

CHAPTER 62C-39
RECLAMATION REQUIREMENTS FOR SOLID RESOURCES
OTHER THAN PHOSPHATE, LIMESTONE, HEAVY MINERALS,
AND FULLER'S EARTH

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62C-39.001 Intent and Applicability. (REPEALED)

Specific Authority 370.021, 378.404 FS. Law Implemented 378.404, 378.412, 378.804 FS. History - New 1-19-89, Formerly 16C-39.001, Repealed 10-20-96.

62C-39.002 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, municipal, or other local or regional entity or special district.

(2) "Bureau" means the Bureau of Mine Reclamation, 2051 East Dirac Drive, Tallahassee, Florida 32310.

(3) "Certified" means approved by the department to administer the requirements of this chapter. This term shall only apply to a local government.

(4) "Department" means the Department of Environmental Protection, 3900 Commonwealth Boulevard, Tallahassee, Florida, 32399.

(5) "Secretary " means the chief administrative officer of the department or his designee.

(6) "Existing mine" means any mine upon which an operation is being conducted, or has been conducted, on October 1, 1986.

(7) "Extraction" means the removal of resources from their location, so as to make them 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 resources.

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

(9) "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.

(10) "New mine" means any mine that is not an existing mine.

(11) "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.

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

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

(14) "Overburden" means soil and rock removed to gain access to the resource in the process of extraction and means such soil or rock before or after its removal. This does not include tailings or screenings generated by processing the resource.

(15) "Phosphate" means phosphate resources that are subject to chapter 211,

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part II, Florida Statutes.

(16) "Reclamation" means the reasonable rehabilitation of land where resource extraction has occurred.

(17) "Resource" means soil, clay, peat, stone, gravel, sand, metallic ore, or any other solid substance, except phosphate, limestone, heavy minerals, and fuller's earth, of commercial value found in natural deposits on or in the earth.

(18) "Sand" means any loose, granular material that could be sold commercially as sand.

(19) "Slope" means the ratio of a horizontal distance to one corresponding unit of vertical distance.

(20) "Spoil" means soil and rock removed to gain access to the resource or left as waste in the process of extraction. This does not include tailings or screenings generated by processing the resource.

Specific Authority 378.404 FS. Law Implemented 378.404 FS. History - New 1-19-89, Amended 1-3-02, Formerly 16C-39.002.

62C-39.003 Notices and Information Required.

(1) New Mines. Operators of new mines shall notify the secretary of their intent to mine or their commencement of mining operations, as follows:

(a) Subsequent to the effective date of this rule, no operator may begin the process of extraction at a new mine without notifying the secretary of the intent to mine at least 30 days prior to the beginning of mining operations. The notice shall include the information required in subsection (3) below.

(b) For those mines where extraction began after January 1, 1987, and on or before the effective date of this rule, notices of mining shall be provided within 60 days of the effective date of this rule.

(2) Existing Mines. By January 1, 1989, operators of existing mines shall provide the secretary with a notice of mining which contains the information required in subsection (3) below. Notices of mining are not required for existing mines where no operations will occur after January 1, 1989.

(3) Information Required. The following information shall be included as part of the notice of intent to mine or mining, whichever is applicable, for each mine subject to this rule. This information shall be submitted in the form of an executed copy of DNR Form 53-031(16), incorporated by reference in section 62C-39.014.

(a) Operator's name, mailing address, street address, and phone number.

(b) Name of parent company or corporation, mailing address, street address, and phone number.

(c) Authorized agent's name, mailing address, street address, and phone number.

(d) A list of each mine covered by the notice of intent to mine or mining; a description of the location of each mine, including the county, township, range, and

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section; and a recent aerial photograph that clearly indicates the location of each existing or future mine. Aerial photographs obtained from the county property appraiser's office, a commercial source, or through the Department of Transportation, Bureau of Topography, shall be acceptable.

- (e) Resource to be extracted and mine acreage.
 - (f) A list of mining or reclamation permits known to be required, the permitting agency, and the status of each permit.
 - (g) The estimated life of the mine to the nearest year for each mine covered by the notice of intent to mine or mining.
 - (h) A signed acknowledgment of the reclamation performance standards in section 62C-39.008.
- (4) Cessation of Operations.
- (a) An operator shall notify the secretary within 30 days following a temporary or permanent cessation of mining at a mine except when the temporary cessation period is less than 12 months. Such notice may be verbal or in writing. If notice is provided in writing, the use of DNR Form 53-033(16) is suggested, but not required.
 - (b) An operator shall notify the secretary of any other changes to information supplied with the notice of mining within 60 days of determining the change.
- Specific Authority 378.404 FS. Law Implemented 378.404, 378.801, 378.802 FS.
History - New 1-19-89, Formerly 16C-39.003.

62C-39.004 Document Format and Standards.

