

# **GUIDELINES FOR CHARACTERIZING SOLID WASTE VIOLATIONS**

**FINAL**

November 16, 2007



Prepared by:

Department of Environmental Protection  
Solid Waste Program

# TABLE OF CONTENTS

<u>Section</u>	<u>Page</u>
INTRODUCTION.....	i
<b>PART 1 - GENERAL GUIDANCE</b>	
USING THIS DOCUMENT WHEN ELRA IS APPLICABLE .....	1
USING THIS DOCUMENT WHEN ELRA IS NOT APPLICABLE .....	5
GUIDANCE FOR SPECIAL VIOLATIONS AND ADJUSTMENT FACTORS.....	6
<b>PART 2 - GUIDELINES</b>	
<b>1.0 PROHIBITIONS</b>	
1.1 <u>Disposal/Storage at an Unpermitted Facility</u> .....	9
1.2 <u>Violate Air or Water Quality Standards</u> .....	9
1.3 <u>In Areas Lacking Geological Support</u> .....	10
1.4 <u>In a Dewatered Pit</u> .....	11
1.5 <u>In a Water Body</u> .....	11
1.6 <u>Setback from a Water Body</u> .....	12
1.7 <u>Right-of-Way</u> .....	13
1.8 <u>Potable Wells</u> .....	13
1.9 <u>Unauthorized Burning of Solid Waste</u> .....	14
1.10 <u>Liquids Restrictions</u> .....	14
<b>2.0 VIOLATIONS CATEGORIES COMMON TO MULTIPLE FACILITIES</b>	
2.1 <u>Leachate Management</u> .....	16
2.2 <u>Water Quality Monitoring</u> .....	19
2.3 <u>Gas Monitoring</u> .....	21
2.4 <u>Report and Record Keeping</u> .....	23
2.5 <u>Stormwater Management</u> .....	24
2.6 <u>Financial Assurance</u> .....	26
<b>3.0 CLASS I LANDFILLS</b>	
3.1 <u>Unauthorized Disposal of Solid Waste</u> .....	29
3.2 <u>Facility Construction and Design</u> .....	30
3.3 <u>Facility Operations</u> .....	31
<b>4.0 CLOSED CLASS I LANDFILLS</b>	
4.1 <u>Facility Maintenance</u> .....	34
4.2 <u>Permit Requirements</u> .....	35
<b>5.0 CLASS III LANDFILLS</b>	
5.1 <u>Unauthorized Disposal of Solid Waste</u> .....	36
5.2 <u>Facility Operations (Class III lined/unlined)</u> .....	37
<b>6.0 CLOSED CLASS III LANDFILLS</b>	
6.1 <u>Facility Maintenance</u> .....	40
6.2 <u>Permit Requirements</u> .....	40
<b>7.0 SOIL TREATMENT FACILITIES</b> .....	41
<b>8.0 WASTE-TO-ENERGY FACILITIES</b> .....	43

## TABLE OF CONTENTS (CONTINUED)

<u>Section</u>		<u>Page</u>
<b>9.0</b>	<b>WASTE PROCESSING FACILITIES</b>	
9.1	<u>Construction, Design, Operation and Closure</u> .....	46
9.2	<u>Facility Operation</u> .....	47
<b>10.0</b>	<b>LAND CLEARING DEBRIS DISPOSAL FACILITIES</b>	
10.1	<u>Unauthorized Disposal of Solid Waste</u> .....	51
10.2	<u>Facility Construction</u> .....	52
10.3	<u>Facility Operation</u> .....	53
<b>11.0</b>	<b>CONSTRUCTION &amp; DEMOLITION DEBRIS FACILITIES</b>	
11.1	<u>Unauthorized Disposal of Solid Waste</u> .....	55
11.2	<u>Facility Construction and Design</u> .....	56
11.3	<u>Facility Operation</u> .....	57
<b>12.0</b>	<b>CLOSED CONSTRUCTION &amp; DEMOLITION DEBRIS FACILITIES</b>	
12.1	<u>Cover System Maintenance</u> .....	61
12.2	<u>Permit Requirements</u> .....	62
<b>13.0</b>	<b>WASTE TIRE FACILITIES</b>	
13.1	<u>Unauthorized Storage, Transport, Processing and Disposal of Waste Tires</u> .....	63
13.2	<u>Waste Tire Collectors</u> .....	65
13.3	<u>Waste Tire Facility Operations and Closure</u> .....	66
13.4	<u>Waste Tire Storage Requirements</u> .....	67
<b>14.0</b>	<b>COMPOST FACILITIES</b>	
14.1	<u>Unauthorized Processing of Solid Waste</u> .....	70
14.2	<u>General Operational Considerations</u> .....	70
14.3	<u>Testing and Reporting Requirements for Final Product</u> .....	71
<b>15.0</b>	<b>YARD TRASH PROCESSING FACILITIES</b>	
15.1	<u>Unauthorized Processing of Solid Waste</u> .....	73
15.2	<u>Facility Construction and Operation</u> .....	74

## INTRODUCTION

This document entitled, "*Guidelines for Characterizing Solid Waste Violations*" (a.k.a. Program Specific Guidelines), is intended to be used with DEP Directive 923 entitled, "*Settlement Guidelines for Civil and Administrative Penalties*," as a tool for evaluating solid waste facility violations and determining appropriate enforcement actions and penalty amounts. DEP Directive 923 is the primary tool for determining how to calculate penalties for violations and how to make adjustments to the penalty amounts, either up or down, during the negotiation process. This Program Specific Guidelines document acts as a supplement to DEP Directive 923 and provides specific guidance to Department staff on solid waste violations.

DEP Directive 923 describes when the Environmental Litigation Reform Act (ELRA), Section 403.121, Florida Statutes (F.S.), is applicable and not applicable. It also provides the procedures to be used to determine when ELRA is applicable. Consistent with the organization of DEP Directive 923, this document helps the user:

- determine the penalty when ELRA applies (ELRA cases);
- determine the penalty when ELRA does not apply (non-ELRA cases);
- make adjustments in penalties for economic benefits and multi-day violations; and,
- with guidance on the meaning of Significant Non-Compliance violations and violations that are "significantly detrimental to the program and environment.

This document consists of two parts. Part 1 explains how ELRA is to be used and includes a chart defining the codes and penalty amounts used for ELRA violations. Part 1 also provides additional guidance on SNCs and significantly detrimental violations. Part 2 presents a lengthy table, called the Guidelines, which lists the solid waste violations and the penalty amounts that should be used in non-ELRA cases.

Because facilities and violations are often unique, this document is intended for application on a case-by-case basis with the underlying goal that over time, they will improve the consistency with which penalties are assessed for solid waste violations on a statewide basis.

## **PART 1 - GENERAL GUIDANCE**

## USING THIS DOCUMENT WHEN ELRA IS APPLICABLE

As described in DEP Directive 923, ELRA applies to solid waste cases. However, ELRA should only be used if the total amount of penalties calculated for all violations using the ELRA penalty schedule is \$10,000 or less. If the penalty amount exceeds \$10,000, then the Guidelines of Part 2 should be used to calculate the penalty amount.

To assist in understanding ELRA violations and their corresponding penalty amounts, the following chart, entitled *ELRA Solid Waste and Generic Violations and Penalties*, has been prepared. This chart lists each specific solid waste violation found in ELRA with its corresponding penalty. It also lists other program specific violations applicable to solid waste facilities as well as the generic (non-program specific) violations in ELRA and penalty amounts. This chart uses shorthand codes to refer to the specific statutory provisions. These shorthand codes have the following meanings:

1. SW-1 through SW-9 refer to those violations specified in Section 403.121(3)(e), F.S. This statute provides that "the unpermitted or unauthorized disposal or storage of solid waste" (SW-1) will result in a penalty of \$2000; additional penalties are assessed depending on the nature of the waste or the location of the disposal or storage. So, for example, the unauthorized disposal of Class I solid waste would be subject to a penalty of \$2000 (SW-1), plus an additional penalty of \$1000 (SW-2). If this disposal took place within 500 feet of a potable water well, the statute adds an additional penalty of \$1000 (SW-4).
2. SW-10 through SW-14 refer to those violations specified in Section 403.121(3)(e), F.S.
3. WW-1 refers to those applicable violations specified in Section 403.121(3)(b), F.S.
4. AIR-1 refers to those applicable violations specified in Section 403.121(3)(f), F.S.
5. GEN-1 refers to those violations specified in Section 403.121(4)(a), F.S.
6. GEN-2 refers to those violations specified in Section 403.121(4)(b), F.S.
7. GEN-3 refers to those violations specified in Section 403.121(4)(c), F.S.
8. GEN-4 through GEN-6 refer to those violations specified in Section 403.121(4)(d), F.S.
9. GEN-7 through GEN-11 refer to those violations specified in Section 403.121(4)(e), F.S.
10. GEN-12 refers to those violations specified in Section 403.121(4)(f), F.S.
11. GEN-13 refers to those violations specified in Section 403.121(5), F.S.

Section 1.0 in Part 2 of this document, entitled "Prohibitions," is intended to apply to violations which occur at unpermitted facilities or sites. It is also intended to apply to violations at permitted facilities or sites if the actions leading to the violations were not authorized by or contemplated in the permit. For example, if a person disposes of Class I solid waste at an unpermitted site, SW-2 would apply. If a person operates a permitted Class I landfill but disposes of Class I solid waste outside the permitted footprint of that landfill, SW-2 would also apply.

Many solid waste violations are not specified in Section 403.121(3)(e), F.S. In those cases where a violation does not fit into any specific ELRA violation and it cannot be reasonably included with an existing ELRA violation, Section 403.121(5), F.S., provides that such violations can be subject to a penalty of \$500.

4. Sections 403.121(2)(b) and (3), F.S., require the Department to calculate administrative penalties in accordance with ELRA in all cases where the penalties do not exceed \$10,000, with three exceptions. If the violations involve hazardous waste, asbestos, or underground injection, the Department is not required to use the ELRA penalty calculations. However, Section 403.121(3)(e), F.S., specifically addresses solid waste violations involving "friable asbestos greater than 1 cubic meter which is not wetted, bagged, and covered." Because Sections 403.121(2)(b) and (3), F.S., do not exclude asbestos from ELRA but merely give the Department the option of using ELRA, it is the Department's position that any solid waste violations involving the unauthorized disposal of asbestos will be addressed using the ELRA process. Similarly, if the Department's solid waste program elects to pursue a solid waste violation involving the unauthorized disposal of hazardous waste in a permitted solid waste management facility, it will do so using the ELRA process. However, this position does not apply if the Department's air program elects to pursue violations involving asbestos, or if the Department's hazardous waste program elects to pursue violations involving hazardous waste.

**CHART: ELRA SOLID WASTE AND GENERIC VIOLATIONS AND PENALTIES**

<b>CODES</b>	<b>ELRA VIOLATIONS</b>	<b>ELRA PENALTY</b>
	<b>SW Specific Violations</b>	
SW-1 403.121(3)(e) F.S.	Unpermitted or unauthorized disposal or storage of solid waste	\$2,000
SW-2 403.121(3)(e) F.S.	If solid waste is Class I or Class III (excluding yard trash) in any amount or is C&D debris over 20 cubic yards.	plus \$1000
SW-3 403.121(3)(e) F.S.	Solid waste disposed in water.	plus \$1000
SW-4 403.121(3)(e) F.S.	Solid waste disposed within 500 feet of potable water well.	plus \$1000
SW-5 403.121(3)(e) F.S.	Solid waste containing PCB >50ppm	plus \$1000
SW-6 403.121(3)(e) F.S.	Untreated biomedical waste	plus \$1000
SW-7 403.121(3)(e) F.S.	Friable asbestos > 1cubic meter which is not wetted, bagged, and covered.	plus \$1000
SW-8 403.121(3)(e) F.S.	Used oil > 25 gallons	plus \$1000
SW-9 403.121(3)(e) F.S.	10 or more lead acid batteries	plus \$1000
SW-10 403.121(3)(e) F.S.	Failure to properly maintain leachate control	\$3,000
SW-11 403.121(3)(e) F.S.	Unauthorized burning	\$3,000
SW-12 403.121(3)(e) F.S.	Failure to have trained spotter at working face when accepting waste	\$3,000
SW-13 403.121(3)(e) F.S.	Failure to provide access control for 3 consecutive inspections	\$3,000
SW-14 403.121(3)(e) F.S.	Failure to construct or maintain stormwater management system.	\$2,000
	<b>Other Violations</b>	
WW-1 403.121(3)(b) F.S.	Unpermitted or unauthorized discharge or effluent-limitation exceedance that resulted in a surface water or groundwater quality violation.	\$5,000
AIR-1 403.121(3)(f) F.S.	Unpermitted or unauthorized air emission resulting in an air quality violation	\$2,000
	<b>Generic Violations</b>	
GEN-1 403.121(4)(a) F.S.	Failure to satisfy financial responsibility requirements	\$5,000
GEN-2 403.121(4)(b) F.S.	Failure to install, maintain, or use a required pollution control device	\$4,000

**CHART: ELRA SOLID WASTE AND GENERIC  
VIOLATIONS AND PENALTIES  
(CONTINUED)**

<b>CODES</b>	<b>ELRA VIOLATIONS SW Specific Violations</b>	<b>ELRA PENALTY</b>
GEN-3 403.121(4)(c) F.S.	Failure to obtain required permit before construction or modification	\$3,000
GEN-4 403.121(4)(d) F.S.	Failure to conduct required monitoring or testing	\$2,000
GEN-5 403.121(4)(d) F.S.	Failure to conduct required release detection	\$2,000
GEN-6 403.121(4)(d) F.S.	Failure to construct in compliance w/ permit	\$2,000
GEN-7 403.121(4)(e) F.S.	Failure to maintain required staff	\$1,000
GEN-8 403.121(4)(e) F.S.	Failure to conduct required training	\$1,000
GEN-9 403.121(4)(e) F.S.	Failure to prepare, maintain, or update required contingency plans	\$1,000
GEN-10 403.121(4)(e) F.S.	Failure to adequately respond to emergencies to bring under control	\$1,000
GEN-11 403.121(4)(e) F.S.	Failure to submit required notification to the Department	\$1,000
GEN-12 403.121(4)(f) F.S.	Failure to prepare, submit, maintain, or use required reports or documentation	\$500
GEN-13 403.121(5) F.S.	Failure to comply with any other Departmental statute or rule requirement not otherwise identified in this section	\$500

**USING THIS DOCUMENT  
WHEN ELRA IS NOT APPLICABLE**

Pursuant to DEP Directive 923, if the total amount of penalties calculated for all the violations utilizing ELRA exceeds \$10,000, then the program specific guidelines should be used to calculate the penalty. These Guidelines are contained in Part 2 of this document. These Guidelines should also be used in those cases where the alleged violator "opts out" of the administrative process after the filing of the Notice of Violation in accordance with Section 403.121(2)(c), F.S. Once a party opts out of the administrative process, staff should prepare a case report and attach a copy of the NOV. The NOV can be used to provide the description of the facts and violations needed as part of the case report. The penalties pursued in the state court litigation should be consistent with penalties calculated using the matrix, even if those penalties would be higher than the penalties pursued in the NOV.

