

**Amendment Tracking Sheet – Chapter 62-640, F.A.C., May 20<sup>th</sup> ERC Meeting**

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12	62-640.400(2)	15	24	Adds reference for applicable water quality standards
13	62-640.400(11) and (12)	16	23	Adds two prohibitions for the Northern Everglades and Estuary Protection (NEEO) areas and end dates for compliance.
14	62-640.500(2)	17	3-8	Clarifies nutrient guidance documents
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17	62-640.650(1)	21-22	26-28 (p. 21) and 1-4 (p. 22)	Modifies language on increasing/decreasing monitoring, etc.
18	62-640.650(3)(a)1.	22	10-16	Corrects document reference
19	62-640.650(3)(b)1.	25	5-9	Corrects document reference
20	62-640.650(4)(j)3.	29	5	Correct form reference
21	62-640.650(4)(j)6	29	10	Adds record keeping requirement for sites with net balance demonstrations
22	62-640.650(5)(c)	29-30	25-28 (p. 29) and 1-5(p. 30)	Corrects form reference
23	62-640.650(5)(d)	30	21-25	Corrects form reference
24	62-640.650(5)(d)6	31	11	Adds reporting requirement for sites with net balance demonstrations
25	62-640.700(6)(b)	35	10-13	Removes neighbor permission to reduce setback
26	62-640.700(8)(a)	39	4-14	Corrects FAW publishing error
27	62-640.700(8)(a)2	39	21-22	Corrects FAW publishing error
28	62-640.700(8)(a)4.	39	24-25	Removes neighbor permission to reduce setback

<b>29</b>	62-640.700(8)(b)1.	40	1-3	Removes neighbor permission to reduce setback
<b>30</b>	62-640.700(11)(c)	41	3-8	Adds "very frequent" and durations of "long" and "very long" to the flooded land provision
<b>31</b>	62-640.850(2)	43	21-25	Corrects document reference
<b>32</b>	62-640.850(3)(b)	44	7-21	Corrects document reference
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**Name:** Maurice Barker  
**Representing:** FDEP  
**Date Submitted:** May 20, 2010

## ERC Form for Proposed Rule Amendment

### Amendment 1

**FAC Rule No.** 62-640.100(5)(h), F.A.C.

**FAW Notice of Proposed Rule Draft Date:** November 6, 2009

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On page 2, lines 25-26, modify the proposed language as follows:

**Proposed Language as Published on** 11/06/2009 :

(h) Regardless of paragraph (g) above, no later than January 1, 2013, all facilities that land apply biosolids shall use permitted application sites.

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### **Proposed Amendment:**

(h) Regardless of paragraph (g) above, no later than five years from (effective date of the rule) ~~January 1, 2013~~, all facilities that land apply biosolids shall use permitted application sites.

### **Explanation of the reason for the proposed amendment:**

The Department proposes this amendment to allow facilities to complete their permit cycle before they must begin using permitted sites for land application of biosolids. This indirectly allows more time for sites to become permitted, given the limited amount of certified nutrient management planners, and allows a clearly transition for a facility to have all its permit conditions changed at one time. If a facility permit gets administratively extended past the normal five year period, the facility will still need to address the permitting of biosolids sites five years from the effective date of this chapter.

**Name:** Maurice Barker  
**Representing:** FDEP  
**Date Submitted:** May 20, 2010

## ERC Form for Proposed Rule Amendment

### Amendment 2

**FAC Rule No.** 62-640.200(28), F.A.C.

**FAW Notice of Proposed Rule Draft Date:** November 6, 2009

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On page 7, lines 4-7, modify the proposed language as follows:

**Proposed Language as Published on** 11/06/2009 :

(28) “Liquid biosolids” means any biosolids that are less than 12% solids by weight, or that are determined to contain free liquids as defined by Method 9095 (Paint Filter Liquids Test), as described in “Test Methods for Evaluating Solid Wastes, Physical/Chemical Methods” (EPA Pub. No. SW-846), which is hereby adopted and incorporated by reference.

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### **Proposed Amendment:**

(28) “Liquid biosolids” means any biosolids that are less than 12% solids by weight, or that are determined to contain free liquids as defined by Method 9095B (Paint Filter Liquids Test), November 2004, as described in “Test Methods for Evaluating Solid Wastes, Physical/Chemical Methods” (EPA Pub. No. SW-846), January 3, 2008, 73 FR 486, which is hereby adopted and incorporated by reference and is available from the Department of Environmental Protection, Domestic Wastewater Section, M.S. 3540, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400 or any of the Department’s District Offices.

### **Explanation of the reason for the proposed amendment:**

The Department proposes this amendment in response to JAPC comments requesting the Department to properly adopt and incorporate documents by reference by adding the date of the document and its availability. The current method 9095B is updated as well.

**Name:** Maurice Barker  
**Representing:** FDEP  
**Date Submitted:** May 20, 2010

**ERC Form for Proposed Rule Amendment**

**Amendment 3**

**FAC Rule No.** 62-640.200(35), F.A.C.

**FAW Notice of Proposed Rule Draft Date:** November 6, 2009

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**On page** 7 **, lines** 19-21 **, modify the proposed language as follows:**

**Proposed Language as Published on** 11/06/2009 **:**

(35) “pH of biosolids-soil mixture” means the pH value obtained by taking a core sample of soil to the depth of six inches or to the depth of biosolids placement.

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**Proposed Amendment:**

(35) “pH of biosolids-soil mixture” means the pH value obtained by taking a core sample of soil to at least the depth of six inches or to the depth of biosolids placement if deeper than six inches.

**Explanation of the reason for the proposed amendment:**

The Department proposes this amendment to clarify that the soil sample for pH shall be at least six inches deep or as deep as biosolids placement.

**Name:** Maurice Barker  
**Representing:** FDEP  
**Date Submitted:** May 20, 2010

## ERC Form for Proposed Rule Amendment

### Amendment 4

**FAC Rule No.** 62-640.200(40), F.A.C.

**FAW Notice of Proposed Rule Draft Date:** November 6, 2009

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On page 8, lines 15 - 21, modify the proposed language as follows:

**Proposed Language as Published on** 11/06/2009 :

(40) “Restricted public access” means that access to a land application site by the general public is both controlled and infrequent. Restricted public access application sites are accessible to persons authorized by the site owner, site manager, or facility permittee, such as farm personnel, wastewater facility operators, and biosolids or septage haulers provided the authorized persons are informed by the site owner, site manager, or facility permittee regarding the nature of the application site. For informational purposes, the NIOSH manual *Guidance for Controlling Potential Risks to Works Exposed to Class B Biosolids*, paragraph 62-640.210(1)(i), F.A.C., provides guidance regarding potential risks.

