

## Notice of Proposed Rule

### DEPARTMENT OF ENVIRONMENTAL PROTECTION

#### RULE NO: RULE TITLE

[62-640.100](#): Scope, Intent, Purpose, and Applicability

[62-640.200](#): Definitions

[62-640.210](#): General Technical Guidance and Forms

[62-640.300](#): Permit Requirements

[62-640.400](#): Prohibitions

[62-640.500](#): Agricultural Use Plan

[62-640.600](#): Pathogen Reduction, Vector Attraction Reduction, and Site Use Restrictions

[62-640.650](#): Monitoring, Record Keeping, Reporting, and Notification

[62-640.700](#): Criteria for Land Application of Residuals

[62-640.750](#): Agricultural Sites

[62-640.800](#): Reclamation Sites

[62-640.850](#): Distribution and Marketing - Class AA Residuals

[62-640.860](#): Other Solids

[62-640.880](#): Residuals Management Facilities

**PURPOSE AND EFFECT:** Chapter 62-640, F.A.C., is being revised to improve biosolids land application site accountability and management, address growing nutrient concerns, and support public confidence in the beneficial use of biosolids.

**SUMMARY:** The Department is proposing numerous revisions to Chapter 62-640, F.A.C. The primary changes proposed include requiring site permitting for biosolids land application sites, requiring nutrient management plans, and requiring distributed and marketed Class AA biosolids to be fertilizers.

A summary of the proposed rule amendments follows:

- 62-640.100 – The proposed revisions would replace the term “domestic wastewater residuals” with “biosolids,” add encouragement for the highest standards for beneficial use, address the applicability of the regulations to existing facilities and sites, and add references to applicable transportation regulations.
- 62-640.200 – The proposed revisions would delete unnecessary definitions, revise several definitions including those for Class AA, A, and B biosolids, and add the following definitions: “nutrient management plan,” “biosolids treatment facility,” “existing application site,” “fertilizer,” “injection,” “incorporation,” “person,” “pH,” and “site manager.”
- 62-640.210 – The proposed revisions would update existing guidance documents and add additional documents related to biosolids, agriculture, and nutrient management.
- 62-640.300 – The proposed revisions would add site permitting for biosolids land application sites and address related permitting issues, revise storage provisions including a requirement for a facility biosolids storage plan, and delete unnecessary responsibility language.
- 62-640.400 – The proposed revisions would remove unnecessary provisions, clarify other prohibitions, add a provision regarding spilling and tracking of biosolids off-site, and add the Wekiva restrictions for biosolids from Rule 62-600.550, F.A.C.
- 62-640.500 – The proposed revisions would replace the agricultural use plan (AUP) provisions with nutrient management plan (NMP) provisions for biosolids land application sites.
- 62-640.600 – The proposed revisions would eliminate the use of Class A treatment option 40 CFR 503.32(a)(6), clarify the use of option 40 CFR 503.32(a)(5), and move the site restrictions for Class B biosolids to Rule 62-

640.700, F.A.C.

- 62-640.650 – The proposed revisions would clarify monitoring requirements, add calcium carbonate equivalency monitoring for alkaline-treated biosolids, require a minimum of quarterly biosolids monitoring for biosolids treatment facilities, make minor adjustments to the quantity ranges used for facility biosolids monitoring frequencies, require the consideration for re-sampling of stored Class AA biosolids, require soil fertility testing, require initial soil background monitoring, set conditions for ground water monitoring, and set conditions for the Specific Oxygen Uptake Rate (SOUR) test. The proposed revisions would also address and clarify record keeping and reporting requirements for facility and site permittees, and revise notification requirements including adding a new notification requirement related to molybdenum loading at a site.
- 62-640.700 – The proposed revisions would clarify basic land application requirements, move the Class AA parameter concentration limits to this section from Rule 62-640.850, F.A.C., add time and setback restrictions for the land application of alkaline-treated biosolids, revise site storage requirements including limiting temporary storage to seven days, revise signage requirements for sites accepting Class B biosolids, clarify cumulative loading provisions, add setback distances from property lines and storage areas, revise ground water table monitoring provisions, and include the site restrictions for Class B sites previously under Rule 62-640.600, F.A.C., with minor additions to the restrictions.
- 62.640.750 – This rule would be repealed.
- 62-640.800 – The proposed revisions would remove redundant requirements.
- 62-640.850 – The proposed revisions would require distributed and marketed Class AA biosolids to be a “fertilizer,” require additional information such as contingency plans to be submitted with the facility permit application, revise reporting provisions for Class AA distribution and marketing, revise labeling requirements, and revise the notification and reporting requirements for the importation of Class AA biosolids.
- 62-640.860 – Minor clarifications would be the only proposed revisions.
- 62.640.880 – The proposed revisions would allow a biosolids treatment facility to request to accept an industrial sludge, require reliability features for larger biosolids treatment facilities, exempt biosolids treatment facilities from submitting capacity analysis reports, and clarify that biosolids treatment facilities could request to alter facility staffing requirements.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: A SERC has been prepared by the Department and five major entities are identified as likely to be affected by the proposed revisions: (1) domestic wastewater treatment facilities, biosolids management facilities, and septage management facilities, (2) biosolids haulers, (3) owners or operators of biosolids application sites, (4) distributors of Class AA biosolids and (5) the Department. The entities likely to be most affected by the proposed revisions are wastewater treatment plants and biosolids treatment facilities that lime-stabilize and land apply biosolids. The proposed revisions most likely to result in significant effects are site permitting, nutrient management plans, revised monitoring requirements including soil testing, and the setback for land applied alkaline-treated biosolids. Most privately-owned wastewater treatment facilities, biosolids treatment facilities, biosolids haulers, farms, and ranches are likely to be small businesses and could be impacted by the revisions depending on their biosolids activities. Also, small cities and counties owning wastewater treatment facilities could be impacted by the proposed revisions.

Any person who wishes to provide information regarding a statement of estimated regulatory costs, or provide a proposal for a lower cost regulatory alternative must do so in writing within 21 days of this notice.

SPECIFIC AUTHORITY: [373.4595](#), [403.051](#), [403.061](#), [403.062](#), [403.087](#), [403.088](#), [403.704](#), [403.707 FS](#).

LAW IMPLEMENTED: [373.4595](#), [403.021](#), [403.051](#), [403.061](#), [403.087](#), [403.088](#), [403.0881](#), [403.702](#), [403.704](#), [403.707](#), [403.708 FS](#).

A HEARING WILL BE HELD AT THE DATE, TIME AND PLACE SHOWN BELOW:

DATE AND TIME: December 1, 2009, 9:00 a.m.

PLACE: 3900 Commonwealth Blvd., Conference Room A, Tallahassee, FL

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Maurice Barker, telephone (850)245-8614. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Maurice Barker, Biosolids Coordinator, Department of Environmental Protection, 2600 Blair Stone Road, MS 3540, Tallahassee, FL 32399-2400, (850)245-8614, maurice.barker@dep.state.fl.us

THE FULL TEXT OF THE PROPOSED RULE IS:

BIOSOLIDS DOMESTIC WASTEWATER RESIDUALS

62-640.100 Scope, Intent, Purpose, and Applicability.

(1) All domestic wastewater treatment facilities which use biological treatment processes generate biosolids ~~domestic wastewater residuals~~ as a by-product of the treatment process. The Department finds that unregulated use, disposal, or land application of biosolids ~~these residuals~~ poses a threat to the environment and public health.

(a) It is the intent of the Department in this chapter to regulate the management, use, and land application of biosolids ~~residuals~~ so as to ensure protection of the environment and public health.

(b) The Department encourages the highest levels of treatment, quality, and use for biosolids.

(c)(2) The Department further encourages also intends in this chapter to encourage the beneficial use of biosolids in a manner which will foster public acceptance, as well as innovative and alternative uses for biosolids ~~residuals~~ such as bioenergy-related uses ~~residuals~~.

(2)(3) This chapter establishes minimum requirements for biosolids ~~residuals~~ which are to be applied to land for agricultural purposes, distributed and marketed, or used for land reclamation. Included are biosolids ~~residuals~~ which are composted with yard trash, wood chips, or similar bulking agents and ultimately applied to land or distributed and marketed.

(3)(4) No change.

(4)(5) The purpose of Chapter 62-640, F.A.C., is to provide minimum requirements ~~standards~~ for the treatment and management of biosolids ~~residuals~~ and septage ~~to be applied to land, or distributed and marketed;~~ establish land application criteria; and define requirements for agricultural operations which have received or will receive biosolids ~~residuals~~ or septage.

(5)(6) Applicability.

(a) Requirements in this chapter shall apply to domestic wastewater treatment facilities and biosolids, ~~residuals~~ management facilities, ~~and septage management facilities~~ that generate, treat, or manage biosolids ~~residuals~~ or septage ~~which are to be applied to agricultural sites or reclamation sites, or which are distributed and marketed.~~

(b) ~~The R~~requirements in this chapter shall also apply to applicers or distributors of biosolids ~~residuals~~ or biosolids ~~residuals~~ products, and to owners or operators of application ~~agricultural sites or reclamation sites~~ which receive biosolids ~~residuals~~.

(c) ~~Unless specifically provided otherwise in this chapter, requirements in this chapter shall apply to all facilities which generate residuals or apply residuals to agricultural sites or reclamation sites, or which distribute and market residuals or operate an agricultural site or reclamation site, for which complete permit applications were received after December 1, 1997.~~

~~(c)(d)~~ Unless specifically provided otherwise in this chapter, requirements in this chapter shall apply to all septage management facilities that treat more than 10,000 gallons per day monthly average daily flow or more than 20,000 gallons in a single day, and that apply septage to agricultural sites or reclamation sites. ~~The R~~Requirements in of this chapter shall also apply to applicers of septage, and to operators or owners of an agricultural site or reclamation site which receive ~~has had~~ septage from facilities permitted under this chapter ~~applied to the land after~~ December 1, 1997.

~~(d)(e)~~ Unless specifically provided otherwise in this chapter, requirements in this chapter that apply to biosolids residuals shall also apply to septage from facilities regulated by the Department; ~~and~~ and to products derived from such septage, biosolids or residuals, or combinations thereof; and to the products and treated material from biosolids treatment facilities and septage management facilities regulated by the Department.

~~(e)(f)~~ Unless specifically provided otherwise in this chapter, requirements in this chapter shall apply to composting facilities, as defined by this chapter, which use yard trash, wood chips, or similar bulking agents, and apply the resulting compost to land or distribute and market the resulting compost ~~after December 1, 1997.~~

~~(f)(g)~~ Facilities which have submitted a complete wastewater permit application or which have received an initial permit before ~~(the effective date of the rule) December 1, 1997,~~ are considered to be existing facilities and shall meet the requirements of this chapter in accordance with ~~paragraphs~~ paragraph (g) and (h) below.

~~(g)(h)~~ Unless specifically provided otherwise in this chapter, ~~e~~Existing facilities in Florida shall comply with ~~the these~~ requirements of this chapter at the time of renewal ~~or substantial revision~~ of the wastewater permit; ~~whichever occurs first.~~ Existing facilities may choose to comply with the requirements of this chapter prior to the time specified in this rule by obtaining a permit revision under Chapter 62-620, F.A.C.

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

~~(i)~~ After an application site is permitted, management and application of biosolids at the site shall be in accordance with the application site permit, which supersedes the site management and application requirements of any existing facility permits.

~~(i)~~ Until such time as the wastewater permit is renewed or a new permit is issued for expansion or substantial modification of the facility, the facility shall comply with the requirements for land application of residuals or septage in the existing permit.

~~(j)~~ Biosolids Residuals or biosolids residuals products which are generated outside of Florida but imported to Florida are subject to the provisions of this chapter beginning (effective date of the rule) December 1, 1997.

#### (6) Other Applicable Rules.

~~(a)(k)~~ The following activities are excluded from the requirements of this chapter:

~~1. Regulation of S~~Septage management facilities that treat 10,000 gallons per day or less on a monthly average daily flow basis and no more than 20,000 gallons in a single day. These facilities are regulated by the Department of Health in accordance with Chapter 64E-6, F.A.C.

~~2. Land application of septage treated by these facilities is also which are~~ regulated by the Department of Health in accordance with Chapter 64E-6, F.A.C.

~~(b)3.~~ Disposal of biosolids residuals, septage, and other solids in a solid waste landfill. Disposal of these materials shall be in accordance with Chapter 62-701, F.A.C.

~~(c)4.~~ Disposal of biosolids residuals by placement on land for purposes other than soil conditioning or fertilization, such as at a monofill, surface impoundment, waste pile, or dedicated site. Disposal in such cases shall be in accordance with Chapter 62-701, F.A.C.

~~(d)5. Incineration of residuals.~~ Incineration of biosolids is regulated under ~~residuals shall meet the requirements~~ of Chapters ~~62-204, 62-210, 62-212, 62-213, 62-272, 62-273, 62-275, 62-296, and 62-297, F.A.C., and the Resource Conservation and Recovery Act.~~

~~(e)6.~~ Co-composting of biosolids ~~residuals~~ with ~~solid waste other than~~ yard trash, wood chips or similar bulking agents ~~shall be in accordance with Chapter 62-640, F.A.C.~~ Co-composting of biosolids ~~residuals~~ with other solid waste materials shall be in accordance with Chapter 62-709, F.A.C.

~~(f)7. Biosolids blended or mixed with other wastes shall meet the requirements of this chapter. Treatment, management, or disposal of industrial sludges or septage, air treatment sludges, and water supply treatment sludges.~~

~~(g)8.~~ Disposal of screenings and grit from the preliminary treatment components of wastewater treatment facilities, solids from sewer line cleaning operations, and solids from lift stations and pump stations. ~~Disposal of these materials~~ shall be in accordance with Chapter 62-701, F.A.C.

~~(h)~~ Transportation of biosolids is regulated by the Florida Department of Transportation in accordance with Chapter 316, F.S., and 49 Code of Federal Regulations (CFR).