The following Penalty Matrix from DEP Directive 923 must be used to determine the penalty amount for each violation. The Guidelines in Part 2 should be used to characterize each violation and determine which section of the Penalty Matrix applies.

**Penalty Calculation Matrix for Solid Waste Cases**

		EXTENT OF DEVIATION		
		MAJOR	MODERATE	MINOR
POTENTIAL FOR HARM	MAJOR	\$10,000 to \$8,000	\$7,999 to \$6,000	\$5,999 to \$4,600
	MODERATE	\$4,599 to \$3,200	\$3,199 to \$2,000	\$1,999 to \$1,200
	MINOR	\$1,199 to \$500	\$500	\$500

## **GUIDANCE FOR SPECIAL VIOLATIONS AND ADJUSTMENT FACTORS**

### Significant Non-Compliance Violations

A "Significant Non-Compliance" violation (SNC) is also known as a major violation. All other violations are considered minor violations. A SNC violation exists when the violation is actually or reasonably expected to result in pollution in a manner that represents a significant threat to human health or the environment. SNCs occur in the following cases when using the Penalty Calculation Matrix:

1. in all cases where there is a major potential for harm (the extent of deviation can be major, moderate or minor); or,
2. when there is a moderate potential for harm but a major extent of deviation, a moderate/major violation.

All other categories of the Penalty Calculation Matrix would be minor violations not SNCs (e.g., moderate/moderate, minor/moderate, etc.). Examples of possible SNC violations are:

- disposal of hazardous wastes;
- mixing of leachate and stormwater; or
- disposal of oil in unlined landfills.

### Violations Significantly Detrimental to the Environment or Program

DEP Directive 923 states that when calculating multi-day penalties the daily penalty amount used in the calculation should consider if the violation is significantly detrimental to the environment or the program. While there are no criteria for these violations, they would generally be a subset of the major/major type violations. For the purpose of the Solid Waste Program, the following violations will be considered "significantly detrimental to the environment or program:"

- Operation of a landfill, C&D debris facility or waste processing facility without a permit.
- Disposal of greater than 20 cubic yards of Class I or Class III solid waste in a wetland within the jurisdiction of the Department.
- Failure to perform applicable corrective actions for confirmed contamination in compliance wells within 6 months of the required due dates.
- Failure to demonstrate adequate financial assurance for closure and long-term care within 6 months of the required due dates.

### Adjustments for Economic Benefit of Non-Compliance

DEP Directive 923 states that penalty calculations can be adjusted upwards for violations where an economic benefit was gained from non-compliance. Economic benefits can be passive such as when money is saved by avoiding or delaying costs of compliance. Economic benefit can also be active such as increasing profits by conducting activities that are in violation of the Department's requirements. The

following list describes possible activities that can be considered when evaluating potential economic benefits of non-compliance.

1. Construction/Modification/Operating without a permit:
  - Application fees.
  - Engineering fees.
  - Placement of waste in new cell prior to certification by the Department.
  - Placement of waste in an area where the footprint of a landfill or disposal facility was expanded without permit/authorization. (vertical & lateral expansion).
  - Disposal of waste beyond the permitted footprint or higher than the permitted height while continuing to receive income from the tipping fees.
2. Monitoring/Water Quality:
  - Failure to sample ground/surface water/ leachate.
  - Consultant fees (may include sampling).
  - Laboratory cost to analyze each required sample per well.
  - Failure to construct required number of wells etc.
3. Open Burning (unauthorized):
  - Cost saved for burning of solid waste instead of paying cost to take to landfill.
4. Financial assurance:
  - Consultant's fees – preparation of forms.
  - Avoided cost for annual fees to bank.
  - Cost to maintain Standby Trust Agreement.
  - Cost saved by not funding the appropriate amount for Financial Assurance.
5. Failure to conduct required training (spotter, operator):
  - Avoided or delayed cost for training.
6. Unauthorized discharge of Leachate:
  - Avoided cost for payment to get rid of leachate.

In addition, the following are approximate costs for some violations. These costs have been used and approved by the Office of General Counsel in previous litigation cases and are provided as examples for a C&D debris facility.

- Quarterly ground water monitoring (two monitoring wells for an inactive Class III Landfill in Pinellas County). - \$1,730.
- Cost of Professional Engineer to prepare annual closure cost estimate. - \$1,000.
- Cost of Professional Engineer to prepare five year closure cost estimate. - \$10,000.
- Cost for annual topographic survey and capacity estimate, including engineering costs for calculating capacity estimate, survey, copies of survey/capacity estimate. - \$12,000.

### Adjustments for Multi-day Penalties

DEP Directive 923 states that penalty calculations can be adjusted upwards for violations extending over multiple days, i.e., multi-day penalties. While the maximum penalty allowed by statute is \$10,000 per day per violation, the calculated total penalty amount may be increased for violations that continued over multiple days. One should also consider if the violation is significantly detrimental to the environment or program as well. DEP Directive 923 should be consulted to determine how this type of violation would impact the multi-day penalty calculations. Examples of possible multi-day violations to consider are listed below.

- Unauthorized discharge of leachate (number of days violation occurred).
- Open burning of Solid Waste (number of days violation occurred).
- Failure to implement monitoring requirement (monthly, quarterly and/or, semi-annual may include gas, groundwater, etc).

## **PART 2 - GUIDELINES**

## 1.0 PROHIBITIONS

### 1.1 Disposal/Storage at an Unpermitted Facility

#### POTENTIAL FOR HARM:

##### **MAJOR:**

1. Storage, process and/or disposal of Class I solid waste without a permit.

##### **MODERATE:**

1. Storage, process and/or disposal of Class III or C&D debris without a permit.

##### **MINOR:**

1. Storage, process and/or disposal of yard trash without a permit.

#### EXTENT OF DEVIATION:

##### **MAJOR:**

1. Storage, process and/or disposal of greater than or equal to 20 cubic yards of solid waste.
2. Storage, process and/or disposal of greater than or equal to 55 gallons of liquid solid waste.

##### **MODERATE:**

1. Storage, process and/or disposal of less than 20 cubic yards of Class I, Class III or C&D debris waste, except yard trash.
2. Storage, process and/or disposal of less than 55 gallons of liquid solid waste.

##### **MINOR:**

1. Storage, process and/or disposal of less than 20 cubic yards of yard trash.

**NOTE:** Other violations related to mishandling of solid waste (i.e., unauthorized wastes, etc.) are in facility (Class I, Class III, C&D, & land clearing) specific categories.

### 1.2 Violate Air or Water Quality Standards

#### POTENTIAL FOR HARM:

##### **MAJOR:**

1. Storage, process and/or disposal of solid waste in a manner that would violate air or water quality standards or criteria of the receiving water.

**EXTENT OF DEVIATION:****MAJOR:**

1. Storage, process and/or disposal of greater than or equal to 20 cubic yards solid waste.
2. Storage, process and/or disposal of greater than or equal to 55 gallons of liquid solid waste.

**MODERATE:**

1. Storage, process and/or disposal of less than 20 cubic yards of Class I, Class III or C&D debris wastes, except yard trash.
2. Storage, process and/or disposal of less than 55 gallons of liquid solid waste.

**MINOR:**

1. Storage, process and/or disposal of less than 20 cubic yards of yard trash.

**1.3 In Areas Lacking Geological Support****POTENTIAL FOR HARM:****MAJOR:**

1. Unauthorized disposal or storage of Class I solid waste in areas where geological formations or subsurface features will not provide support for the solid waste. Rule 62-701.300(2)(a), F.A.C.

**MODERATE:**

2. Unauthorized disposal or storage of Class III or C&D Debris solid waste in areas where geological formations or subsurface features will not provide support for the solid waste. Rule 62-701.300(2)(a), F.A.C.

**EXTENT OF DEVIATION****MAJOR:**

1. Storage, process and/or disposal of greater than or equal to 20 cubic yards solid waste.
2. Storage, process and/or disposal of greater than or equal to 55 gallons of liquid solid waste.

**MODERATE:**

1. Storage, process and/or disposal of less than 20 cubic yards of Class I, Class III or C&D debris wastes, except yard trash.
2. Storage, process and/or disposal of less than 55 gallons of liquid solid waste.

**MINOR:**

1. Storage, process and/or disposal of less than 20 cubic yards of yard trash.

**1.4 In a Dewatered Pit****POTENTIAL FOR HARM****MAJOR:**

1. Unauthorized disposal or storage of solid waste in an unlined dewatered pit with no leachate controls. 62-701.300(2)(c), F.A.C.

**EXTENT OF DEVIATION****MAJOR:**

1. Storage and/or disposal of Class I or Class III solid waste greater than or equal to 20 cubic yards.

**MODERATE:**

1. Storage and/or disposal of C&D or yard trash greater than or equal to 20 cubic yards.
2. Storage and/or disposal of Class I and Class III solid waste less than 20 cubic yards.

**MINOR:**

1. Storage and/or disposal of less than 20 cubic yards of C&D debris or yard trash.

**1.5 In a Water Body****POTENTIAL FOR HARM****MAJOR:**

1. Unauthorized disposal or storage of solid waste in any natural or artificial body of water including ground water and wetlands within the jurisdiction of the Department. This does not apply to areas of standing water that exist only after storm events, provided it does not cause objectionable odors or sanitary nuisances. Rule 62-701.300(2)(d), F.A.C.

**EXTENT OF DEVIATION****MAJOR:**

1. Storage and/or disposal of greater than or equal to 20 cubic yards of Class I or Class III waste.
2. Storage and/or disposal of greater than or equal to 55 gallons of liquid solid waste.

**MODERATE:**

1. Storage and/or disposal of less than 20 cubic yards of Class I or Class III waste.
2. Storage and/or disposal of less than 55 gallons of liquid solid waste.
3. Storage and/or disposal of greater than or equal to 20 cubic yards of C&D debris or yard trash.

**MINOR:**

1. Storage and/or disposal of less than 20 cubic yards of C&D debris or yard trash.

**1.6 Setback from a Water Body****POTENTIAL FOR HARM****MAJOR:**

1. Unauthorized disposal or storage of solid waste, other than yard trash, within 200 feet of any natural or artificial body of water, including wetlands, except on-site water bodies with no off-site discharge. Rule 62-701.300(2)(e), F.A.C.

**MODERATE:**

1. Unauthorized disposal or storage of yard trash within 50 feet of any natural or artificial body of water, including wetlands, except on-site water bodies with no off-site discharge. Rule 62-701.300(12)(b), F.A.C.

**EXTENT OF DEVIATION****MAJOR:**

1. Storage and/or disposal of greater than or equal to 20 cubic yards solid waste.
2. Storage and/or disposal of greater than or equal to 55 gallons of liquid solid waste.

**MODERATE:**

1. Storage, process and/or disposal of less than 20 cubic yards of Class I, Class III or C&D debris wastes, except yard trash.
2. Storage, process and/or disposal of less than 55 gallons of liquid solid waste.

**MINOR:**

1. Storage, process and/or disposal of less than 20 cubic yards of yard trash.

## **1.7 Right-Of-Way**

### **POTENTIAL FOR HARM:**

#### **MODERATE:**

1. Unauthorized disposal or storage of solid waste on the right of way of any public highway, road or alley. Rule 62-701.300(2)(f), F.A.C.

### **EXTENT OF DEVIATION**

#### **MAJOR:**

1. Storage and/or disposal of Class I solid waste greater than or equal to 20 cubic yards.

#### **MODERATE:**

1. Storage and/or disposal of Class III or C&D debris wastes greater than or equal to 20 cubic yards.
2. Storage and/or disposal of less than 20 cubic yards of Class I waste.

#### **MINOR:**

1. Storage and/or disposal of Class III or C&D debris less than 20 cubic yards.

## **1.8 Potable Wells**

### **POTENTIAL FOR HARM:**

#### **MAJOR:**

1. Unauthorized disposal or storage of solid waste, except yard trash, within 500 feet of an existing or approved potable water well unless storage or disposal takes place at a facility for which a complete permit application was filed or which was originally permitted before the potable water well was in existence. Rule 62-701.300(2)(b), F.A.C.

#### **MINOR:**

1. Unauthorized disposal or storage of yard trash within 100 feet of an off-site potable water well. Rule 62-701.300(12)(a), F.A.C.

### **EXTENT OF DEVIATION**

#### **MAJOR:**

1. Storage, process and/or disposal of greater than or equal to 20 cubic yards of Class I or Class III solid waste.
2. Storage, process and/or disposal of greater than or equal to 55 gallons of liquid solid waste.

**MODERATE:**

1. Storage, process and/or disposal of less than 20 cubic yards of Class I, Class III wastes.
2. Storage, process and/or disposal of greater than or equal to 20 cubic yards of C&D debris waste.
3. Storage, process and/or disposal of less than 55 gallons of liquid solid waste.

**MINOR:**

1. Storage, process and/or disposal of less than 20 cubic yards of C&D debris.

**1.9 Unauthorized Burning of Solid Waste****POTENTIAL FOR HARM:****MAJOR:**

1. All unauthorized burning of solid waste.

**EXTENT OF DEVIATION:****MAJOR:**

1. Any unauthorized burning of solid waste for greater than 4 hours.

**MODERATE:**

1. Any unauthorized burning of solid waste for less than or equal to 4 hours.

**1.10 Liquids Restrictions****POTENTIAL FOR HARM****MAJOR:**

1. Disposal of non-containerized liquid waste in a Class I landfill unless the liquid is leachate or gas condensate derived from the disposal unit or household waste other than septic waste.
2. Disposal of non-containerized liquid waste in a Class III or C&D debris disposal facility unless the liquid is leachate or gas condensate derived from the disposal unit.

**MODERATE:**

1. Disposal or placement containers holding liquid waste in a Class I landfill unless the waste is household waste.
2. Disposal or placement containers holding liquid waste in a Class III landfill or C&D debris site.
3. Disposal of containers or tanks 20 gallons or larger in capacity that have not had one end remove or been punctured to ensure the containers or tanks are empty.

**EXTENT OF DEVIATION**

**MAJOR:**

1. Liquid waste greater than 25 gallons including septic and hazardous waste.

**MODERATE:**

1. Liquid waste less or equal to than 25 gallons including septic and hazardous waste.
2. Containers holding liquid waste greater than 20 gallons other than household waste.

**MINOR:**

1. Containers or tanks 20 gallons or larger that do not have punctures or at least one side removed.

## 2.0 VIOLATION CATEGORIES COMMON TO MULTIPLE FACILITIES

### 2.1 Leachate Management

#### 2.1.1 Operation of the LCR System

Rules 62-701.500(8) and 62-701.510(1), F.A.C.

#### **POTENTIAL FOR HARM:**

##### **MAJOR:**

1. Failure to properly maintain leachate collection and removal system so that the leachate may be discharged to the environment.
2. Release of leachate to the environment.

