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CHAPTER 62-606

RELEASES FROM GAMBLING VESSELS

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13 62-606.100 Scope, Purpose, and Applicability.

14 (1) The purpose of this chapter is to implement the provisions of Section 376.25, F.S. This section requires
15 certain gambling vessels to register with the Department and to report to the Department any release of waste into
16 Florida coastal waters. This section also requires owners of berths that are registered by gambling vessels to provide
17 certain waste services and requires the Department to maintain on its website an estimate of the minimum waste-
18 service demand for each berth.

19 (2) Applicability. Requirements in this chapter:

20 (a) Apply to gambling vessels as defined in Section 376.25(2)(e), F.S., and in Rule 62-606.200(4), F.A.C.;

21 (b) Apply to owners of waterfront-landing facilities that are registered by gambling vessels as a berth location;

22 (c) Are intended to supplement and not to conflict with federal law;

23 (d) Do not authorize violation of a valid NPDES permit governing releases from a gambling vessel. As used in
24 this subparagraph, the term “NPDES permit” means an activity subject to regulation by the United States
25 Environmental Protection Agency under s. 402 of the Clean Water Act, Pub. L. No. 92-500, as amended, 33 U.S.C.
26 ss. 1251 et seq.; and

27 (e) Do not apply to cruise ships as defined in 33 CFR 101.105.

28 Specific Authority 376.25 FS. Law Implemented 376.25 FS. History–New _____.

29
30 62-606.200 Definitions.

31 The meaning of any term not defined in s. 376.25(2), F.S., or below, shall be taken from definitions in other
32 rules of the Department, unless the context clearly indicates otherwise.

33 (1) “Agent for Service of Process” means an individual resident of the State, a domestic corporation, or a
34 foreign corporation having a place of business in and authorized to do business in the State.

35 (2) “Berth” means a site in the state where a gambling vessel, or other vessel used to transport passengers to or
36 from a gambling vessel, moors to embark or disembark its passengers.

37 (3) “Designated representative” means an individual that has been duly designated by the owner or operator of
38 a gambling vessel or by the owner of a waterfront landing facility, as applicable. The designated representative shall
39 be an individual or a position having overall responsibility for the operation of the gambling vessel or the waterfront
40 landing facility, as applicable, such as the position of captain, officer, administrator, manager, or a position of

41 equivalent responsibility. An individual is a duly designated representative only if the authorization is made in
42 writing by the owner or operator of the gambling vessel or by the owner of the waterfront landing facility, as
43 applicable, and the written authorization is submitted to the Department.

44 (4) “Gambling vessel” means a boat, ship, casino boat, watercraft, or barge that is kept, operated, or
45 maintained for the purpose of gambling and that carries or operates gambling devices for the use of its passengers or
46 otherwise provides facilities for the purpose of gambling whether within or without the jurisdiction of this state;
47 whether the vessel is at berth, lying to, or navigating; and whether the sailing, voyaging, or cruising, or any segment
48 of the sailing, voyaging, or cruising, begins and ends within this state. The term does not include a cruise ship as
49 defined in 33 CFR 101.105.

50 (5) “Minimum waste-service demand” means the volume of waste that is reasonably expected to be released at
51 a waterfront-landing facility over a calendar year from gambling vessels with registered berths at the facility. For
52 each facility that provides berths for registered gambling vessels, the Department shall estimate the facility’s
53 minimum waste-service demand by considering the registered capacity of the gambling vessel’s systems for treating,
54 holding, or disposing of waste and other information, including, but not limited to, other information provided
55 during registration of the gambling vessel.

56 (6) “Oily bilge water” means liquid from the bilge of a gambling vessel which contains used lubrication oils,
57 oil sludge and slops, fuel and oil sludge, used oil, used fuel and fuel filters, and other oily waste. Oily bilge water
58 does not include routine discharges of raw water used for engine cooling.

59 (7) “Total persons allowed” means the value reported to the United States Coast Guard in either the gambling
60 vessel’s current Certificate of Inspection for total persons allowed or Certificate of Compliance for maximum total
61 allowable persons, as applicable. Total persons allowed refers to the total persons allowed on the vessel at any one
62 time.

63 Specific Authority 376.25 FS. Law Implemented 376.25 FS. History–New _____.

64

65 62-606.300 General Requirements.

66 (1) The owner or operator of a gambling vessel registered under rule 62-606.400, F.A.C., shall designate and
67 continuously maintain an agent for service of process as required by sections 376.25 and 607.0505, F.S.

68 (2) Hazardous waste will be managed in accordance with Chapter 62-730, F.A.C.

69 Specific Authority 376.25 FS. Law Implemented 376.25 FS. History–New _____.

70

71 62-606.400 Registration and Verification Requirements and Fees.

72 (1) For each calendar year in which the owner or operator of a gambling vessel intends to operate, or cause or
73 allow to be operated, a gambling vessel in coastal waters, the owner or operator of the gambling vessel shall register
74 with the Department, except as provided in Rule 62-606.400(2), F.A.C. The owner or operator shall register with
75 the Department by submitting DEP Form 62-606.400(4)(a), F.A.C., Gambling Vessel Registration Form, effective
76 date XX-XX-XXXX, hereby adopted and incorporated by reference, with the registration fee established in Rule 62-
77 606.400(5), F.A.C. The form shall be submitted in accordance with the schedule provided in Rule 62-606.400(3),
78 F.A.C.

