**TOWN OF LOXAHATCHEE GROVES**

**ORDINANCE NO. 2015-03**

**AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, PROHIBITING THE DISPOSAL OF WASTE MATERIALS, AS DEFINED HEREIN, WITHIN THE TOWN; PROVIDING FOR DEFINITIONS; FINDING THAT A VIOLATION OF THIS ORDINANCE SHALL BE DEEMED A NUISANCE; PROVIDING FOR ENFORCEMENT; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, the Town Council has heard concerns from Town Management and the public relating to abuses by commercial haulers and property owners for depositing or disposal of Waste Materials are defined herein, referencing state statute and regulatory rule definitions, on properties within the Town; and,

**WHEREAS**, the Town Council continues to be concerned with quality of life, including water quality within the drainage canals in the Town, and has heard from residents about concerns from continued abuse of depositing and disposal of Waste Materials within the Town; and,

**WHEREAS**, the depositing and disposal of Waste Materials is a public nuisance, attracting flies and emanating odors to nearby properties; and,

**WHEREAS**, Florida statutes and administrative rules contain definitions of several types of waste materials, the disposal of which the Town Council deems to be nuisances, and finds it in the best interest of the Town to incorporate and use such definitions in order to ensure consistency with Florida law that prohibits the use by municipalities of definitions relating to solid waste that are inconsistent with statutory definitions; and,

**WHEREAS**, the Town Council believes that prohibiting the disposal of Waste Materials is necessary to prevent illegal dumping and pollution, and avoid the creation of public nuisances within the Town; and,

**NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, THAT:**

**Section 1.** The foregoing "Whereas" clauses are hereby ratified and confirmed as being true and correct and are hereby made a specific part of this Ordinance upon adoption hereof.

**Section 2.** **Definitions.** The following definitions shall apply to this Ordinance.

*(a)* *Waste Materials*: Ash Residue, Biomedical Waste, Biological Waste, Class I Waste, Class III Waste, Commercial Solid Waste, Construction and Demolition Debris, Contaminated Soil, Garbage, Hazardous Waste, Household Waste, Industrial byproducts, Industrial Solid Waste, Leachate, Liquid Waste, Oily Waste, Recovered Materials, Recyclable Materials, Sludge, Solid Waste, Special Wastes, and White Goods, all as defined in §403.703, Florida Statutes, and Rule 62-701.200, Florida Administrative Code, incorporated herein and attached hereto as Composite Exhibit "A". The definitions in this Ordinance shall be deemed amended upon the amendment of §403.703, Florida Statutes, and Rule 62-701.200, Florida Administrative Code.

*(b)* *Disposal:* The discharge, deposit, injection, dumping, spilling, leaking, or placing of any waste material into or upon any land or water so that such waste materials or any constituent thereof may enter other lands or be emitted into the air or discharged into any waters, including groundwaters, or otherwise enter the environment.

*(c) Public Nuisance*: the unreasonable, unwarranted and/or unlawful activity and/or use of property, which causes inconvenience or damage to others, either to individuals and/or to the general public.

**Section 3.** **Prohibition of Depositing or Disposing of Waste Materials.** The disposal of Waste Material, including without limitation, receiving, spreading or storing such Waste Material on Property, within the corporate limits of the Town is prohibited.

**Section 4.** **Nuisance.** A violation of this ordinance is deemed by the Town Council to be a public nuisance.

**Section 5.** **Violation of State Laws.** The Town Council specifically finds that a violation of this ordinance presents a public nuisance for purposes of enforcement of Section 403.413, Florida Statutes, and law enforcement officers charged with the enforcement of state and local laws within the Town shall strictly enforce Section 403.413, Florida Statutes.

**Section 6.** **Enforcement.** This ordinance shall be enforced as follows:

(a) Law enforcement officers are authorized to enforce this ordinance.

(b) In addition to penalties resulting from a violation of Section 403.413, Florida Statutes, the fines for violations of this ordinance by drivers of vehicles of Waste Materials disposed in violation of this Ordinance shall be:

| First Offense | Second Offense | Third Offense | All Additional Offenses |
|---|---|---|---|
| $100 | $250 | $400 | $500 |

(c) The Town may also file charges for any offense in a court with jurisdiction, in which case the penalty shall be a fine of $500, imprisonment not to exceed sixty (60) days, or both, for each violation of this ordinance. The Town shall recover its costs of prosecution,

including attorney's fees, filing fees, and personnel costs for law enforcement and Town employees.

(d) To the extent authorized by law, the Town Administration is authorized to use the Town's Code Enforcement process to enforce violations of this ordinance where a law enforcement officer has not otherwise issued violations of Section 403.413, Florida Statutes, or of this ordinance. In such instances, the fine shall be the maximum permitted by law. The Town shall recover its costs of prosecution, including attorney's fees, filing fees, and personnel costs for law enforcement and Town employees.

(e) Each day a violation remains constitutes a separate violation of this ordinance.

(f) The Town Manager shall report any violation of this ordinance to state, county, and other regulatory agencies which he or she deems appropriate and request review by such agencies for any additional violations of local, state or federal laws and regulations.

**Section 7. Repeal of Laws in Conflict.** All Ordinances or part of Ordinances in conflict herewith are in the same are hereby repealed to the extent of such conflict.

**Section 8. Severability.** If any section, paragraph, sentence, clause, phrase, or word of this Ordinance is for any reason held by the Court to be unconstitutional, inoperative, or void, such holding shall not affect the remainder of this Ordinance.

**Section 9. Codification.** It is the intention of the Town Council of the Town of Loxahatchee Groves that the provisions of this Ordinance shall become and be made a part of the Code of Ordinances of the Town of Loxahatchee Groves, Florida, and that the Sections of this ordinance may be re-numbered, re-lettered, and the word "Ordinance" may be changed to "Section", "Article" or such other word or phrase in order to accomplish such intention.