Rulemaking Specific Authority 373.4595, 403.051, 403.061, 403.062, 403.087, 403.088, 403.704, 403.707 FS. Law Implemented 373.4595, 403.021, 403.051, 403.061, 403.087, 403.088, 403.0881, 403.702, 403.704, 403.707, 403.708 FS. History—New 8-12-90, Formerly 17-640.110, Amended 3-30-98,\_\_\_\_\_.

#### 62-640.200 Definitions.

Terms used in this chapter shall have the meaning specified below. The meaning of any term not defined below may be taken from definitions in other rules of the Department.

(1) No change.

~~(2) “Agricultural Use Plan” means a formal document submitted to the Department which describes the controlled use of residuals as part of a planned agricultural operation.~~

~~(2)(3)~~ “Agricultural site” means a biosolids ~~residuals~~ application site consisting of land on which a food crop, a feed crop, or a fiber crop is grown, forest land, or land on which turf or ornamental plants are grown. This includes range land and land used as pasture.

~~(4) “Agronomic rate” means the whole residuals application rate (dry weight basis) designed:~~

~~(a) to provide the amount of nitrogen needed by the food crop, feed crop, fiber crop, cover crop, or vegetation grown on the land; and~~

~~(b) to minimize the amount of nitrogen in the residuals that passes below the root zone of the crop or vegetation grown on the land to the ground water.~~

~~(3)(5)~~ “Application site” means a property (such as a farm, a ranch or a mining property) where biosolids or septage ~~residuals~~ are applied to land. Application sites are identified as either agricultural sites or reclamation sites.

~~(4)(6)~~ “Application zone” means a parcel of land (e.g., a field) within an application site to which biosolids ~~residuals~~ are applied ~~at an application site.~~

~~(5)(7)~~ “Average daily flow (ADF)” means the total volume of wastewater flowing into a wastewater facility during some defined period of time, divided by the number of days in that period of time, expressed in units of million gallons per day (mgd) ~~mgd.~~

~~(6)~~ “Biosolids” means the solid, semisolid, or liquid residue generated during the treatment of domestic wastewater in a domestic wastewater treatment facility, formerly known as “domestic wastewater residuals” or “residuals.” Not included is the treated effluent or reclaimed water from a domestic wastewater treatment plant. Also not included are solids removed from pump stations and lift stations, screenings and grit removed from the preliminary treatment components of domestic wastewater treatment facilities, other solids as defined in subsection

62-640.200(31), F.A.C., and ash generated during the incineration of biosolids. Biosolids include products and treated material from biosolids treatment facilities and septage management facilities regulated by the Department.

(7) “Biosolids management facility” means a biosolids treatment facility, a septage management facility regulated by the Department, or an application site.

(8) “Biosolids treatment facility” means a facility that treats biosolids from other facilities for the purpose of meeting the requirements of this chapter, before use or land application. Biosolids treatment facilities can also treat domestic septage and combinations of biosolids, domestic septage, food establishment sludges, wastes removed from portable toilets, and wastes removed from holding tanks associated with boats, marinas, and onsite sewage treatment and disposal systems, before use or land application.

(9)(8) “Class A biosolids residuals” means biosolids residuals that meet the Class A pathogen reduction requirements of paragraph 62-640.600(1)(a), F.A.C., the vector attraction reduction requirements of paragraph 62-640.600(2)(a), F.A.C., and the parameter concentrations of paragraph 62-640.700(5)(a), F.A.C.

(10)(9) “Class AA biosolids residuals” means biosolids Class A residuals that meet the Class AA pathogen reduction requirements of paragraph 62-640.600(1)(a), F.A.C., the vector attraction reduction requirements of paragraph 62-640.600(2)(b), F.A.C., and the parameter concentrations of paragraphs 62-640.700(5)(a) and (b), F.A.C. all the requirements of Rule 62-640.850, F.A.C.

(11)(10) “Class B biosolids residuals” means biosolids residuals that meet the Class B pathogen reduction requirements of paragraph 62-640.600(1)(b), F.A.C., the vector attraction reduction requirements of paragraph 62-640.600(2)(a), F.A.C., and the parameter concentrations of paragraph 62-640.700(5)(a), F.A.C.

(12)(11) “Composting facility” means a facility, as defined in subsection 62-640.200(20) 62-640.200(17), F.A.C., that uses composting technology for treatment of biosolids residuals. Processing can may include physical turning, windrowing, aeration, or other mechanical handling of biosolids residuals.

(12) “Conservation Plan” means a formal document, prepared or approved by a local Soil and Water Conservation District Board organized pursuant to Chapter 582, Florida Statutes, which outlines a system of management practices for a specific parcel of property to control soil erosion, reduce sediment loss, protect the water quality and manage nutrient use.

(13) “Delegated local program” means any county, municipality, or combination thereof that has established and administers a pollution control program approved by the Department in compliance with Section 403.182, F.S.

(14)(13) No change.

(15)(14) “Design capacity” shall be as defined in Chapter 62-600, F.A.C. The design capacity for biosolids treatment residuals management facilities shall be expressed in units of dry tons per day.

(16)(15) “Distribution and Marketing” is the giveaway or sale of biosolids residuals meeting the criteria of Rule 62-640.850, F.A.C., or a product derived from such biosolids residuals, either packaged or in bulk form, by owners or operators of treatment works or by a person who receives biosolids residuals or biosolids residual products from treatment works.

(17)(16) No change.

(18) “Existing application site” means a site approved for land application or land reclamation in a wastewater facility permit active on (effective date of rule) or included in a complete permit application submitted before (the effective date of the rule).

(19)(17) “Facility” means a domestic wastewater treatment facility, a biosolids residuals management facility, or a septage management facility.

(20)(18) No change.

(21) “Fertilizer” means a material regulated as a fertilizer under Chapter 576, F.S., and Chapter 5E-1, F.A.C.

(19) through (21) renumber (22) through (24) No change.

(25) “Incorporation” means the mixing of biosolids with topsoil by such means as discing, plowing, tilling, or equivalent means to reduce exposure to the biosolids.

~~(26)~~(22) “Industrial sludges” means all sludges that are primarily composed of materials generated through an a manufacturing or other industrial process or from an industrial wastewater activity or facility.

(27) “Injection” means the subsurface placement of liquid biosolids to reduce exposure to the biosolids.

~~(28)~~(23) “Liquid biosolids residuals” means any biosolids residuals 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 here by reference.

(29) “Nutrient Management Plan” (NMP) means a site-specific plan, developed in accordance with Rule 62-640.500, F.A.C., establishing the rate at which all biosolids, soil amendments, and sources of nutrients can be applied to the land for crop production while minimizing the amount of pollutants and nutrients discharged to waters of the state.

(24) through (25) renumbered (30) through (31) No change.

~~(32)~~(26) “Permitted capacity” shall be as defined in Chapter 62-600, F.A.C. The permitted capacity for biosolids treatment residuals management facilities shall be expressed in units of dry tons per day.

(33) “Person” is as defined in Section 403.031, F.S.

(34) “pH” means the logarithm of the reciprocal of the hydrogen ion concentration measured at 25 degrees Centigrade (i.e. Celsius) or measured at another temperature and then converted to an equivalent value at 25 degrees Centigrade.

~~(35)~~(27) “pH of biosolids-soil residuals-soil mixture” means the pH value obtained by taking a core sample of sampling the soil to the depth of six inches or to the depth of biosolids residuals placement. If residuals are surface applied, a core sample shall be collected through the surface to a depth of six inches.

~~(28)~~ “Potable water supply well” means a well used as a source of water for drinking, culinary, or domestic purposes.

(36) “Private drinking water supply well” means a well serving a private or multifamily water system as defined in Rule 62-532.200, F.A.C.

(37) “Public drinking water supply well” means a well serving a public water system as defined in Rule 62-550.200, F.A.C.

~~(38)~~(29) No change.

~~(39)~~(30) “Reclamation site” means a biosolids residuals application site consisting of drastically disturbed land that is reclaimed using biosolids residuals, such as strip mines and construction sites.

~~(31)~~ “Residuals” or “domestic wastewater residuals” means the solid, semisolid, or liquid residue generated during the treatment of domestic wastewater in a domestic wastewater treatment facility. Not included is the treated effluent or reclaimed water from a domestic wastewater treatment plant. Also not included are solids removed from pump stations and lift stations, screenings and grit removed from the preliminary treatment components of domestic wastewater treatment facilities, other solids as defined in subsection 62-640.200(24), F.A.C., and ash generated during the incineration of residuals.

~~(32)~~ “Residuals management facility” means a facility, such as a composting or blending facility, that treats residuals from other facilities for the purpose of meeting the requirements of this chapter, before use or land application. Residuals management facilities may also treat domestic septage and combinations of residuals, domestic septage, food establishment sludges, wastes removed from portable toilets, and wastes removed from

holding tanks associated with boats, marinas, and onsite sewage treatment and disposal systems, before use or land application.

~~(40)(33)~~ “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 ~~Such sites will be~~ accessible to persons authorized by the site owner, site manager, or facility permittee, such as farm personnel, wastewater facility operators, and biosolids residuals 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.

~~(41)(34)~~ No change.

~~(42)(35)~~ “Septage management facility” means a stationary facility that treats only domestic septage or combinations of domestic septage, food establishment sludges, wastes removed from portable toilets, and wastes removed from holding tanks associated with boats, marinas, and onsite sewage treatment and disposal systems, before use or land application. Septage management facilities that are regulated by the Department are as described in paragraph 62-640.100(5)(c), F.A.C.

~~(43)~~ “Site manager” means the person who operates or manages the application site to ensure biosolids are applied in accordance with the requirements of this chapter.

~~(44)(36)~~ “Source facility” means a facility that sends biosolids residuals to a biosolids treatment residuals management facility for treatment before use or land application.

(37) through (38) renumbered (45) through (46) No change.

~~(47)(39)~~ “Treatment” means the process of altering the character or physical or chemical condition of waste to prevent pollution of water, air, or soil, to safeguard the public health, or enable the waste to be beneficially used. Treatment includes blending, dewatering, and any process that alters the quality or quantity of the material for the purpose of meeting the requirements of this chapter. Treatment does not include storage of biosolids residuals.

~~(48)(40)~~ “Vector attraction” means the characteristic of biosolids residuals that attracts rodents, flies, mosquitoes, or other organisms capable of transporting infectious agents.

(41) through (43) renumbered (49) through (51) No change.

Rulemaking Specific Authority 373.4595, 403.051, 403.061, 403.062, 403.087, 403.088, 403.704, 403.707 FS. Law Implemented 373.4595, 403.021, 403.051, 403.061, 403.087, 403.088, 403.0881, 403.702, 403.704, 403.707, 403.708 FS. History—New 8-12-90, Formerly 17-640.200, Amended 3-30-98,\_\_\_\_\_.

62-640.210 General Technical Guidance and Forms.

(1) Unless specifically referenced elsewhere in this chapter, ~~t~~The following publications are listed for informational purposes as technical guidance to assist facilities, applicators, 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.

(a) U.S. Environmental Protection Agency, 1995, *Process Design Manual for Land Application of Sewage Sludge and Domestic Septage*, EPA Center for Environmental Research Information, 26 West Martin Luther King Drive, Cincinnati, Ohio 45268. [www.epa.gov](http://www.epa.gov).

(b) Title 40, Code of Federal Regulations, Protection of Environment, 1993, Part 503, “Standards for the Use and Disposal of Sewage Sludge,” revised as of April 9, 2007 and effective on April 25, 2007 ~~October 25, 1995~~. [www.gpoaccess.gov/cfr/index.html](http://www.gpoaccess.gov/cfr/index.html).

(c) U.S. Environmental Protection Agency, 1989, *POTW Sludge Sampling and Analysis Guidance Document* ~~POTW Sludge Sampling and Analysis Guidance Document~~, EPA Center for Environmental Research Information, 26 West Martin Luther King Drive, Cincinnati, Ohio 45268. [www.epa.gov](http://www.epa.gov).

(d) U.S. Environmental Protection Agency, *Process Design Manual For Sludge Treatment And Disposal* ~~Process Design Manual For Sludge Treatment and Disposal~~, 1979, Center for Environmental Research Information, 26 West Martin Luther King Drive, Cincinnati, Ohio 45268. [www.epa.gov](http://www.epa.gov).

(e) *Recommended Standards for Wastewater Facilities*, 2004, Health Education Service, Inc., P. O. Box 7126, Albany, New York 12224. [www.hes.org](http://www.hes.org). ~~Recommended Standards for Sewage Works, 1990, Great Lakes Upper Mississippi River Board of State Sanitary Engineers (Ten State Standards).~~

(f) U. S. Environmental Protection Agency, *Handbook, Septage Treatment and Disposal*, 1984, Center for Environmental Research Information, 26 West Martin Luther King Drive, Cincinnati, Ohio 45268. [www.epa.gov](http://www.epa.gov).

(g) U. S. Environmental Protection Agency, *Control of Pathogens and Vector Attraction in Sewage Sludge*, 2003 ~~1992~~, Center for Environmental Research Information, Cincinnati, Ohio, 45268. [www.epa.gov](http://www.epa.gov).

(h) U. S. Environmental Protection Agency, 1974. *Design Criteria for Mechanical, Electric, and Fluid System and Component Reliability-MCD-05*. Environmental Quality Instructional Resources Center, The Ohio State University, 1200 Chambers Road, Room 310, Columbus, Ohio 43212. [www.epa.gov](http://www.epa.gov).

(i) U.S. Environmental Protection Agency, 1994, *A Plain English Guide to the Part 503 Biosolids Regulations*, EPA Center for Environmental Research Information, 26 West Martin Luther King Drive, Cincinnati, Ohio 45268. [www.epa.gov](http://www.epa.gov).