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### **Proposed Amendment:**

(40) “Restricted public access” means that access to a land application site by the general public is both controlled and infrequent. Restricted public access application sites are accessible to persons authorized by the site owner, site manager, or facility permittee, such as farm personnel, wastewater facility operators, and biosolids or septage haulers provided the authorized persons are informed by the site owner, site manager, or facility permittee regarding the nature of the application site. For informational purposes, the NIOSH manual *Guidance for Controlling Potential Risks to Works Exposed to Class B Biosolids*, paragraph 62-640.210(1)(j) ~~62-640.210(1)(i)~~, F.A.C., provides guidance regarding potential risks.

### **Explanation of the reason for the proposed amendment:**

The Department proposes this amendment to correct the reference to the guidance document.

**Name:** Maurice Barker  
**Representing:** FDEP  
**Date Submitted:** May 20, 2010

## ERC Form for Proposed Rule Amendment

### Amendment 5

**FAC Rule No.** 62-640.210(1), F.A.C.

**FAW Notice of Proposed Rule Draft Date:** November 6, 2009

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On page 9, lines 18-26, modify the proposed language as follows:

**Proposed Language as Published on** 11/06/2009 :

(1) Unless specifically referenced elsewhere in this chapter, the following publications are listed for informational purposes as technical guidance to assist facilities, appliers, distributors and marketers, site managers, and site owners in meeting the requirements of this chapter. Publications or portions of publications containing enforceable criteria are specifically referenced elsewhere in this chapter. Information in the publications listed below does not supersede the specific requirements of this chapter. Members of the public may request and obtain copies of the publications listed below by contacting the appropriate publisher at the address indicated. Copies of the publications are on file with the Florida Secretary of State and the Joint Administrative Procedures Committee of the Florida Legislature. Copies are also on file and available for review during normal business hours in the Department's Tallahassee offices and in the Department's district and branch offices.

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### **Proposed Amendment:**

(1) Unless specifically referenced elsewhere in this chapter, the following publications are listed for informational purposes as technical guidance to assist facilities, appliers, distributors and marketers, site managers, and site owners in meeting the requirements of this chapter. Publications or portions of publications containing enforceable criteria are specifically referenced elsewhere in this chapter. Information in the publications listed below does not supersede the specific requirements of this chapter. Members of the public may request and obtain copies of the publications listed below by contacting the appropriate publisher at the address indicated. Copies of the publications are on file ~~with the Florida Secretary of State and the Joint Administrative Procedures Committee of the Florida Legislature.~~ Copies are also on file and available for review during normal business hours ~~at the~~ at the Department of Environmental Protection, Domestic Wastewater Section, M.S. 3540, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400 ~~Department's Tallahassee offices~~ and in the Department's district and branch offices.

**Explanation of the reason for the proposed amendment:**

The Department proposes this amendment to address comments from the Joint Administrative Procedures Committee (JAPC) to strike existing language to make it clear that JAPC and the Secretary of State are not responsible for maintaining copies of the guidance documents and to clarify the availability of the documents.

**Name:** Maurice Barker  
**Representing:** FDEP  
**Date Submitted:** May 20, 2010

**ERC Form for Proposed Rule Amendment**

**Amendment 6**

**FAC Rule No.** 62-640.210(1)(p), F.A.C.

**FAW Notice of Proposed Rule Draft Date:** November 6, 2009

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**On page** 11, **lines** 10-11, **modify the proposed language as follows:**

**Proposed Language as Published on** 11/06/2009 :

(p) Mylavarapu, R.S. and E.D. Kennelley, 2002, "Extension Soil Testing Laboratory (ESTL) Analytical Procedure and Training Manual", UF/IFAS Circular 1248, <http://edis.ifas.ufl.edu/SS312>.

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**Proposed Amendment:**

(p) Mylavarapu, R.S. and E.D. Kennelley, ~~2009~~ 2002, "Extension Soil Testing Laboratory (ESTL) Analytical Procedure and Training Manual", UF/IFAS Circular 1248, <http://edis.ifas.ufl.edu/SS312>.

**Explanation of the reason for the proposed amendment:**

The Department proposes this amendment to correct the date of the referenced guidance document.

**Name:** Maurice Barker  
**Representing:** FDEP  
**Date Submitted:** May 20, 2010

**ERC Form for Proposed Rule Amendment**

**Amendment 7**

**FAC Rule No.** 62-640.210(2)(b), F.A.C.

**FAW Notice of Proposed Rule Draft Date:** November 6, 2009

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**On page** 11 **, line** 24 **, modify the proposed language as follows:**

**Proposed Language as Published on** 11/06/2009 **:**

(b) Treatment Facility Annual Summary, Form 62-640.210(2)(b), effective  
\_\_\_\_\_.

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**Proposed Amendment:**

(b) Treatment Facility Biosolids Annual Summary, Form 62-640.210(2)(b), effective  
\_\_\_\_\_.

**Explanation of the reason for the proposed amendment:**

The Department proposes this amendment to correct the name of the form.

**Name:** Maurice Barker  
**Representing:** FDEP  
**Date Submitted:** May 20, 2010

**ERC Form for Proposed Rule Amendment**

**Amendment 8**

**FAC Rule No.** 62-640.210(2), F.A.C.

**FAW Notice of Proposed Rule Draft Date:** November 6, 2009

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**On page** 11, **lines** 12-21, **modify the proposed language as follows:**

**Proposed Language as Published on** 11/06/2009 :

(2) Forms. The forms and instructions used by the Department are listed in this rule. The rule numbers are the same as the form numbers. Copies of these forms and instructions may be obtained by writing to the Bureau of Wastewater Facilities, Mail Station 3535, Department of Environmental Protection, 2600 Blair Stone Road, Tallahassee, Florida, 32399-2400. In addition, these forms are available at the Department's District Offices and from the web site for the Department's Division of Water Resource Management at [www.dep.state.fl.us/water](http://www.dep.state.fl.us/water). The monitoring information reported on the forms listed below in paragraphs (b) and (c) may be submitted in another format if requested by the permittee and if approved by the Department as being compatible with data entry into the Department's computer system. The Department adopts and incorporates by reference in this section the following forms and instructions:

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**Proposed Amendment:**

(2) Forms. The forms and instructions used by the Department are listed in this rule. The rule numbers are the same as the form numbers. Copies of these forms and instructions may be obtained by writing to the Bureau of Wastewater Facilities, Mail Station 3535, Department of Environmental Protection, 2600 Blair Stone Road, Tallahassee, Florida, 32399-2400. In addition, these forms are available at the Department's District Offices and from the web site for the Department's Division of Water Resource Management at [www.dep.state.fl.us/water](http://www.dep.state.fl.us/water). The monitoring information reported on the forms listed below ~~in paragraphs (b) and (c)~~ may be submitted in another format, such as electronic, if requested by the permittee and if approved by the Department as being compatible with data entry into the Department's computer system. The Department adopts and incorporates by reference in this section the following forms and instructions:

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**Explanation of the reason for the proposed amendment:**

The Department proposes this amendment to allow for the possible submission of the forms electronically when the Department develops the capability to receive the forms electronically.