**Section 10.** **Effective Date.** This Ordinance shall become effective immediately upon its passage and adoption.

**PASSED AND ADOPTED BY THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, ON FIRST READING, THIS 21st DAY OF April, 2015.**

**PASSED AND ADOPTED BY THE TOWN COUNCIL OF THE TOWN LOXAHATCHEE GROVES, ON SECOND READING AND PUBLIC HEARING, THIS 5th DAY OF May, 2015.**

**TOWN OF LOXAHATCHEE GROVES, FLORIDA**

David Browning
Mayor David Browning

Ronald D. Jarriel
Vice-Mayor Ron Jarriel

Tom Goltzene
Council Member Tom Goltzene

Ryan Liang
Council Member Ryan Liang

J. Rockett
Council Member Jim Rockett

ATTEST:

Janet K. Whipple
Janet Whipple, Town Clerk

APPROVED AS TO LEGAL FORM:

Office of the Town Attorney

**EXHIBIT "A"**

**§403.703, Florida Statutes (2014)**
**Rule 62-701.200, Florida Administrative Code**

Select Year: 2014 Go

# The 2014 Florida Statutes

| Title XXIX | Chapter 403 | View Entire Chapter |
|---|---|---|
| PUBLIC HEALTH | ENVIRONMENTAL CONTROL | |

**403.703 Definitions.**—As used in this part, the term:

(1) "Ash residue" has the same meaning as in the department rule governing solid waste combustors which defines the term.

(2) "Biomedical waste" means any solid waste or liquid waste that may present a threat of infection to humans. The term includes, but is not limited to, nonliquid human tissue and body parts; laboratory and veterinary waste that contains human-disease-causing agents; discarded disposable sharps; human blood and human blood products and body fluids; and other materials that in the opinion of the Department of Health represent a significant risk of infection to persons outside the generating facility. The term does not include human remains that are disposed of by persons licensed under chapter 497.

(3) "Biological waste" means solid waste that causes or has the capability of causing disease or infection and includes, but is not limited to, biomedical waste, diseased or dead animals, and other wastes capable of transmitting pathogens to humans or animals. The term does not include human remains that are disposed of by persons licensed under chapter 497.

(4) "Clean debris" means any solid waste that is virtually inert, that is not a pollution threat to groundwater or surface waters, that is not a fire hazard, and that is likely to retain its physical and chemical structure under expected conditions of disposal or use. The term includes uncontaminated concrete, including embedded pipe or steel, brick, glass, ceramics, and other wastes designated by the department.

(5) "Closure" means the cessation of operation of a solid waste management facility and the act of securing such facility so that it will pose no significant threat to human health or the environment and includes long-term monitoring and maintenance of a facility if required by department rule.

(6) "Construction and demolition debris" means discarded materials generally considered to be not water-soluble and nonhazardous in nature, including, but not limited to, steel, glass, brick, concrete, asphalt roofing material, pipe, gypsum wallboard, and lumber, from the construction or destruction of a structure as part of a construction or demolition project or from the renovation of a structure, and includes rocks, soils, tree remains, trees, and other vegetative matter that normally results from land clearing or land development operations for a construction project, including such debris from construction of structures at a site remote from the construction or demolition project site. Mixing of construction and demolition debris with other types of solid waste will cause the resulting mixture to be classified as other than construction and demolition debris. The term also includes:

(a) Clean cardboard, paper, plastic, wood, and metal scraps from a construction project;

(b) Except as provided in s. 403.707(9)(j), yard trash and unpainted, nontreated wood scraps and wood pallets from sources other than construction or demolition projects;

(c) Scrap from manufacturing facilities which is the type of material generally used in construction projects and which would meet the definition of construction and demolition debris if it were generated

as part of a construction or demolition project. This includes debris from the construction of manufactured homes and scrap shingles, wallboard, siding concrete, and similar materials from industrial or commercial facilities; and

(d) De minimis amounts of other nonhazardous wastes that are generated at construction or destruction projects, provided such amounts are consistent with best management practices of the industry.

(7) "County," or any like term, means a political subdivision of the state established pursuant to s. 1, Art. VIII of the State Constitution and, when s. 403.706(19) applies, means a special district or other entity.

(8) "Department" means the Department of Environmental Protection or any successor agency performing a like function.

(9) "Disposal" means the discharge, deposit, injection, dumping, spilling, leaking, or placing of any solid waste or hazardous waste into or upon any land or water so that such solid waste or hazardous waste or any constituent thereof may enter other lands or be emitted into the air or discharged into any waters, including groundwaters, or otherwise enter the environment.

(10) "Generation" means the act or process of producing solid or hazardous waste.

(11) "Guarantor" means any person, other than the owner or operator, who provides evidence of financial responsibility for an owner or operator under this part.

(12) "Hazardous substance" means any substance that is defined as a hazardous substance in the United States Comprehensive Environmental Response, Compensation, and Liability Act of 1980, 94 Stat. 2767.

(13) "Hazardous waste" means solid waste, or a combination of solid wastes, which, because of its quantity, concentration, or physical, chemical, or infectious characteristics, may cause, or significantly contribute to, an increase in mortality or an increase in serious irreversible or incapacitating reversible illness or may pose a substantial present or potential hazard to human health or the environment when improperly transported, disposed of, stored, treated, or otherwise managed. The term does not include human remains that are disposed of by persons licensed under chapter 497.

(14) "Hazardous waste facility" means any building, site, structure, or equipment at or by which hazardous waste is disposed of, stored, or treated.