(j) National Institute for Occupational Safety and Health, 2002. *Guidance for Controlling Potential Risks to Workers Exposed to Class B Biosolids*, NIOSH-Publications Dissemination, 4676 Columbia Parkway, Cincinnati, Ohio 45226-1998. [www.cdc.gov/niosh/homepage.html](http://www.cdc.gov/niosh/homepage.html).

(k) U.S. Environmental Protection Agency, 2000, *Guide to Field Storage of Biosolids*, EPA Center for Environmental Research Information, 26 West Martin Luther King Drive, Cincinnati, Ohio 45268. [www.epa.gov](http://www.epa.gov).

(l) USDA Natural Resources Conservation Service, 1999, “General Manual, Title 190, Part 402 – Nutrient Management”, USDA-NRCS, Washington, DC. [www.nrcs.usda.gov/technical](http://www.nrcs.usda.gov/technical).

(m) USDA Natural Resources Conservation Service – Florida, 2007, “Field Office Technical Guide – Nutrient Management, Code 590”, USDA-NRCS-FL, Gainesville, Florida. [www.fl.nrcs.usda.gov/technical](http://www.fl.nrcs.usda.gov/technical).

(n) USDA Natural Resources Conservation Service – Florida, 2004, “Field Office Technical Guide – Waste Utilization, Code 633”, USDA-NRCS-FL, Gainesville, Florida. [www.fl.nrcs.usda.gov/technical](http://www.fl.nrcs.usda.gov/technical).

(o) Kidder, G. and R.D. Rhue, 2003, “Soil Testing”, UF/IFAS Circular 239, <http://edis.ifas.ufl.edu/SS156>.

(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>.

(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. ~~The forms are incorporated by reference in this rule.~~ Copies of these forms and instructions may be obtained by writing to the Bureau of Wastewater Facilities, Mail Station 3535, Department of Environmental Protection, ~~Twin Towers Office Building~~, 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) as described in Chapter 62-401, F.A.C. The monitoring information reported on the forms listed below in paragraphs (b) and, (c) and (d) 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:

(a) Treatment Facility Biosolids Agricultural Use Plan, Form 62-640.210(2)(a), effective \_\_\_\_\_ December 1, 1997.

(b) Treatment Facility Residuals Annual Summary, Form 62-640.210(2)(b), effective \_\_\_\_\_ December 1, 1997.

(c) Biosolids Application Site Annual Summary, Form 62-640.210(2)(c), effective \_\_\_\_\_, Monthly Residuals Distribution and Marketing Report, Form 62-640.210(2)(c), effective December 1, 1997.

(d) Biosolids Site Permit Application, Form 62-640.210(2)(d), effective \_\_\_\_\_, Residuals Monitoring Report, Form 62-640.210(2)(d), effective December 1, 1997.

(e) Biosolids Application Site Log, Form 62-640.210(e), effective \_\_\_\_\_.  
Rulemaking Specific Authority 373.4595, 403.051, 403.061, 403.062, 403.087, 403.088, 403.704, 403.707 FS. Law Implemented 373.4595, 403.021, 403.051, 403.061, 403.087, 403.088, 403.0881, 403.702, 403.704, 403.707, 403.708 FS. History—New 8-12-90, Formerly 17-640.210, Amended 3-30-98, \_\_\_\_\_.

#### 62-640.300 General Permit Requirements.

(1) Facilities that receive or generate biosolids shall have a valid Department permit prior to treatment, land application, distribution and marketing, or disposal of biosolids. Facility permits shall specify the use or disposal of the facility's biosolids. Biosolids shall be managed in accordance with the facility permit and the requirements of this chapter. Residuals shall be applied to an application site only if the facility generating or treating the residuals has a valid Department permit that includes an approved Agricultural Use Plan for the site.

(2) Treatment Facility Permit for Facilities that Land Apply Biosolids. New, Expanded or Modified Application Sites—Permit Revisions. Except as allowed in subsection 62-640.300(3), F.A.C., the facility's permit shall be revised under Chapter 62-620, F.A.C., to include a new or revised Agricultural Use Plan prior to application of residuals to new application sites or existing approved sites that are expanded or modified. Approval of new, expanded or modified application sites constitutes a minor permit revision. A facility may submit more than one Agricultural Use Plan with each application for a minor permit revision.

(a) The permit for a facility that provides final treatment of land applied biosolids shall identify each permitted biosolids application site where the facility's biosolids are to be land applied.

(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.

(c) To use an alternate permitted application site not identified on the submitted Treatment Facility Biosolids Plan, Form 62-640.210(2)(a), the treatment facility shall notify the Department before beginning biosolids application at the application site and submit the applicable revised portions of the Treatment Facility Biosolids Plan, Form 62-640.210(2)(a), to the Department within 30 days. The revised portion of the Treatment Facility Biosolids Plan, Form 62-640.210(2)(a), shall become part of the treatment facility permit.

(3) Biosolids Application Site Permit. New, Expanded or Modified Application Sites—Unusual Circumstances. A permittee who is authorized to land apply residuals may use a new, expanded or modified application site before permit revision if all of the following conditions are met:

(a) All biosolids application sites shall have a valid Department permit as a biosolids management facility. Alternatively, when an application site is used solely by a single facility, the applicant can choose to have the site permitted through the Department permit for the wastewater treatment facility, a biosolids treatment facility, or a septage management facility. The permittee notifies the Department within 24 hours that the site is being used;

1. An individually permitted biosolids application site shall be permitted as a biosolids management facility in accordance with the applicable requirements of this chapter, Chapter 62-600, F.A.C., and Chapter 62-620, F.A.C. An individual biosolids application site permit shall cover only one site and shall not include multiple biosolids application sites.

2. The applicant of a wastewater treatment facility, biosolids treatment facility, or septage management facility permit can choose to include one or more biosolids land application sites used solely by the facility.

(b) A biosolids application site shall be permitted under one permit. The site meets the site use restrictions of subsection 62-640.600(3), F.A.C., and the criteria for land application of residuals in Rule 62-640.700, F.A.C.;

(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.

1. If permitted individually, the fee shall be the Type III biosolids management facility fee specified in subparagraph 62-4.050(4)(b)2.c., F.A.C.

2. If permitted in a wastewater treatment facility, biosolids treatment facility, or septage management facility permit, the Biosolids Site Permit Application, Form 62-640.210(2)(d), shall be submitted with the facility's application for a new permit, permit renewal, or substantial modification to the permit. No additional fee will be charged beyond the fee required for the facility's application for a new permit, permit renewal, or substantial modification to the permit. The permittee submits a new or revised Agricultural Use Plan for the site with a permit application in accordance with subsection 62-640.300(2), F.A.C., within 30 days of beginning use of the site;

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

1. Expansions or changes to the physical boundaries of the application areas of a permitted application site that encompass areas not addressed in the site permit and NMP; or

2. Changes to the agricultural operations at the application site, such as a change in crops or management practices, that will result in increased nutrient loading or application rates not addressed in the NMP. A revised NMP shall be submitted with the minor permit revision application. The permittee does not have another approved land application site, another approved disposal method (e.g., landfilling or incineration), or approved storage facilities available for use; and

(e) New application sites shall be permitted prior to use. Existing application sites shall be permitted prior to applying biosolids from facilities required to use a permitted site in accordance with subsection 62-640.300(2), F.A.C. All existing application sites shall be permitted no later than January 1, 2013. The permittee demonstrates during permit application that application of additional residuals to an existing approved application site would have resulted in violation of Department rules, or was not possible due to circumstances beyond the permittee's control.

(4) Biosolids Residuals Storage at a Treatment Facility. The preliminary design report for a new facility or expansion of an existing facility shall include provisions for storage of treated or untreated residuals or other solids at the facility. Storage of residuals or other solids at an existing facility shall require prior written notification to the Department if the storage lasts longer than 30 days, or if the storage provisions were not addressed in the facility's preliminary design report.

(a) The treatment facility permittee shall submit a biosolids storage plan with the facility permit application. The plan shall demonstrate that storage capacity is available to provide retention of biosolids under adverse weather

conditions, harvesting conditions, or other conditions which preclude land application or the use or disposal of the facility's biosolids. The demonstration of storage capacity provided by the permittee can take into account alternative options and operational flexibility, such as the use of excess digester capacity.

(b) Biosolids storage facilities at the treatment facility shall be designed in accordance with sound engineering practice. General technical guidance is provided in the EPA document *Process Design Manual for Sludge Treatment and Disposal*, paragraph 62-640.210(1)(d), F.A.C.; the Health Education Service document *Recommended Standards for Wastewater Facilities*, paragraph 62-640.210(1)(e), F.A.C., and the EPA document *Guide to Field Storage of Biosolids*, paragraph 62-640.210(1)(k), F.A.C.

(c) Biosolids storage at the land application site shall be in accordance with paragraph 62-640.700(6)(e), F.A.C. (5) Responsibility for Treatment and Proper Use.

~~(a) The wastewater treatment facility permittee or residuals management facility permittee shall be responsible for proper treatment, management, use, and land application of its residuals. The facility permittee will not be held responsible for violations resulting from land application of residuals if the permittee can demonstrate that it has delivered residuals that meet the parameter concentrations and appropriate treatment requirements of this rule and the applier (e.g. hauler, contractor, site manager, or site owner) has legally agreed in writing to accept responsibility for proper land application of the residuals. Such an agreement shall state that the applier agrees, upon delivery of residuals that have been treated as required by Chapter 62-640, F.A.C., that he will accept responsibility for proper land application of the residuals as required by Chapter 62-640, F.A.C., and that the applier agrees that he is aware of and will comply with requirements for proper land application as described in the facility's permit.~~

~~(b) A source facility permittee shall not be held responsible for treatment, management, use, or land application violations that occur after its residuals have been accepted by a permitted residuals management facility with which the source facility permittee has an agreement in accordance with paragraph 62-640.880(1)(e), F.A.C., for further treatment, management, use or land application.~~

Rulemaking Specific Authority 373.4595, 403.051, 403.061, 403.062, 403.087, 403.088, 403.704, 403.707 FS. Law Implemented 373.4595, 403.021, 403.051, 403.061, 403.087, 403.088, 403.0881, 403.702, 403.704, 403.707, 403.708, FS. History—New 8-12-90, Formerly 17-640.300, Amended 3-30-98, \_\_\_\_\_.

#### 62-640.400 Prohibitions.

(1) Ocean disposal of biosolids residuals, or disposal of biosolids residuals in any water, including direct discharge to ground water, is prohibited.

(2) Land application of biosolids shall not result in a violation of Florida water quality standards. Residuals which do not meet Class A pathogen reduction requirements set forth in paragraph 62-640.600(1)(a), F.A.C., shall not be used on playgrounds, parks, golf courses, lawns, hospital grounds, or other unrestricted public access areas where frequent human contact with the soil is likely to occur and shall not be sold or given away in a distribution and marketing program.

(3) Biosolids Residuals which are hazardous waste under Chapter 62-730, F.A.C., shall not be applied to land.

(4) Biosolids Residuals shall not be discharged into a collection or transmission system without prior consent of the owner of that system.

(5) Biosolids Residuals shall not be disposed, ~~of or~~ applied to land, or distributed and marketed except in accordance with the provisions of this chapter.

(6) The treatment, management, transportation, use, or land application, or disposal of biosolids residuals shall not cause a violation of the odor prohibition in subsection 62-296.320(2), F.A.C.

~~(7) Residuals that do not meet the requirements of this chapter for Class AA designation shall not be used for the cultivation of tobacco or leafy vegetables.~~

~~(7)(8)~~ Treatment of liquid biosolids residuals or septage for the purpose of meeting the pathogen reduction or vector attraction reduction requirements set forth in Rule 62-640.600, F.A.C., shall not be conducted in the tank of a hauling vehicle. Treatment of biosolids residuals or septage for the purpose of meeting pathogen reduction or vector attraction reduction requirements shall take place at the permitted facility.

~~(8)(9)~~ Biosolids Residuals that do not meet the requirements of Rule 62-640.850, F.A.C., this chapter for distribution and marketing Class AA designation shall not be shipped into Florida unless shipped to a Department permitted biosolids treatment facility or domestic wastewater facility that has legally agreed in writing to accept responsibility for proper treatment, management, use and land application of the biosolids residuals.

(9) Class A or Class B biosolids shall not be spilled from or tracked off the treatment facility site or land application site by the hauling vehicle.

(10) Land application of Class A and Class B biosolids is prohibited within the primary and secondary protection zones of the Wekiva Study Area in accordance with Rule 62-600.550, F.A.C. Application of Class AA biosolids that are distributed and marketed in accordance with Rule 62-640.850, F.A.C., is permissible.

Rulemaking Specific Authority 373.4595, 403.051, 403.061, 403.062, 403.087, 403.088, 403.704, 403.707 FS. Law Implemented 373.4595, 403.021, 403.051, 403.061, 403.087, 403.088, 403.0881, 403.702, 403.704, 403.707, 403.708, FS. History—New 8-12-90, Formerly 17-640.400, Amended 3-30-98,\_\_\_\_\_.

(Substantial rewording of Rule 62-640.500 follows. See Florida Administrative Code for present text.)

62-640.500 Nutrient Management Plan (NMP) Agricultural Use Plan.

(1) A site-specific NMP shall be submitted to the Department with the permit application for an agricultural site.

(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.

(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.

(4) The NMP shall identify each application zone to be used at the site as identified in the Biosolids Site Permit Application, Form 62-640.210(2)(d). Application zones shall be sized to facilitate accurate accounting of nutrient and pollutant loadings and shall be in accordance with Rule 62-640.700, F.A.C., as applicable for the class(es) of biosolids that will be applied to the site.