The use of standardized forms referenced in this rule is required to insure that all requests that require agency action are handled in an efficient and expeditious manner. Additional pages needed to complete each form shall conform to the standards in this section. The number of copies to be submitted shall be specified on each form. The following standards shall apply:

- (1) All copies of documents shall be of good quality and clearly legible.
 - (2) All documents that are to be signed shall bear an original signature.
 - (3) All written documents shall be submitted in an 8 1/2- by 11-inch format with a minimum margin of one inch on all sides. Original maps, drawings, and aerial photographs may be larger than 8 1/2 by 11 inches.
 - (4) All notices, maps, aerials, etc. shall include the date prepared or revised.
- Specific Authority 378.404 FS. Law Implemented 378.404 FS. History - New 1-19-89, Formerly 16C-39.004.

62C-39.006 Agency Review Procedures.

All agency reviews shall be conducted as follows:

- (1) Within 30 days after receipt of an operator's notice of mining, notice of changes, or other required information, the department shall review the notice or required information and shall request the submittal of any additional information

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required by the rules.

(2) The operator shall provide the additional information requested within 45 days of receipt of the request or shall request an extension of the 45-day period. The extension request shall include the date by which the information can be provided and the reason for the extension. The department shall approve reasonable requests for extensions that are based on the need of the operator to complete data collection.

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

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

(5) If the operator believes the request of the agency for such additional information, requested pursuant to subsection (4) above, is not authorized by law or agency rule, the agency, at the operator's request, shall proceed with its review based on the information furnished.

(6) The department shall notify the operator as to whether or not the notice or required information is in compliance with this chapter within 90 days after receipt of the original notice or required information or after receipt of the last item of timely requested additional information, whichever is later. If the operator makes written request to begin processing the notice or required information, the 90 days shall begin upon receipt of the written request.

Specific Authority 378.404 FS. Law Implemented 378.404, 378.405 FS. History - New 1-19-89, Formerly 16C-39.006.

62C-39.007 Confidentiality and Availability of Records. (Repealed)

Rulemaking Authority 378.404 FS. Law Implemented 378.406 FS. History - New 1-19-89, Formerly 16C-39.007, Repealed 2-16-12.

62C-39.008 Reclamation Standards.

The Department is authorized to inspect all mines subject to this rule to determine compliance with rule requirements and to determine if reclamation has been properly completed thereby allowing the release of the operator from further obligations. The following standards shall apply to all areas disturbed by mining operations in new mines and all new surface areas disturbed after January 1, 1989, at existing mines.

(1) Completion Dates for Reclamation Activities. All reclamation activities shall, to the extent possible, be coordinated with resource extraction and in any event shall be initiated at the earliest practicable time.

(a) Contouring shall be initiated and completed no later than one year after the calendar year in which mining operations cease for any given area. The department shall waive this requirement for any reasonable length of time when a waiver is

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necessary to prevent the unacceptable contamination of the resource being extracted.

(b) Revegetation activities shall be initiated as soon as practical and completed no later than one year after the calendar year in which the final contours are established in an area unless revegetation activities will interfere with mining operations.

(c) Reclamation activities through revegetation shall be completed within three years of the cessation of mining operations at the mine.

(d) If mining operations temporarily cease at a mine for more than 12 months, the operator shall comply with one of the following options:

1. The requirements of subsections (4) - (7) below shall begin immediately and be completed at a rate of at least 1000 feet of shoreline or dry pit wall per three-month period; or

2. The operator shall post a bond or other surety in an amount reasonably related to the cost of completing reclamation and for the period of time the initiation of reclamation will be delayed, both of which shall be acceptable to the department; or

3. The operator shall begin reclaiming an equivalent amount of nonmandatory land at the rate specified in subparagraph 1. above. Compliance with the above requirements shall be tolled by the length of time that a temporary cessation results from attempts to obtain necessary permits for operations. The department shall waive the commencement of the above requirements for any length of time not to exceed a maximum of one year upon a showing of good cause by the operator.

(e) If mining operations cease, for whatever reason, for more than two years at a mine, then all of the requirements of this section shall be met. This period shall be extended for a maximum of five years when the cessation of mining is caused by governmental action during the review of environmental permit applications. However, the department shall direct the operator to complete those reclamation activities necessary to protect the public health and safety.

(f) The requirements of paragraphs (d) and (e) above shall be suspended upon the resumption of mining.

(2) Consistency with Local Ordinances. 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) Surface Drainage and Groundwater Requirements. Reclamation shall achieve the stormwater drainage, wetlands, and other surface and groundwater management requirements of the Department of Environmental Protection and the appropriate water management district.

(4) Safety. Provisions for safety to persons, wildlife, and adjoining property must be provided.

(a) Site cleanup.