(15) "Hazardous waste management" means the systematic control of the collection, source separation, storage, transportation, processing, treatment, recovery, recycling, and disposal of hazardous waste.

(16) "Land disposal" means any placement of hazardous waste in or on the land and includes, but is not limited to, placement in a landfill, surface impoundment, waste pile, injection well, land treatment facility, salt bed formation, salt dome formation, or underground mine or cave, or placement in a concrete vault or bunker intended for disposal purposes.

(17) "Landfill" means any solid waste land disposal area for which a permit, other than a general permit, is required by s. 403.707 and which receives solid waste for disposal in or upon land. The term does not include a land-spreading site, an injection well, a surface impoundment, or a facility for the disposal of construction and demolition debris.

(18) "Manifest" means the recordkeeping system used for identifying the concentration, quantity, composition, origin, routing, and destination of hazardous waste during its transportation from the point of generation to the point of disposal, storage, or treatment.

(19) "Materials recovery facility" means a solid waste management facility that provides for the extraction from solid waste of recyclable materials, materials suitable for use as a fuel or soil amendment, or any combination of such materials.

(20) "Municipality," or any like term, means a municipality created pursuant to general or special law authorized or recognized pursuant to s. 2 or s. 6, Art. VIII of the State Constitution and, when s. 403.706(19) applies, means a special district or other entity.

(21) "Operation," with respect to any solid waste management facility, means the disposal, storage, or processing of solid waste at and by the facility.

(22) "Person" means any and all persons, natural or artificial, including any individual, firm, or association; any municipal or private corporation organized or existing under the laws of this state or any other state; any county of this state; and any governmental agency of this state or the Federal Government.

(23) "Processing" means any technique designed to change the physical, chemical, or biological character or composition of any solid waste so as to render it safe for transport; amenable to recovery, storage, or recycling; safe for disposal; or reduced in volume or concentration.

(24) "Recovered materials" means metal, paper, glass, plastic, textile, or rubber materials that have known recycling potential, can be feasibly recycled, and have been diverted and source separated or have been removed from the solid waste stream for sale, use, or reuse as raw materials, whether or not the materials require subsequent processing or separation from each other, but the term does not include materials destined for any use that constitutes disposal. Recovered materials as described in this subsection are not solid waste.

(25) "Recovered materials processing facility" means a facility engaged solely in the storage, processing, resale, or reuse of recovered materials. Such a facility is not a solid waste management facility if it meets the conditions of s. 403.7045(1)(e).

(26) "Recyclable material" means those materials that are capable of being recycled and that would otherwise be processed or disposed of as solid waste.

(27) "Recycling" means any process by which solid waste, or materials that would otherwise become solid waste, are collected, separated, or processed and reused or returned to use in the form of raw materials or products.

(28) "Resource recovery" means the process of recovering materials or energy from solid waste, excluding those materials or solid waste under the control of the Nuclear Regulatory Commission.

(29) "Resource recovery equipment" means equipment or machinery exclusively and integrally used in the actual process of recovering material or energy resources from solid waste.

(30) "Sludge" includes the accumulated solids, residues, and precipitates generated as a result of waste treatment or processing, including wastewater treatment, water supply treatment, or operation of an air pollution control facility, and mixed liquids and solids pumped from septic tanks, grease traps, privies, or similar waste disposal appurtenances.

(31) "Special wastes" means solid wastes that can require special handling and management, including, but not limited to, white goods, waste tires, used oil, lead-acid batteries, construction and demolition debris, ash residue, yard trash, and biological wastes.

(32) "Solid waste" means sludge unregulated under the federal Clean Water Act or Clean Air Act, sludge from a waste treatment works, water supply treatment plant, or air pollution control facility, or garbage, rubbish, refuse, special waste, or other discarded material, including solid, liquid, semisolid, or contained gaseous material resulting from domestic, industrial, commercial, mining, agricultural, or governmental operations. Recovered materials as defined in subsection (24) are not solid waste.

(33) "Solid waste disposal facility" means any solid waste management facility that is the final resting place for solid waste, including landfills and incineration facilities that produce ash from the process of incinerating municipal solid waste.

(34) "Solid waste management" means the process by which solid waste is collected, transported, stored, separated, processed, or disposed of in any other way according to an orderly, purposeful, and planned program, which includes closure.

(35) "Solid waste management facility" means any solid waste disposal area, volume reduction plant, transfer station, materials recovery facility, or other facility, the purpose of which is resource recovery or the disposal, recycling, processing, or storage of solid waste. The term does not include recovered materials processing facilities that meet the requirements of s. 403.7046, except the portion of such facilities, if any, which is used for the management of solid waste.

(36) "Source separated" means that the recovered materials are separated from solid waste at the location where the recovered materials and solid waste are generated. The term does not require that various types of recovered materials be separated from each other, and recognizes de minimis solid waste, in accordance with industry standards and practices, may be included in the recovered materials. Materials are not considered source separated when two or more types of recovered materials are deposited in combination with each other in a commercial collection container located where the materials are generated and when such materials contain more than 10 percent solid waste by volume or weight. For purposes of this subsection, the term "various types of recovered materials" means metals, paper, glass, plastic, textiles, and rubber.

(37) "Storage" means the containment or holding of a hazardous waste, either on a temporary basis or for a period of years, in such a manner as not to constitute disposal of such hazardous waste.

(38) "Transfer station" means a site the primary purpose of which is to store or hold solid waste for transport to a processing or disposal facility.

(39) "Transport" means the movement of hazardous waste from the point of generation or point of entry into the state to any offsite intermediate points and to the point of offsite ultimate disposal, storage, treatment, or exit from the state.