(5) The NMP shall meet the requirements of this chapter and shall:

(a) Include aerial site photograph(s) or map(s), and a soil survey map of the site;

(b) Include guidance for NMP implementation, site operation, maintenance, and recordkeeping;

(c) Include results of soil, water, plant tissue, and biosolids analyses, as applicable. The soil fertility testing used to develop the NMP shall be less than one year old;

(d) Identify the frequency interval for soil fertility testing. The interval shall be at least once every five years with consideration for more frequent testing if increases in soil phosphorus levels are expected;

(e) Establish specific rates of application and procedures to land apply biosolids and all other nutrient sources to each application zone. The NMP shall address application rates for a projected five-year period, at a minimum. As part of establishing the application rates, the NMP shall include:

1. A specific assessment of the potential for phosphorus movement from each application zone;
2. A listing and quantification of all nutrient sources for each application zone;
3. The availability of the nitrogen in the biosolids being applied, any nitrogen available from biosolids applications in previous years, and any nitrogen available in subsequent years covering the minimum five year period of the NMP;
4. The current and planned plant production sequence or crop rotation for each application zone for the next five years, at a minimum;
5. Realistic annual yield goals for each crop identified for each application zone;
6. The recommended nitrogen and phosphorus application rates (i.e. nutrient demand) for the crops to be grown on each application zone;
7. The calcium carbonate equivalency of any alkaline-treated biosolids and recommended lime application rates for each application zone;
8. The method of land application for each application zone; and
9. The methodology and calculations used to determine the application rates for each application zone.

(6) When considering the availability of nitrogen in biosolids, the following shall be accepted by the Department:

(a) The nitrogen calculation methods found in Chapter 7 of the U.S. Environmental Protection Agency *Process Design Manual for Land Application of Sewage Sludge and Domestic Septage*, which is hereby adopted and incorporated by reference. All calculations and values used in the calculations shall be fully documented and submitted with the NMP. These values shall include a complete nitrogen analysis (i.e. organic nitrogen (Org-N), ammonium (NH<sub>4</sub>-N), and nitrate (NO<sub>3</sub>-N)) for all facilities that will use the site; or

(b) In lieu of using the full calculation method for nitrogen in Chapter 7 of the U.S. Environmental Protection Agency *Process Design Manual for Land Application of Sewage Sludge and Domestic Septage*, once the amount of plant available nitrogen to be supplied by biosolids has been determined (i.e. the crop nitrogen demand has been adjusted to take other sources of nitrogen into account), this amount may be multiplied by a factor of 1.5 (i.e. a 50 percent increase) to determine the amount of total nitrogen that may be supplied by biosolids.

(7) For application sites located in geographic areas that have been identified by statute or rule of the Department as being subject to restrictions on phosphorus loadings (such as the Everglades Protection Area as set forth in Section 373.4592, F.S., the Lake Okeechobee watershed as set forth in Section 373.4595, F.S., Lake Apopka as set forth in Section 373.461, F.S., and the Green Swamp Area as set forth in Section 380.0551, F.S.), the NMP shall:

- (a) Base application rates on the phosphorus needs of the crop; and
- (b) Address measures that will be used to minimize or prevent water quality impacts that could result from biosolids application areas to surface waters.

(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.

Rulemaking Specific Authority 373.4595, 403.051, 403.061, 403.062, 403.087, 403.088, 403.704, 403.707 FS. Law Implemented 373.4595, 403.021, 403.051, 403.061, 403.087, 403.088, 403.0881, 403.702, 403.704, 403.707, 403.708 FS. History—New 8-12-90, Formerly 17-640.500, Amended 3-30-98,\_\_\_\_\_.

62-640.600 Pathogen Reduction ~~and~~, Vector Attraction Reduction, ~~and Site Use Restrictions.~~

All biosolids residuals applied to land or distributed and marketed shall be treated with a treatment process designed to reduce pathogens and achieve vector attraction reduction in accordance with the requirements of this section. ~~All land application sites shall conform to the site use restrictions of this section.~~ The Department hereby adopts and incorporates by reference the pathogen and vector attraction reduction requirements of Title 40 CFR Code of Federal Regulations (CFR) Part 503, subpart D, sections 503.32 and 503.33, revised as of April 9, 2007, and effective on April 25, 2007 ~~October 25, 1995~~, except for the site restrictions in 40 CFR Section 503.32(b)(5), the septage requirements in 40 CFR section 503.32(c), and the vector attraction reduction requirements in 40 CFR Section 503.33(b)(11) and Section 503.33(b)(12).

(1) Pathogen Reduction Requirements. ~~All residuals applied to the land shall be classified as either Class A or Class B with respect to pathogens.~~

(a) Class AA and Class A Biosolids Residuals. ~~Class AA and Class A biosolids shall meet one of the pathogen reduction requirements described in 40 CFR 503.32(a)(3), (4), (5), (7), and (8). For treatment processes permitted under 40 CFR 503.32(a)(5), a permittee shall not implement the provisions of 40 CFR 503.32(a)(5)(ii)(D) and 503.32(a)(5)(iii)(D) until: Residuals will be classified as Class A if one of the pathogen reduction requirements described in section 503.32(a), is met.~~

1. The permittee demonstrates to the Department, based on monitoring data from the facility, that the documented pathogen treatment process operating parameters reduce enteric viruses and viable helminth ova to levels below the limits specified in 40 CFR 503.32(a)(5); and

2. The permit is revised to specifically allow the permittee to implement 40 CFR 503.32(a)(5)(ii)(D) and 503.32(a)(5)(iii)(D).

(b) Class B Biosolids Residuals. ~~Class B Biosolids shall meet Residuals will be classified as Class B if one of the pathogen reduction requirements described in 40 CFR section 503.32(b), is met.~~

(c) Lime Addition to Septage. ~~Septage management facilities that are regulated by the Department, and that do not treat any amount of biosolids residuals, shall satisfy Class B pathogen reduction requirements if sufficient lime is added to produce a pH of 12 for a minimum of two 2 hours, or a pH of 12.5 for a minimum of 30 minutes. Processes and design shall be in accordance with the guidance for lime stabilization of septage in Chapter 6, Process Design Manual for Sludge Treatment and Disposal, which the Department adopts and incorporates by reference. The pH shall be maintained at or above 11 until the septage is land application applied, but shall be less than 12.5 at the time of land application. Materials treated in accordance with this provision shall be managed as Class B biosolids.~~

(2) Vector Attraction Reduction Requirements.

(a) All Class A and Class B biosolids residuals applied to land shall meet one of the vector attraction reduction requirements in 40 CFR Section 503.33(b)(1) through (10), ~~except Section 503.33(b)(11) and Section 503.33(b)(12).~~

(b) Class AA biosolids shall meet one of the vector attraction reduction requirements in 40 CFR 503.33(b)(1) through (8).

~~(c)(b) Lime Addition to Septage.~~ Septage management facilities that are regulated by the Department, and that do not treat any amount of biosolids residuals, shall satisfy vector attraction reduction requirements if the Class B pathogen reduction requirements of paragraph 62-640.600(1)(c), F.A.C. are met.

(3) Site Use Restrictions.

(a) Use of Class A residuals is allowed on unrestricted public access areas such as playgrounds, parks, golf courses, lawns, and hospital grounds.

(b) Class B residuals shall not be used on unrestricted public access areas such as playgrounds, parks, golf courses, lawns, and hospital grounds. Use of Class B residuals is limited to restricted public access areas such as

agricultural sites, forests, and roadway shoulders and medians. The public shall be restricted from the application zone for 12 months after the last application of residuals. The following restrictions also apply to the use of Class B residuals:

1. ~~Plant nursery use of Class B residuals is limited to plants which will not be sold to the public for 12 months after the last application of residuals.~~

2. ~~Use of Class B residuals on roadway shoulders and medians is limited to restricted public access roads.~~

3. ~~Food crops with harvested parts that touch the residuals/soil mixture and are totally above the land surface shall not be harvested for 14 months after the last application of Class B residuals.~~

4. ~~Food crops with harvested parts below the surface of the land shall not be harvested for 20 months after application of Class B residuals when the residuals remain on the land surface for four months or longer before incorporation into the soil.~~

5. ~~Food crops with harvested parts below the surface of the land shall not be harvested for 38 months after application of Class B residuals when the residuals remain on the land surface for less than four months before incorporation into the soil.~~

6. ~~Food crops, feed crops, and fiber crops shall not be harvested for 30 days following the last application of Class B residuals.~~

7. ~~Animals shall not be grazed on the land for 30 days after application of Class B residuals.~~

8. ~~Sod which will be distributed or sold to the public or used on unrestricted public access areas shall not be harvested for 12 months after the last application of Class B residuals.~~

9. ~~The minimum setback distance specified in paragraph 62-640.700(4)(d), F.A.C., shall be provided between a land application area where Class B residuals are applied, and a building occupied by the general public.~~

Rulemaking Specific Authority 373.4595, 403.051, 403.061, 403.062, 403.087, 403.088, 403.704, 403.707 FS. Law Implemented 373.4595, 403.021, 403.051, 403.061, 403.087, 403.088, 403.0881, 403.702, 403.704, 403.707, 403.708 FS. History—New 8-21-90, Formerly 17-640.600, Amended 3-30-98, \_\_\_\_\_.

62-640.650 Monitoring, Record Keeping, Reporting, and Notification.

(1) The minimum requirements in this chapter for monitoring, record keeping, or reporting by a permittee facility may be increased or reduced by the Department Secretary or the Secretary's designee depending upon site-specific requirements, including the quality or quantity of wastewater or biosolids residuals treated; historical variations in biosolids residuals characteristics; ~~the types of crops grown on the application site~~; 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; ~~the level of treatment of residuals~~, and the compliance history of the facility or application site.

(2) An increase or reduction in a permittee's facility's monitoring or reporting requirements will require a minor permit revision under Rule 62-620.325, F.A.C. Revisions to ~~decrease increase or reduce~~ permit requirements for monitoring or reporting shall be subject to the public notice requirements of subsection 62-620.325(2), F.A.C.

(3)~~(4)~~ Monitoring Requirements.

(a) Biosolids Monitoring.

1. Biosolids Residuals 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, paragraph 62-640.650(1)(b), F.A.C., shall be conducted by the treatment facility in accordance with Title 40 CFR Code of Federal Regulations (CFR) Part 503, section 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 Title 40

CFR ~~Part 503, section~~ 503.8 and the *POTW Sludge Sampling and Analysis Guidance Document*, the requirements in Title 40 CFR ~~Part 503, section~~ 503.8 will apply.

2. Permit applications for all treatment facilities that land apply or distribute and market biosolids shall identify the monitoring that will be conducted for all microbial and all operational and process parameters necessary to demonstrate compliance with the pathogen reduction and vector attraction reduction requirements of Rule 62-640.600, F.A.C. All operational and process parameters, such as time and temperature, number of windrow turnings, pH readings, etc., shall be monitored on a continual basis as applicable to the treatment process to demonstrate compliance with Rule 62-640.600, F.A.C.

3.(b) All treatment facilities that land apply or distribute and market biosolids shall analyze biosolids residuals for the following parameters, except as provided in paragraph 62-640.880(5)(a), F.A.C.:

Total Nitrogen	% dry weight basis
Total Phosphorus	% dry weight basis
Total Potassium	% dry weight basis
Arsenic	mg/kg dry weight basis
Cadmium	mg/kg dry weight basis
Copper	mg/kg dry weight basis
Lead	mg/kg dry weight basis
Mercury	mg/kg dry weight basis
Molybdenum	mg/kg dry weight basis
Nickel	mg/kg dry weight basis
Selenium	mg/kg dry weight basis
Zinc	mg/kg dry weight basis
pH	standard units
Total Solids	%
<u>Calcium Carbonate Equivalent*</u>	<u>% dry weight basis</u>

\* Only required for biosolids treated by alkaline addition

~~Analysis of additional parameters may be required by the Department, based on changes in the quality of the wastewater or residuals as a result of new discharges to the treatment plant, changes in wastewater treatment processes or process efficiency, changes in the treatment, use, land application, or disposal of the residuals, the presence of toxic substances in the residuals, the water quality of surface and ground waters, and hydrogeology of the area. Analysis of additional parameters will require a minor permit revision under Rule 62-620.325, F.A.C.~~

4.(e) Treatment facilities that land apply or distribute and market biosolids shall monitor microbial parameters and The required frequency of monitoring for the pathogen and vector attraction reduction requirements of Rule 62-640.600, F.A.C., and the parameters listed in subparagraph 62-540.650(3)(a)3. paragraph 62-640.650(1)(b), F.A.C., as follows: shall be specified in each facility's permit.

a. For biosolids residuals that are distributed and marketed under the provisions of Rule 62-640.850, F.A.C., the minimum frequency of monitoring shall be once per month.

b. For biosolids treatment facilities that land apply biosolids, the minimum frequency of monitoring shall be in accordance with sub-subparagraph 62-640.650(3)(a)4.c., F.A.C, but at least quarterly.

c. For all other biosolids that are land applied residuals, the minimum frequency of monitoring shall be in accordance with the following table:

<u>BIOSOLIDS GENERATED</u>	<u>MONITORING FREQUENCY</u>
----------------------------	-----------------------------

Residuals Generated\*                      Monitoring Frequency  
(DRY TONS PER YEAR)  
 (~~dry tons per year~~)

Greater than zero but less than <del>160</del> <u>320</u> .	Once per year.
Equal to or greater than <del>160</del> <u>320</u> but less than <del>800</del> <u>1,653</u> .	Once per quarter.
Equal to or greater than <del>800</del> <u>1,653</u> but less than <del>8000</del> <u>16,535</u> .	Once per 60 days.
Equal to or greater than <del>8000</del> <u>16,535</u> .	Once per month.

\*~~The amount of residuals generated shall be based on the permitted capacity of the facility.~~

~~5.(d)~~ Sampling locations, sampling frequency ~~number of samples~~, and monitoring parameters shall be specified in the treatment facility's permit. All biosolids residuals samples shall be representative of the biosolids residuals used, land applied, or distributed and marketed, and shall be taken after final treatment of the biosolids residuals but before use, land application, or distribution and marketing. If Class AA biosolids are to be stored by the treatment facility permittee for more than 45 days, then the permittee shall address the need to re-sample for fecal coliform or salmonella sp. in the facility biosolids storage plan submitted with the permit application.

