**CHAPTER 62-722**

**REGULATION OF RECOVERED MATERIALS**

 62-722.200 Definitions

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**62-722.200 Definitions.**

The definitions ~~In addition to applicable definitions~~ in Rule 62-701.200, F.A.C., apply to this chapter unless the context clearly indicates otherwise. In addition, the following terms are defined in Section 403.703, Florida Statutes (F.S.): “County,” “Department,” “Gasification,” “Materials recovery facility,” “Municipality,” “Person,” “Processing,” “Pyrolysis,” “Pyrolysis facility,” “Recovered materials processing facility,” “Recyclable material,” “Recycling,” “Solid waste,” and “Source separated.” T~~t~~he following words, phrases, or terms as used in this chapter, unless the context clearly indicates otherwise, shall have the following meanings:

(1) “Amount of recovered materials or post-use polymers” means the amount of the types of recovered materials or post-use polymers received by a certified person or a registrant, measured in short tons (2,000 pounds equals one short ton).

(2) “Certified person” means any person who handles, purchases, receives, recovers, sells or is an end user of 600 tons or more per year of recovered materials or post-use polymers, reports to, and is certified by the Department pursuant to this chapter. A person whose activities are limited strictly to the transportation of recovered materials or post-use polymers is not considered to be a person who handles, purchases, receives, recovers, sells or is an end user of recovered materials or post-use polymers.

~~(3) “Department” means the Department of Environmental Protection.~~

(3)~~(4)~~ “End User” means a person who makes a product utilizing recovered materials or post-use polymers as a raw material in place of, or in addition to, virgin raw materials and who receives ~~more than~~ 600 tons or more per year of recovered materials or post-use polymers from persons in Florida who are not certified.

(4)~~(5)~~ “Exempt Generator” means:

(a) Any person who produces recovered materials or post-use polymers; and,

(b) Annually transfers all of its recovered materials or post-use polymers to a person who is certified by the Department pursuant to Rule 62-722.400, F.A.C., or who annually transfers an amount of recovered materials or post-use polymers less than 600 tons to any combination of in-state persons who make a product utilizing recovered materials or post-use polymers as a raw material in place of, or in addition to, virgin raw materials, or to persons out of this state.

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

~~(6) “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.~~

(6)~~(7)~~ “Nonexempt Generator” means:

(a) Any person who produces recovered materials or post-use polymers; and,

(b) Annually transfers an amount ~~in excess~~ of 600 tons or more of recovered materials or post-use polymers to any combination of in-state persons who make a product utilizing recovered materials or post-use polymers as a raw material in place of, or in addition to, virgin raw materials, or to persons out of this state.

~~(8) “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.~~

 (7) “Post-use polymer” means a plastic polymer that is derived from any domestic, commercial, or municipal activity and which might otherwise become waste if not converted to manufacture crude oil, fuels, or other raw materials or intermediate or final products using gasification or pyrolysis. As used in this chapter, post-use polymer may contain incidental contaminants or impurities, such as paper labels or metal rings. Post-use polymers intended to be converted as described above are not solid waste or recovered materials. Post-use polymers do not include hazardous waste nor post-use polymers in small quantities.

(8)~~(9)~~ “Recovered materials” means metal, paper~~,~~ (including cardboard), 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. Recovered materials do not include post-use polymers, hazardous waste, or other important recyclable materials such as lumber, concrete, brick, wallboard, waste tires, used oil filters, and other materials that are not one of the six types of recovered materials that are specifically identified according to Section 403.703, F.S.

~~(10) “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 Section 403.7045(1)(e), F.S.~~

(9)~~(11)~~ “Registrant” means any certified person ~~recovered materials dealer~~ who is registered with and reports to a local government pursuant to the requirements of this chapter. A person whose activities are limited strictly to the transportation of recovered materials or post-use polymers are not considered to be a person who handles, purchases, receives, recovers, sells or is an end user of recovered materials or post-use polymers.

(10)~~(12)~~ “Small quantity” means an amount less than 600 tons per year of the total amount of all recovered materials or post-use polymers ~~handled, purchased, received, recovered, sold or used by a person~~.