**Name:** Maurice Barker  
**Representing:** FDEP  
**Date Submitted:** May 20, 2010

**ERC Form for Proposed Rule Amendment**

**Amendment 9**

**FAC Rule No.** 62-640.300(2)(b), F.A.C.

**FAW Notice of Proposed Rule Draft Date:** November 6, 2009

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**On page** 12 **, lines** 22-23 **, modify the proposed language as follows:**

**Proposed Language as Published on** 11/06/2009 **:**

(b) The Treatment Facility Biosolids Plan, Form 62-640.210(2)(a), shall be submitted with the permit application to identify sites where the facility's biosolids are permitted to be land applied.

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**Proposed Amendment:**

(b) The Treatment Facility Biosolids Plan, Form 62-640.210(2)(a), effective \_\_\_\_\_, hereby adopted and incorporated by reference, shall be submitted with the permit application to identify sites where the facility's biosolids are permitted to be land applied. This form is available from the Department of Environmental Protection, Domestic Wastewater Section, M.S. 3540, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400 or any of the Department's District Offices.

**Explanation of the reason for the proposed amendment:**

The Department proposes this amendment in response to JAPC comments requesting the Department to properly adopt and incorporate a document by reference by adding the date of the document and their availability.

**Name:** Maurice Barker  
**Representing:** FDEP  
**Date Submitted:** May 20, 2010

**ERC Form for Proposed Rule Amendment**

**Amendment 10**

**FAC Rule No.** 62-640.300(3)(c), F.A.C.

**FAW Notice of Proposed Rule Draft Date:** November 6, 2009

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On page 13, lines 16-18, modify the proposed language as follows:

**Proposed Language as Published on** 11/06/2009 :

c) Applicants for a permitted biosolids application site shall submit the Biosolids Site Permit Application, Form 62-640.210(2)(d), the applicable fee, and supporting documentation to the appropriate District Office of the Department or delegated local program responsible for the geographic area in which the application site is located.

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**Proposed Amendment:**

(c) Applicants for a permitted biosolids application site shall submit the Biosolids Site Permit Application, Form 62-640.210(2)(d), effective \_\_\_\_\_, hereby adopted and incorporated by reference, the applicable fee, and supporting documentation to the appropriate District Office of the Department or delegated local program responsible for the geographic area in which the application site is located. This form is available from the Department of Environmental Protection, Domestic Wastewater Section, M.S. 3540, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400 or any of the Department's District Offices.

**Explanation of the reason for the proposed amendment:**

The Department proposes this amendment in response to JAPC comments requesting the Department to properly adopt and incorporate a document by reference by adding the date of the document and their availability.

**Name:** Maurice Barker  
**Representing:** FDEP  
**Date Submitted:** May 20, 2010

**ERC Form for Proposed Rule Amendment**

**Amendment 11**

**FAC Rule No.** 62-640.300(3)(d), F.A.C.

**FAW Notice of Proposed Rule Draft Date:** November 6, 2009

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**On page** 13 **, lines** 27 **, modify the proposed language as follows:**

**Proposed Language as Published on** 11/06/2009 **:**

(d) The following shall require a minor permit modification:

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**Proposed Amendment:**

(d) The following shall require a minor permit modification through the procedures provided in subsection 62-620.325(2), F.A.C.,:

**Explanation of the reason for the proposed amendment:**

The Department proposes this amendment to address Joint Administrative Procedure Committee (JAPC) comments that requested the Department provide instructions on how to obtain a permit modification.

**Name:** Maurice Barker  
**Representing:** FDEP  
**Date Submitted:** May 20, 2010

**ERC Form for Proposed Rule Amendment**

**Amendment 12**

**FAC Rule No.** 62-640.400(2), F.A.C.

**FAW Notice of Proposed Rule Draft Date:** November 6, 2009

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**On page** 15 **, lines** 24 **, modify the proposed language as follows:**

**Proposed Language as Published on** 11/06/2009 **:**

(2) Land application of biosolids shall not result in a violation of Florida water quality standards.

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**Proposed Amendment:**

(2) Land application of biosolids shall not result in a violation of Florida surface water quality standards pursuant to Ch. 62-302, F.A.C., or ground water standards pursuant to Ch. 62-520, F.A.C.

**Explanation of the reason for the proposed amendment:**

The Department proposes this amendment to address Joint Administrative Procedure Committee (JAPC) comments requesting that the Department specifically identify the water quality standards.

**Name:** Maurice Barker  
**Representing:** FDEP  
**Date Submitted:** May 20, 2010

## ERC Form for Proposed Rule Amendment

### Amendment 13

**FAC Rule No.** 62-640.400, F.A.C.

**FAW Notice of Proposed Rule Draft Date:** November 6, 2009

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On page 16, lines 23, insert the proposed language as follows:

#### **Proposed Amendment:**

(11) The land application of biosolids will not be authorized in the Lake Okeechobee watershed as defined in Section 373.4595(2)(j), F.S., unless the applicant for a site permit affirmatively demonstrates that the phosphorus in the biosolids will not add to phosphorus loadings in Lake Okeechobee or its tributaries. This demonstration shall be based on achieving a net balance between phosphorus imports relative to exports on the permitted application site. Exports shall include only phosphorus removed from the Lake Okeechobee watershed through products generated on the permitted application site. This demonstration shall be submitted with the NMP for the site. No biosolids shall be applied to a site in the Lake Okeechobee watershed after December 31, 2012, unless the demonstration has been made. This prohibition does not apply to Class AA biosolids that are marketed and distributed as fertilizer products in accordance with Rule 62-640.850, F.A.C.