##### **MODERATE:**

1. Failure to properly maintain the leachate collection and removal system such that the storm water mixes with leachate.
2. Failure for landfills to properly maintain the leachate collection and removal system such that the system functions as designed.
3. Failure for waste processing facilities to clean leachate drains and conveyances so that leachate flow is not impeded.
4. Failure for waste processing facilities to operate the leachate collection system so as to minimize the presence of standing water.
5. Failure to monitor the leachate quality
6. Failure for landfills to water pressure clean or inspect by video recording at time of permit renewal or after installation of a new construction of collection system, but prior to placement of waste.

##### **MINOR:**

1. Failure to submit reports and maintain records.

#### **EXTENT OF DEVIATION**

##### **MAJOR:**

1. Failure to properly maintain leachate collection and removal system, or a bypass of the system, so that the leachate escapes to the environment. Cited for two inspections.
2. Failure to properly maintain the leachate collection and removal system such that storm water mixes with leachate. Cited for 2 inspections.
3. Failure to maintain the leachate collection and removal system so that the system functions as designed. Cited for 2 inspections.
4. Failure for waste processing facilities to clean leachate drains and conveyances so that leachate flow is not impeded. Cited two times.

5. Failure for waste processing facilities to operate the leachate collection system so as to minimize the presence of standing water. Cited two times.
6. Failure to properly monitor the leachate quality. Cited for 3 times.
7. Failure to submit reports and maintain records. Cited for 3 inspections.
8. Failure to water pressure clean or inspect by video recording at time of permit renewal or after installation of a new construction of collection system, but prior to placement of waste. Greater than 180 days.

***MODERATE:***

1. Failure to properly maintain leachate collection and removal system, or a bypass of the system, so that the leachate escapes to the environment. Cited 1 time.
2. Failure to properly maintain the leachate collection and removal system so storm water mixes with leachate. Cited 1 time.
3. Failure to maintain the leachate collection and removal system so that the system functions as designed. Cited for one inspection.
4. Failure for waste processing facilities to clean leachate drains and conveyances so that leachate flow is not impeded. Cited one time.
5. Failure for waste processing facilities to operate the leachate collection system so as to minimize the presence of standing water. Cited one time.
6. Failure to monitor the leachate collection and removal system. Cited for 2 inspections.
7. Failure to submit reports and maintain records. Cited for 2 inspections.
8. Intentional discharge of leachate to stormwater system.

***MINOR:***

1. A temporary failure of the facility's leachate control system such that little or no leachate is discharged to the environment.

**2.1.2 Leachate Recirculation**

Rule 62-701.400(4), F.A.C.

**POTENTIAL FOR HARM:**

***MAJOR:***

1. Recirculation of leachate without a permit modification or written authorization from the Department.
2. Recirculation of leachate on top of areas where barrier layer that is a part of the final cover is installed.
3. Recirculation of leachate during wet weather or in quantities that may cause run off outside the solid waste disposal unit, surface

seeps, windblown spray or exceedance of limits of leachate head on liner.

**MODERATE:**

1. Ponding of leachate due to recirculation unless it is an integral part of the design plan.

**EXTENT OF DEVIATION:**

**MAJOR:**

1. Recirculation of leachate without a permit modification or written authorization from the Department resulting in release of leachate to the environment.
2. Recirculation of leachate on top of areas where barrier layer that is a part of the final cover is installed resulting in release of leachate to the environment.
3. Recirculation of leachate during wet weather or in quantities that may cause run off outside the solid waste disposal unit, surface seeps, windblown spray or exceedance of limits of leachate head on liner.

**MODERATE:**

1. Recirculation of leachate without a permit modification or written authorization from the Department. No release to the environment.
2. Recirculation of leachate on top of areas where barrier layer that is a part of the final cover is installed. No release to the environment.
3. Recirculation of leachate during wet weather or in quantities that may cause run off outside the solid waste disposal unit, surface seeps, windblown spray or exceedance of limits of leachate head on liner. Cited for 1 inspection.

**MODERATE:**

1. Ponding of leachate due to recirculation unless it is an integral part of a design plan. Cited for 1 inspection.

### **2.1.3 Leachate Surface Impoundments**

**POTENTIAL FOR HARM:**

**MAJOR:**

1. Failure to demonstrate a double liner system as required by rule.
2. Failure to maintain a minimum of 2 feet above the depth which would occur in the event of a 25-year, 24 hour storm.
3. Failure to control vectors and off-site odors resulting from leachate.

**EXTENT OF DEVIATION:**

**MAJOR:**

1. Failure to demonstrate a double liner system as required by rule.
2. Failure to maintain a minimum of 2 feet above the depth which would occur in the event of a 25-year, 24 hour storm resulting in release of leachate to the environment.
3. Failure to control disease vectors and off-site odors resulting from leachate. Cited for 1 inspection.

**MODERATE:**

1. Failure to maintain a minimum of 2 feet above the depth which would occur in the event of a 25-year, 24-hour storm. Cited for 2 inspections.
2. Failure to control disease vectors and off-site odors resulting from leachate. Cited for 2 Inspections

**2.2 Water Quality Monitoring**

**2.2.1 Monitoring Implementation**

**POTENTIAL FOR HARM:**

**MAJOR:**

1. Confirmed violation of primary water quality standards and/or criteria at a detection or compliance point.
2. Failure to comply with monitoring requirements for landfills or any facility with existing groundwater contamination.
3. Failure to maintain the monitoring system for an unlined facility or a facility without leachate controls if the evaluation indicates the potential for groundwater contamination.

**MODERATE:**

1. Failure to comply with monitoring requirements that are required for the facility.
2. Failure to maintain the monitoring system for a facility that is required to be monitored.

**MINOR:**

1. Violation of secondary water quality standards at a detection or compliance point.

**EXTENT OF DEVIATION:**

**MAJOR:**

1. Any confirmed results above primary/secondary water quality standards and/or criteria at the compliance point.
2. Failure to conduct more than one monitoring event.

3. Failure to submit ground or surface water report within 6 months of due date.
4. Failure to maintain the monitoring system for an unlined facility or a facility without leachate controls if the evaluation indicates the potential for groundwater contamination
5. Failure to initiate corrective actions in accordance with Rule 62-701.510(7)(c), F.A.C. within approved time frames.
6. Two or more monitoring data sets invalidated during the term of the permit.
7. Failure to maintain the monitoring system for more than one event at an unlined facility.
8. Failure to perform sampling in accordance with Chapter 62-160, F.A.C.

***MODERATE:***

1. Failure to conduct one monitoring event.
2. Failure to submit ground or surface water monitoring report within 3 months of due date.
3. One monitoring data set invalidated during the term of the permit.
4. Failure to maintain the monitoring system for more than one event at a lined facility.
5. Failure to analyze for all required parameters or analyze to appropriate detection limits.
6. Failure to implement a remedial action plan for assessment monitoring for secondary contaminants as required in Rule 62-701.510(7)F.A.C., within the approved time frames.

***MINOR:***

1. Failure to submit ground or surface water monitoring report on the due date.

## **2.2.2 Construction of Water Monitoring System**

### **POTENTIAL FOR HARM**

***MAJOR:***

1. Failure to construct ground water monitoring system in accordance with the permit or approved ground and/or surface water monitoring plan.

***MODERATE:***

1. Failure to install protective bollards or other devices around new or existing wells located in heavy traffic flow to prevent damage and/or to lock monitoring wells to minimize unauthorized access.
2. Failure to submit well completion report Form 62-701.900 (30).

**EXTENT OF DEVIATION**

**MAJOR:**

1. Failure to construct ground water monitoring system within 90 days of timeframe specified in the permit or approved ground and/or surface water monitoring plan.

**MODERATE:**

1. Failure to construct ground water monitoring system within 60 days of timeframe specified in the permit or approved ground and/or surface water monitoring plan.
2. Failure to install protective bollards or other devices around new or existing wells located in heavy traffic flow to prevent damage and/or to lock monitoring wells to minimize unauthorized access. Cited for 2 consecutive inspections.
3. Failure to submit well completion report Form 62-701.900 (30), 90 days after completion.

**MINOR:**

1. Failure to construct ground water monitoring system within 30 days of timeframe specified in the permit or approved groundwater and/or surface water monitoring plan.
2. Failure to install protective bollards or other devices around new or existing wells located in heavy traffic flow to prevent damage and/or to lock monitoring wells to minimize unauthorized access. Cited for 1 inspection.
3. Failure to submit well completion report Form 62-701.900 (30), 60 days after completion.

**2.3 Gas Monitoring**

**2.3.1 Monitoring Implementation**

**POTENTIAL FOR HARM**

**MAJOR:**

1. Methane gas levels exceed 25 percent the LEL in a structure or at or beyond the property boundary.
2. Failure to comply with the gas monitoring requirements.
3. Failure to operate gas management system in accordance with permit.
4. Failure to submit a remediation plan for methane gas release per Rule 701.400(10)(c)3.b. F.A.C.
5. Failure to timely complete the remedy for gas remediation within 60 days of detection or as otherwise approved per Rule 701.400(10)(c)3.b. F.A.C.

**MODERATE:**

1. Methane gas has reached the LEL at or beyond the landfill boundary and is venting to the atmosphere.

**MINOR:**

1. Gas is causing objectionable odors at or beyond the facility boundary.
2. Submittal of gas monitoring results.

**EXTENT OF DEVIATION**

**MAJOR:**

1. Any methane gas results over 25 percent the LEL in a structure or 100 percent the LEL beyond the landfill boundary.
2. Failure to conduct 2 of the 4 quarterly monitoring events within a 1 year period.
3. Failure to submit gas monitoring results within 6 months of due date.
4. Any verified objectionable odor that persists for seven consecutive days.
5. Failure to submit a remediation plan for a methane gas release within seven days of detection in accordance with Rule 62-701.400(10)(c)3.b., F.A.C.
6. Failure to complete the remedy for gas remediation within sixty days of detection in accordance with Rule 62-701.400(10)(c)3.b., F.A.C.
7. Failure to take all necessary steps to ensure protection of human health in the event of a methane gas release in accordance with Rule 62-701.400(10)(c)3.a., F.A.C.

**MODERATE:**

1. Failure to conduct one quarterly gas monitoring event.
2. Failure to submit gas sampling results within 3 months of due date.
3. Any verified objectionable odor that persists for 24 hours.

**MINOR:**

1. Failure to submit gas monitoring results within one month of due date.

**2.3.2 Construction of Gas Monitoring System**

**POTENTIAL FOR HARM**

**MODERATE:**

1. Failure to construct gas monitoring and/or management system in accordance with the permit.

2. Failure to install soil monitoring probes along the property boundary segment of the facility.

**EXTEND OF DEVIATION:**

**MAJOR:**

1. Failure to construct gas monitoring system within 90 days of timeframe specified in the permit.

**MODERATE:**

1. Failure to construct gas monitoring system within 60 days of timeframe specified in the permit.

**MINOR:**

1. Failure to construct gas monitoring system within 30 days of timeframe specified in the permit.

**2.4 Report and Record Keeping**

**POTENTIAL FOR HARM**

**MINOR:**

1. Failure to maintain required reports/records or to submit timely reports to the Department. Such reports include waste quantity, WTE ash analysis, and any other report required by the current operations permit.

**EXTENT OF DEVIATION:**

**MAJOR:**

1. Failure to submit reports within one year.

**MODERATE:**

1. Failure to submit reports within 6 months.

**MINOR:**

1. Failure to submit report within 3 months.

## **2.5 Stormwater Management**

### **2.5.1 Function of the Stormwater System**

#### **POTENTIAL FOR HARM**

##### **MAJOR:**

1. Failure of stormwater system resulting in the release of inadequately treated stormwater.
2. Failure of stormwater system resulting in major flooding of off-site property or structure.
3. Failure of the system to adequately control erosion or sedimentation.

##### **MODERATE:**

1. Malfunction of portions of a system that results in frequent releases of inadequately treated stormwater or moderate flooding of off-site property structures.

##### **MINOR:**

1. Malfunction of portions of a system that result in releases of inadequately treated stormwater.

#### **EXTENT OF DEVIATION**

##### **MAJOR:**

1. Complete failure of stormwater system causing a sudden release of untreated stormwater, heavy siltation in waters of the State or violation of State Water Quality Standards. Cited for the first time.
2. Failure of stormwater system resulting in major flooding of off-site property or structure. Cited for the first time.
3. Failure of the stormwater system to adequately control erosion and sedimentation resulting in extensive silt deposits in adjacent jurisdictional wetlands or waters of the State. Cited 2 times.

##### **MODERATE:**

1. Malfunction of portions of a system that results in releases of inadequately treated stormwater. Cited 2 times.
2. Malfunction of a stormwater system that results in moderate flooding of off-site property or structures. Cited 1 time.
3. Failure of the stormwater system to adequately control erosion and sedimentation resulting in extensive siltation in adjacent jurisdictional wetlands or waters of the State. Cited 1 time.

## 2.5.2 Construction of Stormwater System

### **POTENTIAL FOR HARM**

#### **MAJOR:**

1. Construction, modification and operation of a stormwater system without a Department permit.
2. Failure to construct a stormwater management system where required by rule.

### **EXTENT OF DEVIATION**

#### **MAJOR:**

1. Construction or and modification of a new stormwater management system without a permit if the construction or modification is not permissible.
2. Failure to construct a stormwater management system where required by rule.
3. Modification of a storm water management system that nullifies or significantly alters the original permitted design.

#### **MODERATE:**

1. Construction of a stormwater management system as required by rule but not in accordance with the permit.

#### **MINOR:**

1. Construction or modification of a new stormwater management system without a permit if the construction or modification is permissible.
2. Construction of a stormwater management system where required by rule but not in accordance with the permit, but permissible.

## 2.5.3 Maintenance of Stormwater System

### **POTENTIAL FOR HARM:**

#### **MODERATE:**

1. Failure to stabilize and restore eroded areas.
2. Failure to remove trash and debris from stormwater system.
3. Failure to remove sediments and debris from sediment stumps.
4. Failure to maintain littoral zone and removal of vegetation such as cattails and other exotic species.

**EXTENT OF DEVIATION:**

**MAJOR:**

1. Failure to stabilize and restore eroded areas resulting in partial failure of system. Cited 3 times.
2. Failure to remove trash and debris from stormwater system. Cited 3 times.
3. Failure to remove sediments and debris from sediment stumps. Cited 3 times.
4. Failure to maintain littoral zone and removal of vegetation such as cattails and other exotic species. Cited 3 times.

**MODERATE:**

1. Failure to stabilize and restore eroded areas resulting in partial failure of system. Cited 2 times.
2. Failure to remove trash and debris from stormwater system. Cited 2 times.
3. Failure to remove sediments and debris from sediment stumps. Cited 2 times.
4. Failure to maintain littoral zone and removal of vegetation such as cattails and other exotic species. Cited 2 times.

**MINOR:**

1. Failure to stabilize and restore eroded areas. Cited 1 time.
2. Failure to remove trash and debris from stormwater system. Cited 1 time.
3. Failure to remove sediments and debris from sediment stumps. Cited 1 time.
4. Failure to maintain littoral zone and removal of vegetation such as cattails and other exotic species. Cited 1 time.

