in wetlands or other surface waters.

(a) Land application of yard trash which is not mulch and which does not meet the criteria for consideration as mulch and land application of processed yard trash or mulch to cumulative depths greater than twenty-four inches (24") is considered disposal of solid waste.

(b) No person shall store, process, or dispose of solid waste except at an FDEP permitted solid waste management facility, an EPC Authorized site or a facility exempt from EPC and FDEP permitting.

(c) No person shall store, process, or dispose of solid waste in a manner or location that causes air quality standards to be violated or water quality standards or criteria of receiving waters to be violated.

(d) Mulch shall not be placed or used as fill material in any natural or artificial body of water including ground water. Mulch shall not be placed or used as fill material in a wetland, in an open sinkhole or dewatered pit or in any area prone to frequent and/or periodic flooding.

(e) Mulch shall not be land applied solely as a means of and for the purpose of disposal. Disposal of mulch shall require a solid waste General Permit approved by the EPC and by the FDEP pursuant to Chapter 1-7, Rules of the EPC and Chapter 62-701, F.A.C.

(f) Mulch shall not be land applied in a manner that adversely affects trees, natural plant communities, significant wildlife habitats and essential wildlife habitats as defined and protected by the Hillsborough County Land Development Code.

(g) Mulch shall not be land applied in any designated floodplain unless in accordance with the requirements set forth in the Hillsborough County Land Development Code and the Hillsborough County Storm Water Management Technical Manual.

(h) Land application of mulch shall not alter surface water drainage patterns to the detriment of on-site or off-site wetland hydrology and/or neighboring properties.

(i) Mulch shall not be land applied to cumulative depths greater than twenty-four inches without an EPC Director's Authorization.

(k) Mulch intended for beneficial use shall not remain staged, stored or stockpiled in excess of twenty-four inches (24") in depth for periods exceeding fourteen (14) calendar days.

Section History – *amended 9/21/2023; effective date 9/25/2023.*

1-7.208 WASTE TIRES

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

Section History – *amended 9/21/2023; effective date 9/25/2023.*

1-7.209 USED OIL AND USED OIL FILTERS

(1) The management of used oil and used oil filters shall comply with the criteria and requirements of Chapter 62-710, F.A.C., Sections 62-710.201; 62-710-210(1); 62-710.210(2); 62-710-210(3); 62-710-210(4); 62-710-210(5) and 62-710-210(8); 62-710.401 and 62-710.850.

(2) In Hillsborough County all businesses that generate used oil or used oil filters shall be responsible for the generation or obtainment and the retention of documentation of proper used oil and used oil filter disposal or recycling.

(a) Documentation verifying proper used oil and used oil filter disposal or recycling shall be in the form of receipts, non-hazardous waste manifests, bills of lading, or other written records as appropriate.

(b) Documentation verifying proper used oil and used oil filter disposal or recycling shall be retained at the site where the used oil or used oil filters are generated.

(c) Documentation verifying proper used oil and used oil filter disposal or recycling shall be retained for a period of no less than three (3) years and shall be made available upon request.

Section History – *adopted 9/21/2023; effective date 9/25/2023.*

Part III HAZARDOUS WASTE MANAGEMENT (SMALL QUANTITY GENERATORS)

1-7.300 GENERAL APPLICABILITY

The provisions of Chapter 62-730, F.A.C., Section 62-730.150, F.A.C. are adopted as specified therein except for Sections 62-730.150(2) and 62-730.150(6), F.A.C.

Section History – *adopted 9/21/2023; effective date 9/25/2023.*

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 9/21/2023; effective date 9/25/2023.*

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 very small quantity generator requirements.

Section History – *amended 9/21/2023; effective date 9/25/2023.*

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 it pertains to proposals for Brownfields Site Rehabilitation, Chapter 62-780, F.A.C., is hereby adopted by reference except for Section 62-780.650 Risk Assessment.
Section History – *amended 9/21/2023; effective date 9/25/2023.*

1-7.401 PETROLEUM CLEANUP

As it pertains to petroleum contaminated sites, Chapter 62-780, F.A.C., is hereby adopted by reference except for Section 62-780.650, F.A.C.
Section History – *amended 9/21/2023; effective date 9/25/2023.*

1-7.402 CLEANUP STANDARDS

As it pertains to the standards and criteria for contaminated site cleanup, Chapter 62-777, F.A.C., is hereby adopted by reference in its entirety.
Section History – *amended 9/21/2023; effective date 9/25/2023.*

Rule History*:*
Adopted 08/10/1978
Amended 10/1990
Amended 12/21/1995
Amended 10/17/2002
Amended 08/09/2012;
Amended 09/21/2023; Effective 09/25/2023