(12) The land application of biosolids will not be authorized in the Caloosahatchee River and St. Lucie River watersheds as defined in Section 373.4595(2)(b) and (p), F.S., unless the applicant for a site permit affirmatively demonstrates that the nitrogen and phosphorus in the biosolids will not add to nitrogen and phosphorus loadings in the watershed. This demonstration shall be based on achieving a net balance between nutrient imports relative to exports on the permitted application site. Exports shall include only nutrients removed from the St. Lucie River or Caloosahatchee River watersheds, as applicable, through products generated on the permitted application site. This demonstration shall be submitted with the NMP for the site. No biosolids shall be applied to a site in the Caloosahatchee River or St. Lucie River watersheds after December 31, 2012, unless the demonstration has been made. This prohibition does not apply to Class AA biosolids that are marketed and distributed as fertilizer products in accordance with Rule 62-640.850, F.A.C.

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#### **Explanation of the reason for the proposed amendment:**

The Department proposes this amendment to clarify that land application will not be authorized in the three identified watershed in accordance with Section 373.4595, F.S., unless the applicant

makes the nutrient balance demonstration required by the statute or distributes and markets a Class AA fertilizer product. The December 31, 2012 date is consistent with five years (normal permit cycle) following the December 31, 2007 implementation date.

**Name:** Maurice Barker  
**Representing:** FDEP  
**Date Submitted:** May 20, 2010

## ERC Form for Proposed Rule Amendment

### Amendment 14

**FAC Rule No.** 62-640.500(2), F.A.C.

**FAW Notice of Proposed Rule Draft Date:** November 6, 2009

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On page 17, lines 3-8, modify the proposed language as follows:

**Proposed Language as Published on** 11/06/2009 :

(2) The NMP shall be developed, or revised as necessary, in accordance with nutrient management standards and guidelines such as those from the Natural Resources Conservation Service (NRCS), the University of Florida Institute of Food and Agricultural Sciences (IFAS), or the Florida Department of Agriculture and Consumer Services (FDOACS). NMPs prepared in accordance with the USDA-NRCS-Florida Field Office Technical Guide – Nutrient Management, Code 590, hereby adopted and incorporated by reference, shall be acceptable to the Department.

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### **Proposed Amendment:**

~~(2) The NMP shall be developed, or revised as necessary, in accordance with nutrient management standards and guidelines such as those from the Natural Resources Conservation Service (NRCS), the University of Florida Institute of Food and Agricultural Sciences (IFAS), or the Florida Department of Agriculture and Consumer Services (FDOACS). NMPs prepared in accordance with the USDA-NRCS-Florida Field Office Technical Guide – Nutrient Management, Code 590, September 2007, listed in paragraph 62-640.210(1)(m), F.A.C., hereby adopted and incorporated by reference, is available to provide technical guidance in the preparation of NMPs from the Department of Environmental Protection, Domestic Wastewater Section, M.S. 3540, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400 or any of the Department's District Offices be acceptable to the Department.~~

### **Explanation of the reason for the proposed amendment:**

The Department proposes this amendment to address Joint Administrative Procedure Committee (JAPC) comments and to make it clear that USDA-NRCS-Florida Field Office Technical Guide – Nutrient Management, Code 590, September 2007, is included in this rule for guidance purposes.

**Name:** Maurice Barker  
**Representing:** FDEP  
**Date Submitted:** May 20, 2010

**ERC Form for Proposed Rule Amendment**

**Amendment 15**

**FAC Rule No.** 62-640.500(3), F.A.C.

**FAW Notice of Proposed Rule Draft Date:** November 6, 2009

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**On page** 17 **, lines** 9-11 **, modify the proposed language as follows:**

**Proposed Language as Published on** 11/06/2009 **:**

(3) The NMP shall be prepared and signed by a person certified by the NRCS for nutrient management planning or prepared, signed and sealed by a professional engineer licensed in the State of Florida with expertise in the area of nutrient management planning.

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**Proposed Amendment:**

(3) The NMP shall be prepared and signed by a person certified by the NRCS for nutrient management planning or prepared, signed and sealed by a professional engineer licensed in the State of Florida ~~with expertise in the area of nutrient management planning.~~

**Explanation of the reason for the proposed amendment:**

The Department proposes deleting the above text as unnecessary, since law governing professional engineers in Florida prohibits engineers from sign or seal work in a subject matter that is beyond their profession or specialty. See §471.025, Fla. Stat.

**Name:** Maurice Barker  
**Representing:** FDEP  
**Date Submitted:** May 20, 2010

## ERC Form for Proposed Rule Amendment

### Amendment 16

**FAC Rule No.** 62-640.500(8), F.A.C.

**FAW Notice of Proposed Rule Draft Date:** November 6, 2009

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On page 19, lines 6-7, modify the proposed language as follows:

**Proposed Language as Published on** 11/06/2009 :

(8) For application sites subject to Section 373.4595, F.S., the NMP shall include the demonstration required by Section 373.4595(3)(c)6.a., Section 373.4595(4)(a)2.e., or Section 373.4595(4)(b)2.e., F.S., as applicable.

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### **Proposed Amendment:**

(8) The NMP for a proposed site located within the Lake Okeechobee, St. Lucie River, or Caloosahatchee River watersheds, shall also include the demonstration required by subsections 62-640.400(11) and (12), as applicable. Any permit issued based on such a demonstration shall require monitoring and record keeping to ensure that the demonstration continues to be valid for the duration of the permit. Documentation of compliance with the demonstration shall be submitted as part of the site annual summary submitted under paragraph 62-640.650(5)(d), F.A.C. For application sites subject to Section 373.4595, F.S., the NMP shall include the demonstration required by Section 373.4595(3)(c)6.a., Section 373.4595(4)(a)2.e., or Section 373.4595(4)(b)2.e., F.S., as applicable.

### **Explanation of the reason for the proposed amendment:**

The Department proposes this amendment to clarify the watersheds where a nutrient balance “demonstration” must be submitted to the Department and to further clarify that record keeping and reporting will be required to document compliance with the nutrient balance “demonstration.”

**Name:** Maurice Barker  
**Representing:** FDEP  
**Date Submitted:** May 20, 2010

## ERC Form for Proposed Rule Amendment

### Amendment 17

**FAC Rule No.** 62-640.650(1), F.A.C.

**FAW Notice of Proposed Rule Draft Date:** November 6, 2009

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**On pages** 21-22, **lines** 26-28 page 21 and 1-4 page 22, **modify the proposed language as follows:**

**Proposed Language as Published on** 11/06/2009 :

(1) The minimum requirements in this chapter for monitoring, record keeping, or reporting by a permittee may be increased or reduced by the Department depending upon site-specific requirements, including the quality or quantity of wastewater or biosolids treated; historical variations in biosolids characteristics; industrial wastewater or sludge contributions to the facility; the use, land application, or disposal of the biosolids; the water quality of surface and ground water and the hydrogeology of the area; wastewater or biosolids treatment processes; and the compliance history of the facility or application site.