~~6.(e)~~ Grab samples shall be used to monitor ~~for~~ pathogens and determine ~~determinations of~~ percent volatile solids. Composite samples shall be used to monitor ~~for~~ metals and nutrients.

~~7.(f)~~ Residuals shall not be land applied if a single sample result for any parameter exceeds the ceiling concentrations specified in subsection 62-640.700(1), F.A.C. Residuals shall not be distributed and marketed under the provisions of Rule 62-640.850, F.A.C. if the monthly average of sample results for any parameter exceeds one or more of the parameter concentrations in paragraph 62-640.850(3)(a), F.A.C. Monthly averages of parameter concentrations shall be determined by taking the arithmetic mean of all sample results for the month.

(b) Soil Monitoring.

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.

2. Representative soil monitoring for parameters in subsection 62-640.700(5), F.A.C., shall be conducted at application sites for each application zone prior to application site permitting, except for sites only permitted for Class AA biosolids. At a minimum, one soil sample shall be taken for each application zone or for every 50 acres of application area, whichever is smaller. Each sample shall be a composite of at least ten random samples to a depth of six inches and shall be completely mixed to form a minimum one-pound sample. Sampling and analysis shall be in accordance with 40 CFR 503.8(4), which is hereby incorporated by reference. Results of initial soil monitoring shall be reported on the Biosolids Site Permit Application, Form 62-640.210(2)(d).

~~(g) If soil testing is performed at a residuals land application site under paragraph 62-640.500(4)(a), F.A.C., such testing will be performed as specified in the approved Agricultural Use Plan for the site.~~

(c) Ground Water Monitoring.

1. A ground water monitoring program shall be established by the site permittee, and approved by the Department for land application sites when the application rate in the NMP exceeds more than 400 lbs/acre/year of plant available nitrogen.

2. The ground water monitoring program shall be established in accordance with Rule 62-520.600, F.A.C., and submitted with the site permit application.

3. When a ground water monitoring program is required for a biosolids application site with multiple application zones, one or more of the zones shall be selected by the site permittee and approved by the Department as the model zone(s) for monitoring of the ground water. The model zone(s) shall be representative of each zone's hydrogeological characteristics, soil characteristics, vegetative cover, biosolids application method, and the characteristics of the biosolids to be applied.

4. A characterization of ground water quality shall be conducted for nitrate (as N), total nitrogen, total phosphorus, pH, fecal coliform, the metals listed in paragraph 62-640.650(3)(a), F.A.C. For new sites, this characterization shall be conducted prior to the application of biosolids. For existing sites, this characterization shall be conducted within 30 days of the date of permit issuance for the site by the Department.

5. Each groundwater monitoring well shall be sampled quarterly for nitrate (as N), total nitrogen, total phosphorus, pH, and fecal coliform.

~~(d)(h)~~ Any laboratory tests required by this chapter shall be performed by a laboratory certified in accordance with paragraph 62-620.610(18)(d), F.A.C. ~~by the Department of Health under Chapter 64E-1, F.A.C., to perform the test.~~ Sample collection required by this chapter shall be performed in accordance with paragraph 62-620.610(18)(e), F.A.C. The Specific Oxygen Uptake Rate (SOUR) test, as required by 40 CFR 503.33(b)(4), shall be conducted within 15 minutes of sample collection and shall be performed by a certified laboratory or under the direction of an operator certified in accordance with Chapter 62-602, F.A.C.

~~(4)(2)~~ Record Keeping Requirements.

(a) Treatment facility permittees shall keep records of the quantities of biosolids generated, received from source facilities, treated, landfilled, incinerated, transferred to another facility, land applied, or distributed and marketed. These records shall be kept for a minimum of five years. Records of application zones and application rates must be maintained by the permittee and must be available for inspection within seven days of request by the Department, or the delegated Local Program, except as provided in paragraph 62-640.650(2)(b), F.A.C. Information reported in the Annual Summary shall reflect the application zones identified in the approved Agricultural Use Plan. The permittee must maintain the records in subparagraphs 62-640.650(2)(a)1. through 5., F.A.C., in perpetuity, and maintain the records in subparagraphs 62-640.650(2)(a)6. through 11., F.A.C., for five years:

1. Date of application of the residuals;
2. Location of the application site as specified on Form 62-640.210(2)(a);
3. Identification of each application zone used by the permittee at the application site and the acreage of each zone;
4. Amount of residuals applied or delivered to each application zone;
5. Cumulative loading for each application zone, in accordance with subsection 62-640.700(3), F.A.C.;
6. The names of all other wastewater facilities using each of the application zones identified in subparagraph 62-640.650(2)(a)3., F.A.C.;
7. Method of incorporation of residuals (if any);
8. Measured pH of the residuals soil mixture at the time the residuals are applied, tested at least annually as required by subsection 62-640.700(5), F.A.C.;

9. ~~Unsaturated depth of soil above the water table level at the time of application, as determined in accordance with paragraph 62-640.700(6)(a), F.A.C.;~~

10. ~~Concentration of parameters in the residuals as required by paragraph 62-640.650(1)(b), F.A.C., and date of last analysis; and~~

11. ~~The results of any soil testing that is done under paragraph 62-640.500(4)(a), F.A.C.~~

(b) ~~Treatment facility permittees shall keep records of all biosolids monitoring required by paragraph 62-640.650(3)(a), F.A.C., for a minimum of five years. Distribution and marketing of Class AA residuals is exempt from the record keeping requirements of this subsection.~~

(c) ~~Treatment facility permittees shall retain the Biosolids Application Site Annual Summaries received in accordance with paragraph 62-640.650(5)(e), F.A.C., indefinitely.~~

(d) ~~Treatment facility permittees that land apply biosolids and site permittees receiving biosolids shall maintain hauling records to track the transport of biosolids between the treatment facility and the application site. The hauling records for each party shall contain the following information:~~

TREATMENT FACILITY

PERMITTEE

1. Date and Time Shipped and Shipment ID

2. Amount of Biosolids Shipped

3. Concentration of Parameters in subparagraph 62-640.650(3)(a)3., F.A.C., and the Date of Analysis

4. Class of Biosolids Shipped

5. Name and ID Number of Permitted Application Site Where Biosolids are Shipped

6. Signature of Certified Operator at the Treatment Facility or Designee

7. Signature of Hauler and Name of Hauling Firm

SITE PERMITTEE

1. Date and Time Received and Shipment ID

2. Name and ID Number of Treatment Facility from which Biosolids are Received

3. Signature of Hauler

4. Signature of Site Manager at the Application Site or Designee

(e) ~~The hauling records shall be kept by both the treatment facility permittee and the site permittee for a minimum of five years and shall be made available for inspection upon request by the Department.~~

(f) ~~A copy of the treatment facility hauling records required by paragraph 62-640.650(4)(d), F.A.C., shall be provided upon delivery of the biosolids to the site manager.~~

(g) ~~For each shipment of biosolids received, the site manager shall provide a receipt to the treatment facility within 30 calendar days of delivery of the biosolids. The receipt shall include information required to be maintained by the site permittee in accordance with paragraph 62-640.650(4)(d), F.A.C.~~

(h) ~~The treatment facility shall maintain each receipt required by paragraph 62-640.650(4)(g), F.A.C., for a minimum of five years.~~

(i) The treatment facility permittee shall report to the appropriate District Office of the Department within 24 hours of discovery of any discrepancy in delivery of biosolids leaving the treatment facility and arriving at the permitted application site.

(j) Logs and records detailing biosolids applications to each application zone at an application site shall be maintained by the site permittee indefinitely and shall be available for inspection within seven days of request by the Department or the Delegated Local Program. At a minimum, the logs and records for the most recent six months of application shall be available for inspection at the land application site (i.e. maintained onsite). The logs and records shall include:

1. A copy of the approved NMP;
2. The cumulative loading for each zone in accordance with subsection 62-640.700(7), F.A.C.;
3. For each application zone, maintain Biosolids Site Log, Form 62-640.210(2)(e), F.A.C.;
4. The results of all soil monitoring and ground water monitoring conducted in accordance with paragraphs 62-640.650(3)(b) and (c), F.A.C.; and
5. Any records necessary for demonstrating compliance with the NMP such as crop planting records, harvesting dates, harvested yields, applications of other sources of nutrients, or other records identified in the NMP.

(5)(3) Reporting Requirements.

(a) Treatment facility permittees shall report the following information on the facility's monthly Discharge Monitoring Report required by subsection 62-620.610(18), F.A.C.

1. The total quantities of biosolids received from source facilities, landfilled, incinerated, transferred to another facility, land applied, or distributed and marketed for the reporting period.

2. The results of all monitoring conducted by permitted facilities under subparagraph 62-640.650(3)(a)3., F.A.C., subsection 62-640.650(1), F.A.C., shall be submitted to the Department with the facility's Discharge Monitoring Report under Chapter 62-601, F.A.C., or Residuals Monitoring Report under paragraph 62-640.650(3)(d), F.A.C., as applicable. The analytical results from each sampling event shall be submitted with the report for the month in which the sampling event occurs.

3. For facilities distributing and marketing biosolids in Florida, the information required in subsection 62-640.850(4), F.A.C.

(b) Distribution and Marketing Reporting. Any person who delivers biosolids to Florida for distribution and marketing shall submit a monthly Discharge Monitoring Report that includes the information required in subsection 62-640.850(4), F.A.C., on the appropriate form provided by the Department.

(c)(b) Treatment Facility Annual Summary. Permittees of wastewater treatment facilities or biosolids treatment facilities permitted for land application ~~The permittee using an application site (or sites)~~ 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, ~~residuals application activity at the sites~~ to the appropriate District Office of the Department, or to the delegated ~~Local p~~Program, on an annual basis. The summary must be submitted on Department Form 62-640.210(2)(b). ~~If more than one facility applies residuals to the same application zones, the summary must include a subtotal of each facility's contribution of residuals to the application zones.~~ The summary shall include all biosolids shipped residuals applied 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. ~~The summary must include all of the following:~~

~~1. The total amounts of residuals, nitrogen, phosphorus, potassium and heavy metals applied to each application zone.~~

~~2. The total quantity of other solids, if any, applied to each application zone under the provisions of Rule 62-640.860, F.A.C.~~

~~3. The total cumulative loading for the parameters specified in paragraph 62-640.700(3)(b), F.A.C., applied to each application zone. Cumulative loading shall be determined as described in subsection 62-640.700(3), F.A.C., and shall be calculated for all residuals applications at a site beginning with the earlier of:~~

~~a. The date of the first application of residuals at the site subject to regulation by Chapter 62-640, F.A.C., or;~~

~~b. The date of the first application of residuals at the site subject to regulation by Title 40 Code of Federal Regulations Part 503.~~

~~4. A summary of hauling records information for residuals management facilities, as described in Rule 62-640.880, F.A.C.~~

~~(c) Distribution and Marketing Reports. Any facility which produces Class AA residuals in Florida and any person who delivers Class AA residuals to Florida must submit a Monthly Residuals Distribution and Marketing Report to the Department in accordance with subsection 62-640.850(4), F.A.C.~~

(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:

1. The total quantities of biosolids, other solids, nitrogen, phosphorus, potassium, and heavy metals applied to each application zone identified in the site's NMP. Reporting of heavy metals applied is not required for sites where only Class AA biosolids are applied.

2. Except for sites where only Class AA biosolids are applied, the total cumulative loading for the parameters specified in paragraph 62-640.700(7)(b), F.A.C., applied to each application zone identified in the site's NMP. Cumulative loading shall be determined as described in subsection 62-640.700(7), F.A.C., and shall be calculated for all biosolids applications at a site beginning with the earlier of:

a. The date of the first application of biosolids at the site subject to regulation by Chapter 62-640, F.A.C.; or

b. The date of the first application of biosolids at the application site subject to regulation by 40 CFR 503.

3. A summary of the total quantities of biosolids applied from each treatment facility using the application site.

4. The results of any ground water monitoring required by paragraph 62-640.650(3)(c), F.A.C.

5. A copy of any revised sections of the NMP made in accordance with Rule 62-640.500, F.A.C.

~~(d) Residuals Monitoring Reports. Residuals management facility and septage management facility permittees who are not required to submit a Discharge Monitoring Report shall report the results of monitoring performed under subsection 62-640.650(1), F.A.C., to the Department in a Residuals Monitoring Report on Department Form 62-640.210(2)(d). For residuals management facilities, the report shall include a summary of all hauling records information that is maintained under subsection 62-640.880(4), F.A.C., for the period of report. The report shall be due on the 28th day of the month that follows the month in which the monitoring was performed.~~

(e) The site permittee shall send copies of the Biosolids Application Site Annual Summary required by paragraph 62-640.650(5)(d), F.A.C., to each treatment facility permittee from which biosolids have been received at the time the Biosolids Application Site Annual Summary is submitted to the Department. Copies of analytical laboratory reports must be submitted with all monitoring results that are reported to the Department.

~~(6)(4) Notification Requirements. Notifications required by paragraphs 62-640.650(6)(a) through (i) 62-640.650(4)(a), (b) and (e), F.A.C., shall be provided orally to the appropriate District Office of the Department. A written submittal shall also be provided to the District Office within seven calendar days of the time when a person subject to this chapter the permittee becomes aware of the circumstances. The written submittal must include the time and date of the oral notification, and the name of the person to whom the oral notification was made.~~

(a) If an alternate application site is used under the provisions of subsection 62-640.300(3), F.A.C., the treatment facility permittee using the alternate site must notify the Department within 24 hours before of beginning biosolids residuals application at the alternate site.

(b) Surface or ground water quality violations that are discovered as a result of testing ~~as described in paragraph 62-640.700(2)(b), F.A.C.,~~ shall be reported to the Department within 24 hours of discovery.

