

### **62C-38.002 Definitions.**

For the purpose of this chapter, the following words and terms shall have the definitions and meanings ascribed to them in this section:

(1) "Agency" means an official, committee, department, commission, officer, division, authority, bureau, council, board, section, or unit of government within the state, including a county, municipality, or other local or regional entity or special district.

(2) "Authorized agent" means the person that acts on behalf of the operator for the purpose of reviewing and signing documents required by the department and is the primary contact for the operator for all matters related to reclamation.

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

(4) "Extraction" means the removal of fuller's earth from its location, so as to make it suitable for commercial, industrial, or construction use; but does not include excavation solely in aid of on-site farming or on-site construction, nor the process of searching, prospecting, exploring, or investigating for fuller's earth.

(5) "Final highwall" means the last face of overburden or fuller's earth exposed by excavating.

(6) "Fuller's earth" means clay possessing a high absorptive capacity and consisting largely of montmorillonite or palygorskite, also known as attapulgite.

(7) "Local government" means any county or municipality.

(8) "Mine" means an area of land upon which mining operations have been conducted, are being conducted, or are planned to be conducted, as the term is commonly used in the trade.

(9) "On-site" means within the contiguous limits of an area of land under one ownership or control and upon which farming or construction activities are taking place. Areas of land that are divided by public or private roads are considered contiguous if such areas are under one ownership or control.

(10) "Operation" means any activity, other than prospecting, necessary for site preparation, extraction, waste disposal, storage, or reclamation.

(11) "Operator" means any person engaged in an operation.

(12) "Overburden" means soil and rock removed to gain access to the fuller's earth in the process of extraction and means such soil or rock before or after its removal. Overburden includes all such soil and rock that must be removed, whether it occurs above a single stratum of extractable fuller's earth or between two or more strata of extractable fuller's earth.

(13) "Reclamation" means the reasonable rehabilitation of land where fuller's earth extraction has occurred.

(14) "Temporary land use" means any use of lands under reclamation or restoration after contouring is complete, but before release, that is necessary for the mining operation or other reclamation or restoration activities within the mine.

Specific Authority 378.404 FS. Law Implemented 378.404 FS. History—New 3-19-87, Amended 11-29-90, Formerly 16C-38.002, Amended 1-3-02.

### **62C-38.003 Notice of Intent to Mine Required.**

(1) No operator may begin the process of resource extraction at a mine without notifying the department of the intention to mine, if the mine had not been in operation on or before January 1, 1987. Notices shall be provided at least six months prior to

beginning mining operations and shall be submitted by executing Form 1, as identified in Rule 62C-38.014, F.A.C. Notices shall include the following information to allow documentation, review, and evaluation of reclamation plans and to allow determination of compliance with approved plans and cross sections:

(a) General information. The following general information shall be provided so that the department may contact the appropriate affected parties, as needed, and determine if a notice is required:

1. Operator's name, mailing address, business location address, and phone number.
2. Name of parent company, corporation, etc., mailing address, business location address, and phone number.
3. Mine name, mailing address, business location address, and phone number.
4. Authorized agent's name, mailing address, business location address, and phone number.
5. The names and addresses of landowners other than the operator within the mine.
6. Date mining operations began or are to begin at this mine.
7. County or counties in which mine is located.

(b) Conceptual reclamation plan. The following information shall be provided to allow the department to evaluate the operator's recognition of, general understanding of, and ability to comply with the reclamation performance standards in Rule 62C-38.008, F.A.C. A conceptual reclamation plan shall include:

1. A separate map for each of the seven listed items that shall show the:
  - a. Site plan, acreage, and location by county, township, range, and sections.
  - b. Premining topography and drainage. U.S. Geological Survey topographic data shall be acceptable for this requirement.
  - c. Premining vegetation, including the acreage for each category. At a minimum, the following categories shall be shown: forested uplands, nonforested uplands, roads, lakes, streams, forested wetlands, and nonforested wetlands.
  - d. Total area to be mined and disturbed. Disturbed but not mined areas shall be identified separately. This map shall also show the areas projected to be mined or disturbed through the end of the first calendar year in which the mine begins operating.
  - e. Overburden thickness and depths to which mining will occur.
  - f. Postreclamation topography, drainage, and structures.
  - g. Postreclamation vegetation, including the acreage for each category. At a minimum, the following categories shall be shown: mixed-forest uplands, other forested uplands, nonforested uplands, roads, lakes, streams, forested wetlands, and nonforested wetlands.
2. Cross sections that show:
  - a. The premining stratigraphy.
  - b. The design of reclaimed highwalls, wetlands, and water bodies.
3. A general discussion of the mining operations and reclamation activities, including how each of the performance standards in Rule 62C-38.008, F.A.C., will be met.
4. An estimated time schedule for reclamation.
5. The estimated life of the mine.
6. A list of approved permits. This shall include copies of any dredge and fill permits approved by the U.S. Army Corps of Engineers or the Florida Department of Environmental Protection.

7. A list of pending permit applications which are related to reclamation.
8. A list of other permits which are related to reclamation and are known to be required.
9. A copy of the Application for Development Approval and the Development Order, if applicable.
  - (2) Prior to submitting any information required by subsection (3) below, all operators of mines that were operating on or before January 1, 1987, shall provide the department with a map of each mine that:
    - (a) Shows the boundary of each mine and the limits of mining within it as of October 1, 1986.
    - (b) Identifies all mined and disturbed areas as:
      1. Mined or disturbed prior to July 1, 1975.
      2. Mined or disturbed from July 1, 1975 to October 1, 1986.
      3. Mined or disturbed from October 2, 1986 through January 1, 1987.
      4. Mined or disturbed after January 1, 1987.
    - (c) Meets the map standards in Rule 62C-38.004, F.A.C.
  - (3) Within 30 days of the effective date of this chapter, all operators of mines that continued or began operations after October 1, 1986, who do not have conceptual plans for reclamation on file with the department shall provide the information required in paragraph (1)(a) above and a conceptual reclamation plan as specified in paragraph (1)(b) above. This information shall be provided by executing Part II of Form 1, identified in Rule 62C-38.014, F.A.C.
  - (4) An operator shall submit requests for modifications, as needed, for all significant changes to approved conceptual plans by executing Form 2, identified in Rule 62C-38.014, F.A.C.
    - (a) Requests shall include the following information, at a minimum:
      1. Name of mine.
      2. Name of operator.
      3. What modification is requested, including what specific changes must be made in the approved conceptual plan text and drawings.
      4. What alternatives were considered, if any.
    - (b) Significant changes to approved conceptual plans are changes that affect or result in a cumulative change of more than 100 acres or more than 20 percent, whichever is smaller, of the area covered by the conceptual plan, as originally approved or most recently modified by the department.
    - (c) Changes required by permit conditions or requirements imposed by other agencies, including federal agencies, shall not be considered significant when such changes are consistent with the reclamation standards in Rule 62C-38.008, F.A.C.
  - (5) An operator may request a temporary land use as part of the original conceptual plan or any subsequent modifications or as a separate request. The request shall provide a description of the temporary land use, including the estimated dates the temporary land use will be in effect, what reclamation activities will be needed when the temporary land use ceases, and a time schedule for the reclamation activities.
  - (6) An operator shall notify the department no later than six months after the temporary cessation and 30 days after the permanent cessation of mining at a mine. The reason for a temporary cessation shall be given. This notice shall be provided by

executing Form 4, identified in Rule 62C-38.014, F.A.C.  
Specific Authority 378.404 FS. Law Implemented 211.32, 378.701, 378.702 FS.  
History—New 3-19-87, Amended 11-29-90, Formerly 16C-38.003.

**62C-38.004 Document Format and Standards.**

(1) All notices of intent to mine, conceptual reclamation plans, requests for modifications, annual reports, and other documents that may be required shall be submitted in accordance with the document format and standards in this section. The standardized forms contained in Rule 62C-38.014, F.A.C., shall be used by operators to assure that all requests that require agency action are handled in an efficient and expeditious manner.