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### **Proposed Amendment:**

(1) The minimum requirements in this chapter for monitoring, record keeping, or reporting by a permittee shall ~~may~~ be increased or reduced by the Department considering any of the following ~~depending upon~~ site-specific requirements; ~~including~~ the quality or quantity of wastewater or biosolids treated; historical variations in biosolids characteristics; industrial wastewater or sludge contributions to the facility; the use, land application, or disposal of the biosolids; the water quality of surface and ground water and the hydrogeology of the area; wastewater or biosolids treatment processes; and the compliance history of the facility or application site.

### **Explanation of the reason for the proposed amendment:**

The Department proposes this amendment to address comments by the Joint Administrative Procedure Committee (JAPC) that the use of the word “may” in this subsection provided the Department with too much discretion to increase or reduce various requirements. Therefore the Department proposes replacing the word “may” with “shall” and clarifying the criteria that is to be considered when increasing or reducing the permittee’s monitoring, record keeping or reporting.

**Name:** Maurice Barker  
**Representing:** FDEP  
**Date Submitted:** May 20, 2010

## **ERC Form for Proposed Rule Amendment**

### **Amendment 18**

**FAC Rule No.** 62-640.650(3)(a)1., F.A.C.

**FAW Notice of Proposed Rule Draft Date:** November 6, 2009

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**On page** 22 **, lines** 10-16 **, modify the proposed language as follows:**

**Proposed Language as Published on** 11/06/2009 **:**

1. Biosolids sampling and analysis to monitor for the pathogen and vector attraction reduction requirements of Rule 62-640.600, F.A.C., and the parameters in subparagraph 62-640.650(3)(a)3., F.A.C., shall be conducted by the treatment facility in accordance with 40 CFR 503.8, and the *POTW Sludge Sampling and Analysis Guidance Document*, which the Department adopts and incorporates by reference. In cases where disagreements exist between 40 CFR 503.8 and the *POTW Sludge Sampling and Analysis Guidance Document*, the requirements in 40 CFR 503.8 will apply.

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### **Proposed Amendment:**

1. Biosolids sampling and analysis to monitor for the pathogen and vector attraction reduction requirements of Rule 62-640.600, F.A.C., and the parameters in subparagraph 62-640.650(3)(a)3., F.A.C., shall be conducted by the treatment facility in accordance with 40 CFR 503.8, and the *POTW Sludge Sampling and Analysis Guidance Document*, August 1989, which the Department adopts and incorporates by reference. This document is available from the Department of Environmental Protection, Domestic Wastewater Section, M.S. 3540, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400 or any of the Department's District Offices. In cases where disagreements exist between 40 CFR 503.8 and the *POTW Sludge Sampling and Analysis Guidance Document*, the requirements in 40 CFR 503.8 will apply.

### **Explanation of the reason for the proposed amendment:**

The Department proposes this amendment in response to JAPC comments requesting the Department to properly adopt and incorporate a document by reference by adding the date of the document and its availability.

**Name:** Maurice Barker  
**Representing:** FDEP  
**Date Submitted:** May 20, 2010

## ERC Form for Proposed Rule Amendment

### Amendment 19

**FAC Rule No.** 62-640.650(3)(b)1., F.A.C.

**FAW Notice of Proposed Rule Draft Date:** November 6, 2009

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On page 25, lines 5-9, modify the proposed language as follows:

**Proposed Language as Published on** 11/06/2009 :

1. The site permittee shall ensure soil fertility testing is conducted in accordance with the NMP. Soil testing shall follow the procedures in the IFAS publications “Soil Testing”, UF/IFAS Circular 239, identified in paragraph 62-640.210(1)(o), F.A.C., and “Extension Soil Testing Laboratory (ESTL) Analytical Procedure and Training Manual”, UF/IFAS Circular 1248, identified in paragraph 62-640.210(1)(p), F.A.C., which are hereby incorporated by reference. Results of soil fertility tests shall be included in the application site records.

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### **Proposed Amendment:**

1. The site permittee shall ensure soil fertility testing is conducted in accordance with the NMP. Soil testing shall follow the procedures in the IFAS publications “Soil Testing”, UF/IFAS Circular 239, September 2003, identified in paragraph 62-640.210(1)(o), F.A.C., and “Extension Soil Testing Laboratory (ESTL) Analytical Procedure and Training Manual”, UF/IFAS Circular 1248, February 2009, identified in paragraph 62-640.210(1)(p), F.A.C., which are hereby incorporated by reference. These documents are available from the Department of Environmental Protection, Domestic Wastewater Section, M.S. 3540, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400 or any of the Department’s District Offices. Results of soil fertility tests shall be included in the application site records.

### **Explanation of the reason for the proposed amendment:**

The Department proposes this amendment in response to JAPC comments requesting the Department to properly adopt and incorporate documents by reference by adding the date of the document and their availability.

**Name:** Maurice Barker  
**Representing:** FDEP  
**Date Submitted:** May 20, 2010

**ERC Form for Proposed Rule Amendment**

**Amendment 20**

**FAC Rule No.** 62-640.650(4)(j)3., F.A.C.

**FAW Notice of Proposed Rule Draft Date:** November 6, 2009

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**On page** 29 **, lines** 5 **, modify the proposed language as follows:**

**Proposed Language as Published on** 11/06/2009 **:**

3. For each application zone, maintain Biosolids Site Log, Form 62-640.210(2)(e), F.A.C.;

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**Proposed Amendment:**

3. For each application zone, maintain Biosolids Application Site Log, Form 62-640.210(2)(e), F.A.C. effective \_\_\_\_\_, hereby adopted and incorporated by reference, and available from the Department of Environmental Protection, Domestic Wastewater Section, M.S. 3540, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400 or any of the Department's District Offices;

**Explanation of the reason for the proposed amendment:**

The Department proposes this amendment in response to JAPC comments requesting the Department to properly adopt and incorporate documents by reference by adding the date of the document and their availability.

**Name:** Maurice Barker  
**Representing:** FDEP  
**Date Submitted:** May 20, 2010

**ERC Form for Proposed Rule Amendment**

**Amendment 21**

**FAC Rule No.** 62-640.650(4)(j)6., F.A.C.

**FAW Notice of Proposed Rule Draft Date:** November 6, 2009

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**On page** 29 **, lines** 10 **, insert the proposed language as follows:**

**Proposed Amendment:**

6. Any records necessary for demonstrating compliance with the demonstration submitted with the NMP for sites located within the Lake Okeechobee, St. Lucie River, and Caloosahatchee River watersheds in accordance with subsection 62-640.500(8), F.A.C.