(c) Any discrepancy that occurs in the inventory of biosolids residuals leaving a source wastewater treatment facility and arriving at a biosolids treatment residuals management facility must be reported to the Department and to the source facility by the biosolids treatment residuals management facility permittee within 24 hours of discovery under paragraph 62-640.880(4)(c), F.A.C.

(d) Any person intending to import Class AA biosolids residuals from outside Florida the state for distribution and marketing or land application must notify the Department's Domestic Wastewater Section in Tallahassee, in writing, at least 30 days before beginning importation, in accordance with subsection 62-640.850(6), F.A.C.

(e) Biosolids treatment Residuals management facility permittees must notify the Department and all affected parties in writing at least 60 days before ceasing operation, in accordance with paragraph 62-640.880(2)(j), F.A.C.

(f) Treatment facility permittees shall notify the Department, the site manager, and site permittee within 24 hours of discovery of sending biosolids that did not meet the requirements of Rule 62-640.600, F.A.C., or subsection 62-640.700(5), F.A.C., to a land application site.

(g) Treatment facility permittees and those persons who deliver Class AA biosolids for distribution and marketing in Florida shall notify the Department and all persons to whom they delivered or distributed and marketed the Class AA biosolids, within 24 hours of discovery of distributing and marketing biosolids that did not meet the requirements of paragraph 62-640.600(1)(a), F.A.C., subsection 62-640.600(2), F.A.C., or paragraphs 62-640.700(5)(a), or (b), F.A.C.

(h) Site permittees shall notify the Department and facilities sending biosolids to the site in writing at least 60 days before ceasing operation of a permitted biosolids land application site.

(i) Permittees of sites where Class A or Class B biosolids are applied shall notify the site land owners and owners of animals that graze on the permitted site in writing within 30 days of discovering that the cumulative loading of molybdenum to the site has reached or exceeded 35.7 lbs per acre. Owners of grazing animals shall be specifically informed about the potential for molybdenosis to occur in the animals. A copy of the notification letter shall be provided to the Department.

Rulemaking Specific Authority 373.4595, 403.051, 403.061, 403.062, 403.087, 403.088, 403.704, 403.707 FS. Law Implemented 373.4595, 403.021, 403.051, 403.061, 403.087, 403.088, 403.0881, 403.702, 403.704, 403.707, 403.708 FS. History—New 3-30-98, Amended \_\_\_\_\_.

62-640.700 Requirements Criteria for Land Application of Class AA, A, and B Biosolids Residuals.

(1) Except as provided in paragraph 62-640.100(5)(g), F.A.C., biosolids shall only be applied to land application sites that are permitted by the Department in accordance with Rule 62-640.300, F.A.C., and have a valid NMP.

(2) All biosolids applied to land application sites shall meet the requirements of Class AA, Class A, or Class B biosolids as defined in subsections 62-640.200(9), (10), and (11), F.A.C.

(3) Biosolids applied at agricultural sites shall be applied at rates established in accordance with the NMP.

(4) Biosolids applied at land reclamation sites shall also meet the additional requirements of Rule 62-640.800, F.A.C., and be applied at rates established in the approved Biosolids Site Permit Application, Form 62-640.210(2)(d), for the site.

~~(5)(1) Parameter Concentrations General Criteria.~~

~~(a) Biosolids Residuals may be applied to a land application site only if all parameter concentrations of all the parameters listed in paragraph 62-640.650(1)(b), F.A.C., do not exceed the following ceiling concentrations in any sample, and the biosolids residuals meet the pathogen and vector attraction reduction requirements set forth in Rule 62-640.600, F.A.C., for the intended site use.~~

CEILING CONCENTRATIONS

(mg/kg dry weight basis)

Parameter	<u>Single Sample Concentration</u>
Arsenic	75
Cadmium	85
Copper	4300
Lead	840
Mercury	57
Molybdenum	75
Nickel	420
Selenium	100
Zinc	7500

~~(b) In addition to meeting the single sample requirements of paragraph 62-640.700(5)(a), F.A.C., Class A biosolids may be classified as Class AA biosolids only if the monthly average parameter concentrations do not exceed the following criteria:~~

CLASS AA PARAMETER CONCENTRATIONS

(mg/kg dry weight basis)

<u>Parameter</u>	<u>Monthly Average Concentration</u>
<u>Arsenic</u>	<u>41</u>
<u>Cadmium</u>	<u>39</u>
<u>Copper</u>	<u>1500</u>
<u>Lead</u>	<u>300</u>
<u>Mercury</u>	<u>17</u>
<u>Nickel</u>	<u>420</u>
<u>Selenium</u>	<u>100</u>
<u>Zinc</u>	<u>2800</u>

~~(c) If the biosolids must be blended with other materials to meet the Class AA criteria of paragraph 62-640.700(5)(b), F.A.C., the blending shall be conducted by a Department permitted domestic wastewater treatment facility or biosolids treatment facility before the biosolids are distributed or marketed. The blending methodology shall be specified in the facility's permit.~~

~~(6)(2) General Application Site Requirements.~~

~~(a) Site use restrictions including setback distances, crop harvesting, grazing, and public access shall conform to the requirements of Rule 62-640.600, F.A.C., for the class of pathogen reduction provided.~~

~~(b) Florida water quality standards shall not be violated in waters as a result of land application of residuals. Monitoring of surface and ground waters shall be required if the Department determines that, because of the physical and hydrogeological characteristics of the site, monitoring is necessary to protect the designated uses of water bodies. If violations occur, land application of residuals shall be suspended immediately, and the violations shall be reported to the Department within twenty four hours of discovery.~~

~~(a)(e) Biosolids Residuals shall be applied with appropriate techniques and equipment to assure uniform application over the application zone.~~

~~(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.~~

~~(c) Class A and Class B biosolids treated by alkaline addition shall be land applied within 24 hours of delivery to the site.~~

~~(d) The spraying of liquid domestic wastewater biosolids from an application vehicle residuals shall be conducted so that the formation of aerosols is minimized. Unless specifically stated in the wastewater permit or site permit, spray guns shall not be used.~~

~~(e) Biosolids shall not be stored, stockpiled, or staged at a land application site for more than seven days unless approved by the Department pursuant to subparagraph 2. below.~~

~~1. All biosolids storage, stockpiling, or staging at land application sites shall:~~

~~a. Meet the applicable setback requirements for biosolids application sites in subsection 62-640.700(8), F.A.C.;~~

~~b. Not cause or contribute to runoff of biosolids, objectionable odors, or vector attraction; and~~

~~c. For Class B biosolids, include fencing or other appropriate features to discourage the entry of animals and unauthorized persons.~~

~~2. The Department shall approve storage periods for longer than seven days if the following conditions are met:~~

~~a. The storage area and facilities are identified in the NMP and site permit application;~~

~~b. The applicable storage requirements of subparagraph 62-640.700(6)(e)1., F.A.C., are met;~~

~~c. All of the biosolids stored at the application site, up to the capacity of the onsite storage facilities, can be land applied without resulting in an exceedance of cumulative loading limits or the application rates established in the NMP;~~

~~d. The storage facilities are adequate for the rate of biosolids generated by permitted treatment facilities sending biosolids to the application site; and~~

~~e. A longer storage period is needed because of agricultural operations or climatic factors at the application site.~~

~~3. In no case shall storage of biosolids exceed two years.~~

~~4. EPA's *Guide to Field Storage of Biosolids*, paragraph 62-640.210(1)(k), F.A.C., provides guidance to assist permittees in the field storage, stockpiling, and staging of biosolids.~~

~~(e) Residuals storage facilities at land application sites shall be subject to applicable setback requirements for residuals application sites in this section. Residuals shall be stored in a manner that will not cause runoff or seepage from stored residuals, objectionable odors, or vector attraction. Storage areas must be fenced or otherwise provided with appropriate features to discourage the entry of animals and unauthorized persons. At the time of land application, the stored residuals must meet the general criteria of subsection 62-640.700(1), F.A.C., for parameter concentrations, pathogen and vector attraction reduction, and the cumulative application limits of subsection 62-640.700(3), F.A.C. Residuals storage facilities at land application sites may be used only for temporary storage of stabilized residuals for no more than 30 days during periods of inclement weather or to accommodate agricultural~~

operations, unless a longer storage period is specified in the approved agricultural use plan for the site. The Department shall approve a longer storage period, not to exceed two years, if the agricultural use plan demonstrates that:

1. The storage facilities at the site are adequate for the rates of residuals generation by permitted wastewater facilities sending residuals to the site;
2. All of the residuals stored at the site, up to the capacity of the on-site storage facilities, can be land applied without resulting in an exceedence of cumulative loading limits or agronomic rates; and
3. A longer storage period is needed because of agricultural operations or climatic factors at the site.

(f) Class B biosolids Residuals application sites shall be posted with appropriate advisory signs in English and Spanish which identify identifying the nature of the project area and comply with the following requirements.

1. Signs shall be posted at all entrances to land application sites in such a position as to be clearly noticeable. The words “Class B Biosolids Site” (in Spanish “Sitio con Biosólidos”), “Public Access Prohibited” (in Spanish “Prohibido el Acceso al Público”), and the name and contact information of the site manager shall appear prominently on the signs.

2. For unfenced application sites, additional signs shall be posted at the corners and at a maximum of 500 feet intervals along the boundaries of the application site or zones, and in such a position as to be clearly noticeable from outside the boundary line of the application site. The words “Public Access Prohibited” (in Spanish “Prohibido el Acceso al Público”) shall appear prominently on the signs.

3. Letters on the signs for all required statements shall not be less than two inches in height. Signs shall be maintained and legible.

(7)(3) Cumulative Application Limits.

(a) For Class A and Class B biosolids tThe total cumulative loading of each parameter identified in paragraph 62-640.700(7)(b) 62-640.700(3)(b), F.A.C., which is applied to each application zone on an application site shall be determined and provided to the Department in the annual summary submitted on Department Form 62-640.210(2)(c) 62-640.210(2)(b). The beginning date for cumulative loading determination shall be as described in subparagraph 62-640.650(5)(d)2. 62-640.650(3)(b)3., F.A.C. The total cumulative loading shall be reported in pounds per acre (1 acre = 0.4047 hectare).

(b) The application of Class A and Class B biosolids residuals to application zones which accept biosolids residuals that meet the ceiling concentration limits in subsection 62-640.700(5) 62-640.700(1), F.A.C., but do not meet the requirements of paragraph 62-640.850(3)(a), F.A.C., shall be restricted by the following cumulative application limits:

#### CUMULATIVE APPLICATION LIMITS

(pounds per acre)

Arsenic	36.6
Cadmium	34.8
Copper	1340
Lead	268
Mercury	15.2
<u>Molybdenum</u>	<u>Report only</u>
Nickel	375
Selenium	89.3
Zinc	2500

~~(c) Except as provided in paragraph 62-640.700(3)(d), F.A.C., application zones which only receive residuals that meet the parameter concentration limits in paragraph 62-640.850(3)(a), F.A.C., are not subject to the cumulative application limits in paragraph 62-640.700(3)(b), F.A.C.~~

~~(d) Beginning with the first application of residuals that do not meet the parameter concentration limits in subsection 62-640.850(3), F.A.C., to an application zone, the zone shall be subject to the cumulative application limits in paragraph 62-640.700(3)(b), F.A.C., and all applications of residuals, except Class AA, shall be used to determine the cumulative loading of parameters applied to the zone.~~

~~(c)(e) If one or more zone(s) at an application site changes ownership or becomes part of a different application site, the cumulative loading determination for the affected zone(s) shall account for the prior applications of biosolids residuals.~~

~~(d)(f) If biosolids residuals that are subject to the cumulative loading limitations of subsection 62-640.700(7) 62-640.700(3), F.A.C., have been applied to an application zone, and the cumulative loading amount of one or more pollutants is not known, no further applications of biosolids shall residuals may be made to that application zone. To continue use of the zone, the permittee shall establish cumulative loadings below the application limits in paragraph 62-640.700(7)(b), F.A.C., by calculation methods and analysis or by conducting soil testing in accordance with subparagraph 62-640.650(3)(b)2., F.A.C.~~

~~(8)(4) Setback Distances. The setback distances in this section shall apply to all new or expanded land application sites used by facilities for which the Department received complete wastewater permit applications after December 1, 1997, but the setback distances shall only apply to the new or expanded portion(s) of the land application sites. The permittee of a facility using an existing land application site may request, during permit renewal, that the setback distance requirements in this rule be applied to the existing site or portion of the site. The Department shall grant such requests provided no violations of water quality standards have occurred as a result of residuals application to the site.~~

~~(a) The following setback distances specified in paragraphs 62-640.700(4)(a) through (c), F.A.C., shall apply to land application sites that accept either Class A or Class B biosolids residuals. The setback distances specified in paragraph 62-640.700(4)(d), F.A.C., shall only apply to land application sites that accept Class B residuals.~~

~~1. The biosolids residuals are injected or incorporated into the soil; or~~

~~1.(a) The biosolids residuals 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 one of the following conditions is met:~~

~~2. A conservation plan is provided with the Agricultural Use Plan which demonstrates that stormwater runoff generated by the 10 year recurrence interval, 1 hour duration storm event will be prevented from entering or leaving the land application zone. Berms shall be placed around the site for the purpose of preventing stormwater runoff if necessary. Recovery time of the system should be specified in the conservation plan with a maximum stormwater retention time of 72 hours as required by subsection 62-25.025(4), F.A.C. Back slope protection as well as other safety features shall be included.~~

~~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.~~

~~3.(e)~~ No change.

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.

(b) The following additional setback distances shall apply to land application sites that accept Class B biosolids.

~~1.(d)~~ Class B biosolids residuals 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 residuals are injected into the soil or if written permission is obtained from the building owner.

2. Class B biosolids shall not be applied within 75 feet from property lines, unless applied to the medians or roadway shoulders of restricted public access roads.