(2) All copies of documents shall be of good quality and clearly legible.

(3) At least one copy of all documents that are to be signed shall bear an original signature.

(4) All text documents shall be submitted in an 8 1/2-inch-by-11-inch format.

(5) All pages of text, maps, drawings, cross sections, and other documents shall have a minimum margin of one-half inch on all sides.

(6) Original maps, drawings, and cross sections may be larger than 8 1/2 inches by 11 inches, but no larger than 30 inches by 40 inches.

(7) All maps, drawings, and cross sections shall be of a scale suitable to show and evaluate the required information. The original map scale for conceptual plans and modifications shall be no smaller than one inch equals 1000 feet, unless the mine or document area will not fit within the format requirements of subsections (5) and (6) above. When a scale of one inch equals 1000 feet cannot be accommodated, the scale selected shall be the largest standard scale that will show the entire mine or document area and comply with subsections (5) and (6) above. The department shall grant exceptions to the requirement that the entire mine be on a single map, if it agrees that the layout of the mine is such that more than one map would be better for showing and evaluating the required information. If an exception is granted, each map shall include an inset map of the entire mine that shows the portion of the mine represented by the larger-scale map.

(8) All maps, drawings, and cross sections shall include at least the following information:

(a) Titles that explain their purpose, including the operator's name and mine name.

(b) Legends that explain all symbols and patterns used.

(c) Scales, where appropriate. Scale bars shall be provided at a minimum.

(d) Location, where appropriate, including sections, townships, ranges, and counties. Maps or plan views shall include at least three fixed points referenced to section corners. When possible these points shall be section corners, but they should not be in a straight line. Cross sections shall have clearly defined end points that shall be located accurately on an inset or other map.

(e) North arrow on all maps.

(f) Acreages may be rounded to the nearest acre.

Specific Authority 378.404 FS. Law Implemented 378.404 FS. History—New 3-19-87, Amended 11-29-90, Formerly 16C-38.004.

### **62C-38.005 Notification Procedures.**

(1) In order to reduce the time required for processing notices of intent to mine or conceptual plans, meetings are encouraged and should be arranged with the department prior to doing substantial work on such notices and plans. If a meeting is requested by an operator, the department shall meet with the operator at the earliest practical time or as otherwise agreed to by both parties. These meetings are for the purpose of exchanging ideas and information and shall be nonbinding on either party.

(2) The procedure in subsection (1) above should also be followed for conceptual plan modifications.

(3) Notices of intent to mine shall be submitted in accordance with the deadlines established in Rule 62C-38.003, F.A.C.; however, if an operator is required to prepare an Application for Development Approval (ADA) under Chapter 380, F.S., the operator shall file the notice of intent to mine within 0 days of the submittal of the ADA.

(4) Conceptual plan modification requests shall be submitted at least 90 days prior to beginning activities that require a modification to an approved conceptual plan. Specific Authority 378.404 FS. Law Implemented 378.404 FS. History—New 3-19-87, Amended 11-29-90, Formerly 16C-38.005.

### **62C-38.006 Department Review Procedures.**

Department reviews shall be conducted as follows:

(1) Within 30 days after receipt of an operator's notice of intent to mine, separately submitted conceptual reclamation plan, conceptual reclamation plan modification, or request for other approval, the department shall review the document and shall request the submittal of all additional information the department is permitted by law to require.

(2) The operator shall provide the requested additional information within 45 days of receipt of the request or request an extension to the 45-day period. The extension request shall include the date by which the additional information can be provided and the reason for the extension. The department shall approve reasonable requests that are based on a need to complete data collection. If the operator does not provide the requested information within the 45-day period or request an extension, the department shall proceed to final action.

(3) If the operator believes any department request for additional information is not authorized by law or agency rule, the operator may request a hearing, pursuant to Section 120.57, F.S.

(4) Within 30 days after receipt of the requested additional information, the department shall review it and may request only such information needed to clarify the received additional information.