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**Explanation of the reason for the proposed amendment:**

The Department proposes this amendment to clarify that record keeping will be required by the site permittee to document compliance with the nutrient balance demonstration submitted for sites located in the three identified watersheds.

**Name:** Maurice Barker  
**Representing:** FDEP  
**Date Submitted:** May 20, 2010

## **ERC Form for Proposed Rule Amendment**

### **Amendment 22**

**FAC Rule No.** 62-640.650(5)(c), F.A.C.

**FAW Notice of Proposed Rule Draft Date:** November 6, 2009

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**On page 29, lines 25-28 of page 29 and 1 – 5 of page 30, modify the proposed language as follows:**

**Proposed Language as Published on 11/06/2009 :**

(c) Treatment Facility Annual Summary. Permittees of wastewater treatment facilities or biosolids treatment facilities permitted for land application shall submit a summary of the shipment records required by paragraph 62-640.650(4)(d) and subsection 62-640.880(4), F.A.C., as applicable, to the appropriate District Office of the Department, or to the delegated local program, on an annual basis. The summary must be submitted on Department Form 62-640.210(2)(b). The summary shall include all biosolids shipped during the period January 1 through December 31. The summary for each year shall be submitted to the Department by February 19 of the following year.

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### **Proposed Amendment:**

(c) Treatment Facility Biosolids Annual Summary. Permittees of wastewater treatment facilities or biosolids treatment facilities permitted for land application shall submit a summary of the shipment records required by paragraph 62-640.650(4)(d) and subsection 62-640.880(4), F.A.C., as applicable, to the appropriate District Office of the Department, or to the delegated local program, on an annual basis. The summary must be submitted on Department Form 62-640.210(2)(b), effective \_\_\_\_\_, hereby adopted and incorporated by reference, and available from the Department of Environmental Protection, Domestic Wastewater Section, M.S. 3540, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400 or any of the Department's District Offices. The summary shall include all biosolids shipped during the period January 1 through December 31. The summary for each year shall be submitted to the Department by February 19 of the following year.

### **Explanation of the reason for the proposed amendment:**

The Department proposes this amendment in response to JAPC comments requesting the Department to properly adopt and incorporate documents by reference by adding the date of the document and their availability.

**Name:** Maurice Barker  
**Representing:** FDEP  
**Date Submitted:** May 20, 2010

## **ERC Form for Proposed Rule Amendment**

### **Amendment 23**

**FAC Rule No.** 62-640.650(5)(d), F.A.C.

**FAW Notice of Proposed Rule Draft Date:** November 6, 2009

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**On page** 30 **, lines** 21 - 25 **, modify the proposed language as follows:**

**Proposed Language as Published on** 11/06/2009 **:**

(d) Biosolids Application Site Annual Summary. The site permittee shall submit a summary of land application activity to the appropriate District Office of the Department, or to the delegated local program, on an annual basis. The summary shall be submitted on Department Form 62-640.210(2)(c). The summary for each year, covering the period from January 1 through December 31, shall be submitted to the Department by February 19 of the following year. The summary shall include all of the following, as applicable:

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### **Proposed Amendment:**

(d) Biosolids Application Site Annual Summary. The site permittee shall submit a summary of land application activity to the appropriate District Office of the Department, or to the delegated local program, on an annual basis. The summary shall be submitted on Department Form 62-640.210(2)(c), effective \_\_\_\_\_, hereby adopted and incorporated by reference, and available from the Department of Environmental Protection, Domestic Wastewater Section, M.S. 3540, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400 or any of the Department's District Offices. The summary for each year, covering the period from January 1 through December 31, shall be submitted to the Department by February 19 of the following year. The summary shall include all of the following, as applicable:

### **Explanation of the reason for the proposed amendment:**

The Department proposes this amendment in response to JAPC comments requesting the Department to properly adopt and incorporate a document by reference by adding the date of the document and their availability.

**Name:** Maurice Barker  
**Representing:** FDEP  
**Date Submitted:** May 20, 2010

**ERC Form for Proposed Rule Amendment**

**Amendment 24**

**FAC Rule No.** 62-640.650(5)(d)6., F.A.C.

**FAW Notice of Proposed Rule Draft Date:** November 6, 2009

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**On page** 31 **, lines** 11 **, insert the proposed language as follows:**

**Proposed Amendment:**

6. Copies of records kept in accordance with subparagraph 62-640.650(4)(j)6., F.A.C., demonstrating compliance with the demonstration submitted with the NMP for sites located within the Lake Okeechobee, St. Lucie River, and Caloosahatchee River watersheds in accordance with subsection 62-640.500(8), F.A.C.

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**Explanation of the reason for the proposed amendment:**

The Department proposes this amendment to clarify that reporting will be required by the site permittee to document compliance with the nutrient balance demonstration submitted for sites located in the three identified watersheds.

**Name:** Maurice Barker  
**Representing:** FDEP  
**Date Submitted:** May 20, 2010

## **ERC Form for Proposed Rule Amendment**

### **Amendment 25**

**FAC Rule No.** 62-640.700(6)(b), F.A.C.

**FAW Notice of Proposed Rule Draft Date:** November 6, 2009

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**On page** 35 **, lines** 10 - 13 **, modify the proposed language as follows:**

**Proposed Language as Published on** 11/06/2009 **:**

(b) Beginning within one year of (the effective date of the rule), Class A and Class B biosolids treated by alkaline addition shall be applied by the best management practice of incorporation or injection unless the application area is located at a distance greater than one-quarter mile from the application site property line. This distance may be decreased if the affected adjacent property owner provides written consent.

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### **Proposed Amendment:**

(b) Beginning within one year of (the effective date of the rule), Class A and Class B biosolids treated by alkaline addition shall be applied by the best management practice of incorporation or injection unless the application area is located at a distance greater than one-quarter mile from the application site property line. ~~This distance may be decreased if the affected adjacent property owner provides written consent.~~

### **Explanation of the reason for the proposed amendment:**

The Department proposes this amendment to address comments by JAPC stating that the Department cannot allow a reduction in a setback distance based upon consent by a private party, because allowing them to modify the conditions of the permit would constitute an impermissible delegation of the Department's authority and responsibility to adopt and to modify these rules.

**Name:** Maurice Barker  
**Representing:** FDEP  
**Date Submitted:** May 20, 2010

## ERC Form for Proposed Rule Amendment

### Amendment 26

**FAC Rule No.** 62-640.700(8)(a), F.A.C.

**FAW Notice of Proposed Rule Draft Date:** November 6, 2009

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**On page** 39 **, lines** 4 - 14 **, modify the proposed language as follows:**

**Proposed Language as Published on** 11/06/2009 **:**

(a) The following setback distances shall apply to land application sites that accept either Class A or Class B biosolids.