~~(9)(5) Soil Requirements.~~ The pH of the biosolids residuals soil mixture shall be 5.0 or greater at the time Class A or Class B biosolids residuals are applied. At a minimum, soil pH testing shall be done annually.

~~(10)(6) Ground Water Requirements.~~

~~(a)~~ A minimum unsaturated soil depth of two feet is required between the depth of biosolids placement and above the water table level is required at the time the Class A or Class B biosolids residuals are applied to the soil. The permittee can indicate the seasonal high ground water level for the application site may be indicated in the Biosolids Site Permit Application, Form 62-640.210(2)(d), Agricultural Use Plan by use of soil survey maps. If the seasonal high ground water level is within two feet of the depth of biosolids placement or cannot be determined at the time of permitting surface or can not be determined using soil survey maps, the water table level shall be determined in one or more representative location(s) in the application zone before each application of biosolids residuals, by observing the standing water level in a three-foot deep hole dug at least one hour before application, or by other means, e.g., measuring the water level in a water-table monitoring well or a piezometer.

~~(b) The minimum setback requirement of paragraph 62-640.700(4)(c), F.A.C., shall be provided between land application areas and any visible evidence of natural or man-made conduits that could allow direct contamination of ground water.~~

~~(11)(7) Runoff Prevention Requirements.~~

(a) Biosolids Residuals shall not be applied at an application zone during rain events that cause ponding or sheet flow, when ponding exists, during rains that cause runoff from the site or when surface soils are saturated.

(b) Topographic grades of the land application zone must be eight percent or less. If application site slopes exceed three two percent in one or more application zones, biosolids shall be injected or incorporated, or documentation shall a conservation plan must be provided with the NMP demonstrating Agricultural Use Plan which demonstrates that suitable soil infiltration rates and stormwater control measures exist at the application site to retain runoff generated by a 10-year recurrence interval 1-hour duration storm event. Berms shall be placed for this purpose if necessary.

(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.

(12) Additional Application Site Restrictions for Class B Biosolids. The following restrictions shall apply to the use of Class B biosolids:

(a) Class B biosolids shall only be applied to restricted public access areas. The public shall be restricted from the application zone for 12 months after the last application of biosolids.

(b) Plant nursery use of Class B biosolids is limited to plants which will not be sold to the public for 12 months after the last application of biosolids.

(c) Use of Class B biosolids on roadway shoulders and medians is limited to restricted public access roads.

(d) Food crops, feed crops, and fiber crops shall not be harvested for 30 days following the last application of Class B biosolids.

(e) Food crops with harvested parts that touch the biosolids/soil mixture and are totally above the land surface shall not be harvested for 14 months after the last application of Class B biosolids.

(f) Food crops with harvested parts below the surface of the land shall not be harvested for 20 months after application of Class B biosolids when the biosolids remain on the land surface for four months or longer before incorporation into the soil.

(g) Food crops with harvested parts below the surface of the land shall not be harvested for 38 months after application of Class B biosolids when the biosolids remain on the land surface for less than four months before incorporation into the soil.

(h) Animals shall not be grazed on land on which Class B biosolids have been applied for 30 days after the last application of Class B biosolids. Animals found grazing prior to the end of the 30-day restriction shall be reported by the site manager to the Florida Department of Agriculture and Consumer Services (FDOACS), Bureau of Animal Disease Control, within two weeks of discovery.

(i) Sod or soil which will be distributed or sold to the public or used on unrestricted public access areas shall not be harvested or removed from land on which Class B biosolids have been applied for 12 months after the last application of Class B biosolids.

(j) If ownership of a land application site changes prior to the expiration of a time period restriction established by paragraphs 62-640.700(12)(a)-(i), F.A.C., the existing owner shall disclose to the prospective owner the existence of the restriction(s) prior to transferring ownership.

Rulemaking Specific Authority 373.4595, 403.051, 403.061, 403.062, 403.087, 403.088, 403.704, 403.707 FS. Law Implemented 373.4595, 403.021, 403.051, 403.061, 403.087, 403.088, 403.0881, 403.702, 403.704, 403.707, 403.708 FS. History—New 8-12-90, Formerly 17-640.700, Amended 3-30-98,\_\_\_\_\_.

#### 62-640.750 Agricultural Sites.

Rulemaking Specific Authority 403.051, 403.061, 403.062, 403.087, 403.088, 403.704, 403.707 FS. Law Implemented 403.021, 403.051, 403.061, 403.087, 403.088, 403.0881, 403.702, 403.704, 403.707, 403.708 FS. History—New 3-30-98, Repealed\_\_\_\_\_.

#### 62-640.800 Additional Requirements for Land Application at Reclamation Sites.

~~(1) Residuals which meet the pathogen and vector attraction reduction requirements of subsections 62-640.600(1) and (2), F.A.C., may be applied to land reclamation sites if the site use restrictions of subsection 62-640.600(3), F.A.C., the criteria for land application of residuals of Rule 62-640.700, F.A.C., and the requirements of this section are met.~~

(1)(2) The maximum total allowable application quantity of biosolids for land reclamation projects shall be limited to 50 dry tons/acre with such one-time reclamation project to be accomplished within a one-year period on any acre of a land reclamation site. When composted biosolids or biosolids residuals or residuals blended with other soil amendment materials are used, only the biosolids residuals portion of the blended product shall count toward the 50 dry tons/acre limitation.

(2)(3) Except for Class AA biosolids A-residuals the applied material shall be incorporated into the soil within the same day as application.

~~(3)~~(4) Seed, or turf-forming grass or other vegetative cover approved by the Department, shall be planted as soon as possible but in no case later than three months after the application of biosolids residuals.

~~(5) Florida water quality standards shall not be violated as a result of land application of residuals, under paragraph 62-640.700(2)(b), F.A.C.~~

~~(6) Slopes must be eight percent or less before and after application.~~

(7) through (8) renumbered (4) through (5) No change.

Rulemaking Specific Authority 373.4595, 403.051, 403.061, 403.062, 403.087, 403.088, 403.704, 403.707 FS. Law Implemented 373.4595, 403.021, 403.051, 403.061, 403.087, 403.088, 403.0881, 403.702, 403.704, 403.707, 403.708 FS. History—New 8-12-90, Formerly 17-640.800, Amended 3-30-98, \_\_\_\_\_.

62-640.850 Distribution and Marketing of – Class AA Biosolids Residuals.

~~The distribution and marketing of biosolids or biosolids Residuals or residuals products shall meet be designated as Class AA if the requirements of this section and this chapter, but are not required to meet subsections 62-640.300(2) and (3); Rule 62-640.500; paragraphs 62-640.650(3)(b) through (d); paragraphs 62-640.650(4)(c) through (j); paragraphs 62-640.650(5)(c) through (e); paragraphs 62-640.650(6)(a), (b), (f), and (g); subsections 62-640.700(1) through (4); subsections 62-640.700(6) through (12); and Rule 62-640.800, F.A.C. are met, and the residuals are distributed and marketed.~~

(1) Distributed and marketed biosolids or biosolids Residuals or residuals products shall meet the requirements for Class AA biosolids as defined in subsection 62-640.200(10), F.A.C. A pathogen reduction standards of subsection 62-640.600(1), F.A.C.

(2) Distributed and marketed biosolids or biosolids Residuals or residuals 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. meet one of the vector attraction reduction requirements in Title 40 Code of Federal Regulations Part 503, Section 503.33(b)(1) through (b)(8).

(3) Any treatment facility which produces biosolids in Florida that will be distributed and marketed or any person who delivers biosolids to Florida to be distributed and marketed shall submit the information listed in paragraph 62-640.850(3)(b), F.A.C., to the Department.

(a) The information shall be submitted as follows:

1. Florida facilities shall submit the information with the treatment facility permit application. The information shall be updated and re-submitted with each permit renewal application.

2. Persons shipping biosolids into Florida for distribution and marketing shall submit the information with the notification required by subsection 62-640.850(6), F.A.C. The information shall be updated and re-submitted every five years.

(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.

~~(3) Residuals or residuals products shall be analyzed in accordance with subsection 62-640.650(1), F.A.C., on a monthly basis, and the results shall be submitted to the Department in accordance with subsection 62-640.850(4), F.A.C.~~

~~(a) The residuals or final residuals products shall have monthly average parameter concentrations not exceeding the following criteria:~~

**CLASS AA PARAMETER CONCENTRATIONS\***

(mg/kg dry weight basis)

Parameter	Monthly Average
Arsenic	41
Cadmium	39
Copper	1500
Lead	300
Mercury	17
Nickel	420
Selenium	100
Zinc	2800

~~\*The ceiling concentrations in Rule 62-640.700(1), F.A.C., also apply.~~

~~(b) If the residuals must be blended with other materials to meet the criteria of paragraph 62-640.850(3)(a), F.A.C., the blending shall be conducted by a Department permitted domestic wastewater treatment facility or residuals management facility before the residuals are distributed or marketed. The blending methodology shall be specified in the facility's permit.~~

~~(4) Any treatment facility distributing and marketing biosolids which produces Class AA residuals in Florida or and any person who delivers biosolids Class AA residuals to Florida shall submit a monthly Discharge Monitoring Report with the following information Monthly Residuals Distribution and Marketing Report to the Domestic Wastewater Section of the Department, Twin Towers Office Building, 2600 Blair Stone Road, Mail Station 3540, Tallahassee, Florida, 32399-2400. The report shall be submitted on Form 62-640.210(2)(c), by the 28th day of the month following the reporting month, and shall include the following:~~

~~(a) The total quantity of biosolids residuals (dry tons) distributed and marketed in Florida. Treatment facility permittees in Florida also shall report the total quantity of biosolids (dry tons) distributed and marketed outside of Florida delivered to or applied in each county;~~

~~(b) The name and address of the treatment facility or person that produced the biosolids Class AA residuals; and~~

~~(c) The brand name, if any, and the product type of the residuals or residuals product;~~

~~(d) The Department of Agriculture and Consumer Services (DACS) fertilizer licensee number, if applicable. For information about fertilizer registration, contact the Bureau of Compliance Monitoring, DACS, Tallahassee, Florida 32399-1650; and~~

~~(c)~~<sup>(e)</sup> The results of monitoring performed in accordance with subparagraph 62-640.650(3)(a)3., F.A.C. For facilities located outside the state of Florida, a biosolids residuals analysis report(s) report from a laboratory certified in accordance with paragraph 62-620.610(18)(d), F.A.C. by the Department of Health under Chapter 64E-1, F.A.C., to perform the analyses being reported, for each month the biosolids residuals were distributed and marketed in Florida, shall be included with the Discharge Monitoring Report. The report shall include the results of monitoring performed in accordance with subsection 62-640.650(1), F.A.C.

(5) In addition to any fertilizer labeling requirements of Chapter 576, F.S., and Chapter 5E-1, F.A.C., the following information must be made available to the users by the manufacturer by product labels or other means:

(a) The name and address of the treatment facility or person that produced the biosolids Class AA residuals;

(b) A statement that the biosolids or biosolids residuals or residuals product meets the criteria of subsection 62-640.700(5) 62-640.850(3), F.A.C.;

(c) Recommendations on proper storage of the biosolids or biosolids product prior to use and a A recommendation that biosolids residuals be applied at a rate that does not exceed crop or plant nutrient needs, the agronomic rate; and

~~(d) The following residuals analysis information (dry weight basis):~~

~~Total Nitrogen (%)~~

~~Total Phosphorous (%)~~

~~Total Potassium (%)~~

(6) Any person who intends to begin shipping biosolids Class AA residuals into Florida the state for distribution and marketing shall notify the Department Domestic Wastewater Section of the Department's Tallahassee office in writing of their intent to distribute and market the biosolids residuals in Florida and provide reasonable assurance that the biosolids meet the requirements for Class AA biosolids the state. The notification notice shall be sent to the Domestic Wastewater Section, Mail Station 3540, Twin Towers Office Building, 2600 Blair Stone Road, Tallahassee, FL 32399-2400. The notification notice shall be submitted at least 30 days prior to initiating shipment of the biosolids residuals into Florida the state. Any persons currently shipping biosolids into Florida for distribution and marketing shall have 90 days after (the effective date of the rule) to provide the notification. The notification The notice shall include:

(a) The name of the treatment facility producing the biosolids; Class AA residuals,

(b) A copy of the treatment facility permit from the state permitting authority where the facility is located;

(c) The treatment facility address and telephone number;

(d) The name of the person or entity shipping the biosolids into Florida;

(e) The name of the principal executive officer or authorized agent for the entity shipping the biosolids into Florida;

(f) The contact information for the person or entity shipping the biosolids into Florida;

(g) A description of how the biosolids Class AA residuals meet the requirements of Rule 62-640.850, F.A.C., and documentation demonstrating the biosolids meet the pathogen reduction and vector attraction reduction requirements;

(h) A copy of the latest analysis report from a laboratory certified in accordance with paragraph 62-620.610(18)(d), F.A.C.; by the state of Florida;

(i) A copy of the most recent treatment facility annual report submitted to EPA in accordance with 40 CFR 503.18, hereby adopted and incorporated by reference;

(j) The approximate date of the first shipment into Florida; the state, the counties to which the residuals will be shipped;

(k) ~~The brand name and product type of the biosolids; and residuals, and the DACS fertilizer licensee number, if applicable.~~

(l) ~~The information listed in subsection 62-640.850(3), F.A.C.~~

(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.  
Rulemaking Specific Authority 373.4595, 403.051, 403.061, 403.062, 403.087, 403.088, 403.704, 403.707 FS. Law Implemented 373.4595, 403.021, 403.051, 403.061, 403.087, 403.088, 403.0881, 403.702, 403.704, 403.707, 403.708 FS. History—New 8-12-90, Formerly 17-640.850, Amended 3-30-98, \_\_\_\_\_.

62-640.860 Other Solids.

(1) General Criteria. The disposal or use of other solids as defined in subsection ~~62-640.200(30)~~ ~~62-640.200(24)~~, F.A.C., shall be authorized in a Department treatment facility permit and addressed in the NMP Agricultural Use Plan for the permitted application site.