(5) If the operator believes the request of the department for such additional information, requested pursuant to subsection (4) above, is not authorized by law or department rule, the department, at the operator's request, shall proceed to process the notice of intent to mine, conceptual reclamation plan, conceptual reclamation plan modification, or other request.

(6) The department shall notify the operator as to the sufficiency of the notice of intent to mine within 90 days after receipt of the original notice of intent to mine, the last item of timely requested additional information, or the operator's written request to begin processing the notice of intent to mine. If the department notifies the operator that the

notice of intent to mine is insufficient, the notification of insufficiency shall clearly state why the notice of intent to mine is insufficient.

(7) Conceptual reclamation plans and their modifications shall be approved, modified, or denied by the department within 90 days after receipt of the original plan or plan modification, the last item of timely requested additional information, or the operator's written request to begin processing the plan or plan modification. No plan may be approved without a sufficient notice of intent to mine, if such notice is required. Specific Authority 378.404 FS. Law Implemented 378.404, 378.405 FS. History—New 3-19-87, Amended 11-29-90, Formerly 16C-38.006.

#### **62C-38.007 Confidentiality and Availability of Records.**

(1) All information received by the agency shall be handled, with respect to confidentiality, pursuant to Section 378.406, F.S.

(2) Each original page of all confidential documents shall be stamped by the operator with the word CONFIDENTIAL in bold red letters. All confidential information, whether text or drawings, shall be kept together as a separate part of any submitted information or document. When forms are required to be used, an operator shall substitute the word "confidential" for the appropriate response and provide the information with all other confidential responses. Each confidential response shall be referenced to the appropriate item of information or requirement of the department. Any information that is not handled in this manner may be considered not to be confidential by the department.

(3) The legal basis for the confidentiality of any information shall be provided as a cover statement for all documents containing confidential information.

(4) All information received from the operator, except as provided in subsection 378.406(1), F.S., shall be available for public inspection and duplication, pursuant to subsection 378.406(2), F.S.

Specific Authority 378.404 FS. Law Implemented 378.406 FS. History—New 3-19-87, Amended 11-29-90, Formerly 16C-38.007.

#### **62C-38.008 Reclamation Standards.**

The following standards shall apply to any original surface area that is initially disturbed by mining operations on or after October 1, 1986, and is not covered by an approved conceptual reclamation plan. The standards in Rule 62C-16.0051, F.A.C., as existing on September 30, 1986, shall apply to any area mined or disturbed from July 1, 1975, to October 1, 1986, except where any standard in Rule 62C-38.008, F.A.C., is less strict, then the standard in Rule 62C-38.008, F.A.C., shall apply.

(1) Time Schedules.

(a) All reclamation activities shall, to the extent feasible, be coordinated with fuller's earth extraction and in any event shall be initiated at the earliest practicable time.

1. Contouring shall be initiated and completed on an acreage equivalent to the acreage extracted in the previous calendar year no later than one year after such previous calendar year.

2. The operator may postpone contouring on acres needed for mining operations, upon a demonstration of such need. Contouring shall be completed within one year after mining operations cease in such areas.

3. Revegetation activities shall be initiated as soon as practical and completed no later than one year after the calendar year in which any area became available for revegetation.

4. If mining operations temporarily cease at a mine for more than 24 months, the operator shall:

a. Begin contouring all unreclaimed acres immediately, complete contouring at a rate equal to one-twelfth of the average annual mining rate, and complete revegetation no later than three months after contouring is completed in a given area; or

b. The operator shall post a bond or other surety in an amount and for a time acceptable to the department; or

c. The operator shall begin reclaiming an equivalent amount of nonmandatory land at the rate specified in sub-subparagraph a. above.

5. If mining operations cease for more than three years at a mine, then all of the requirements of this section shall be met.

6. The requirements of subparagraphs 4. and 5. above, whichever is appropriate, shall be suspended upon the resumption of mining.

7. The initiation and completion dates shall be determined based on information provided in the annual reports and verified by the department.

(b) Reclamation of the land, including a one-year period of establishment for vegetation after planting, shall be completed within three years of the completion of the mining operations associated with the fuller's earth extraction.