(40) "Treatment," when used in connection with hazardous waste, means any method, technique, or process, including neutralization, which is designed to change the physical, chemical, or biological character or composition of any hazardous waste so as to neutralize it or render it nonhazardous, safe for transport, amenable to recovery, amenable to storage or disposal, or reduced in volume or concentration. The term includes any activity or processing that is designed to change the physical form or chemical composition of hazardous waste so as to render it nonhazardous.

(41) "Volume reduction plant" includes incinerators, pulverizers, compactors, shredding and baling plants, composting plants, and other plants that accept and process solid waste for recycling or disposal.

(42) "White goods" includes discarded air conditioners, heaters, refrigerators, ranges, water heaters, freezers, and other similar domestic and commercial large appliances.

(43) "Yard trash" means vegetative matter resulting from landscaping maintenance and land clearing operations and includes associated rocks and soils.

History.—s. 1, ch. 74-342; s. 2, ch. 78-329; s. 1, ch. 78-387; s. 84, ch. 79-65; s. 4, ch. 80-302; s. 1, ch. 81-45; s. 267, ch. 81-259; s. 31, ch. 83-310; s. 33, ch. 84-338; s. 31, ch. 86-186; s. 3, ch. 88-130; s. 67, ch. 90-331; s. 2, ch. 92-104; s. 8, ch. 93-207; s. 394, ch. 94-356; s. 1, ch. 96-381; s. 54, ch. 97-237; s. 160, ch. 99-8; s. 30, ch. 2000-153; s. 18, ch. 2000-211; s. 1, ch. 2000-221; s. 2, ch. 2002-291; s. 139, ch. 2004-301; s. 6, ch. 2007-184.

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**62-701.200 Definitions.**

The following words, phrases or terms as used in Chapters 62-701 through 62-722, F.A.C., unless the context indicates otherwise, shall have the following meaning:

(1) "Active life" means the operating life of a facility as estimated in the permit application, but does not include the long-term care period.

(2) "Agricultural wastes" means the solid wastes resulting from normal farming operations, the raising and slaughtering of animals, and the processing of animal products, orchard, and field crops, which are stored, transported, or disposed of as an unwanted waste material.

(3) "Airport" means any area of land or water, or any manmade object or facility located thereon, which is used, or intended for use, for the landing and takeoff of aircraft, and any appurtenant areas that are used, or intended for use, for airport buildings or other airport facilities or rights-of-way, together with all airport buildings and facilities located thereon.

(4) "Air quality standards" means, unless otherwise specified, those standards set forth in Chapter 62-204, F.A.C.

(5) "ASTM" means ASTM International.

(6) "Aquifer" means a geologic formation, group of formations, or part of a formation capable of yielding a significant amount of ground water to wells, springs, or surface water.

(7) "Ash residue" means all the solid residue and any entrained liquids resulting from the combustion of solid waste in a solid waste combustor, including bottom ash, fly ash and combined bottom and fly ash, but excluding recovered metals, glass, and other recovered materials separated from the ash residue.

(a) "Bottom ash" means the solid material remaining after combustion of solid waste, which is discharged from the grates or stoker of a solid waste combustor.

(b) "Fly ash" means the residue from the combustion of solid waste, which is entrained in the gas stream of a solid waste combustor. Fly ash includes particulates, cinders, soot, and solid waste from air pollution control equipment.

(8) "Biomedical waste" has the meaning given it in Chapter 64E-16, F.A.C.

(9) "Biological waste" means solid waste that causes or has the capability of causing disease or infection and includes biomedical waste, animals that died from disease, and other wastes capable of transmitting pathogens to humans or animals. The term does not include human remains that are disposed of by persons licensed under Chapter 470, F.S.

(10) "Bird hazard" means an increase in the likelihood of bird/aircraft collisions that may cause damage to the aircraft or injury to its occupants.

(11) "CCA treated wood" means lumber, timber, or plywood treated with chromated copper arsenate. This term does not include utility poles unless they have been ground, chipped, or shredded.

(12) "Cell" means a volume of solid waste received since the last previous application of initial cover. The compacted waste and subsequent initial cover constitute a cell that usually contains wastes deposited in one day.

(13) "Class I waste" means solid waste that is not hazardous waste, and that is not prohibited from disposal in a lined landfill under Rule 62-701.300, F.A.C.

(14) "Class III waste" means yard trash, construction and demolition debris, processed tires, asbestos, carpet, cardboard, paper, glass, plastic, furniture other than appliances, or other materials approved by the Department, that are not expected to produce leachate that poses a threat to public health or the environment.

(15) "Clean debris" means any solid waste that is virtually inert, is not a pollution threat to ground water or surface waters, is not a fire hazard, and is likely to retain its physical and chemical structure under expected conditions of disposal or use. The term includes brick, glass, ceramics, and uncontaminated concrete including embedded pipe or steel.

(16) "Clean wood" means wood, including lumber, tree and shrub trunks, branches, and limbs, which is free of paint, glue, filler, penthachlorophenol, creosote, tar, asphalt, chromated copper arsenate, other wood preservatives or treatments.

(17) "Closing" means the time at which a solid waste management facility ceases to accept wastes, and includes those actions taken by the owner or operator of the facility to prepare the facility for any necessary monitoring and maintenance after closing.

(18) "Closure" means the cessation of operation of a solid waste management facility and the act of securing such a facility so that it will pose no significant threat to human health or the environment. This includes closing and long term care.

(19) "Cm/sec" means centimeters per second.

(20) "Co-disposal" means the disposal of two or more different types of waste in the same solid waste disposal unit.

(21) "Combustion" means the treatment of solid waste in a device that uses heat as the primary means to change the chemical,

physical, or biological character or composition of the waste. Combustion processes include incineration, gasification, and pyrolysis.