 ~~(13) “Source separated” means the recovered materials separated from solid waste 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.~~

*Rulemaking Authority 403.061, 403.704, 403.7046 FS. Law Implemented 403.703, 403.704,, 403.7046 FS. History-New 1-1-95, Amended 12-17-13, .*

**62-722.400 Procedures for Certification and Reporting.**

(1) Any person in this state who handles, purchases, receives, recovers, sells or is an end user of 600 tons or more of recovered materials or post-use polymers must annually apply for certification to the Department, no later than April 1. Certification applications for recovered materials shall be accompanied by a $50.00 fee~~,~~ and shall be submitted on Form 62-722.400(9)(a), Application for Recovered Materials Certification, effective [MMYYYY ~~12-17-13~~], hereby adopted and incorporated by reference. This form can be accessed online here [LINK]. Certification applications for post-use polymers shall be accompanied by a $50.00 fee and shall be submitted on Form 62-722.400(9)(c), Application for Post-Use Polymers Certification, effective [MMYYYY], hereby adopted and incorporated by reference. This form can be accessed online here [LINK]. Copies of both forms ~~this form~~ are also available from a local District Office; ~~or~~ by writing to the Department of Environmental Protection, ~~Solid~~ Waste Reduction Section, MS 4555 ~~4565~~, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400; or the Department’s website at https://floridadep.gov/waste/waste-reduction/content/recovered-materials-certification-and-reporting-program. Application renewals are submitted via the DEP Business Portal at http://www.fldepportal.com/go/.

(2) Any person in this state who handles, purchases, receives, recovers, sells or is an end user of 600 tons or more of recovered materials or post-use polymers must annually report to the Department, and to all counties from which it received recovered materials or post-use polymers, certain information for the preceding calendar year, unless such person is exempt pursuant to Rule 62-722.300, F.A.C., or is otherwise not subject to the requirements of this chapter. Such reports shall be submitted by February 1. For reporting recovered materials, use ~~on~~ Form 62-722.400(9)(b), Reporting Form for Recovered Materials, effective date [MMYYYY ~~12-17-13~~], hereby adopted and incorporated by reference. This form can be accessed online here [LINK]. For reporting by pyrolysis facilities, use Form 62-722.400(9)(d), Reporting Form for Post-Use Polymers­, effective date [MMYYYY], hereby adopted and incorporated by reference. This form can be accessed online here [LINK]. Copies of both forms ~~this form~~ are also available from a local District Office or by writing to the Department of Environmental Protection, ~~Solid~~ Waste Reduction Section, MS 4555 ~~4565~~, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400, or the Department’s website at https://floridadep.gov/waste/waste-reduction/content/recovered-materials-certification-and-reporting-program. Annual reports are submitted online via the web-based portal system located at https://app.re-trac.com/. The Reporting Form for Recovered Materials and the Reporting Form for Post-Use Polymers ~~This report~~ shall include the following information:

(a) Name, address, and phone number of the applicant;

(b) The locations of all recovered materials processing facilities or pyrolysis facilities owned or operated by the applicant;

(c) The amount and type of recovered materials or post-use polymers, by county of origin, that are handled, purchased, received, recovered, or sold by the applicant;

(d) The amount and disposal site, or the name of the person with whom such disposal was arranged in the event that the applicant cannot reasonably determine amount or disposal site, of any solid waste generated by the applicant's facilities; and,

(e) The total amount of recovered materials or post-use polymers received at the facility from both certified and non-certified persons.

(3) Non-exempt generators of recovered materials or post-use polymers who transfer ~~more than~~ 600 tons or more per year of recovered materials or post-use polymers out of Florida or to in-state persons who make a product utilizing recovered materials or post-use polymers as a raw material in place of, or in addition to virgin raw materials, must report the amount and type of recovered materials or post-use polymers handled, purchased, received, recovered or sold out of state or to in-state persons ~~person~~ who make a product utilizing recovered materials or post-use polymers as a raw material in place of, or in addition to, virgin raw materials, for the preceding calendar year, for purposes of paragraph (2)~~(1)~~(c), above.