(2) Consistency with Local Governments. Reclamation activities shall be consistent with all applicable local government ordinances at least as stringent as the criteria and standards contained in this section.

(3) Adverse Impact. Reclamation activities shall be conducted in a manner which has no long-term adverse impact on surface and groundwater resources, wildlife, and adjacent lands.

(a) Site cleanup. All lands shall be reclaimed to a neat, clean condition by removing or adequately burying all visible debris, litter, junk, worn-out or unusable equipment or materials, as well as all footings, poles, pilings, and cables. Large rocks and boulders shall be placed at the base of pit walls to the extent practical to provide fill for establishing acceptable slopes; otherwise, they shall be placed in common locations at the surface or buried to a minimum depth of four feet.

(b) Structures. All temporary buildings, pipelines, and other man-made structures shall be removed with the exception of those that are of sound construction with potential uses that are compatible with the reclamation goals.

(c) Remaining Natural Resources. The operator shall take care to protect the natural resources within the mine which are not affected by mining of the fuller's earth. Highest priority shall be given to the following concerns:

1. Protection of endangered and threatened species and their habitat.

2. Protection of surface drainage patterns and water quality, including the natural resources and integrity of natural streams and their flood plains.

3. Protection of uplands from erosion, loss of topsoil, and vegetation loss.

(4) Wetlands, Water Bodies, and Drainage.

(a) Drainage systems, wetlands, and other surface waters shall function in manners which are not significantly different from those which existed prior to fuller's earth

extraction.

1. Wetlands that are within the conceptual plan area and are affected by mining operations shall be restored at least acre-for-acre and type-for-type.

2. The design of artificially created wetlands and water bodies shall be consistent with good health and safety practices, maximize beneficial contributions within local drainage patterns, provide aquatic and wetland wildlife values, and maintain downstream water quality by preventing erosion and providing nutrient uptake.

3. Water bodies should include a variety of emergent habitats and should not be designed to prevent fluctuating water levels.

4. At least 25 percent of the highwater surface area of each water body shall consist of a zone of fluctuation. In the event the water body cannot be designed to accommodate the required zone of fluctuation, this requirement shall be met by constructing additional wetlands adjacent to and hydrologically connected with the water body.

5. Each water body shall have a shallow water zone inside and adjacent to the zone of fluctuation. Subaqueous slopes in the shallow water zone shall not be steeper than four horizontal feet for each vertical foot from the inner perimeter of the zone of fluctuation to the first occurrence of a depth of six feet below the designed low water line; however, subaqueous slopes may be as steep as three horizontal feet for each vertical foot at the base of reclaimed highwalls. Subaqueous slopes from the inner perimeter of the shallow water zone to the pit bottom shall not be steeper than one horizontal foot for each vertical foot.

6. Slope requirements of the U.S. Army Corps of Engineers or the Department of Environmental Protection under the Warren S. Henderson Wetlands Protection Act of 1984 shall be acceptable when permits have been approved and copies have been provided to the department.

7. The department may allow other shoreline treatments to achieve appropriate safety and environmental considerations.

8. Each water body shall have a perimeter greenbelt of vegetation or berm designed to retain the first one inch of runoff. The greenbelt shall consist of tree and shrub species, in addition to ground cover. The berm shall be set back from the edge of the water body so that it does not interfere with the other requirements of paragraph (a).

9. The operator shall restore the original drainage pattern of the area to the greatest extent practical and shall approximate the original watershed boundaries.

10. All waters of the state on or leaving the property under control of the operator shall meet applicable water quality standards of the Florida Department of Environmental Protection.

11. Water within all wetlands and water bodies shall be of sufficient quality to allow recreation or support fish and other wildlife.

(b) Reclamation shall achieve the stormwater requirements of the appropriate water management district.

(5) Contouring.

(a) The final slopes of all reclaimed uplands shall not be steeper than four horizontal feet for each vertical foot, unless a steeper slope existed in that area prior to mining or the reclaimed slope is on a final highwall.