(22) "Commercial solid waste" means all types of solid waste generated by stores, offices, restaurants, warehouses, and other nonmanufacturing activities, excluding household waste and industrial solid waste.

(23) "Composite liner" means a liner comprised of a geomembrane, that is underlain and in direct contact with a soil component.

(24) "Construction and demolition debris" means discarded materials generally considered to be not water soluble and non-hazardous in nature, including but not limited to steel, glass, brick, concrete, asphalt material, pipe, gypsum wallboard, and lumber, from the construction or destruction of a structure as part of a construction or demolition project or from the renovation of a structure, including such debris from construction of structures at a site remote from the construction or demolition project site. The term includes rocks, soils, tree remains, trees, and other vegetative matter that normally results from land clearing or land development operations for a construction project; clean cardboard, paper, plastic, wood, and metal scraps from a construction project; except as provided in Section 403.707(9)(j), F.S., yard trash and unpainted, non-treated wood scraps from sources other than construction or demolition projects; scrap from manufacturing facilities that is the type of material generally used in construction projects and that would meet the definition of construction and demolition debris if it were generated as part of a construction or demolition project, including debris from the construction of manufactured homes and scrap shingles, wallboard, siding concrete, and similar materials from industrial or commercial facilities and de minimis amounts of other non-hazardous wastes that are generated at construction or demolition projects, provided such amounts are consistent with best management practices of the construction and demolition industries. Mixing of construction and demolition debris with other types of solid waste will cause it to be classified as other than construction and demolition debris.

(25) "Contaminated soil" has the meaning given it in subsection 62-713.200(3), F.A.C.

(26) "Degradable waste" means waste that decomposes through chemical breakdown or microbiological activity. It includes materials such as food and vegetative wastes, but does not include materials like concrete, ash residue from the combustion of solid wastes and metals.

(27) "Department" means the State of Florida Department of Environmental Protection.

(28) "Design period" means the operating life of the solid waste management facility plus any long-term care period after closing.

(29) "Disposal" means the discharge, deposit, injection, dumping, spilling, leaking, or placing of any solid waste into or upon any land or water so that such solid waste or any constituent thereof may enter other lands or be emitted into the air or discharged into any waters, including ground waters, or otherwise enter the environment.

(30) "Engineer of record" means a professional engineer registered in the State of Florida in accordance with provisions of Chapter 471, F.S., who is appointed by the owner or operator of the solid waste management facility.

(31) "Facility" means all contiguous land and structures, other appurtenances, and improvements on the land used for solid waste management.

(32) "Fill" means man-made deposits of earth or waste materials used to fill excavations, to increase the vertical or horizontal extent of land or solid waste disposal units, or to build embankments.

(33) "Final cover" means the materials used to cover the top and sides of a landfill when fill operations cease.

(34) "Garbage" means all kitchen and table food waste, and animal or vegetative waste that is attendant with or results from the storage, preparation, cooking, or handling of food materials.

(35) "Gas condensate" means the liquid generated as a result of gas recovery processes at a solid waste management facility.

(36) "Gas recovery facility" means a system of wells, trenches, pipes, and other related ancillary structures such as manholes, compressors, and monitoring installations that collect and transport the gas produced in a waste disposal unit to one or more gas processing points or flares. The flow of gas through such a system may be produced by naturally occurring gas pressure gradients or may be aided by an induced draft generated by mechanical means.

(37) "Generation" means the act or process of producing solid waste.

(38) "Geocomposite" means a product composed of two or more materials, at least one of which is a geosynthetic.

(39) "Geomembrane" means a low-permeability synthetic membrane used as an integral part of a system designed to limit the movement of liquid or gas in the system.

(40) "Geogrid" means a geosynthetic formed by a regular network of integrally connected elements with apertures greater than 6.35 mm (1/4 inch) to allow interlocking with surrounding soil, rock, earth and other surrounding materials to function primarily as

reinforcement.

(41) "Geonet" means a geosynthetic consisting of integrally connected parallel sets of ribs overlying similar sets at various angles for planar drainage of liquids or gases.

(42) "Geosynthetic" means a planar product manufactured from polymeric material used with soil, rock, earth, or other geotechnical engineering-related material as an integral part of a man-made project, structure or system.

(43) "Geosynthetic clay liner" (GCL) means a low-permeability manufactured material consisting of a layer of low permeability clay placed between two geotextiles.

(44) "Geotextile" means a permeable textile used as a part of a system designed to act as a filter to prevent the flow of fine particles into drainage systems, to provide planar flow for drainage, to serve as a cushion to protect geomembranes, or to provide structural support.

(45) "GRI" means Geosynthetic Research Institute.

(46) "Ground water" means water beneath the surface of the ground within a zone of saturation, whether or not it is flowing through known and definite channels.

(47) "Hazardous waste" means a solid waste regulated by the Department as a hazardous waste pursuant to Chapter 62-730, F.A.C.

(48) "HDPE" means high density polyethylene.

(49) "Household waste" means any solid waste, including garbage, trash, and sanitary waste in septic tanks, derived from households, including single and multiple residences, hotels and motels, bunkhouses, ranger stations, crew quarters, campgrounds, picnic grounds, and day-use recreation areas.

(50) "Indoor" means within a structure that has been constructed with a roof over an impervious surface and has outside walls on a minimum of all but one of the sides of the facility. The roof and outside walls must be constructed with materials having structural strength like wood, block, fiberglass, plastic or metal rather than materials like canvas or tarpaulin, and may include windows and doors. An impervious surface means a surface like a poured concrete pad or asphaltic concrete.