(4) All information reported to the Department pursuant to Section 403.7046, F.S., this chapter, or the forms incorporated by reference herein, is a public record. Any person reporting trade secret information to the Department must provide the Department with information and documentation that clearly identifies the specific information that constitutes a trade secret as defined by s. 688.002, F.S., or other law, and that explains and supports the legal authority for each claim of trade secret asserted. The Department will not consider it a satisfactory showing that information constitutes a trade secret or is otherwise exempt from public records if the entire form is marked as confidential, exempt, or a trade secret or if a submitted form is accompanied by an additional, redacted copy of the original form without including such supporting legal justification. ~~Information reported to the Department by an applicant for certification or to a local government by a registrant pursuant to Section 403.7046(1), (2) or (3), F.S., which if disclosed would reveal a trade secret, as defined in Section 812.081(1)(c), F.S., is confidential and exempt from the provisions of Section 119.07(1), F.S. Such information includes the information identified in paragraphs (1)(b)-(e) and (2), as represented by the applicant through his signature on the reporting form, unless the applicant for certification or the registrant marks the information as nonconfidential and by so marking the information as nonconfidential represents to the Department that it has not treated such information as trade secret information. For reporting or information purposes, the Department or a local government may provide this information in such form that the names of the persons reporting such information and the specific information reported is not revealed.~~

(5) If the Department determines that the information received pursuant to subsections (1) and (2), is accurate and complete and meets the requirements of this rule, and is accompanied by the appropriate fee, the Department shall issue a certification to the applicant, which shall include the following information:

(a) The certified person's name, address and phone number; and,

(b) The locations of the recovered materials processing facilities, pyrolysis facilities, or matierials recovery facilities owned or operated by the certified person.

(6) Certifications shall be valid from July 1 of the year in which the certification is issued through June 30 of the following year, unless suspended or revoked by the Department.

(7) A certification issued under this rule is considered a license for purposes specified in Section 120.60, F.S. Any person is subject to having its certification suspended or revoked, pursuant to Section 403.087, F.S., upon a finding by the Department that the person:

(a) Submitted false or inaccurate information to the Department in the certification or reporting forms;

(b) Refused lawful inspection~~,~~ conducted by the Department pursuant to Section 403.091, F.S.;~~,~~ or

(c) Failed to submit any report required pursuant to this chapter.

(8) The Department shall not delegate its authority to conduct its inspections made pursuant to Section 403.091, F.S., ~~this chapter~~ to any local pollution control program, county, municipality, or any combination thereof.

(9) The forms used by the Department in this c~~C~~hapter are adopted and incorporated by reference elsewhere. The following list of forms is provided solely for convenience and can be obtained on the internet at http://www.dep.state.fl.us/waste/quick\_topics/forms/pages/62-722.htm or by contacting the Waste Reduction Section, MS #4555, Division of Waste Management, Department of Environmental Protection, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400.

(a) Form 62-722.400(9)(a), Application for Recovered Materials Certification, incorporated by reference in ~~as required by~~ subsection 62-722.400(1), F.A.C., effective date MMYYYY ~~12-17-13~~ [LINK].

(b) Form 62-722.400(9)(b), Reporting Form for Recovered Materials, incorporated by reference in ~~as required by~~ subsection 62-722.400(2), F.A.C., effective date MMYYYY ~~12-17-13~~ [LINK].

(c) Form 62-722.400(9)(c) Application for Post-Use Polymers Certification, incorporated by reference in subsection 62-722.400(1), F.A.C., effective date MMYYYY [LINK].

(d) Form 62-722.400(9)(d), Reporting Form for Post-Use Polymers, incorporated by reference in subsection 62-722.400(2), F.A.C., effective date MMYYYY [LINK].

*Rulemaking Authority 403.061, 403.704, 403.7046 FS. Law Implemented 119.0715, 403.705, 403.7045, 403.7046 FS. History–New 1-1-95, Amended 12-17-96, 12-17-13, .*