**2.6 Financial Assurance**

Rule 62-701.630, F.A.C.

**2.6.1 Cost Estimates and Annual Updates**

**POTENTIAL FOR HARM**

**MAJOR:**

1. Failure to provide acceptable cost estimates for both closure and long-term care.

**MINOR:**

1. Failure to provide annual cost estimate updates for closure or long-term care.
2. Failure to provide timely annual cost estimate updates for closure or long-term care.

**EXTENT OF DEVIATION:**

**MAJOR:**

1. Submittal of acceptable cost estimates 180 days after due date.

**MODERATE:**

1. Submittal of acceptable cost estimates 90 days after due date.

**MINOR:**

1. Submittal of acceptable cost estimates within 90 days of due date.

**2.6.2 Closure or Long-term Care Instruments**

**POTENTIAL FOR HARM:**

**MAJOR:**

1. Failure to establish financial assurance acceptable to the Department for closure or long-term care.
2. Failure to establish financial assurance for corrective action, acceptable to the Department, after corrective action remedy selected.
3. Failure to submit Standby Trust Agreement.

**MODERATE:**

1. Failure to provide adequate proof to the Department of the establishment of financial assurance for closure or long-term care.
2. Failure to provide adequate proof to the Department of the establishment of financial assurance for corrective action.

**EXTENT OF DEVIATION**

**MAJOR:**

1. Financial assurance established 180 days after due date.
2. Financial assurance for corrective action established 240 days after due date.
3. Submittal of adequate proof of financial assurance for closure, long-term care or corrective action 180 days after due date.
4. Failure to submit Standby Trust Agreement 180 days after the due date.

**MODERATE:**

1. Financial assurance established 90 days after due date.
2. Financial assurance for corrective action established 180 days after due date.
3. Submittal of adequate proof of financial assurance for closure, long-term care or corrective action 90 days after due date.

**MINOR:**

1. Financial assurance established within 90 days after due date.
2. Financial assurance for corrective action established within 180 days after due date.
3. Submittal of adequate proof of financial assurance for closure, long-term care or corrective action within 90 days after due date.

### 3.0 CLASS I LANDFILLS

#### 3.1 Unauthorized Disposal of Solid Waste

##### POTENTIAL FOR HARM

Disposal of any of the following waste in the quantities listed below.

##### **MAJOR:**

1. Hazardous waste.
2. Liquid and non-liquid polychlorinated biphenyl (PCB) at concentration of 50 parts per million or greater.
3. Untreated biomedical waste.
4. Improper or uncontrolled disposal of friable asbestos containing material (greater than 1 percent by weight).
5. Lead-acid batteries improperly stored or disposed of at the site.

##### **MODERATE:**

1. Used oil improperly stored or disposed of at the site.
2. Used oil co-mingled with solid waste.
3. Non-hazardous waste, either liquid or solid, that is not designated in the permit.

##### **MINOR:**

1. Unauthorized disposal of white goods.
2. Whole waste tires in the working face of Class I landfill.
3. Yard waste in a Class I landfill.

##### EXTENT OF DEVIATION

Disposal of any of the following waste in the quantities listed below:

##### **MAJOR:**

1. PCB at concentration of 50 parts per million or greater in the form of contaminated soil, rags or other debris.
2. Hazardous waste greater than 25 gallons or 220 pounds.
3. Untreated biomedical waste greater than 25 pounds.
4. Friable asbestos greater than 1 cubic meter that is not wetted, bagged and covered.
5. Used oil greater than 550 gallons.
6. Greater than 10 lead acid batteries.
7. Non-hazardous waste either liquid greater than 1000 gallons or solid greater than 20 yards.

##### **MODERATE:**

1. Hazardous waste less than or equal to 25 gallons or 220 pounds.
2. Biomedical waste (untreated) less than or equal to 25 pounds.
3. Regulated asbestos less or equal to than 1 cubic meter that is not wetted, bagged and covered.

4. Used oil between 25 to 550 gallons.
5. Lead acid batteries, between 5 to 10 batteries.
6. Non-hazardous waste not designated in the permit which includes either liquid between 25 to 1000 gallons or solid less than 20 but greater than 5 cubic yards.
7. 10 or more whole waste tires.

**MINOR:**

1. Used oil less than or equal to 25 gallons.
2. Non-hazardous waste not designated in the permit which includes either liquid less than 25 gallons or solid less than 5 cubic yards.
3. Lead acid batteries less than 5.
4. Waste tires less than 10.

### **3.2 Facility Construction and Design**

**POTENTIAL FOR HARM:**

**MAJOR:**

1. Construction, operation or modification of a Class I landfill without a Department permit.
2. Vertical expansion or lateral expansion of the permitted disposal area without authorization by the Department in a permit or in writing.
3. Substantial deviation from approved construction plans without authorization from the Department.
4. Construction results in a significant side slope failure or a deep seated failure through the waste.
5. Exceeding design height, if foundation analysis does not demonstrate sufficient support.

**MODERATE:**

1. Failure to provide certification of construction completion to the Department upon completion of construction project.
2. Failure to maintain compaction and sloping of the waste as necessary to ensure closure requirements can be met and in accordance with the schedule for compaction and grading as provided in the facility's operational plan.
3. Failure to adequately describe all significant deviations from the approved construction plans and the reasons for them in the certification of completion construction documents.

**MINOR:**

1. Exceeding design height, if foundation analysis does demonstrate sufficient support.

**EXTENT OF DEVIATION****MAJOR:**

1. Construction, operation or modification of a Class I landfill without a Department permit if construction, operation, or modification is not permissible.
2. Failure to provide certification of construction completion to the Department within 90 days of completion of the construction project.
3. Failure to provide a certification of closure construction completion to the Department.
4. Above grade slopes are steeper than 3 feet horizontal to 1 foot vertical.
5. Construction results in a significant side slope failure or a deep seated failure through the waste.
6. Exceeding design height by equal to or more than 20 feet.

**MODERATE:**

1. Construction, operation, modification or closure of a Class I landfill without a Department permit if construction, operation, or modification is permissible.
2. Failure to provide certification of construction completion to the Department within 60 days of completion of the construction project.
3. Failure to submit a closure permit application or request a modification of the current permit at least 90 days from the date when waste will no longer be accepted.
4. Exceeding design height by less than 20 feet but greater than or equal to 10 feet.

**MINOR:**

1. Exceeding design height by less than 10 feet.
2. Failure to provide certification of construction completion to the Department within 30 days of completion of the construction project.

**3.3 Facility Operations****POTENTIAL FOR HARM****MAJOR:**

1. No trained spotter on duty at the working face during the operation of the landfill.

**MODERATE:**

1. Insufficient personnel or equipment to properly operate the facility, including spotters, attendants and trained operators.
2. Failure to maintain adequate cover, including daily and intermediate.

3. Failure to maintain fire control equipment.
4. Failure to implement a waste checking program (weekly random inspection).
5. Failure to provide adequate access control.
6. Failure to control or correct erosion resulting in exposed waste.
7. Failure to maintain a maximum of 3 feet horizontal to 1 foot vertical slopes (3H:1V) on the working face of the cell and all site grades above land surface.
8. Failure to control dust by allowing unconfined emission of particulate matter in violation of Rule 62-296.320(4)(c), F.A.C.

**MINOR:**

1. Failure to control litter.
2. Failure to maintain access road.
3. Failure to properly compact wastes.
4. Failure to weigh waste at county owned disposal facility.
5. Failure to segregate Construction and Demolition Debris from other solid waste at Class I landfill.
6. Failure to control or correct erosion.
7. Failure to install and maintain a recording rain gauge.

**EXTENT OF DEVIATION**

**MAJOR:**

1. No spotter or trained operator on duty while facility is receiving waste.
2. Failure to apply daily cover and use unapproved cover.
3. Failure to segregate more than 10 tons of C&D debris from the Class I waste stream.
4. Failure to maintain equipment causing it to be inoperable with no backup equipment. Cited for three inspections.
5. Failure to implement or provide records of waste checking program.
6. Failure to begin corrective action for erosion within a period of 2 weeks.
7. Failure to provide access control cited for three consecutive inspections.
8. Failure to control litter so that the litter is off-site, and in the storm water system for more than 24 hours.
9. Failure to maintain a maximum of 3 feet horizontal to 1 foot vertical (3H:1V) slopes on the working face of the cell and all site grades above land surface.
10. Failure to comply with all of the requirements listed in the MINOR category above.
11. Failure to comply with any one of the requirements listed in the MINOR category above. Cited for three consecutive inspections.
12. Failure to control dust by allowing unconfined emission of particulate matter in violation of Rule 62-296.320(4)(c), F.A.C.

**MODERATE:**

1. Failure to segregate between 5 to 10 tons of (C&D) prohibited waste.
2. Missing or inoperable fire equipment at the landfill.
3. Inoperable equipment with no backup equipment but can be secured within 24 hours.
4. Failure to complete corrective action for erosion within a period of 2 weeks.
5. Failure to provide access control. Cited for two consecutive inspections.
6. Failure to maintain a maximum of 3 feet horizontal to 1 foot vertical (3H:1V) slopes on the initial cover of the cell.

**MINOR:**

1. Failure to segregate less than 5 tons of (C&D) prohibited waste.
2. Insufficient personnel so that routine duties cannot be implemented.
3. Failure to control dust and litter so that the litter is beyond the working face and not picked up within 24 hours.
4. Failure to maintain a maximum of 3 feet horizontal to 1 foot vertical (3H:1V) slopes on the initial cover and working face the cell.
5. All other violations with a minor potential for harm.

## 4.0 CLOSED CLASS I LANDFILLS

### 4.1 Facility Maintenance

#### **POTENTIAL FOR HARM**

##### **MODERATE:**

1. Failure to correct excessive settlement/subsidence (for example, exposed barrier layer, ponding water with cattails growing in water, cracks or holes in the liner system).
2. Failure to control or correct erosion with exposed waste.
3. Failure to maintain access control.
4. Failure to place final cover over entire surface of each disposal unit and plant with drought-resistant species that will control erosion and protect the seal.

##### **MINOR:**

1. Failure to maintain vegetation.
2. Failure to control erosion with no exposed waste.

#### **EXTENT OF DEVIATION**

##### **MAJOR:**

1. Failure to correct settlement in 90 days.
2. Failure to control or correct erosion and to implement corrective action within a period of 2 weeks.
3. Failure to comply with any one of the requirements listed in the MINOR category above. Cited for three consecutive inspections.
4. Failure to place final cover over entire surface of each disposal unit and plant with drought-resistant species that will control erosion and protect the seal within 1 year after it has reached its final grade.

##### **MODERATE:**

1. Failure to correct settlement in 60 days.
2. Failure to control or correct erosion with exposed waste and to complete corrective action within a period of 2 weeks.
3. Failure to maintain access control for two consecutive inspections.
4. Failure to place final cover over entire surface of each disposal unit and plant with drought-resistant species that will control erosion and protect the seal within 210 days after it has reached its final grade.

##### **MINOR:**

1. Failure to correct settlement in 30 days.
2. Failure to control or correct erosion with exposed waste repaired within two weeks.

3. Failure to maintain access control cited once.
4. Failure to place final cover over entire surface of each disposal unit and plant with drought-resistant species that will control erosion and protect the seal within 180 days after it has reached its final grade.

## **4.2 Permit Requirements**

### **POTENTIAL FOR HARM:**

#### **MAJOR:**

1. Closure of a Class I landfill without a Department permit.

#### **MODERATE:**

1. Failure to provide a certification of closure construction completion to the Department.
2. Failure to submit a closure permit application or request a modification of the current permit at least 90 days from the date when waste will no longer be accepted.

### **EXTENT OF DEVIATION**

#### **MAJOR:**

1. Failure to provide a certification of closure construction completion to the Department within 90 days of completion of construction project.

#### **MODERATE:**

1. Failure to provide a certification of closure construction completion to the Department within 60 days of completion of construction project.

#### **MINOR:**

1. Failure to provide a certification of closure construction completion to the Department within 30 days of completion of construction project.

## 5.0 CLASS III LANDFILLS

### 5.1 Unauthorized Disposal of Solid Waste

#### **POTENTIAL FOR HARM**

Disposal of any of the following wastes in the quantities listed below.

#### **MAJOR:**

1. Hazardous waste.
2. Liquid and non-liquid polychlorinated biphenyl (PCB) at concentration of 50 parts per million or greater.
3. Untreated biomedical waste.
4. Improper or uncontrolled disposal of friable asbestos containing material (greater than 1 percent by weight).
5. Lead-acid batteries improperly stored or disposed of at the site.
6. Used oil at a Class III or unlined landfill.
7. Disposal of Class I waste.

#### **MODERATE:**

1. Non-hazardous waste either liquid or solid that is not designated in the permit.
2. Storage of Class I waste.

#### **MINOR:**

1. Unauthorized disposal of white goods.
2. Whole waste tires in the working face of Class III landfill.

#### **EXTENT OF DEVIATION**

Disposal of any of the following waste in the quantities listed below.

#### **MAJOR:**

1. PCB at concentration of 50 parts per million or greater in the form of contaminated soil, rags or other debris.
2. Hazardous waste greater than 25 gallons or 220 pounds in lined Class III landfills.
3. Hazardous waste in any quantity in an unlined Class III.
4. Biomedical waste (untreated) greater than 25 pounds in both lined and unlined Class III.
5. Regulated (Friable) asbestos greater than 1 cubic meter that is not wetted, bagged and covered.
6. Used oil greater than 550 gallons in lined Class III.
7. Used oil greater than 25 gallons in unlined Class III.
8. 10 or more lead acid batteries.
9. Non-hazardous waste either liquid greater than 1000 gallons or solid greater than 20 cubic yards in both lined and unlined landfills.

10. Class I waste greater than 5 cubic yards on site more than 7 days, or less than 5 cubic yards on site greater than 14 days.

**MODERATE:**

1. Hazardous waste less than 25 gallons or 220 pounds. (lined Class III)
2. Biomedical waste (untreated) less than 25 pounds Class III.
3. Regulated asbestos less than 1 cubic meter that is not wetted, bagged and covered.
4. Used oil less than 25 gallons in an unlined Class III.
5. Used oil between 25 to 550 gallons in a lined a Class III.
6. Lead acid batteries between 5 to 10.
7. Non-hazardous waste not designated in the permit which includes either liquid between 25 to 1000 gallons or solid less than 20 but greater than 5 cubic yards.
8. 10 or more whole waste tires in the landfill.
9. Class I waste greater than 5 cubic yards on site greater than 48 hours or less than 5 cubic yards on site greater than 7 days.

**MINOR:**

1. Used oil less than 25 gallons in a lined Class III.
2. Non-hazardous waste not designated in the permit which includes either liquid less than 25 gallons or solid less than 5 cubic yards.
3. Waste tires less than 10.
4. Class I waste less than 5 cubic yards on site greater than 48 hours.