1. In areas where the premining slope was steeper than four to one, the reclaimed

slope shall be no steeper than the premining slope.

2. The reclaimed slopes of final highwalls shall be no steeper than three horizontal feet for each vertical foot, unless approved by the department. The department's determination shall be based on a slope stability study prepared by a registered engineer experienced in geotechnical engineering and submitted by the operator. The department shall approve steeper slopes when the study clearly demonstrates the long-term stability of such a slope in that location and the study is consistent with the recommendations in the "Study of Slope Stability for Reclaimed Highwalls in North Florida," prepared by the University of Florida in 1986, available from the department's Bureau of Mine Reclamation and hereby incorporated by reference.

(b) Reclamation and restoration shall result in landforms which are capable of supporting diverse and beneficial land uses.

(6) Erosion. The operator shall use best management practices to minimize erosion, including revegetation.

(a) The use of good quality topsoils is encouraged, especially in areas reclaimed for aquatic or wildlife habitats.

(b) Where topsoil is not used, the operator shall use a growing medium acceptable to the department for the type of vegetative communities planned.

(c) Where possible, long, continuous slopes should be avoided.

(d) Mulching, contouring, and other suitable techniques shall be used to enhance stabilization. Should washes or rills develop after revegetation and before final release of the area, the operator shall repair the eroded areas and stabilize the slopes by a method approved by the department.

(7) Revegetation.

(a) Reclamation shall provide for the establishment of flora and fauna which are consistent with the intended land use.

1. The operator shall develop a plan for the proposed revegetation, including the species of grasses, shrubs, trees, and aquatic and wetland vegetation to be planted, the spacing of vegetation, and, where necessary, the program for treating the soils to prepare them for revegetation.

2. Except as provided below, all uplands must have an established ground cover for a period of at least one year after planting over 80 percent of the reclaimed upland area, excluding roads, groves, or row crops. Bare areas shall not exceed one-quarter (1/4) acre.

3. All species used for revegetation shall be native to the area, except for grasses that are used to establish a vegetative cover rapidly and help prevent erosion.

4. Forested areas shall be established where consistent with proposed land uses. At a minimum, 10 percent of the upland and littoral zone areas shall be revegetated as forested areas with at least three species of indigenous hardwoods and conifers. Of the total number of trees planted, at least one third must be hardwoods, at least one third must be conifers, and none of the three required species shall constitute less than ten percent. An area will be considered to be reforested if a stand density of 200 trees per acre is achieved at the end of one year after planting.

5. Herbaceous wetlands shall be planted or otherwise treated to achieve a ground cover of at least 50 percent within one year of the initial planting or establishment and shall be protected from grazing, mowing, or other adverse land uses for two years to

allow further establishment.

6. Wooded wetlands shall be planted to achieve a stand density of 200 trees per acre within one year of the initial planting.

7. All wetland areas shall be revegetated in accordance with the best available technology.

(b) The plans for revegetation shall incorporate measures to offset wildlife habitat lost as a result of fuller's earth extraction. The operator shall identify what measures have been incorporated into the conceptual plan to offset fish and wildlife values lost as a result of mining activities and shall identify special programs to restore, enhance, or reclaim particular habitats, especially for endangered and threatened species, as identified by the Florida Fish and Wildlife Conservation Commission or the U.S. Fish and Wildlife Service.

(8) Exceptions. Exceptions to the criteria and standards contained in this section may be granted by the department for experimental or innovative techniques. Specific Authority 378.404 FS. Law Implemented 378.404, 378.703 FS. History—New 3-19-87, Amended 11-29-90, Formerly 16C-38.008, Amended 1-3-02.

#### **62C-38.010 Release Procedures.**

(1) Upon completion of reclamation requirements in an area, the operator shall notify the department and provide a map which specifically delineates the completed area.

(2) Within 60 days after receipt of the notification, the department shall notify the operator in writing whether or not an inspection will be made within one year after receipt of the operator's notification. The department's notification shall include the date the inspection will occur, if an inspection is scheduled.

(3) Within 30 days after the inspection, the department shall notify the operator in writing that the area is released or what work must be done before release can be granted.

