

CHAPTER 62-722 REGULATION OF RECOVERED MATERIALS

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62-722.200 Definitions.

In addition to applicable definitions in Rule 62-701.200, F.A.C., the following words, phrases, or terms as used in this chapter, unless the context clearly indicates otherwise, shall have the following meanings:

(1) "Amount of recovered materials" means the amount of the types of recovered materials received by a certified person or a registrant, measured in short tons (2,000 pounds equals one short ton).

(2) "Certified person" means any person who handles, purchases, receives, recovers, sells or is an end user of recovered materials, reports to, and is certified by the Department pursuant to this chapter. A person whose activities are limited strictly to the transportation of recovered materials is not considered to be a person who handles, purchases, receives, recovers, sells or is an end user of recovered materials.

(3) "Department" means the Department of Environmental Protection.

(4) "End User" means a person who makes a product utilizing recovered materials as a raw material in place of, or in addition to, virgin raw materials and who receives more than 600 tons per year of recovered materials from persons in Florida who are not certified.

(5) "Exempt Generator" means:

(a) any person who produces recovered materials; and

(b) annually transfers all of its recovered materials to a person who is certified by the Department pursuant to Rule 62-722.400, F.A.C., or who annually transfers an amount of recovered materials less than 600 tons to any combination of in-state persons who make a product utilizing recovered materials as a raw material in place of, or in addition to, virgin raw materials, or to persons out of this state.

(6) "Materials recovery facility" means a solid waste management facility that provides for the extraction from solid waste of recyclable materials, materials suitable for use as a fuel or soil amendment, or any combination of such materials.

(7) "Nonexempt Generator" means:

(a) any person who produces recovered materials; and

(b) annually transfers an amount in excess of 600 tons of recovered materials to any combination of in-state persons who make a product utilizing recovered materials as a raw material in place of, or in addition to, virgin raw materials, or to persons out of this state.

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

(9) "Recovered materials" means metal, paper, glass, plastic, textile, or rubber materials that have known recycling potential, can be feasibly recycled, and have been diverted and source separated or have been removed from the solid waste stream for sale, use, or reuse as raw materials, whether or not the materials require subsequent processing or separation from each other, but does not include materials destined for any use that constitutes disposal. Recovered materials as described above are not solid waste.

(10) "Recovered materials processing facility" means a facility engaged solely in the storage, processing, resale, or reuse of recovered materials. Such a facility is not a solid waste management facility if it meets the conditions of Section 403.7045(1)(f), F.S.

(11) "Registrant" means any certified recovered materials dealer who is registered with and reports to a local government pursuant to the requirements of this chapter. A person whose activities are limited strictly to the transportation of recovered materials are not considered to be a person who handles, purchases, receives, recovers, sells or is an end user of recovered materials.

(12) "Small quantity" means an amount less than 600 tons per year of the total amount of all recovered materials handled, purchased, received, recovered, sold or used by a person.

(13) "Source separated" means the recovered materials separated from solid waste where the recovered materials and solid waste are generated. The term does not require that various types of recovered materials be separated from each other and recognizes de minimis solid waste, in accordance with industry standards and practices, may be included in the recovered materials.

(14) "Type of recovered materials" means old newspaper (ONP), old corrugated containers (OCC), high grade/office paper, mixed paper, plastic bottles, all other plastic, aluminum cans, other non-ferrous, steel cans, other ferrous (other than used oil filters), glass, rubber (other than waste tires) and textiles.

62-722.300 Exemptions.

(1) The following persons are exempt from the requirements of this chapter:

- (a) Exempt generators; and
- (b) Persons who handle, purchase, receive, recover, sell or use recovered materials in small quantities.

(2) For purposes of Section 403.7046(3)(b), F.S., persons who are exempt from or otherwise not subject to the requirements of this chapter shall not be required by any local government to provide a copy of any certification under this chapter to a local government.

(3) Persons whose activities involve handling, purchasing, receiving, recovering, selling or end using waste tires and who are regulated by the Department pursuant to Chapter 62-711, F.A.C., are not required to report information regarding such waste tires pursuant to this rule chapter.

(4) Persons whose activities involve handling, purchasing, receiving, recovering, selling or end using used oil filters and who are regulated by the Department pursuant to Chapter 62-710, F.A.C., are not required to report information regarding such used oil filters pursuant to this rule chapter.

Specific Authority 403.061, 403.7046 FS. Law Implemented 403.7046 FS. History—New 1-1-95, Amended 12-17-96.

62-722.400 Procedures for Certification and Reporting.

(1) Beginning January 1, 1995, any person in this state who handles, purchases, receives, recovers, sells or is an end user of recovered materials must annually apply for certification to the Department, no later than April 1, and beginning January 1, 1996, annually report to the Department, not later than April 1 of each year, certain information for the preceding calendar year, unless such person is exempt pursuant to Rule 62-722.300, F.A.C., or is otherwise not subject to the requirements of this chapter. This report shall include the following information:

- (a) Name, address, and phone number of the applicant;
- (b) The locations of all recovered materials facilities owned or operated by the applicant;
- (c) The amount and type of recovered materials, by county of origin, that are handled, purchased, received, recovered, or sold by the applicant;
- (d) The amount and disposal site, or the name of the person with whom such disposal was arranged in the event that the applicant cannot reasonably determine amount or disposal site, of any solid waste generated by the applicant's facilities; and
- (e) The total amount of recovered materials received at the facility from both certified and non-certified persons.