**5.2 Facility Operations (Class III lined/unlined)**

**POTENTIAL FOR HARM:**

**MAJOR:**

1. No trained spotter on duty at the working face during the operation of the landfill.

**MODERATE:**

1. Insufficient personnel or equipment to properly operate the facility, including spotters, attendants and trained operators.
2. Failure to maintain adequate cover, including initial and intermediate.
3. Failure to maintain fire control facilities.
4. Failure to implement a waste checking program (weekly random inspection).
5. Failure to provide adequate access control.
6. Failure to control or correct erosion resulting in exposed waste.
7. Failure to maintain a maximum of 3 feet horizontal to 1 foot vertical slopes on the working face of the cell and all site grades above land surface.

8. Failure to control dust by allowing unconfined emissions of particulate matter in violation of Rule 62-296.320(4)(c), F.A.C.

**MINOR:**

1. Failure to control litter.
2. Failure to maintain access road.
3. Failure to properly compact wastes.
4. Failure to weigh waste at county owned disposal facility.
5. Failure to segregate Construction and Demolition debris from other solid waste at Class I landfill.
6. Failure to control or correct erosion.
7. Failure to install and maintain a recording rain gauge.

**EXTENT OF DEVIATION:**

**MAJOR:**

1. No spotter or trained operator on duty while facility is receiving waste.
2. Failure to apply weekly cover and/or use unapproved cover.
3. Failure to segregate more than 10 tons of C&D debris from the Class I waste stream.
4. Failure to maintain equipment causing it to be inoperable with no backup equipment. Cited for three consecutive inspections.
5. Failure to implement or provide records of waste checking program.
6. Failure to begin corrective action for erosion within a period of 2 weeks.
7. Failure to provide access control. Cited for three consecutive inspections.
8. Failure to control litter so that the litter is off site, and in the storm water system for more than 24 hours.
9. Failure to maintain a maximum of 3 feet horizontal to 1 foot vertical slopes on the working face of the cell and all site grades above land surface.
10. Failure to comply with all of the requirements listed in the MINOR category above.
11. Failure to comply with any one of the requirements listed in the MINOR category above, cited for three consecutive inspections.

**MODERATE:**

1. Failure to segregate between 5 to 10 tons of (Class I) prohibited waste.
2. Missing or inoperable fire equipment at the landfill.
3. Inoperable equipment with no backup equipment but can be secured within 24 hours.
4. Failure to complete corrective action for erosion within a period of 2 weeks.
5. Failure to provide access control cited for two consecutive inspections.

6. Failure to control dust and litter so that the litter is beyond the working face and not picked up within 24 hours.
7. Failure to maintain a maximum of 3 feet horizontal to 1 foot vertical slopes on the initial cover of the cell.

**MINOR:**

1. Failure to segregate less than 5 tons of (Class I) prohibited waste.
2. Insufficient personnel so that routine duties cannot be implemented.
3. Failure to control dust and litter so that the litter is beyond the working face but not picked up within 24 hours.
4. Failure to maintain a maximum of 3 feet horizontal to 1 foot vertical slopes on the initial cover and working face the cell.
5. All other violations with a minor potential for harm.

## 6.0. CLOSED CLASS III LANDFILLS

### 6.1 Facility Maintenance

#### POTENTIAL FOR HARM

##### **MODERATE:**

1. Failure to correct excessive settlement/subsidence (for example, exposed barrier layer, ponding water with cattails growing in water, cracks or holes in the liner system).
2. Failure to control or correct erosion with exposed waste.
3. Failure to maintain access control.

##### **MINOR:**

1. Failure to maintain vegetative cover.
2. Failure to control erosion with no exposed waste.

#### EXTENT OF DEVIATION:

##### **MAJOR:**

1. Failure to correct settlement in 90 days.
2. Failure to control or correct erosion and to implement corrective action within a period of 2 weeks.
3. Failure to comply with any one of the requirements listed in the MINOR category above. Cited for three consecutive inspections.

##### **MODERATE:**

1. Failure to correct settlement in 60 days.
2. Failure to control or correct erosion with exposed waste and to complete corrective action within a period of 2 weeks.
3. Failure to maintain access control for two consecutive inspections.

##### **MINOR:**

1. Failure to correct settlement in 30 days.
2. Failure to control or correct erosion with exposed waste repaired within two weeks.
3. Failure to maintain access control cited once.
4. All other violations with a minor potential for harm.

### 6.2 Permit Requirements

#### POTENTIAL FOR HARM:

##### **MAJOR:**

1. Closure of a Class III landfill without a Department permit.

**MODERATE:**

1. Failure to provide a certification of closure construction completion to the Department.
2. Failure to submit a closure permit application or request a modification of the current permit at least 90 days from the date when waste will no longer be accepted.

**EXTENT OF DEVIATION**

**MAJOR:**

1. Failure to provide a certification of closure construction completion to the Department within 90 days of completion of construction project.

**MODERATE:**

1. Failure to provide a certification of closure construction completion to the Department within 60 days of completion of construction project.

**MINOR:**

1. Failure to provide a certification of closure construction completion to the Department within 30 days of completion of construction project.

## 7.0 SOIL TREATMENT FACILITIES

### **POTENTIAL FOR HARM:**

#### **MAJOR:**

1. Release of leachate to environment.
2. Failure to properly maintain leachate collection system so that leachate may escape to the environment.
3. Confirmed violation of primary water quality standards and/or criteria at a detection or compliance point.
4. Failure to comply with monitoring requirements for any facility with existing groundwater contamination.
5. Storage of un-containerized contaminated soils in an area that is not protected by a leachate collection system.
6. Distribution of treated soil as clean soil that is not tested to be clean soil in accordance with proper test methods and/or proper testing intervals.
7. Acceptance of contaminated soils that are not characterized to be non-hazardous.

#### **MODERATE:**

1. Insufficient personnel or equipment to properly operate facility, including attendants, and trained operators.
2. Failure to comply with groundwater monitoring requirements.
3. Failure to maintain the groundwater monitoring system.

#### **MINOR:**

1. Failure to control dust or litter.
2. Failure to maintain fire control facilities.
3. Failure to maintain required records or to file required reports.

### **EXTENT OF DEVIATION:**

#### **MAJOR:**

1. Failure to properly maintain leachate collection so that so that leachate escapes to the environment, cited two consecutive times.
2. Failure to monitor the leachate collection system, cited 3 times.
3. Storage of un-containerized contaminated soils in area not protected by a leachate collection system and that is exposed to rainfall.
4. Any confirmed results above primary/secondary water quality standards and/or criteria the compliance point.
5. Failure to conduct more than one monitoring event.
6. Failure to submit ground or surface water report within 12 months of due date.

7. Failure to implement a remedial action plan for assessment monitoring required in Rule 62-701.510(7), F.A.C. within the approved time frames.
8. Two or more monitoring data sets invalidated during the term of the permit.
9. Failure to perform sampling under CQAP.
10. Insufficient personnel or equipment to properly operate facility, including attendants, and trained operators, cited 3 times.
11. Acceptance of greater than 220 pounds of contaminated soils that are not characterized to be non-hazardous.
12. Distribution of treated soil in an unrestricted manner that was not tested in accordance with proper test methods and/or proper testing intervals or was tested and failed criteria for unrestricted end use.

**MODERATE:**

1. Failure to properly maintain leachate collection so that so that leachate escapes to the environment, cited one time.
2. Failure to monitor the leachate collection system cited 2 times.
3. Storage of un-containerized contaminated soils in an area not protected by a leachate collection system but not exposed to rainfall.
4. Failure to control dust or litter off-site.
5. Failure to conduct one monitoring event.
6. Failure to submit ground or surface water monitoring report within 6 months of due date.
7. One monitoring data set invalidated during the term of the permit.
8. Failure to maintain the monitoring system for more than one event.
9. Failure to analyze for all required parameters or analyze to appropriate detection limits.
10. Acceptance of less than 220 pounds of contaminated soils that are not characterized to be non-hazardous.
11. Insufficient personnel or equipment to properly operate facility, including attendants, and trained operators, cited 2 times.
12. Distribution of treated soil that was not tested in accordance with proper test methods and/or proper testing intervals or was tested and failed criteria for a designated end use.

**MINOR:**

1. Failure to monitor the leachate collection system cited 1 time.
2. Failure to control dust or litter on-site.
3. Contaminated soils accumulating from spills at facility or other handling outside an area protected by a leachate collection system.
4. Failure to maintain required records or to file required reports.
5. Insufficient personnel or equipment to properly operate facility, including attendants, and trained operators, cited one time.

## 8.0 WASTE-TO-ENERGY FACILITIES

### **POTENTIAL FOR HARM:**

#### **MAJOR:**

1. Release of leachate to environment.
2. Failure to properly maintain leachate collection system so that leachate may escape to the environment.
3. Confirmed violation of primary water quality standards and/or criteria at a detection or compliance point.
4. Failure to comply with monitoring requirements for any facility with existing groundwater contamination.
5. Burning mercury containing devices or other prohibited wastes.
6. Storage of solid waste or ash in an area that is not protected by a leachate collection system.

#### **MODERATE:**

1. Failure to adequately process raw waste in fuel pit per approved operations plan.
2. Insufficient personnel or equipment to properly operate facility, including attendants, and trained operators.
3. Failure to comply with groundwater monitoring requirements.
4. Failure to maintain the groundwater monitoring system.

#### **MINOR:**

1. Failure to maintain access roads and signs.
2. Failure to maintain barrier.
3. Failure to control dust or litter.
4. Failure to maintain fire control facilities.
5. Failure to implement weekly random load checking of waste delivered to the facility.
6. Failure to maintain required records or to file required reports.

### **EXTENT OF DEVIATION:**

#### **MAJOR:**

1. Failure to properly maintain leachate collection so that so that leachate escapes to the environment, cited two consecutive times.
2. Failure to monitor the leachate collection system, cited 3 times.
3. Burning of mercury containing devices or other prohibited wastes, cited 3 times.
4. Storage of solid waste or ash in area not protected by a leachate collection system and that is exposed to rainfall.
5. Failure to adequately process raw waste in fuel pit per approved operations plan, cited 3 times.
6. Any confirmed results above primary/secondary water quality standards and/or criteria the compliance point.
7. Failure to conduct more than one monitoring event.

8. Failure to submit ground or surface water report within 12 months of due date.
9. Failure to implement a remedial action plan for assessment monitoring required in Rule 62-701.510(7), F.A.C., within the approved time frames.
10. Two or more monitoring data sets invalidated during the term of the permit.
11. Failure to perform sampling under CQAP.
12. Insufficient personnel or equipment to properly operate facility, including attendants, and trained operators, cited 3 times.

**MODERATE:**

1. Failure to properly maintain leachate collection so that so that leachate escapes to the environment, cited one time.
2. Burning of mercury containing devices or other prohibited wastes, cited 2 times.
3. Storage of solid waste or ash in area not protected by a leachate collection system but not exposed to rainfall.
4. Failure to control dust or litter off-site.
5. Failure to conduct one monitoring event.
6. Failure to submit ground or surface water monitoring report within 6 months of due date.
7. One monitoring data set invalidated during the term of the permit.
8. Failure to maintain the monitoring system for more than one event.
9. Failure to analyze for all required parameters or analyze to appropriate detection limits.
10. Failure to adequately process raw waste in fuel pit per approved operations plan, cited 2 times.
11. Insufficient personnel or equipment to properly operate facility, including attendants, and trained operators, cited 2 times.

**MINOR:**

1. Failure to monitor the leachate collection system, cited 1 time.
2. Not collecting litter by the end of the working day.
3. Burning of mercury containing devices or other prohibited wastes, cited 1 time.
4. Failure to control dust or litter on-site.
5. Ash accumulating from spills or ash collection system leaks.
6. Treat odor violations in the same manner as odor violations are treated by the air program.
7. Failure to implement weekly random load checking of waste delivered to the facility.
8. Failure to maintain required records or to file required reports.
9. Failure to adequately process raw waste in fuel pit per approved operations plan, cited one time.
10. Insufficient personnel or equipment to properly operate facility, including attendants, and trained operators, cited one time.

## 9.0 WASTE PROCESSING FACILITIES

### 9.1 Construction, Design, Operation and Closure

#### POTENTIAL FOR HARM

##### **MAJOR:**

1. Construction, operation, or modification of a Class I waste processing facility without a Department permit.

##### **MODERATE:**

1. Construction, operation, or modification of mixed waste consisting of Class III and/or C&D debris, and greater than incidental amounts of Class I waste without a Department permit.
2. Failure to complete closure activities in a timely manner.

##### **MINOR:**

1. Construction, operation, or modification of a Class III or C&D debris waste processing facility without a Department permit.
2. Failure to timely implement facility closure notification requirements or to provide the Department timely certification of closure completion.

#### EXTENT OF DEVIATION

##### **MAJOR:**

1. Construction, operation, or modification of a waste processing facility without a Department permit if construction, operation, or modification is not permissible.
2. Upon closing the facility, failure to remove or otherwise dispose of all solid waste and residue from the facility greater than or equal to 90 days after it has received the final solid waste shipment.
3. Failure to complete closure of the facility, including the removal of all recovered materials from the site, greater than or equal to 240 days after receiving the final waste quantity.
4. Failure to timely implement facility closure notification requirements or to provide the Department timely certification of closure completion.
5. Failure to provide the Department notification of closure prior to ceasing operation of the facility.

##### **MODERATE:**

1. Construction, operation, or modification of a waste processing facility without a Department permit if construction, operation, or modification is permissible.
2. Upon closing the facility, failure to remove or otherwise dispose of all solid waste and residue from the facility

greater than or equal to 60 days but less than 90 days after it has received the final solid waste shipment.

3. Failure to complete closure of the facility, including the removal of all recovered materials from the site, greater than or equal to 210 days but less than 240 days after receiving the final waste quantity.
4. Failure for a facility that operates without a leachate control system to perform a contamination evaluation as part of its closure activities.

***MINOR:***

1. Upon closing the facility, failure to remove or otherwise dispose of all solid waste and residue from the facility greater than or equal to 30 days but less than 60 days after it has received the final solid waste shipment.
2. Failure to complete closure of the facility, including the removal of all recovered materials from the site greater than 180 days but less than 210 days after receiving the final waste quantity.

## **9.2 Facility Operation**

### **POTENTIAL FOR HARM**

***MODERATE:***

1. Collection, storage, or processing solid waste other than those permitted to be accepted of under Department permit.
2. Exceeding identified on-site storage capacities or area for recyclable materials, non-processible wastes, unauthorized wastes, and residues.
3. Failure to maintain at least one trained operator on duty at the facility while operating.
4. Failure to remove unauthorized waste from the waste stream and place it in appropriate containers.
5. Failure to follow plan to inspect the wastes that specifies inspection procedures and procedures for handling unauthorized wastes.
6. Failure to have at least one trained spotter on duty at all times that waste is received at the site.
7. Failure to have operators or spotters trained in accordance with Rule 62-701.320(15), F.A.C.
8. Insufficient personnel or equipment to properly operate the facility, including spotters, attendants and trained operators.
9. Failure to operate the facility to control objectionable odors in accordance with Rule 62-296.320(2), F.A.C.
10. Failure to maintain available adequate fire protection.