(51) "Industrial byproducts" means those materials that have a demonstrated recycling potential, can be feasibly recycled, and have been diverted or removed from the solid waste stream for sale, use, or reuse. The term does not include any materials that are defined as recovered materials; a mixed waste stream that is processed to remove recyclable materials; or materials the recycling or use of which is specifically addressed in Department rules, such as construction and demolition debris, ash residue, waste tires, used oil, and compost. Industrial byproducts are regulated as solid waste unless otherwise exempted under paragraph 62-701.220(2)(d), F.A.C.

(52) "Industrial solid waste" means solid waste generated by manufacturing or industrial processes that is not a hazardous waste. Such waste may include, but is not limited to, waste resulting from the following manufacturing processes: electric power generation; fertilizer/agricultural chemicals; food and related products or byproducts; inorganic chemicals; iron and steel manufacturing; leather and leather products; nonferrous metals manufacturing or foundries; organic chemicals; plastics and resins manufacturing; pulp and paper industry; rubber and miscellaneous plastic products; stone, glass, clay, and concrete products; textile manufacturing; transportation equipment; and water treatment. This term does not include mining waste or oil and gas waste.

(53) "Initial cover" means a 6-inch layer of compacted earth, used to cover an area of solid waste before placement of additional waste, intermediate cover, or final cover. The term also includes other material or thickness, approved by the Department, that minimizes vector breeding, animal attraction, and fire potential, prevents blowing litter, controls odors, and improves landfill appearance.

(54) "Integral to" means, as regards the examination and certification of resource recovery equipment, that the machinery or equipment provides a significant function in the resource recovery or recycling process, such that the resource recovery or recycling process could not proceed without that piece of machinery or equipment.

(55) "Intermediate cover" means a layer of compacted earth at least one foot in depth applied to a solid waste disposal unit. The term also includes other material or thickness, approved by the Department, that minimizes disease vectors, odors, and fire, and is consistent with the leachate control design of the landfill.

(56) "Land clearing debris" means rocks, soils, tree remains, trees, and other vegetative matter that normally results from land clearing or land development operations for a construction project. Land clearing debris does not include vegetative matter from lawn maintenance, commercial or residential landscape maintenance, right-of-way or easement maintenance, farming operations, nursery operations, or any other sources not related directly to a construction project.

(57) "Landfill" means a solid waste disposal facility, which is an area of land or an excavation where wastes are or have been placed for disposal, for which a permit, other than a general permit, is required by Section 403.707, F.S. This term shall not include:

(a) A land spreading site;

(b) A surface impoundment;

(c) An injection well defined under and subject to the provisions of Chapter 62-528, F.A.C.; or

(d) A construction and demolition debris disposal site regulated by Rule 62-701.730, F.A.C.

(58) "Lateral expansion" means any horizontal increase in the dimensions of the waste boundary of an existing solid waste disposal unit.

(59) "Leachate" means liquid that has passed through or emerged from solid waste and may contain soluble, suspended or miscible materials.

(60) "Lead-acid battery" means those lead-acid batteries designed for use in motor vehicles, vessels, and aircraft, and includes such batteries when sold as a component part of a motor vehicle, vessel, or aircraft, but not when sold to recycle components.

(61) "Lift" means a completed horizontal series of cells.

(62) "Lined landfill" means a landfill constructed with a liner made of synthetic materials, low-permeability soils, or a combination of these materials, that has been permitted by the Department, and that met the Department's landfill design criteria specified in this chapter or previous versions of this chapter at the time of permitting.

(63) "Liner" means a continuous layer of low-permeability natural or synthetic materials, under the bottom and sides of a landfill, solid waste disposal unit, or leachate surface impoundment, which controls the downward or lateral escape of waste constituents, or leachate.

(64) "Liner system" means a system of leachate collection and liner layers comprised of natural or synthetic materials installed between the subgrade and the waste for the purpose of containing the waste and collecting and removing leachate.

(65) "Liquid waste" means any waste material that is 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).

(66) "LLDPE" means linear low density polyethylene.

(67) "Local government" means any municipality, county, district, or authority, or any agency thereof, or a combination of two or more of the foregoing when acting jointly in connection with a project, which has jurisdiction over the collection, recycling, disposal or treatment of solid waste.

(68) "Lower explosive limit" means the lowest percent by volume of a mixture of explosive gases that will propagate a flame in air at a temperature of 25 degrees Celsius and atmospheric pressure.

(69) "Manure" means a solid waste composed of excreta of animals, and residual materials that have been used for bedding, sanitary or feeding purposes for such animals.

(70) "Materials recovery" means any process by which one or more of the various components in solid waste is separated and concentrated for reuse.

(71) "Materials recovery facility" means a solid waste management facility that provides for the extraction from solid waste of recyclable materials, materials suitable for use as a fuel or soil amendment, or any combination of such materials.

(72) "Method detection limit" means the smallest concentration of an analyte of interest that can be measured and reported with 99 percent confidence that the concentration is greater than zero. The method detection limit shall be determined pursuant to procedures outlined in Chapter 62-160, F.A.C., which is hereby incorporated by reference.

(73) "Monitoring wells" means strategically located wells from which water samples are drawn for water quality analysis.

(74) "Monofill" means a waste pile, landfill or solid waste disposal unit into which only one type of solid waste is placed.

(75) "Motor vehicle" means an automobile, motorcycle, truck, trailer, semitrailer, truck tractor and semitrailer combination, or any other vehicle operated in this state, used to transport persons or property, and propelled by power other than muscular power, but the term does not include traction engines, road rollers, such vehicles as run only upon a track, bicycles, moped, or farm tractors and trailers.