79 (2) Any gambling vessel that annually verifies to the Department that the gambling vessel operates a marine
80 waste treatment system that produces sterile, clear, and odorless reuse water without generating solid waste and that
81 eliminates the need to pump out or dump wastes is exempt from registering in accordance with Rule 62-606.400(1),
82 F.A.C. To verify the adequacy of the marine waste treatment system, the gambling vessel shall submit Form 62-
83 606.400(4)(b), F.A.C., Verification of Marine Waste Treatment System, effective date XX-XX-XXXX, hereby
84 adopted and incorporated by reference, to the Department. A marine waste treatment system shall be determined to
85 meet the above criteria if it meets all primary and secondary drinking water standards in Chapter 62-550, F.A.C.,
86 and the following:

- 87 a) The marine waste treatment system does not generate any solid waste as described in Rule 62-730, F.A.C.;
88 b) No waste is pumped out or dumped in Florida coastal waters or at waterfront landing facilities in Florida; and
89 c) All hazardous waste is managed in accordance with Rule 62-730, F.A.C.

90 (3) The annual forms and fees required by Rules 62-606.400(1) and (2), F.A.C., shall be submitted on or before
91 December 1 of the year prior to the calendar year in which the owner intends to operate a gambling vessel except as
92 provided below.

93 (a) For the calendar year beginning on January 1, 2009, the form and fees shall be submitted within 60 days
94 after the effective date of this rule.

95 (b) For gambling vessels beginning operations in the state after the effective date of this rule, the forms and fees
96 shall be submitted at least 30 days prior to the vessel entering coastal waters or within 60 days after the effective
97 date of this rule, whichever is later.

98 (4) The forms used by the Department for vessel registration or verification of the vessel's marine waste
99 treatment system are listed in Rules 62-606.400(4)(a) and (b), F.A.C. Copies of the forms and instructions may be
100 obtained by writing to the Bureau of Water Facilities Regulation, Mail Station 3535, Department of Environmental
101 Protection, Bob Martinez Center, 2600 Blair Stone Road, Tallahassee, Florida, 32399-2400. These forms are also
102 available at <http://www.dep.state.fl.us/legal/Forms/forms.htm>.

103 The Department adopts and incorporates by reference in this section the following forms:

104 (a) Gambling Vessel Registration Form, Form 62-606.400(4)(a), F.A.C., effective XX-XX-XXXX.

105 (b) Verification of Marine Waste Treatment System Form 62-606.400(4)(b), F.A.C., effective XX-XX-XXXX.

106 (5) An annual registration fee shall be paid by each gambling vessel required to register in accordance with
107 Rule 62-606.400(1), F.A.C. The annual fee for each gambling vessel shall be \$17.35 times the total persons allowed
108 as defined in Rule 62-606.200(6), F.A.C. The registration fee shall be submitted with Form 62-606.400(4)(a),
109 F.A.C.

110 (6) During the period that a registration is valid, the owner or operator of a registered gambling vessel shall
111 advise the Department within 15 days of any change in the information provided in Form 62-606.400(4)(a), F.A.C.,
112 by submitting a revised form. No additional registration fee is required for revising an existing form.

113 Specific Authority 376.25 FS. Law Implemented 376.25 FS. History–New _____.

114

115 62-606.500 Notification of Releases into Coastal Waters.

116 (1) Except as provided in Rule 62-606.500(2), F.A.C., if a gambling vessel releases any waste into coastal
117 waters, the owner or operator shall immediately, but no later than 24 hours after the release, notify the Department
118 of the release. Notification shall be provided to the Department by calling the STATE WARNING POINT TOLL
119 FREE NUMBER (800) 320-0519 and shall include the following information:

120 (a) Name/call sign of gambling vessel;

- 121 (b) Hull identification number;
122 (c) Name, address, and telephone number of person reporting,
123 (d) Name, address, and telephone number of owner or operator of the gambling vessel;
124 (e) Date of the release;
125 (f) Time of the release;
126 (g) Location of the release using a geographic coordinate system reporting latitude and longitude referenced to
127 the World Geodetic System of 1984 (WGS 1984) datum;
128 (h) Volume of the release;
129 (i) Source and cause of the release; and
130 (j) Remedial actions taken to prevent future releases.

131 (2) Releases made for the purpose of securing the safety of the gambling vessel or saving life at sea, and if all
132 reasonable precautions have been taken for the purpose of preventing or minimizing the release, shall be
133 documented and reported to the STATE WARNING POINT TOLL FREE NUMBER (800) 320-0519, within three
134 (3) days following the release. Documentation shall include all items in Rules 62-606.500(1)(a) through (i), F.A.C.

135 (3) Gambling vessels required to report a release in accordance with Rule 62-606.500(1) or (2), F.A.C., shall
136 submit a written report containing the information in Rule 62-606.500(1)(a) through (j), F.A.C., within three (3)
137 days of the release. The report shall be submitted to the Bureau of Water Facilities Regulation, Mail Station 3535,
138 Department of Environmental Protection, Bob Martinez Center, 2600 Blair Stone Road, Tallahassee, Florida,
139 32399-2400.

140 Specific Authority 376.25 FS. Law Implemented 376.25 FS. History–New _____.

141

142 62-606.600 Waterfront-landing Facilities.

143 (1) The owner of each waterfront-landing facility that is registered as a gambling vessel's berth location shall:

144 (a) Establish procedures for the release of waste from gambling vessels at the facility and, upon request,
145 provide the procedures to the Department;

146 (b) Make available a waste-management service that has the capability, at minimum, of handling and disposing
147 of the facility's minimum waste-service demand. Upon request, the waterfront-landing facility shall provide
148 documentation to the Department of the level of waste-service demand available; and,

149 (c) Not collect fees that exceed the direct and indirect costs associated with making waste-management
150 services available.

151 Specific Authority 376.25 FS. Law Implemented 376.25 FS. History–New _____.

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