11. Failure to implement the facility's approved waste checking program.
12. Failure to provide adequate access control.

**MINOR:**

1. Failure to provide, operate or maintain processing equipment in accordance with the facility's permit and operation plan.
2. Failure to handle waste on a first-in, first-out basis, if required.
3. Storage of unprocessed putrescible waste for more than 48 hours without provisions for vector and odor controls.
4. Failure to clean, at least on a weekly basis, all waste processing/storage areas.
5. Failure to have adequate ventilation in tipping processing, sorting, storage and compaction areas that are in an enclosed building or covered area.
6. Failure to comply with any part of facility's Operation Plan not otherwise identified in this section.

**EXTENT OF DEVIATION**

**MAJOR:**

1. Acceptance/processing/improper storage of greater than 16 cubic yards of unauthorized solid waste or the acceptance of loads containing greater than 50 percent unauthorized waste.
2. Exceeding identified on-site storage capacities for recyclable materials, non-processible wastes, unauthorized wastes, and residues by greater than 25 percent.
3. Failure to maintain at least one trained operator on duty at the facility while operating. Cited on two occasions or more.
4. Failure to remove unauthorized waste from the waste stream and place it in appropriate containers on two occasions or more.
5. Failure to follow plan to inspect the wastes that specifies inspection procedures and procedures for handling unauthorized wastes on two occasions or more.
6. Failure to have at least one trained spotter on duty at all times that waste is received at the site. Cited two times.
7. Failure to have operators or spotters trained in accordance with Rule 62-701.320(15), F.A.C. Cited two times.
8. Insufficient personnel or equipment to properly operate the facility, including spotters, attendants, and trained operators on two occasions or more.
9. Failure to operate and maintain processing equipment such as to impede facility operations on two occasions or more.
10. Failure to handle waste on a first-in, first-out basis, if required, on three occasions or more.

11. Storage of unprocessed putrescible waste for more than 7 days without provisions for vector and odor controls.
12. Failure to clean, at least on a weekly basis, all waste processing/storage areas on two occasions or more.
13. Failure to have adequate ventilation in tipping processing, sorting, storage and compaction areas that are in an enclosed building or covered area on two occasions or more.
14. Failure to comply with same part of facility's Operation Plan not otherwise identified in this section on two occasions or more.
15. Failure to maintain available adequate fire protection.

**MODERATE:**

1. Acceptance/processing/ improper storage of greater than 3 cubic yards of unauthorized solid waste or the acceptance of loads containing greater than 25 percent unauthorized waste.
2. Exceeding identified on-site storage capacities or area for recyclable materials, non-processible wastes, unauthorized wastes, and residues by greater than 10 percent.
3. Failure to maintain at least one trained operator on duty at the facility while operating. Cited on one occasion.
4. Failure to remove unauthorized waste from the waste stream and place it in appropriate containers on one occasion.
5. Failure to follow plan to inspect the wastes received by the facility that specifies inspection procedures and procedures for handling unauthorized wastes on one occasion.
6. Failure to have at least one trained spotter on duty at all times that waste is received at the site. Cited one time.
7. Failure to have operators or spotters trained in accordance with Rule 62-701.320(1), F.A.C. Cited one time.
8. Insufficient personnel or equipment to properly operate the facility, including spotters, attendants, and trained operators on one occasion.
9. Failure to operate facility to control objectionable odors in accordance with subsection 62-296.320(2), F.A.C.
10. Failure to operate and maintain processing equipment such as to impede facility operations on one occasion.
11. Failure to handle waste on a first-in, first-out basis, if required, on two occasions.
12. Storage of unprocessed putrescible waste for more than 4 days without provisions for vector and odor controls.
13. Failure to clean, at least on a weekly basis, all waste processing/storage areas on one occasion.
14. Failure to implement facility's approved waste checking program.
15. Failure to provide adequate access control on two consecutive inspections.

16. Failure to have adequate ventilation in tipping processing, sorting, storage and compaction areas that are in an enclosed building or covered area on one occasion.
17. Failure to comply with any part of facility's Operation Plan not otherwise identified in this section on one occasion.

**MINOR:**

1. Acceptance/processing/ improper storage of greater than 1 cu. yd. of unauthorized solid waste or the acceptance of loads containing greater than 10percent unauthorized waste.
2. Exceeding identified on-site storage capacities or area for recyclable materials, non-processible wastes, unauthorized wastes, and residues by less than 10percent.
3. Failure to handle waste on a first-in, first-out basis, if required, on one occasion.
4. Storage of unprocessed putrescible waste for more than 2 days without provisions for vector and odor controls.
5. Failure to clean, at least on a weekly basis, all waste processing/storage areas on one occasion.
6. Failure to provide adequate access control on one occasion.

## 10.0 LAND CLEARING DEBRIS DISPOSAL FACILITIES

### 10.1 Unauthorized Disposal of Solid Waste

#### POTENTIAL FOR HARM

##### **MAJOR:**

1. Storage and/or disposal of hazardous waste.
2. Storage and/or disposal of prohibited wastes in accordance with Rule 62-701.300(5),(6)&(8), F.A.C.
3. Storage and/or disposal of Class I waste.

##### **MODERATE:**

1. Storage and/or disposal of Class III wastes or C&D debris wastes.

##### **MINOR:**

1. Failure to place prohibited waste into appropriate containers or secured storage areas.

#### EXTENT OF DEVIATION

##### **MAJOR:**

1. Unauthorized disposal of 25 gallons or 220 pounds of hazardous waste.
2. Unauthorized disposal of 25 gallons or 220 pounds of prohibited wastes in accordance with Rule 62-701.300(5),(6)&(8), F.A.C.
3. Unauthorized disposal of greater than 20 cubic yards of non-hazardous waste.
4. Class I waste greater than 5 cubic yards on-site more than 7 days, or less than 5 cubic yards on-site greater than 14 days.

##### **MODERATE:**

1. Unauthorized disposal of less than 25 gallons or 220 pounds of hazardous waste.
2. Unauthorized disposal of less than 25 gallons or 220 pounds of prohibited wastes in accordance with Rule 62-701.300(5),(6)&(8), F.A.C.
3. Unauthorized disposal of greater than 5 cubic yards but less than 20 cubic yards of non-hazardous waste.
4. Failure to remove putrescible waste from the site within 48 hours or as stated in permit application.
5. Class I waste greater than 5 cubic yards on site greater than 48 hours or less than 5 cubic yards on site greater than 7 days.

##### **MINOR:**

1. Unauthorized disposal of less than 5 cubic yards of non-hazardous waste.
2. Failure to place prohibited waste in appropriate containers or secured storage areas.
3. Class I waste less than 5 cubic yards on site greater than 48 hours.

4. Class III waste, C&D waste, or white goods greater than 20 cubic yards on site more than 30 days, or greater than 20 cubic yards on site greater than 90 days.

## **10.2 Facility Construction**

### **POTENTIAL FOR HARM**

#### **MODERATE:**

1. Exceeding design height, if foundation analysis does not demonstrate sufficient support.
2. Failure to maintain a maximum of 3 feet horizontal to 1 foot vertical on all covered slopes above land surface.
3. Failure to maintain compaction and sloping of the waste as necessary to ensure that closure requirements can be met and in accordance with the schedule for compaction and grading provided in the facility's operational plan.

#### **MINOR:**

1. Exceeding design height, if foundation analysis does demonstrate sufficient support.
2. Failure to close facility in accordance with rule and closure plan.

### **EXTENT OF DEVIATION**

#### **MAJOR:**

1. Exceed design height by greater than 20 feet.
2. Slope grades steeper than 5 feet horizontal to 1 foot vertical.
3. Closure not complete after 360 days after final receipt of waste.

#### **MODERATE:**

1. Exceed design height by less than 20 feet but greater than 10 feet.
2. Slope grades shallower than 5 feet horizontal to 1 foot vertical but steeper than 3 feet horizontal to 1 foot vertical.
3. Closure not complete between 210 and 360 days after final receipt of waste.

#### **MINOR:**

1. Exceed design height by less than 10 feet.
2. Closure not complete between 180 and 210 days after final receipt of waste.

## **10.3 Facility Operation**

### **POTENTIAL FOR HARM**

**MAJOR:**

1. No spotter on duty at the working face during operations.

**MODERATE:**

1. Disposal of land clearing debris in standing water or ground water.
2. Failure to control offsite litter and dust.
3. Encroaching into setbacks from wetlands, potable water wells, and community water wells.

**MINOR:**

1. Failure to control onsite litter and dust.
2. Failure to maintain access road.
3. Failure to provide adequate containerized storage for unacceptable waste.
4. Failure to operate in accordance with approved operational plan.
5. Failure to maintain access control to the disposal facility by fencing or other effective barriers.
6. Onsite disposal of land clearing debris in violation of Rule 62-701.730(17), F.A.C.

### **EXTENT OF DEVIATION**

**MAJOR:**

1. No spotter on duty at the working face during operations cited for the third time.
2. Disposal of more than 40 cubic yards of land clearing debris in standing water or groundwater.
3. Failure to control offsite litter and dust cited for the third time.
4. Encroaching into setbacks from wetlands, potable water wells, and community water wells by 50 percent of the setback.
5. All minor violations cited for the third time.

**MODERATE:**

1. No spotter on duty at the working face during operations cited for the second time.
2. Disposal of less than 40 cubic yards of land clearing debris in standing water or groundwater.
3. Failure to control offsite litter and dust cited for the second time.
4. Encroaching into setbacks from wetlands, potable water wells, and community water wells by 25 percent of the setback.
5. All minor violations cited for the second time.

**MINOR:**

1. No spotter on duty at the working face during operations cited for the first time.

2. Failure to control offsite litter and dust cited for the first time.
3. Encroaching into setbacks from wetlands, potable water wells, and community water wells by 10 percent of the setback.
4. All minor violations cited for the first time.

## 11.0 CONSTRUCTION & DEMOLITION DEBRIS FACILITY

### 11.1 Unauthorized Disposal of Solid Waste

#### POTENTIAL FOR HARM

##### **MAJOR:**

1. Disposal of Class I solid waste.
2. Hazardous waste.
3. Liquid and non-liquid polychlorinated biphenyl (PCB) at concentration of 50 parts per million or greater.
4. Untreated biomedical waste.
5. Improper or uncontrolled disposal of friable asbestos containing material (greater than 1 percent by weight).
6. Lead-acid batteries improperly stored or disposed at the site.
7. Used oil or used oil co-mingled with solid waste.

##### **MODERATE:**

1. Unauthorized disposal of white goods.

##### **MINOR:**

1. Storage and or disposal of Class III solid waste.

#### EXTENT OF DEVIATION

##### **MAJOR:**

1. Disposal/processing/improper storage of greater than 20 cubic yards of unauthorized solid waste or the acceptance of loads containing greater than 40 percent unauthorized waste.
2. Disposal of greater than 1 cubic yard of regulated asbestos-containing waste.
3. Disposal of hazardous waste, lead acid batteries, white goods or used oil.
4. Class I waste greater than 5 cubic yards on site greater than 7 days, or less than 5 cubic yards on site greater than 14 days.

##### **MODERATE:**

1. Disposal/processing/ improper storage of less than 20 cubic yards of unauthorized solid waste or the acceptance of loads containing greater than 20 percent unauthorized waste.
2. Disposal of greater than 1/4 cubic yards of regulated asbestos-containing waste.
3. Class I waste greater than 5 cubic yards on site more than 48 hours, or less than 5 cubic yards on site more than 14 days.

**MINOR:**

1. Disposal/processing/ improper storage of less than 5 cubic yards of unauthorized solid waste or the acceptance of loads containing greater than 10 percent unauthorized waste.
2. Disposal of less than 1/4 cubic yards of regulated asbestos-containing waste.
3. Class I waste less than 5 cubic yards on site more than 48 hours.
4. Class III waste, C&D waste, or white goods greater than 20 cubic yards on site more than 30 days, or less than 20 cubic yards on site greater than 90 days.

## **11.2 Facility Construction and Design**

### **POTENTIAL FOR HARM**

**MODERATE:**

1. Construction, operation, or modification of an off-site construction and demolition debris disposal facility without a Department permit.
2. Construction, operation, or modification of an off-site construction and demolition debris recycling facility without a Department permit.

**MINOR:**

1. Failure to submit an updated closure plan to the Department, to reflect any changes in the closure plan due to actual operational conditions at the facility, at least 90 days prior to the date when wastes will no longer be accepted.
2. Failure to provide certification of construction completion to the Department upon completion of construction project.

### **EXTENT OF DEVIATION**

**MAJOR:**

1. Construction, operation, or modification of an off-site construction and demolition debris disposal or recycling facility without a Department permit if construction, operation, or modification is not permissible.
2. Failure to provide a certification of closure construction completion to the Department within 90 days of completion of construction project.

**MODERATE:**

1. Construction, operation, or modification of an off-site construction and demolition debris disposal or recycling facility without a Department permit if the construction, operation, or modification is permissible.
2. Failure to submit an updated closure plan to the Department to reflect any changes in the closure plan due to actual operational conditions at the facility, at least 90 days prior to the date when wastes will no longer be accepted.
3. Failure to provide certification of construction completion to the Department within 60 days of completion of the construction project.

**MINOR:**

1. Failure to provide certification of construction completion to the Department within 60 days of completion of the construction project.

### **11.3 Facility Operation**

**POTENTIAL FOR HARM**

**MAJOR:**

1. Failure to provide at least one trained spotter on duty at the working face or tipping area to inspect the incoming waste when waste is being accepted at the site.
2. Failure to maintain at least one trained operator for the facility.
3. Disposal of construction and demolition debris waste in water.
4. Disposal of construction and demolition debris that exceeds the design height, if foundation analysis does not demonstrate sufficient support.

**MODERATE:**

1. Acceptance and processing of non-construction and demolition debris waste at a construction and demolition debris recycling facility.
2. Temporary storage of inadvertently accepted non-construction and demolition debris waste at a construction and demolition debris facility beyond established time frames or not in accordance with the facility's operation plan.
3. Failure to comply with any setback requirement for the disposal of construction and demolition debris established for the facility.
4. On-site disposal of construction and demolition debris in violation of Rule 62-701.730(17), F.A.C.
5. Failure to maintain access control to the disposal facility by fencing or other effective barriers to prevent disposal of solid waste other than construction and demolition debris.
6. Failure to remove unauthorized waste from the waste stream and place into appropriate containers or secure storage areas in a timely manner.
7. Failure to maintain working face and internal slopes of all disposal units not greater than three feet horizontal to one foot vertical rise (3H:1V) and reasonable assurance is not provided in operation plan that fires can be controlled in steeply sloped areas.
8. Failure to compact and slope waste during the life of the facility to assure that the requirements of Rule 62-701.730(9), F.A.C. can be met.
9. Failure to comply with schedule for compaction and grading included in the operation plan.
10. Failure to maintain a sufficient number of spotters on duty at the working face to inspect the incoming waste at all times waste is being accepted at the site.
11. Failure to have operators or spotters trained in accordance with Rule 62-701.320(15), F.A.C.