(76) "Normal farming operations" means the customary and generally accepted activities, practices, and procedures that farmers adopt, use, or engage in during the production and preparation for market of poultry, livestock, and associated farm products; and in the production, harvesting, or packaging of agricultural crops which include agronomic, horticultural, and silvicultural crops. Included are the management, collection, storage, composting, transportation, and utilization of organic agricultural waste, manure,

and materials solely derived from agricultural crops. A facility regulated as an Animal Feeding Operation pursuant to Chapter 62-670, F.A.C., that manages its manure on-site will be considered to be engaging in normal farming operations.

(77) "Objectionable odors" has the meaning given that term in Rule 62-210.200, F.A.C.

(78) "Oily wastes" has the meaning given that term in Rule 62-710.201, F.A.C.

(79) "100-year floodplain" means the lowland and relatively flat areas adjoining inland and coastal waters, including flood-prone areas of offshore islands, that are inundated by the 100-year flood.

(80) "On-site" means on the same or geographically contiguous property, which may be divided by a public or private right-of-way. It does not include two or more parcels of land more than a mile apart that are connected only by a public or private right-of-way.

(81) "Open burning" means the burning of any material under such conditions that the products of combustion are emitted directly into the atmosphere.

(82) "Operator" means any person, including the owner, who is principally engaged in, and is in charge of, the actual operation, supervision, and maintenance of a solid waste management facility.

(83) "Person" means any and all persons, natural or artificial, including any individual, firm, or association; any municipal or private corporation organized or existing under the laws of Florida or any other state; any county of this state; and any governmental agency of this state or the Federal Government.

(84) "PGI" means PVC Geomembrane Institute.

(85) "Population" means the most recent population census determination under Section 186.901, F.S.

(86) "Potable water well" means any excavation that is drilled or bored, or converted from non-potable water use, when the intended use of such excavation is for the location and acquisition of ground water that supplies water for human consumption.

(87) "Processed tire" means a tire that has been treated mechanically, chemically, or thermally so that the resulting material is a marketable product or is suitable for proper disposal.

(88) "Processing" means any technique designed to change the physical, chemical, or biological character or composition of any solid waste so as to render it safe for transport, amenable to recovery, storage or recycling; safe for disposal; or reduced in volume or concentration.

(89) "Professional engineer" means an engineer licensed in the State of Florida in accordance with Chapter 471, F.S.

(90) "Professional geologist" means a geologist licensed in the State of Florida in accordance with Chapter 492, F.S.

(91) "Putrescible waste" means solid waste that contains organic matter capable of being decomposed by microorganisms and of such a character and proportion as to be capable of attracting or providing food for birds. The term does not include uncontaminated yard trash or clean wood.

(92) "PVC" means polyvinyl chloride.

(93) "Quantity of tires" means either weight, volume, or actual number of tires. For purposes of Chapter 62-711, F.A.C., assume that, for passenger tires, there are 100 tires per ton and 10 tires per cubic yard and that, for truck tires, there are 20 tires per ton.

(94) "Reasonable assurance" means the existence of a substantial likelihood, although not an absolute guarantee, that the proposed activity will be successfully implemented and the proposed activity and applicant will comply with applicable agency rules, laws, orders and permit conditions. It does not mean proof that a facility will not fail.

(95) "Recovered materials" means metal, paper, glass, plastic, textile, or rubber materials that have known recycling potential, can be feasibly recycled, and have been diverted and source separated or have been removed from the solid waste stream for sale, use, or reuse as raw materials, whether or not the materials require subsequent processing or separation from each other, but does not include materials destined for any use that constitutes disposal. Recovered materials as described above are not solid waste.

(96) "Recovered materials processing facility" means a facility engaged solely in the storage, processing, resale, or reuse of recovered materials. Such a facility is not a solid waste management facility if it meets the conditions of paragraph 62-701.220(2)(c), F.A.C.

(97) "Recovered screen material" means the fines fraction, consisting of soil and other small materials, derived from the processing or recycling of construction and demolition debris which passes through a final screen size no greater than 3/4 of an inch.

(98) "Recyclable material" means those materials which are capable of being recycled and which would otherwise be processed or disposed of as solid waste.

(99) "Recycling" means any process by which solid waste, or materials which would otherwise become solid waste, are collected, separated, or processed and reused or returned to use in the form of raw materials or products.

(100) "Recycling equipment" means machinery or equipment exclusively and integrally used in the actual process by which solid waste or materials which would otherwise become solid waste are separated or processed and reused or returned to use in the form of raw materials or products.

(101) "Resource recovery" means the process of recovering materials or energy from solid waste, excluding those materials or solid waste under control of the Nuclear Regulatory Commission.

(102) "Resource recovery equipment" means equipment or machinery exclusively and integrally used in the actual process of recovering material or energy resources from solid waste. This definition specifically includes recycling equipment.

(103) "Sanitary nuisance" means a condition created by any person, or the keeping, maintaining, propagation, existence, or permitting of anything by a person by which the health or lives of individuals may be threatened or impaired, or by which disease may be caused or transmitted.

(104) "Shredding" means a process of reducing the particle size of solid waste through the use of grinding, shredding, milling, or rasping machines.

(105) "Site" means the area of land or water within the property boundaries of a solid waste management facility where one or more solid waste processing, resource recovery, recycling, storage, or disposal areas are located.

(106) "Sludge" means a solid waste pollution control residual which is generated by any industrial or domestic wastewater treatment plant, water supply treatment plant, air pollution control facility, septic tank, grease trap, portable toilet or related operation, or any other such waste having similar characteristics. Sludge may be a solid, liquid, or semisolid waste but does not include the treated effluent from a wastewater treatment plant.