(2) Non-exempt generators of recovered materials who transfer more than 600 tons per year of recovered materials out of Florida or to in-state persons who make a product utilizing recovered materials as a raw material in place of, or in addition to virgin raw materials, must report the amount and type of recovered materials handled, purchased, received, recovered or sold out of state or to in-state persons who make a product utilizing recovered materials as a raw material in place of, or in addition to, virgin raw materials, for the preceding calendar year, for purposes of paragraph (1)(c), above.

(3) The information specified in subsection (1) above shall be provided by the applicant on Form 62-701.900(23), F.A.C., and shall be accompanied by an annual \$50.00 certification fee.

(4) Information reported to the Department by an applicant for certification or to a local government by a registrant pursuant to Section 403.7046(1),(2) or (3), F.S., which if disclosed would reveal a trade secret, as defined in Section 812.081(1)(c), F.S., is confidential and exempt from the provisions of Section 119.07(1), F.S. Such information includes the information identified in paragraphs (1)(b)-(e) and (2), as represented by the applicant through his signature on the reporting form, unless the applicant for certification or the registrant marks the information as nonconfidential and by so marking the information as nonconfidential represents to the Department that it has not treated such information as trade secret information. For reporting or information purposes, the Department or a local government may provide this information in such form that the names of the persons reporting such information and the specific information reported is not revealed.

(5) If the Department determines that the information received pursuant to subsections (1) and (2) is accurate and complete and meets the requirements of this rule, and is accompanied by the appropriate fee, the Department shall issue a certification to the applicant, which shall include the following information:

- (a) The certified person's name, address and phone number; and
- (b) The locations of the recovered materials facilities owned or operated by the certified person.

(6) Certifications shall be valid from July 1 of the year in which the certification is issued through June 30 of the following year, unless suspended or revoked by the Department.

(7) A certification issued under this rule is considered a license for purposes specified in Section 120.60, F.S. Any person is subject to having its certification suspended or revoked, pursuant to Section 403.087, F.S., upon a finding by the Department that the person:

- (a) Submitted false or inaccurate information to the Department in the certification or reporting forms;
- (b) Refused lawful inspection, conducted by the Department pursuant to Section 403.091, F.S.; or
- (c) Failed to submit any report required pursuant to this chapter.

(8) The Department shall not delegate its authority to conduct its inspections made pursuant to this chapter to any local pollution control program, county, municipality, or any combination thereof.

Specific Authority 403.061, 403.704, 403.7046 FS. Law Implemented 403.705, 403.7046 FS. History—New 1-1-95, Amended 12-17-96.

62-722.600 Procedures for Registration and Reporting.

(1) Beginning January 1, 1995, any person in this state who handles, purchases, receives, recovers, sells or is an end user of recovered materials must register with a county, or municipality with a population greater than 35,000, which has established a registration process in accordance with Section 403.7046, F.S., and this chapter, in which the registrant is located, unless such person is exempt pursuant to Rule 62-722.300, F.A.C., or is otherwise not subject to the requirements of this chapter. All counties, and municipalities whose population exceeds 35,000, if such local governments elect to establish a local reporting process pursuant to Section 403.7046(3)(b), F.S., shall be limited, with regards to recovered materials only, to the registration process, the reporting format and reporting frequency established by this rule.

(2) Registrants shall report on a quarterly basis to such local governments, information for the preceding quarter, not later than 90 days after the ending date of each quarter, and shall include only the information required in Rule 62-722.400(1) and (2), F.A.C., for the preceding quarter. Quarters shall begin January 1, April 1, July 1, and October 1. The first report shall be for the quarter beginning July 1, 1995, and shall be due on or before December 31, 1995. This reporting requirement may be met by a registrant if the required information is provided to the local government on the forms promulgated by the Department in Rule 62-722.900(1), F.A.C.

(3) Beginning January 1, 1995, a county, or a municipality which has a population greater than 35,000, which does not elect to establish a registration process pursuant to Section 403.7046 (3)(b), F.S., may notify the Department in writing, by April 1 of each year, that it wishes to receive the quarterly report described in this rule from certified persons doing business in, or receiving recovered materials from, the territory of the requesting local government. The Department, upon receipt of the timely written notification from such a local government, shall provide written notice to the certified persons doing business in, or receiving recovered materials from, the territory of the requesting local government that, effective upon the certified person's receipt of the Department notification, the certified person must submit the quarterly reports described in this rule to the requesting local government in the manner specified in paragraph (2) above.

Specific Authority 403.061, 403.7046 FS. Law Implemented 403.7046 FS. History—New 1-1-95, Amended 12-17-96.