12. Improper use or reuse of recovered fines or screened materials debris from the construction and demolition debris waste stream.
13. Failure to operate disposal areas so that adverse environmental and public health impacts, such as blowing litter and vectors, are minimized.
14. Failure to manage CCA treated wood as provided in subsection 62-701.730(20), F.A.C.
15. Disposal of construction and demolition debris that exceeds the design height, if foundation analysis does not demonstrate sufficient support.
16. Disposal of construction and demolition debris waste beyond the permitted footprint.

**MINOR:**

1. Failure to operate the facility to control objectionable odors in accordance with Rule 62-296.320(2), F.A.C.
2. Failure to maintain segregated disposal areas for construction and demolition debris at a solid waste landfill.
3. Failure to post signs indicating the name of the operating authority, traffic flow, hours of operation and restrictions or conditions of disposal.
4. Failure to follow the method and sequence of filling waste in the operations plan.
5. Lift depths exceed 10 feet and are not authorized by the operation plan.

**EXTENT OF DEVIATION**

**MAJOR:**

1. Acceptance and processing of non-construction and demolition debris waste at a construction and demolition debris recycling facility. Cited two times.
2. On-site disposal of construction and demolition debris in violation of the solid waste prohibitions of Rule 62-701.300, F.A.C.
3. Disposal of construction and demolition debris greater than 25 percent within any setback requirement established for the facility.
4. Disposal of construction and demolition debris greater than 25 feet beyond the disposal footprint.
5. Exceeding the design height by greater than 20 feet.
6. Facility currently does not have at least one trained operator for the facility.
7. Facility currently has no trained spotter.
8. Failure to remove unauthorized waste from the waste stream and place into appropriate containers or secure storage areas in a timely manner as noted on three consecutive inspections.
9. Storage of Class I waste for more than 30 days.
10. Storage of Class III waste for more than 90 days.
11. Failure to follow the method and sequence of filling waste in the operation plan. Cited two times.
12. Lift depths exceed 10 feet and are not authorized by the operation plan. Cited two times.

**MODERATE:**

1. Acceptance and processing of non-construction and demolition debris waste at a construction and demolition debris recycling facility. Cited one time.
2. Improper use or reuse of more than 20 cubic yards of recovered fines or screened materials debris from the construction and demolition debris waste stream.
3. Disposal of construction and demolition debris greater than 10 percent within any setback requirement established for the facility.
4. Disposal of construction and demolition debris greater than 10 feet but less than or equal to 25 feet beyond the permitted footprint.
5. Exceeding the design height by greater than 10 feet but less than or equal to 20 feet.
6. On-site disposal of construction and demolition debris in violation of Rule 62-701.730(17), except Rule 62-701.300, F.A.C.
7. Failure to maintain working face and internal slopes of all disposal units not greater than three feet horizontal to one foot vertical rise (3H:1V) and reasonable assurance is not provided in operation plan that fires can be controlled in steeply sloped areas.
8. Failure to compact and slope waste during the life of the facility to assure that the requirements of Rule 62-701.730(9), F.A.C. can be met.
9. Failure to comply with schedule for compaction and grading included in the operation plan.
10. Failure to follow the method and sequence of filling waste in the operation plan. Cited one time.
11. Lift depths exceed 10 feet and are not authorized by the operation plan. Cited one time.
12. Facility has a trained spotter, but fails to maintain at least one trained spotter on duty at the working face to inspect the incoming waste at all times waste is being accepted at the site.
13. Failure to maintain access control to the disposal facility by fencing or other effective barriers to prevent disposal of solid waste other than construction and demolition debris on three consecutive inspections.
14. Failure to remove unauthorized waste material from the waste stream and place into appropriate containers or secure storage areas in a timely manner as noted on two consecutive inspections or three inspections within 2 years.
15. Failure to operate the facility to control objectionable odors in accordance with Rule 62-296.320(2), F.A.C.
16. Failure to operate disposal areas so that adverse environmental and public health impacts, such as blowing litter and vectors, such that deficiencies are noted on two consecutive inspections or three inspections within 2 years or the non-compliance results in numerous citizen complaints.
17. Storage of Class I waste for more than 7 days.
18. Storage of Class III waste for more than 60 days.
19. Failure to manage CCA treated wood as provided in Rule 62-701.730(20), F.A.C.

**MINOR:**

1. Improper use or reuse of less than 20 cubic yards of recovered fines or screened materials debris from the construction and demolition debris waste stream.
2. Disposal of construction and demolition debris less than 10 percent within any setback requirement established for the facility or disposal of construction and demolition debris less than or equal to 10 feet beyond the permitted footprint.
3. Exceeding the design height by less than or equal to 10 feet.
4. Failure to maintain access control to the disposal facility by fencing or other effective barriers to prevent disposal of solid waste other than construction and demolition debris.
5. Failure to remove unauthorized waste from the waste stream and place into appropriate containers or secure storage areas in a timely manner.
6. Failure to maintain segregated disposal areas for construction and demolition debris at a solid waste landfill.
7. Failure to operate disposal areas so that adverse environmental and public health impacts, such as blowing litter and vectors, are minimized.
8. Storage of Class III waste for more than 30 days.
9. Failure to post signs indicating the name of the operating authority, traffic flow, hours of operation and restrictions or conditions of disposal.

## **12.0 CLOSED CONSTRUCTION & DEMOLITION DEBRIS FACILITY**

(If a liner and a leachate management system is in place at the facility, the facility shall comply with all requirements in accordance with rule 62-701.730(4)(f), F.A.C.)

### **12.1 Cover System Maintenance**

#### **POTENTIAL FOR HARM**

##### **MODERATE:**

1. Failure to correct excessive settlement or subsidence (for example, ponding water with cattails growing in water, cracks or holes in the cover material).
2. Failure to control or correct erosion with exposed waste.
3. Failure to maintain access control.
4. Failure to implement and provide continued long-term care monitoring and maintenance of the facility in accordance with the facilities approved closure and long-term care plan.
5. Failure to place final cover and seeding or planting of vegetative cover on each disposal unit within 180 days after it has reached its final grade or ceased receiving waste.
6. Failure to install final and/or intermediate cover on the disposal unit in accordance with the temporary closure requirements in Rule 62-701.730(9)(c), F.A.C.

##### **MINOR:**

1. Failure to maintain vegetation.
2. Failure to control erosion with no exposed waste.

#### **EXTENT OF DEVIATION**

##### **MAJOR:**

1. Failure to correct settlement in 90 days.
2. Failure to control or correct erosion and to implement corrective action within a period of 2 weeks.
3. Failure to comply with any one of the requirements listed in the MINOR category above. Cited for three consecutive inspections.
4. Failure to place final cover and seeding or planting of vegetative cover on each disposal unit within 1 year after it has reached its final grade.
5. Failure to install final and/or intermediate cover on the disposal unit in accordance with the temporary closure requirements in Rule 62-701.730(9)(c), F.A.C. 90 days or longer after the unit stops accepting waste.

**MODERATE:**

1. Failure to correct settlement in 60 days.
2. Failure to control or correct erosion with exposed waste and to complete corrective action within a period of 2 weeks, in accordance with the permit.
3. Failure to maintain access control for two consecutive inspections.
4. Failure to place final cover and seeding or planting of vegetative cover on each disposal unit within 210 days after it has reached its final grade.
5. Failure to install final and/or intermediate cover on the disposal unit in accordance with the temporary closure requirements in Rule 62-701.730(9)(c), F.A.C. within 60 days after the unit stops accepting waste.
6. Failure to continue long-term care monitoring and maintenance of the facility in accordance with the facilities approved closure and long-term care plan.

**MINOR:**

1. Failure to correct settlement in 30 days.
2. Failure to control or correct erosion with exposed waste repaired within two weeks.
3. Failure to maintain access control cited once.
4. All other violations with a minor potential for harm.
5. Failure to place final cover and seeding or planting of vegetative cover on each disposal unit within 180 days after it has reached its final grade.
6. Failure to install final and/or intermediate cover on the disposal unit in accordance with the temporary closure requirements in Rule 62-701.730(9)(c), F.A.C. within 30 days after the unit stops accepting waste.

## **12.2 Permit Requirements**

**POTENTIAL FOR HARM:**

**MAJOR:**

1. Closure of a Construction & Demolition Debris Facility without a Department permit.

**MODERATE:**

1. Failure to provide a certification of closure construction completion to the Department.

**EXTENT OF DEVIATION**

**MODERATE:**

1. Failure to provide a certification of closure construction completion to the Department within 60 days of completion of construction project.

**MINOR:**

1. Failure to provide a certification of closure construction completion to the Department within 30 days of completion of construction project.

## 13.0 WASTE TIRE FACILITIES

### 13.1 Unauthorized Storage, Transport, Processing, and Disposal of Waste Tires

#### POTENTIAL FOR HARM

##### **MAJOR:**

1. Storage or disposal of greater than or equal to 10,000 waste tires other than at a solid waste management facility permitted by the Department for storage or disposal of waste tires.
2. Unauthorized waste tire storage or disposal within 1,500 feet of a residential or business community, which is either involved in a fire or is a source of breeding mosquitoes.
3. Unauthorized waste tire storage or disposal in violation of the solid waste prohibitions of Rule 62-701.300(2), F.A.C., which is either involved in a fire or is a source of breeding mosquitoes.

##### **MODERATE:**

1. Storage or disposal of greater than or equal to 1,500 waste tires, but less than 10,000, other than at a solid waste management facility permitted by the Department for storage or disposal of waste tires.
2. Unauthorized waste tire storage or disposal within 5,000 feet of a residential or business community, which is either involved in a fire or is a source of breeding mosquitoes.
3. Constructing, operating or modifying a waste tire processing facility without a permit.
4. Constructing, operating or modifying a waste tire collection center without a permit.
5. Collecting/transporting waste tires without obtaining proper registration.
6. Contracting transportation, disposal or processing of waste tires with an unregistered waste tire collector.

##### **MINOR:**

1. Unauthorized waste tire storage or disposal greater than 5,000 feet from a residential or business community, which is either involved in a fire or is a source of breeding mosquitoes.
2. Operating mobile waste tire processing equipment without a permit.
3. Disposal of whole tires at a landfill or use of insufficiently small parts of tires as initial cover.
4. Failure to comply with notification requirements for a waste tire site.

#### EXTENT OF DEVIATION

##### **MAJOR:**

1. Storage or disposal of greater than or equal to 10,000 waste tires other than at a solid waste management facility permitted by the Department for storage or disposal of waste tires.

2. Unauthorized storage or disposal of greater than or equal to 5,000 waste tires that are either involved in a fire or a source of breeding mosquitoes.
3. Construction, operation, or modification of a waste tire processing facility without a Department permit if construction, operation, or modification is not permissible.
4. Construction, operation, or modification of a waste tire collection center without a Department permit if construction, operation, or modification is not permissible.
5. Collecting/transporting waste tires without obtaining proper registration on three occasions or more.
6. Contracting transportation, disposal or processing of waste tires with an unregistered waste tire collector on three occasions or more.
7. Operating mobile waste tire processing equipment without a permit if equipment or operation is not permissible.
8. Disposal of whole tires at a landfill or use of insufficiently small parts of tires as initial cover on three occasions or more.

**MODERATE:**

1. Storage or disposal of greater than or equal to 1,500 waste tires, but less than 10,000, other than at a solid waste management facility permitted by the Department for storage or disposal of waste tires.
2. Unauthorized storage or disposal of greater than or equal to 1,500 waste tires, but less than 5,000, which are either involved in a fire or a source of breeding mosquitoes.
3. Collecting/transporting waste tires without obtaining proper registration on two occasions.
4. Contracting transportation, disposal or processing of waste tires with an unregistered waste tire collector on two occasions.
5. Disposal of whole tires at a landfill or use of insufficiently small parts of tires as initial cover on two occasions.
6. Failure to comply with notification requirements for a waste tire site if the site contains greater than 10,000 tires.

**MINOR:**

1. Storage or disposal of less than 1,500 waste tires, which are either involved in a fire or a source of breeding mosquitoes.
2. Unauthorized waste tire storage or disposal in violation of the solid waste prohibitions of Rule 62-701.300(2), F.A.C., which is either involved in a fire or is a source of breeding mosquitoes.
3. Construction, operation, or modification of a waste tire processing facility without a Department permit if construction, operation, or modification is permissible.
4. Construction, operation, or modification of a waste tire collection center without a Department permit if construction, operation, or modification is permissible.
5. Collecting/transporting waste tires without obtaining proper registration on one occasion.
6. Contracting transportation, disposal or processing of waste tires with an unregistered waste tire collector on one occasion.

7. Operating mobile waste tire processing equipment without a permit if equipment and operation is permissible.
8. Disposal of whole tires at a landfill or use of insufficiently small parts of tires as initial cover on one occasion.
9. Failure to comply with notification requirements for a waste tire site if the site contains greater than 1,500 tires.

### **13.2 Waste Tire Collectors**

#### **POTENTIAL FOR HARM**

##### **MODERATE:**

1. Transport of waste tires to a facility other a facility permitted or exempt by the Department to receive waste tires.

##### **MINOR:**

1. Failure of a registered waste tire collector to properly display a current waste tire collector decal on all vehicles used to transport waste tires.
2. Failure to record & maintain and make available, required information regarding activities.
3. Failure to submit an annual report to the Department in accordance with Rule 62-711.520(7), F.A.C.

#### **EXTENT OF DEVIATION**

##### **MAJOR:**

1. Transport of waste tires to a facility other a facility permitted or exempt by the Department to receive waste tires on two occasions or more.
2. Failure of a registered waste tire collector to properly display a current waste tire collector decal on all vehicles used to transport waste tires on two occasions or more.
3. Failure to record & maintain and make available, required information regarding activities on three occasions or more.
4. Failure to submit an annual report to the Department in accordance with Rule 62-711.520(7), F.A.C., within 120 days of the date due.

##### **MODERATE:**

1. Transport of waste tire to a facility other a facility permitted or exempt by the Department to receive waste tires on one occasion.
2. Failure of a registered waste tire collector to properly display a current waste tire collector decal on all vehicles used to transport waste tires on one occasion.
3. Failure to record, maintain and make available required information regarding activities on two occasions.
4. Failure to submit an annual report to the Department in accordance with Rule 62-711.520(7), F.A.C., within 90 days of the date due.

##### **MINOR:**

1. Failure to record, maintain and make available, required information regarding activities on one occasion.

2. Failure to submit an annual report to the Department in accordance with Rule 62-711.520(7), F.A.C., within 30 days of the date due.

### **13.3 Waste Tire Facility Operations and Closure**

#### **POTENTIAL FOR HARM**

##### **MAJOR:**

1. Acceptance of waste tires for processing once permitted storage limit has been reached in any category or in excess of the closing cost estimate.

##### **MODERATE:**

1. Failure to process and remove at least 75 percent of the waste tire delivered to and contained on site in a calendar year.
2. Storage of greater than 1,500 tires at a waste tire collection center at any one time.
3. Failure to remove all waste tires, other than used tires, for recycling, processing, or disposal at least once a year from a waste tire collection center.
4. Failure to remove all processed tires and residues from a waste tire site where mobile processing equipment is operating within 30 days of completion of the processing.
5. Operation of mobile waste tire processing equipment at any site for greater than 120 days.