~~the biosolids are injected or incorporated into the soil.~~

1. The biosolids land application zone shall not be located closer than 1000 feet to any Class I water body, Outstanding Florida Water or Outstanding National Resource Water, or 200 feet from any other surface water of the state as defined in Section 403.031, F.S. This setback does not apply to waters owned entirely by one person other than the state, nor to canals or bodies of water used for irrigation or drainage, which are located completely within the application site and will not discharge from the application site. The setback area shall be vegetated. The 200 foot setback distance from surface waters may be reduced to 100 feet if

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### **Proposed Amendment:**

(a) The following setback distances shall apply to land application sites that accept either Class A or Class B biosolids.

~~the biosolids are injected or incorporated into the soil.~~

1. The biosolids land application zone shall not be located closer than 1000 feet to any Class I water body, Outstanding Florida Water or Outstanding National Resource Water, or 200 feet from any other surface water of the state as defined in Section 403.031, F.S. This setback does not apply to waters owned entirely by one person other than the state, nor to canals or bodies of water used for irrigation or drainage, which are located completely within the application site and will not discharge from the application site. The setback area shall be vegetated. The 200 foot setback distance from surface waters may be reduced to 100 feet if the biosolids are injected or incorporated into the soil.

### **Explanation of the reason for the proposed amendment:**

The Department proposes this amendment to correct an error that occurred in the publishing the notice of proposed rule in the Florida Administrative Weekly.

**Name:** Maurice Barker  
**Representing:** FDEP  
**Date Submitted:** May 20, 2010

**ERC Form for Proposed Rule Amendment**

**Amendment 27**

**FAC Rule No.** 62-640.700(8)(a)2, F.A.C.

**FAW Notice of Proposed Rule Draft Date:** November 6, 2009

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**On page** 39 **, lines** 21-22 **, modify the proposed language as follows:**

**Proposed Language as Published on** 11/06/2009 **:**

2.(b) The biosolids residuals land application zone shall not be located closer than 300 feet from any private drinking potable water supply well or 500 feet from any public drinking potable water supply well.

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**Proposed Amendment:**

2.~~(b)~~ The biosolids ~~residuals~~ land application zone shall not be located closer than 300 feet from any private drinking ~~potable~~ water supply well or 500 feet from any public drinking ~~potable~~ water supply well.

**Explanation of the reason for the proposed amendment:**

The Department proposes this amendment to correct errors that occurred in the publishing the notice of proposed rule in the Florida Administrative Weekly.

**Name:** Maurice Barker  
**Representing:** FDEP  
**Date Submitted:** May 20, 2010

**ERC Form for Proposed Rule Amendment**

**Amendment 28**

**FAC Rule No.** 62-640.700(8)(a)4., F.A.C.

**FAW Notice of Proposed Rule Draft Date:** November 6, 2009

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**On page 39, lines 24 - 25, modify the proposed language as follows:**

**Proposed Language as Published on 11/06/2009 :**

4. Biosolids shall not be stored or stockpiled at a land application site within 1320 feet of a building occupied by the general public. This distance may be decreased if the owner of the building provides written consent.

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**Proposed Amendment:**

4. Biosolids shall not be stored or stockpiled at a land application site within 1320 feet of a building occupied by the general public. ~~This distance may be decreased if the owner of the building provides written consent.~~

**Explanation of the reason for the proposed amendment:**

The Department proposes this amendment to address comments by JAPC stating that the Department cannot allow a reduction in a setback distance based upon consent by a private party, because allowing them to modify the conditions of the permit would constitute an impermissible delegation of the Department's authority and responsibility to adopt and to modify these rules.

**Name:** Maurice Barker  
**Representing:** FDEP  
**Date Submitted:** May 20, 2010

**ERC Form for Proposed Rule Amendment**

**Amendment 29**

**FAC Rule No.** 62-640.700(8)(b)1., F.A.C.

**FAW Notice of Proposed Rule Draft Date:** November 6, 2009

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**On page** 40 **, lines** 1 - 3 **, modify the proposed language as follows:**

**Proposed Language as Published on** 11/06/2009 **:**

1. Class B biosolids shall not be applied within 300 feet of a building occupied by the general public. This distance may be reduced to 100 feet if biosolids are injected into the soil or if written permission is obtained from the building owner.

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**Proposed Amendment:**

1. Class B biosolids shall not be applied within 300 feet of a building occupied by the general public. This distance may be reduced to 100 feet if biosolids are injected into the soil ~~or if written permission is obtained from the building owner.~~

**Explanation of the reason for the proposed amendment:**

The Department proposes this amendment to address comments by JAPC stating that the Department cannot allow a reduction in a setback distance based upon consent by a private party, because allowing them to modify the conditions of the permit would constitute an impermissible delegation of the Department's authority and responsibility to adopt and to modify these rules.

**Name:** Maurice Barker  
**Representing:** FDEP  
**Date Submitted:** May 20, 2010

## ERC Form for Proposed Rule Amendment

### Amendment 30

**FAC Rule No.** 62-640.700(11)(c), F.A.C.

**FAW Notice of Proposed Rule Draft Date:** November 6, 2009

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On page 41, lines 3-8, modify the proposed language as follows:

**Proposed Language as Published on** 11/06/2009 :

(c) Biosolids shall not be land applied on soils that are frequently flooded (i.e. the soil has a flooding frequency class of “frequent” as defined by NRCS in Section 618.27 of the *National Soil Survey Handbook*, hereby adopted and incorporated by reference and given in soil surveys). A flooding frequency class of “frequent” or “frequently flooded” means flooding is likely to occur often under usual weather conditions; more than a 50 percent chance of flooding in any year or more than 50 times in 100 years, but less than a 50 percent chance of flooding in all months in any year.

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### Proposed Amendment:

(c) Biosolids shall not be land applied on soils having a flooding frequency class of “frequent” or “very frequent”, or on soils having a flooding duration class of “long” or “very long”, as given in soil surveys and as defined by the NRCS in Section 618.27 of the *National Soil Survey Handbook*, as of October 2009, hereby adopted and incorporated by reference and available from the Department of Environmental Protection, Domestic Wastewater Section, M.S. 3540, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400 or any of the Department’s District Offices ~~that are frequently flooded (i.e. the soil has a flooding frequency class of “frequent” as defined by NRCS in Section 618.27 of the *National Soil Survey Handbook*, hereby adopted and incorporated by reference, and given in soil surveys). A flooding frequency class of “frequent” or “frequently flooded” means flooding is likely to occur often under usual weather conditions; more than a 50 percent chance of flooding in any year or more than 50 times in 100 years, but less than a 50 percent chance of flooding in all months in any year.~~

### Explanation of the reason for the proposed amendment:

The Department proposes this amendment to add areas flooded for long and very long durations to the frequently flooded areas to which biosolids shall not be land applied. These areas are very wet areas and are typically adjacent to the frequently flooded areas. Also, changes are made to comply with JAPC general comments on incorporated documents.