(2) No change.

(a) through (b) No change.

(c) The other solids shall meet the pathogen and vector attraction reduction requirements, ~~and the site use restrictions~~ of Rule 62-640.600, F.A.C. The Department shall review and approve the design and operational parameters of the treatment method used to reduce pathogens and vector attraction during application for a wastewater permit.

(d) The land application of other solids shall meet all of the criteria provided in Rule 62-640.700, F.A.C., for land application of biosolids residuals.

(e) The application rate of other solids to land shall be consistent with the NMP, ~~justified by the permittee in the permit application. The permittee shall demonstrate that the application rate is beneficial to the land. The application rate shall not be determined exclusively by the nitrogen content of the other solids, except that the application rate shall not exceed the agronomic needs of the site vegetation.~~

(3) Other solids which are combined with biosolids residuals prior to final treatment of the biosolids residuals are subject to all of the requirements of this ~~c~~Chapter that apply to biosolids residuals.  
Rulemaking Specific Authority 403.051, 403.061, 403.062, 403.087, 403.088, 403.704, 403.707 FS. Law Implemented 403.021, 403.051, 403.061, 403.087, 403.088, 403.0881, 403.702, 403.704, 403.707, 403.708 FS. History—New 3-30-98, Amended \_\_\_\_\_.

62-640.880 Additional Requirements Related to Biosolids Treatment ~~Residuals Management~~ Facilities.

The requirements of this section shall apply to any facility that treats biosolids residuals from other facilities prior to use, ~~or~~ land application, or disposal. These requirements also apply to septage management facilities that treat domestic septage and combinations of food establishment sludges, wastes removed from portable toilets, and wastes removed from holding tanks associated with boats, marina pumpout, or other onsite systems prior to use, ~~or~~ land application, or disposal.

(1) General Criteria.

(a) The biosolids treatment residuals management facility permittee shall be responsible for proper treatment, management, use, ~~and~~ land application, and disposal of the biosolids residuals it accepts from a source facility, according to the requirements of this ~~c~~Chapter.

1. The biosolids applied to land or distributed and marketed residuals shall meet the pathogen reduction and, vector attraction reduction, ~~and site use~~ requirements of Rule 62-640.600, F.A.C.

2. The biosolids treatment residuals management facility shall meet the monitoring, record keeping, reporting and notification requirements of Rule 62-640.650, F.A.C., and the additional requirements of this section.

3. The biosolids residuals shall be applied to land or distributed and marketed in accordance with the applicable requirements of Rules 62-640.700, ~~62-640.750~~, 62-640.800, 62-640.850, F.A.C., and the additional requirements of this section.

(b) The source facility permittee shall not be held responsible for treatment, management, use, ~~or~~ land application, or disposal violations that occur after its biosolids residuals have been accepted by a permitted biosolids treatment residuals management facility with which the source facility permittee has an agreement in accordance with paragraph 62-640.880(1)(c), F.A.C., for further treatment, management, use, ~~or~~ land application, or disposal.

(c) The source facility and the biosolids treatment residuals management facility shall enter into a written agreement addressing the quality and quantity of the biosolids residuals accepted by the biosolids treatment residuals management facility. The agreement shall include a statement, signed by the biosolids treatment residuals management facility permittee, as to the availability of sufficient permitted capacity to receive the biosolids residuals from the source facility, and indicating that the biosolids treatment residuals management facility will continue to operate in compliance with the requirements of its permit. The agreement shall also address responsibility during transport of biosolids residuals between the facilities. The biosolids treatment residuals management facility permittee shall submit a copy of this agreement to the appropriate District Office of the Department, or to the delegated Local Program, at least 30 days before transporting biosolids residuals from the source facility to the biosolids treatment residuals management facility.

(2) Permitting.

(a) Fees. For the purpose of determining applicable permit fees, the biosolids treatment residuals management facility shall be classified as Type I, II, or III based on the design capacity established by the permittee as follows:

TYPE Type	DESIGN CAPACITY	DESIGN CAPACITY
	Design Capacity (DRY TONS PER YEAR) (dry tons per year)	Design Capacity (DRY TONS PER DAY) (dry tons per day)
I	>1653	>4.5
II	320 – 1653	0.88 - 4.5
III	<320	<0.88

(b) All applications for biosolids treatment residuals management facility permits shall be submitted on Department Form 62-620.910(2), Application Form 2A, Permit for Domestic Wastewater Treatment and Reuse or Disposal Facility.

(c) Under the requirements of this chapter and the applicable requirements of Chapter 62-600, F.A.C., and Chapter 62-620, F.A.C., the biosolids treatment residuals management facility shall be permitted to treat either biosolids residuals or combinations of biosolids residuals, domestic septage, food establishment sludges, wastes removed from portable toilets, and wastes removed from holding tanks associated with boats, marina pumpout, and other onsite systems. A biosolids treatment facility shall not accept industrial sludges unless specific approval is granted in the biosolids treatment facility permit. A separate approval shall be obtained for each source of industrial sludge that will be accepted by the biosolids treatment facility. Approval shall be granted only if it is determined that the industrial sludge will not interfere with the beneficial use of the biosolids treated by the biosolids treatment facility. This determination shall be based on an evaluation of all parameters in the industrial sludge.

(d) A domestic wastewater treatment facility that intends to accept biosolids residuals from other facilities and that already holds a valid wastewater permit shall not be required to obtain a separate permit as a biosolids treatment residuals management facility, but shall obtain a permit revision based on the requirements of this section.

(e) An applicant for a wastewater permit for a new biosolids treatment residuals management facility or substantial modifications to an existing facility shall submit a preliminary design report or other information as specified for domestic wastewater facilities in Rule 62-620.412, F.A.C., for review by the Department as part of the application for permit. As appropriate, the preliminary design report shall include the following:

1. No change.

2. The design capacity, which shall address the contribution of all materials that will be treated at the facility (i.e., biosolids residuals, domestic septage, food establishment sludge, wastes removed from portable toilets, and wastes removed from holding tanks associated with boats, marina pumpout, and other onsite systems);

3. through 6. No change.

7. No change.

a. through c. No change.

d. All treatment process parameters to be monitored.

d. through g. renumbered e. through h. No change.

~~i.h.~~ Onsite storage of treated and untreated biosolids residuals, storage of chemicals, and alternate disposal methods;

8. through 10. No change.

(f) All biosolids treatment facilities permitted as Type I or Type II biosolids management facilities shall provide reliability features, such as redundancy of equipment, to provide for the continued and timely treatment of all biosolids the facility has the responsibility to treat.

~~(g)(f)~~ No change.

(h)(g) Biosolids treatment facilities shall be exempt from the capacity analysis report requirement of Rule 62-600.405, F.A.C. Capacity analysis reports shall be submitted by the permittee in accordance with Rule 62-600.405, F.A.C., when the three-month average daily loading exceeds 50 percent of the permitted capacity. If the report documents that the capacity of the facility will not be equaled or exceeded for the next ten years, an updated report shall be due only every five years.

~~(i)(h)~~ An operation and maintenance manual shall be prepared for all biosolids treatment residuals management facilities, in accordance with Rule 62-600.720, F.A.C., and Chapter 62-620, F.A.C. In addition to the requirements specified in Chapters 62-620 and 62-600, F.A.C., the operation and maintenance manual shall provide the operator with procedures for:

1. through 2. No change.

3. Measures to avoid mixing incoming untreated biosolids residuals with treated biosolids residuals;

4. No change.

5. Storage of biosolids residuals and other materials at the site.

~~(j)(i)~~ Staffing. The level of operator staffing at a biosolids treatment residuals management facility shall be as follows:

	<u>TYPE I* Type-I*</u>	<u>TYPE II* Type-II*</u>	<u>TYPE III* Type-III*</u>
A/AA**	Class A Operator 8 hours/day 5 days/week	Class B Operator 4 hours/day 5 days/week	Class B Operator 2 hours/day 5 days/week
B**	Class A Operator	Class B Operator	Class C Operator

	2 hours/day	1 hour/day	1 hour/day
	5 days/week	5 days/week	3 days/week
B***	Class A Operator	Class B Operator	Class C Operator
	1 hour/day	1 hour/day	1 hour/week
	5 days/week	3 days/week	

\* Classification of Type of facility as determined by paragraph 62-640.880(2)(a), F.A.C.

\*\* These letters correspond to the Class of pathogen reduction that is achieved by the biosolids treatment residuals management facility in accordance with subsection 62-640.600(1), F.A.C.

\*\*\* This category is for Class B liquid alkaline stabilization only.

1. No change.

2. Operator staffing requirements for facilities addressed in paragraph 62-640.880(2)(d), F.A.C., shall be established as the more stringent of either the requirements in Chapter 62-699, F.A.C., or the requirements in paragraph ~~62-640.880(2)(j)~~ ~~62-640.880(2)(i)~~, F.A.C.

3. In addition to the above staffing requirements, other personnel that are trained in the treatment process and equipment being used, working under the direction of a certified operator, shall be present at the biosolids treatment residuals management facility during loading and unloading operations and during other operating hours as recommended in the preliminary design report.

4. If justified by the complexity of the treatment process, the Department shall require a higher classification, more frequent visits, or more hours per day. Requests to alter or decrease staffing requirements shall be made Upon written approval from the Department, however, a facility, through a minor permit revision under Rule 62-620.325, F.A.C., and shall be may decrease its staffing requirement based upon site-specific requirements, facility operation, risk to public health and the environment, and the presence of other trained personnel.

~~(k)(j)~~ The biosolids treatment residuals management facility permittee shall be responsible for making the facilities safe in terms of public health and safety at all times, and shall notify the Department and all affected parties, in writing, at least 60 days before ceasing operation in accordance with subsection 62-620.610(15), F.A.C.

(3) Treatment Facility Biosolids Plan Agricultural Use Plans.

(a) For land application ~~(The biosolids treatment residuals management~~ facility shall submit a Treatment Facility Biosolids Plan, Form 62-640.210(2)(a) an Agricultural Use Plan(s) with its wastewater permit application under subsection 62-640.300(2) Rule 62-640.500, F.A.C.

(b) A source facility shall not be required to submit a Treatment Facility Biosolids Plan an Agricultural Use Plan for the land application of biosolids residuals that are transported to a biosolids treatment residuals management facility which is permitted under this Chapter.

(4) Hauling Records.

(a) The biosolids treatment residuals management facility and the source facility transporting the biosolids residuals shall maintain hauling records to track the transport of biosolids residuals between facilities. The hauling records for each party shall contain the following information:

SOURCE FACILITY

- Source Facility
1. Date and Time Shipped
  2. Amount of Biosolids Residuals Shipped
  3. Degree of Treatment (if applicable)
  4. Name and ID Number of Biosolids Treatment Residuals

BIOSOLIDS TREATMENT FACILITY

- Residuals Management Facility
1. Date and Time Received
  2. Amount of Biosolids Residuals Received
  3. Name and ID Number of Source Facility
  4. Signature of Hauler
  5. Signature of Responsible

Management Facility                      party at Biosolids Treatment Residuals  
5. Signature of Responsible              Management Facility  
Party at Source Facility  
6. Signature of Hauler  
and Name of Hauling Firm

(b) The hauling records shall be kept by both facility permittees for five years and shall be made available for inspection upon request by the Department. A copy of the hauling records information maintained by the source facility shall be provided upon delivery of the biosolids residuals to the biosolids treatment residuals management facility.

(c) The biosolids treatment residuals management facility permittee shall report to the Department within 24 hours of discovery any discrepancy in the quantity of biosolids residuals leaving the source facility and arriving at the biosolids treatment residuals management facility.

(5) Monitoring.

(a) The Department shall not require the source facility to sample and analyze the biosolids residuals in accordance with subsection 62-640.650(3) ~~62-640.650(4)~~, F.A.C., unless:

1. Final treatment is performed by the source facility before transport to the biosolids treatment residuals management facility; and

2. The quality of the biosolids residuals is not changed at the biosolids treatment residuals management facility. This provision shall not prevent the source facility from performing sampling and analysis separate from the source facility's Department permit if such sampling and analysis is mutually agreed to by the source facility and the biosolids treatment residuals management facility.

(b) Sampling and analysis shall be conducted by the biosolids treatment residuals management facility in accordance with subsection 62-640.650(3) ~~62-640.650(4)~~, F.A.C., and shall be performed after final treatment, but before use or land application. The minimum monitoring frequency shall be determined under subparagraph 62-640.650(3)(a)4. ~~paragraph 62-640.650(1)(e)~~, F.A.C. The Department shall may increase or reduce the monitoring frequency in accordance with Rule 62-640.650, F.A.C. based on industrial wastewater contribution to a source facility, or the operating and compliance history of the residuals management facility or the source facility, or to establish a history of residuals quality. An increase in monitoring requirements will require a minor permit revision under Rule 62-620.325, F.A.C.

(6) Septage Management Facilities.

(a) Septage management facilities that treat more than 10,000 gallons per day monthly average daily flow or equivalent, or more than 20,000 gallons or equivalent on any one day, shall meet all the requirements of Rule 62-640.880, F.A.C., except that septage management facilities are exempt from the inter-facility agreement requirements of paragraph 62-640.880(1)(c), F.A.C., and the hauling records requirements of subsection 62-640.880(4), F.A.C.

(b) If a permittee intends to use a septage management facility to treat biosolids residuals, the facility must be permitted as a biosolids treatment residuals management facility in accordance with the requirements of this section. Rulemaking Specific Authority 403.051, 403.061, 403.062, 403.087, 403.088, 403.704, 403.707 FS. Law Implemented 403.021, 403.051, 403.061, 403.087, 403.088, 403.0881, 403.702, 403.704, 403.707, 403.708 FS. History--New 3-30-98, Amended \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Janet G. Llewellyn

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Michael W. Sole

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 26, 2009

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: October 11, 2002