(4) If the department notifies the operator that the area will not be inspected, the area shall be released from reclamation requirements at the end of the second year after receipt of the operator's notification.

(5) If an operator wishes to resume mining operations within a released area, the area to be disturbed shall be considered to be an undisturbed area for the purposes of this chapter and notification shall be made in accordance with the full provisions of this chapter.

Specific Authority 378.404 FS. Law Implemented 378.404 FS. History—New 3-19-87, Amended 11-29-90, Formerly 16C-38.010.

#### **62C-38.011 Annual Reports.**

(1) On or before March 1 of each year, each operator shall submit to the department a report for the previous calendar year for each mine under his control. Each report shall be submitted in accordance with the document format and standards in Rule 62C-38.004, F.A.C., and shall include:

(a) Name and address of the operator, name of the mine, and year covered by the report.

(b) The number of acres from which overburden was completely removed during the year and the volume of overburden removed during the year, including overburden

between clay layers and noncommercial fuller's earth that will not be removed from the mine area.

(c) The number of acres from which fuller's earth was completely extracted and the depths to which mining occurred during the year.

(d) The number of acres initially disturbed because of mining related activities, but not mined, during the year and the nature of the disturbances.

(e) A description of the reclamation activities that have taken place during the last calendar year.

(f) Maps that illustrate paragraphs (b) through (e) above. To the extent possible, maps submitted with the second or each successive report shall include the information shown on maps submitted with previous reports.

(g) A list of all changes in the conceptual plan for the report period that are not believed to be significant, including changes in the status of any required permits.

(2) The department shall examine each annual report and notify the operator of any apparent errors or omissions, in accordance with Rule 62C-38.006, F.A.C.

(3) The operator shall respond to the department's request for corrections of errors and omitted information within 60 days of receipt.

Specific Authority 378.404 FS. Law Implemented 378.404 FS. History--New 3-19-87, Amended 11-29-90, Formerly 16C-38.011.

#### **62C-38.012 Violations, Injunctive Relief, and Penalties.**

(1) Upon determination by the department that an operator is in violation of any requirement of this chapter, he shall notify the operator in writing by certified mail of the nature of the violation and specify dates by which corrective action shall begin and be completed.

(2) If the operator fails to take corrective action as specified in the notice of violation, the department may institute civil action in a court of competent jurisdiction to seek injunctive relief to enforce compliance with the requirements of this chapter and to impose and recover any civil penalty allowed by Section 120.69, F.S.

(3) Any operator who begins resource extraction without meeting the requirements of this chapter is liable, pursuant to Section 378.409, F.S., to the state for any damages. Specific Authority 378.404 FS. Law Implemented 120.69, 378.404, 378.408, 378.409, 378.703 FS. History--New 3-19-87, Amended 11-29-90, Formerly 16C-38.012.

#### **62C-38.014 Forms.**

The following forms are available from the department's Bureau of Mine Reclamation and are incorporated by reference:

(1) Form 1. Notice of Intent to Mine Fuller's Earth, Fuller's Earth Form 1, DEP 53-039(16), effective 11/90.

(2) Form 2. Fuller's Earth Mine Conceptual Reclamation Plan Modification, Fuller's Earth Form 2, DEP 53-040(16), effective 11/90.

(3) Form 3. Fuller's Earth Mine Annual Mining and Reclamation Report, Fuller's Earth Form 3, DEP 53-041(16), effective 11/90.

(4) Form 4. Fuller's Earth Mine Notice of Cessation of Mining Operations, Fuller's Earth Form 4, DEP 53-042(16), effective 11/90.

(5) Form 5. Fuller's Earth Mine Reclamation Release Request, Fuller's Earth Form

5, DEP 53-043(16), effective 11/90.

(6) Form 6. Fuller's Earth Mine Temporary Land Use Request, Fuller's Earth Form 6, DEP 53-044(16), effective 11/90.

Specific Authority 378.404 FS. Law Implemented 378.404, 378.701 FS. History–New 11-29-90.