(107) "Solid waste" means: sludge that is not regulated under the federal Clean Water Act or Clean Air Act, as well as sludge from a waste treatment works, water supply treatment plant, or air pollution control facility; or garbage, rubbish, refuse, special waste, or other discarded material, including solid, liquid, semi-solid, or contained gaseous material resulting from domestic, industrial, commercial, mining, agricultural, or governmental operations. Materials not regulated as solid waste pursuant to this chapter are: recovered materials; nuclear source or byproduct materials regulated under Chapter 404, F.S., or under the Federal Atomic Energy Act of 1954 as amended; suspended or dissolved materials in domestic sewage effluent or irrigation return flows, or other regulated point source discharges; regulated air emissions; and fluids or wastes associated with natural gas or crude oil exploration or production.

(108) "Solid waste combustor" means an enclosed device that uses controlled combustion, the primary purpose of which is to thermally break down solid, liquid, or gaseous combustible solid wastes to an ash residue that contains little or no combustible material. A solid waste combustor specifically includes any facility that uses incineration, gasification, or pyrolysis to break down solid waste.

(109) "Solid waste disposal facility" means any solid waste management facility which is the final resting place for solid waste, including landfills and incineration facilities that produce ash from the process of incinerating municipal solid waste.

(110) "Solid waste disposal unit" means a discrete area of land used for the disposal of solid waste.

(111) "Solid waste management" means the process by which solid waste is collected, transported, stored, separated, processed, or disposed of in any other way, according to an orderly, purposeful, and planned program which includes closure.

(112) "Solid waste management facility" means any solid waste disposal area, transfer station, materials recovery facility, or other facility, the purpose of which is resource recovery or the disposal, recycling, processing, or storage of solid waste. The term does not include recovered materials processing facilities which meet the requirements of paragraph 62-701.220(2)(c), F.A.C., except the portion of such facilities, if any, that is used for the management of solid waste.

(113) "Special wastes" means solid wastes that can require special handling and management, including but not limited to, white goods, waste tires, used oil, lead-acid batteries, construction and demolition debris, ash residue, yard trash, biological wastes, and mercury-containing devices and lamps.

(114) "Stabilized" means that biological and chemical decomposition of the wastes has ceased or diminished to a level so that such decomposition no longer poses a pollution, health, or safety hazard.

(115) "Subgrade" means soils native to or imported to a site, or other materials authorized by a Department permit or this chapter, which may be graded and compacted before a landfill liner system is constructed over them.

(116) "Tire" means a continuous solid or pneumatic rubber covering encircling the wheel of a motor vehicle.

(117) "Tire disposal" means to deposit, dump, spill or place any waste tire or residuals into or upon any structure, land or water. Tire disposal also includes the burning of any waste tire or residuals in a waste-to-energy facility, incinerator, or other facility used

solely for the disposal of solid waste.

(118) "Tire recycling" means any process by which waste tires or residuals are reused or returned to use in the form of products or raw materials.

(119) "Ton" means a short ton, 2000 pounds (0.9078 metric tons).

(120) "Transfer station" means a facility the primary purpose of which is to store or hold solid waste for transport to a processing or disposal facility. Operations at such facilities may include separation of incidental amounts of recyclable materials or unauthorized waste.

(121) "Unauthorized waste" means any type of waste that is not allowed to be accepted or managed at a solid waste management facility in accordance with rule or statutory requirements or permit conditions.

(122) "Used oil" has the meaning given that term in Rule 62-710.201, F.A.C.

(123) "Used tire" means a whole waste tire which has a minimum tread depth of 3/32 inch or greater and is suitable for use on a motor vehicle.

(124) "Uppermost aquifer" means the geologic formation nearest the natural ground surface that is an aquifer, as well as lower aquifers that are hydraulically interconnected with this aquifer within a facility's property boundary.

(125) "Vector" means a carrier organism that is capable of transmitting a pathogen from one organism to another.

(126) "Waste tire" means a tire that has been removed from a motor vehicle and has not been retreaded or regrooved. The term includes used tires and processed tires, but does not include solid rubber tires and tires that are inseparable from the rim.

(127) "Waste tire collection center" means a site where waste tires are collected from the public before being offered for recycling or disposal and where fewer than 1,500 tires are kept on-site on any given day.

(128) "Waste tire collector" means a person who transports more than 25 waste tires over public highways at any one time.

(129) "Waste tire processing facility" means a site where equipment is used to treat waste tires mechanically, chemically, or thermally so that the resulting material is a marketable product or is suitable for proper disposal. The term includes mobile waste tire processing equipment.

(130) "Waste tire residuals" means any liquids, sludges, metals, fabric or byproducts resulting from the processing or storage of tires. Residuals do not include processed tires held for recycling or disposal, provided the conditions of Rule 62-711.530, F.A.C., are met.

(131) "Waste tire site" means a site at which 1,500 or more waste tires are accumulated. For purposes of this term a site means a piece of property owned, rented, or otherwise controlled by a person, including all contiguous or adjacent properties owned, rented, or otherwise controlled by that person.

(132) "Water quality standards and criteria" means, unless otherwise specified, those standards and criteria set forth in Chapters 62-302 and 62-520, F.A.C.

(133) "White goods" means inoperative and discarded refrigerators, ranges, washers, water heaters, freezers, and other similar domestic and commercial large appliances.

(134) "Working face" means that portion of a solid waste disposal unit where waste is deposited, spread, and compacted before placement of initial cover.

(135) "Yard trash" means vegetative matter resulting from landscaping maintenance or land clearing operations and includes materials such as tree and shrub trimmings, grass clippings, palm fronds, trees and tree stumps, and associated rocks and soils.

(136) "Zone of discharge" has the meaning given it in Rule 62-520.200, F.A.C.

All other definitions found in Chapter 403, F.S., and Chapters 62-702 through 62-722, F.A.C., to the extent that they are consistent with the definitions of this chapter, are applicable to the terms used in this chapter.

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