##### **MINOR:**

1. Failure to record, maintain and make available, required information regarding activities.

#### **EXTENT OF DEVIATION**

##### **MAJOR:**

1. Exceeding the permitted storage limit in any category or the closing cost estimate of a waste tire facility by 25 percent or greater.
2. Exceeding the required time frames for the removal of waste tires, processed tires, or residues by 25 percent or greater.
3. Failure to record, maintain and make available, required information regarding activities three times or more.

##### **MODERATE:**

1. Exceeding the permitted storage limit in any category or the closing cost estimate of a waste tire facility by 10 percent or greater.
2. Exceeding the required time frames for the removal of waste tires, processed tires, or residues by 10 percent or greater.
3. Failure to record, maintain and make available required information regarding activities on two occasions.

**MINOR:**

1. Exceeding the permitted storage limit in any category or the closing cost estimate of a waste tire facility by less than 10 percent.
2. Exceeding the required time frames for the removal of waste tires, processed tires, or residues by less than 10 percent.
3. Failure to record, maintain and make available, required information regarding activities on one occasion.

### **13.4 Waste Tire Storage Requirements**

**POTENTIAL FOR HARM****MAJOR:**

1. Operations involving open flames within 25 feet of a waste tire pile.
2. Failure to immediately (within 24 hours) notify Department in the event of a fire or other emergency which poses an unanticipated threat to the public health or the environment.
3. Failure to have an attendant present when site is open for business to receive waste tires from the public.
4. Constructing, operating, or maintaining a waste tire site within 200 feet of any natural or artificial body of water, including jurisdictional wetlands except those contained within the property boundaries which do not ordinarily discharge from the site.

**MODERATE:**

1. Failure to maintain waste tire piles size dimension and setback requirements.
2. Failure to have annual fire safety survey conducted by local fire protection services.
3. Failure to prepare, update annually and keep available an emergency preparedness manual.
4. Failure to maintain adequate communication equipment on-site.
5. Failure to maintain control of mosquitoes and rodents so as to protect the public health and welfare.
6. Failure to maintain adequate site access control.
7. Failure to maintain temperature control measures in processed tire piles above 8 feet high so that internal temperatures do not exceed 300 degrees Fahrenheit.

**MINOR:**

1. Failure to maintain proper signage at a facility receiving waste tires from the public.
2. Failure to record and maintain and make available the required information regarding activities.

**EXTENT OF DEVIATION****MAJOR:**

1. Operations involving open flames within 25 feet of a waste tire pile found on two occasions or more.
2. Failure to notify Department, within 72 hours, in the event of a fire or other emergency which poses an unanticipated threat to the public health or the environment.
3. Failure to have an attendant present when site is open for business to receive waste tire from the public on three occasions or more.
4. Constructing, operating, or maintaining a waste tire site in any natural or artificial body of water, including jurisdictional wetlands except those contained within the property boundaries which do not ordinarily discharge from the site.
5. Exceeding waste tire piles size dimension and setback requirements by 25 percent or greater.
6. Failure to have annual fire safety survey conducted by local fire protection services within 180 days of due date.
7. Failure to prepare, update annually or keep available an emergency preparedness manual on three occasions or more.
8. Failure to maintain adequate communication equipment on-site for 7 days or longer.
9. Failure to maintain control of mosquitoes and rodents so as to protect the public health and welfare on three occasions or more.
10. Failure to maintain adequate site access control on three occasions or more.
11. Failure to maintain temperature control measures in processed tire piles above 8 feet high so that internal temperatures do not exceed 300 degrees Fahrenheit on three occasions or more.
12. Failure to maintain proper signage at a facility receiving waste tires from the public on three occasions or more.
13. Failure to record, maintain and make available, required information regarding activities on three occasions or more.

**MODERATE:**

1. Operations involving open flames within 25 feet of a waste tire pile found on one occasion.
2. Failure to notify Department, within 48 hours, in the event of a fire or other emergency which poses an unanticipated threat to the public health or the environment.
3. Failure to have an attendant present when site is open for business to receive waste tire from the public on two occasions.
4. Constructing, operating, or maintaining a waste tire site within 50 feet of any natural or artificial body of water, including jurisdictional wetlands except those contained within the property boundaries which do not ordinarily discharge from the site.
5. Exceeding waste tire piles size dimension and setback requirements by 25 percent or more.

6. Failure to have annual fire safety survey conducted by local fire protection services within 90 days of due date.
7. Failure to prepare, update annually or keep available an emergency preparedness manual on two occasions.
8. Failure to maintain adequate communication equipment on-site for 72 hours or longer.
9. Failure to maintain control of mosquitoes and rodents so as to protect the public health and welfare on two occasions.
10. Failure to maintain adequate site access control on two occasions.
11. Failure to maintain temperature control measures in processed tire piles above 8 feet high so that internal temperatures do not exceed 300 degrees Fahrenheit on two occasions.
12. Failure to maintain proper signage at a facility receiving waste tires from the public on two occasions.
13. Failure to record and maintain and make available, required information regarding activities on two occasions.

**MINOR:**

1. Failure to notify Department, within 24 hours, in the event of a fire or other emergency which poses an unanticipated threat to the public health or the environment.
2. Failure to have an attendant present when site is open for business to receive waste tire from the public on one occasion.
3. Constructing, operating, or maintaining a waste tire site within 200 feet of any natural or artificial body of water, including jurisdictional wetlands except those contained within the property boundaries which do not ordinarily discharge from the site.
4. Exceeding waste tire piles size dimension and setback requirements by less than 25 percent.
5. Failure to have annual fire safety survey conducted by local fire protection services within 30 days of due date.
6. Failure to prepare, update annually or keep available an emergency preparedness manual on one occasion.
7. Failure to maintain adequate communication equipment on-site for less than 72 hours.
8. Failure to maintain control of mosquitoes and rodents so as to protect the public health and welfare on one occasion.
9. Failure to maintain adequate site access control on one occasion.
10. Failure to maintain temperature control measures in processed tire piles above 8 feet high so that internal temperatures do not exceed 300 degrees Fahrenheit on one occasion.
11. Failure to maintain proper signage at a facility receiving waste tires from the public on one occasion.
12. Failure to record, maintain and make available, required information regarding activities on one occasion.

## 14.0 COMPOST FACILITIES

### 14.1 Unauthorized Processing of Solid Waste

#### POTENTIAL FOR HARM

##### **MAJOR:**

1. Any amount of asbestos or hazardous waste.
2. Any amount of biomedical waste.
3. More than 55 gallons of used oil.

##### **MODERATE:**

1. Less than 55 gallons of used oil.

#### EXTENT OF DEVIATION

##### **MAJOR:**

1. No attempt to segregate unapproved materials.
2. Processing of unapproved materials.

##### **MODERATE:**

1. Processing of any amount of asbestos or hazardous waste.
2. Processing over 55 gallons of used oil.

##### **MINOR:**

1. Processing of less than 55 gallons of used oil.

### 14.2 General Operational Considerations

#### POTENTIAL FOR HARM

##### **MAJOR:**

1. Failure to prevent contamination of the final product with pathogens from incoming waste.
2. Sale or off-site use of compost which has not met the time-temperature requirements of disaffection.
3. Solid waste, excluding recovered materials that will not be processed into compost that must be removed within 72 hours for disposal per Chapter 62-701 requirements.

##### **MODERATE:**

1. Exceeding compost storage capacity or waste storage time limits.
2. Insufficient personnel or equipment to properly operate facility, including spotters, attendants, and trained operators.

##### **MINOR:**

1. Failure to maintain access roads and signs.
2. Failure to maintain barrier.
3. Failure to control dust or litter.
4. Failure to maintain fire protection and control provisions.
5. Failure to control odors.

**EXTENT OF DEVIATION**

**MAJOR:**

1. No attendant on duty while facility is open.
2. Compost or waste exceeds storage capacity design amount by more than 20 cubic yards or time limits by 50 percent.
3. Multiple incidences of failure to prevent contamination of the final product from contamination by pathogens from incoming waste. Cited two times.

**MODERATE:**

1. Compost or waste exceeds storage capacity design amount by less than 5 cubic yards or time limits by 50 percent.
2. One incidence of sale or off-site use of compost which has not met the time-temperature requirements for disinfection.
3. Failure to prevent contamination of the final product from contamination by pathogens from incoming waste. Cited for one inspection.

**MINOR:**

1. Insufficient personnel or equipment to properly operate facility.
2. All violations with a minor potential for harm.
3. Compost or waste exceeds storage capacity design amount or time limits by less than 15 percent.

**POTENTIAL FOR HARM**

**MODERATE:**

1. Failure to provide adequate access control.

**EXTENT OF DEVIATION**

**MAJOR:**

1. Failure to maintain equipment causing it to be inoperable with no backup equipment cited for three consecutive inspections.
2. Failure to provide access control cited for three consecutive inspections.

**MODERATE:**

1. Inoperable equipment with no backup equipment but can be secured within 24 hours.
2. Failure to provide access control cited for two consecutive inspections.

**14.3 Testing and Reporting Requirements for Final Product**

**POTENTIAL FOR HARM**

**MAJOR:**

1. Failure to meet compost testing requirements for compost distributed as type Y, YM, or A.

**MODERATE:**

1. Failure to meet testing requirements for compost distributed as type B or C.

**MINOR:**

1. Failure to meet testing requirements for compost distributed as type D or E.
2. Failure to meet reporting requirements for any final compost product.

**EXTENT OF DEVIATION**

**MAJOR:**

1. Failure to submit testing results for three or more testing periods.

**MODERATE:**

1. Failure to submit testing results or submittal of incomplete results for two testing periods.

**MINOR:**

1. All other testing or reporting violations.

## 15.0 YARD TRASH PROCESSING FACILITIES

### 15.1 Unauthorized Processing of Solid Waste

Yard Trash Processing Facilities are required to obtain a registration, not a permit. The distance requirements listed for some of the prohibitions have been reduced for off-site potable well distance and off-site water body distances. Yard Trash Processing Facilities are not required to control leachate or monitor ground or surface water. Therefore, to be consistent with the rules, we consider the groundwater and surface water threat of vegetative debris at yard trash processing facilities or yard trash transfer stations to be minimal. We believe that fire represents the greatest potential for harm at these facilities.

#### POTENTIAL FOR HARM

##### **MAJOR:**

1. Processing of Class I waste on-site.

##### **MODERATE:**

1. Disposal of yard trash in water.

##### **MINOR:**

1. Processing of Class III waste or C&D debris on-site.

#### EXTENT OF DEVIATION

##### **MAJOR:**

1. Storage of greater than 40 cubic yards of yard trash in water.
2. Processing or disposal of greater than 20 cubic yards of Class I waste.
3. Processing or disposal of greater than 20 cubic yards of Class III or C&D debris waste.

##### **MODERATE:**

1. Storage of greater than 20 cubic yards but less than or equal to 40 cubic yards of yard trash in water.
2. Processing or disposal of greater than 5 but less than or equal to 20 cubic yards of Class I waste.
3. Processing or disposal of greater than 5 but less than or equal to 20 cubic yards of Class III or C&D debris waste.

##### **MINOR:**

1. Storage of less than or equal to 20 cubic yards of yard trash in water.
2. Processing or disposal of less than or equal to 5 cubic yards of Class I waste.
3. Processing or disposal of less than or equal to 5 cubic yards of Class III or C&D debris waste.

### 15.2 Facility Construction and Operation

**POTENTIAL FOR HARM**

**MAJOR:**

1. Un-containerized storage of putrescible waste or storage of putrescible waste for more than 48 hours.
2. Part of the area occupied by processed or unprocessed material is greater than 50 feet from access by motorized fire fighting equipment.

**MODERATE:**

1. Failure to maintain an all-weather access road, at least 20 feet wide, all around the perimeter of the site.
2. Failure to maintain interior lanes between yard waste piles at least 15 feet wide.

**MINOR:**

1. Construction, operation or modification of a yard trash processing facility without registration with the Department.
2. Failure to process all yard trash within 6 months of receipt or within the period required for receiving 3,000 tons or 12,000 cubic yards, whichever is longer.
3. Failure to remove processed material from the site within 18 months or as otherwise approved by the Department.
4. Failure to provide access control.
5. Failure to control dust or litter.
6. Failure to operate the facility to control objectionable odors.

**EXTENT OF DEVIATION**

**MAJOR:**

1. Processing of greater than 100 cubic yards of yard trash without a registration.
2. Greater than 20 cubic yards of un-containerized putrescible waste.
3. Third consecutive violation for failure to process all yard trash within 6 months of receipt or within the period required for receiving 3,000 tons or 12,000 cubic yards, whichever is longer.
4. Third consecutive violation for failure to remove processed material from the site within 18 months or as otherwise approved by the Department.
5. Third consecutive violation for failure to provide access control.
6. Third consecutive violation for failure to maintain an all-weather access road, at least 20 feet wide, all around the perimeter of the site.
7. Third consecutive violation for failure to maintain interior lanes between yard waste piles at least 15 feet wide.
8. Third consecutive violation for part of the area occupied by processed or unprocessed material being greater than 50 feet from access by motorized fire fighting equipment.
9. Third consecutive violation for failure to operate the facility to control objectionable odors.

**MODERATE:**

1. Processing of greater than 20 cubic yards but less than or equal to 100 cubic yards of yard trash without a registration.
2. Greater than 5 but less than or equal to 20 cubic yards of putrescible waste.
3. Second consecutive violation for failure to process all yard trash within 6 months of receipt or within the period required for receiving 3,000 tons or 12,000 cubic yards, whichever is longer.
4. Second consecutive violation for failure to remove processed material from the site within 18 months or as otherwise approved by the Department.
5. Second consecutive violation for failure to provide access control.
6. Second consecutive violation for failure to maintain an all-weather access road, at least 20 feet wide, all around the perimeter of the site.
7. Second consecutive violation for failure to maintain interior lanes between yard waste piles at least 15 feet wide.
8. Second consecutive violation for part of the area occupied by processed or unprocessed material being greater than 50 feet from access by motorized fire fighting equipment.
9. Second consecutive violation for failure to operate the facility to control objectionable odors.

**MINOR:**

1. Storage of less than or equal to 20 cubic yards of yard trash in water.
2. First violation for failure to process all yard trash within 6 months of receipt or within the period required for receiving 3,000 tons or 12,000 cubic yards, whichever is longer.
3. First violation for failure to remove processed material from the site within 18 months or as otherwise approved by the Department.
4. First violation for failure to provide access control.
5. Failure to control dust or litter.
6. First violation for failure to maintain an all-weather access road, at least 20 feet wide, all around the perimeter of the site.
7. First violation for failure to maintain interior lanes between yard waste piles at least 15 feet wide.
8. First violation for part of the area occupied by processed or unprocessed material being greater than 50 feet from access by motorized fire fighting equipment.
9. First violation for failure to operate the facility to control objectionable odors.