**Name:** Maurice Barker  
**Representing:** FDEP  
**Date Submitted:** May 20, 2010

## **ERC Form for Proposed Rule Amendment**

### **Amendment 31**

**FAC Rule No.** 62-640.850(2), F.A.C.

**FAW Notice of Proposed Rule Draft Date:** November 6, 2009

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**On page** 43 **, lines** 21-25 **, modify the proposed language as follows:**

**Proposed Language as Published on** 11/06/2009 **:**

(2) Distributed and marketed biosolids or biosolids products shall be distributed and marketed as a fertilizer in accordance with Chapter 576, F.S., and Chapter 5E-1, F.A.C., or distributed and marketed to a person or entity that will sell or give-away the biosolids or biosolids products as a fertilizer or as a component of a fertilizer subject to Chapter 576, F.S., and Chapter 5E-1, F.A.C.

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### **Proposed Amendment:**

(2) Distributed and marketed biosolids or biosolids products shall be distributed and marketed as a fertilizer in accordance with Chapter 576, F.S., (2009), and Chapter 5E-1, F.A.C., 1-18-2010, both hereby adopted and incorporated by reference, or distributed and marketed to a person or entity that will sell or give-away the biosolids or biosolids products as a fertilizer or as a component of a fertilizer subject to Chapter 576, F.S., and Chapter 5E-1, F.A.C. Copies of Chapter 576, F.S., and Chapter 5E-1, F.A.C., are available from the Department of Environmental Protection, Domestic Wastewater Section, M.S. 3540, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400 or any of the Department's District Offices.

### **Explanation of the reason for the proposed amendment:**

The Department proposes this amendment in response to JAPC comments requesting the Department to properly adopt and incorporate Ch. 576, F.S., and Ch. 5E-1, F.A.C., by reference by adding the date and its availability.

**Name:** Maurice Barker  
**Representing:** FDEP  
**Date Submitted:** May 20, 2010

## ERC Form for Proposed Rule Amendment

### Amendment 32

**FAC Rule No.** 62-640.850(3)(b), F.A.C.

**FAW Notice of Proposed Rule Draft Date:** November 6, 2009

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On page 44, lines 7 - 21, modify the proposed language as follows:

**Proposed Language as Published on** 11/06/2009 :

(b) The information shall include:

1. The Florida fertilizer license number assigned in accordance with Florida's Commercial Fertilizer Law, Chapter 576, F.S., and Chapter 5E-1, F.A.C., under which the biosolids or biosolids products will be distributed and marketed;

2. The quantity and characteristics of the biosolids or biosolids products to be distributed and marketed annually;

3. A description of the planned distribution and marketing operations, methods, and procedures;

4. Procedures for transportation, storage, and application for the biosolids or biosolids products by the facility or person shipping biosolids into Florida for distribution and marketing;

5. The label or information sheet to be provided at the time of distribution and marketing of the biosolids in accordance with subsection 62-640.850(5), F.A.C., Chapter 576, F.S., and Chapter 5E-1, F.A.C, as applicable;

6. Management procedures for ensuring biosolids meet Class AA requirements prior to distribution and marketing, including procedures for notifying persons who received biosolids that failed to meet Class AA requirements; and

7. Contingency plans if the biosolids or biosolids products are not distributed or marketed as planned.

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### **Proposed Amendment:**

(b) The information shall include:

1. The Florida fertilizer license number assigned in accordance with Florida's Commercial Fertilizer Law, Chapter 576, F.S., (2009), and Chapter 5E-1, F.A.C., 1-18-2010, both hereby adopted and incorporated by reference, under which the biosolids or biosolids products will be distributed and marketed (copies of Chapter 576, F.S., and Chapter 5E-1, F.A.C., are available from the Department of Environmental Protection, Domestic Wastewater Section, M.S. 3540,

2600 Blair Stone Road, Tallahassee, Florida 32399-2400 or any of the Department's District Offices);

2. through 4. No change.

5. The label or information sheet to be provided at the time of distribution and marketing of the biosolids in accordance with subsection 62-640.850(5), F.A.C., Chapter 576, F.S., (2009), and Chapter 5E-1, F.A.C, 1-18-2010, both hereby adopted and incorporated by reference, as applicable (copies of Chapter 576, F.S., and Chapter 5E-1, F.A.C., are available from the Department of Environmental Protection, Domestic Wastewater Section, M.S. 3540, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400 or any of the Department's District Offices);

6. through 7. No change.

**Explanation of the reason for the proposed amendment:**

The Department proposes this amendment in response to JAPC comments requesting the Department to properly adopt and incorporate Ch 576, F.S., and Ch. 5E-1, F.A.C., by reference by adding the date and its availability.

**Name:** Maurice Barker  
**Representing:** FDEP  
**Date Submitted:** May 20, 2010

## ERC Form for Proposed Rule Amendment

### Amendment 33

**FAC Rule No.** 62-640.850(7), F.A.C.

**FAW Notice of Proposed Rule Draft Date:** November 6, 2009

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On page 47, lines 22 - 24, modify the proposed language as follows:

**Proposed Language as Published on** 11/06/2009 :

(7) By February 19 of each year, any person shipping biosolids to Florida for distribution and marketing shall submit a copy of the applicable EPA facility annual biosolids report required by 40 CFR 503.18, to the Department's Domestic Wastewater Section, MS#3540, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400.

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### **Proposed Amendment:**

(7) By February 19 of each year, any person shipping biosolids to Florida for distribution and marketing shall submit a copy of the applicable EPA facility annual biosolids report required by 40 CFR 503.18, July 1, 2009, hereby adopted and incorporated by reference, to the Department's Domestic Wastewater Section, MS#3540, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400. A copy of 40 CFR 503.18 is available from the Department of Environmental Protection, Domestic Wastewater Section, M.S. 3540, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400 or any of the Department's District Offices.

### **Explanation of the reason for the proposed amendment:**

The Department proposes this amendment in response to JAPC comments requesting the Department to properly adopt and incorporate documents by reference by adding the date of the document and its availability.