1. All lands shall be reclaimed to a neat, clean condition by removing or adequately burying, where allowed by law, all visible debris, litter, junk, worn-out or unuseable equipment or materials, as well as all poles, pilings, and cables.

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2. 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.

(5) Final Slopes. The final slopes shall be such an angle as to minimize the possibility of slides and shall not exceed the natural angle of repose of the material being mined.

(a) The reclaimed slope shall be no steeper than two horizontal feet to one vertical foot, unless the operator chooses to calculate the slope by one of the following acceptable methods:

1. If the material being mined is sand, the maximum reclaimed slope shall be calculated using the angle of repose of the product stockpile. The angle of repose is defined as the slope angle of the product stockpile measured along an undisturbed portion of the pile. Given a vertical component of one unit, the corresponding minimum horizontal component of the reclaimed slope shall be calculated by dividing 1.5, the minimum acceptable factor of safety, by the tangent of the angle of repose of the sand stockpile.

2. For all other resources, the steepest reclaimed slope shall be calculated by determining the angle of repose of the actual material being mined and applying a minimum factor of safety of 1.5. The angle of repose and the factor of safety shall be determined using standard geotechnical engineering practices.

(b) In mines resulting in lakes the reclaimed slope shall extend from the top of the mine wall to a depth of five feet below the water surface and shall not exceed the steepest slope allowed by (a) above.

(6) Contouring and Erosion Prevention. Any overburden and spoil shall be left in a configuration which is in accordance with accepted soil conservation practices and which is suitable for the proposed future use of the land.

(a) All upland areas disturbed by mining operations must be revegetated in quantities and densities necessary to prevent and control erosion and to provide stability to the slope. Erosional areas shall be repaired until a vegetative cover is fully established and the land is released.

(b) The zone of fluctuation of reclaimed lakes should be vegetated with native wetland species. Acceptable methods recommended to establish vegetation include spreading muck obtained from areas containing desirable, native, littoral zone plant communities, planting of native wetland vegetation, or natural regeneration of wetland plant species. At least 50 percent of the zone should have established vegetation for a period of not less than one year after the initial appearance or planting of the vegetation.

(7) Water Quality. Reclamation shall be designed to avoid the collection of water in pools which are, or are likely to become, noxious, odious, or foul. Where water

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bodies result from reclamation, the department encourages designs that will allow both a variety of emergent habitats and naturally fluctuating water levels.

Specific Authority 378.404 FS. Law Implemented 378.404, 378.802, 378.803 FS.

History - New 1-19-89, Formerly 16C-39.008.

62C-39.009 Inspections.

(1) Inspections shall be conducted pursuant to section 378.407, Florida Statutes.

(2) Certification, pursuant to section 378.411, Florida Statutes, shall not preempt the right of the department's staff to carry out inspections pursuant to section 378.407, Florida Statutes.

Specific Authority 378.404 FS. Law Implemented 378.407 FS. History - New 1-19-89, Formerly 16C-39.009.

62C-39.010 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. The notice shall be an executed copy of DNR Form 53-032(16), incorporated by reference in section 62C-39.014.

(2) Within 60 days after receipt of the notification, the department shall notify the operator in writing as to whether or not an inspection will be made. 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 either release the completed area from further reclamation requirements or give written notice to the operator of the deficiencies which must be corrected before a 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 1-19-89, Formerly 16C-39.011.

62C-39.012 Violations, Injunctive Relief, and Penalties. (Repealed)

Rulemaking Authority 378.404 FS. Law Implemented 120.69, 378.404, 378.408, 378.409 FS. History - New 1-19-89, Formerly 16C-39.012, Repealed 2-16-12.

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62C-39.013 Multiple Resource Operators.

Multiple Resource Operators. If an operator is engaged in extracting more than one resource from the same mine, the operator shall be subject to the requirements of the rule chapter, specifically, 62C-16, 16C-36, 62C-37, 16C-38, or 16C-39, that regulates the particular mineral resource which was extracted in the largest volume.

Specific Authority 378.404 FS. Law Implemented 211.32, 378.404 FS. History - New 1-19-89, Amended 1-3-02, Formerly 16C-39.013.

62C-39.014 Forms.

The following forms are available from the bureau and are incorporated herein by reference:

- (1) Notice of Intent to Mine or Mining Other Resources, Other Resources Form 1, DNR 53-031(16), effective 1/89.
- (2) Other Resources Mine Reclamation Release Request, Other Resources Form 2, DNR 53-032(16), effective 1/89.
- (3) Other Resources Mine Notice of Cessation of Mining Operations, Other Resources Form 3, DNR 53-033(16), effective 1/89.
- (4) Other Resources Mine Annual Severance Taxpayer's Report, Other Resources Form 4, DNR 53-034(16), effective 1/89.

Specific Authority 378.404 FS. Law Implemented 378.404 FS. History - New 1-19-89, Formerly 16C-39.014.