

**DEP Versions of Proposed Language for Economically Feasible Provision  
Rule 62-701.730(13)(e), F.A.C.**

**1. Language used for 09-29-2010 Rule Workshop in Orlando**  
(Phase I rulemaking)

**62-701.730 Construction and Demolition Debris Disposal and Recycling.**

(13) Recycling.

(e) No construction and demolition debris may be accepted for disposal at any facility unless it has first been processed to remove recyclable materials. The processing may occur at a permitted materials recovery facility, at another permitted disposal facility, or at the facility accepting the material. This paragraph does not apply in the following situations:

1. The facility accepting the waste for disposal demonstrates that it is not economically feasible for the waste to be processed prior to disposal;

2. The waste consists solely of recovered materials;

3. The materials have previously been source-separated and offered for recycling;

or

4. The materials have previously been processed.

**2. Language used for 08-02-2011 Rule Workshop in Tallahassee**  
(Phase I rulemaking from 08-02-2011 version of the draft rule)

**62-701.730 Construction and Demolition Debris Disposal and Recycling.**

(13) Recycling.

(e) The owner or operator of any facility that accepts dedicated loads of construction and demolition debris for disposal shall perform an evaluation of the economic feasibility of processing the material to remove recyclable materials prior to disposal. This evaluation shall be completed no later than July 1, 2011, or prior to opening a new facility, and documentation of the evaluation shall be kept at the facility and made available to the Department upon request. The evaluation shall consider the costs and benefits of processing the material at a permitted materials recovery facility, at another permitted disposal facility, or at the facility accepting the material. If the owner or operator determines that it is economically feasible to process some or all of the material accepted, then such material must be processed prior to disposal. It is not necessary for the Department to review or approve such evaluation, and the substance of the evaluation will not be considered during permit review. However, failure to perform such evaluation or to keep documentation of the evaluation available for review shall be considered a violation of this chapter. The evaluation is not required in the following situations:

1. The waste consists solely of recovered materials;

2. The materials have previously been source-separated and offered for recycling;

or

3. The materials have previously been processed.

**3. Language used for 11-08-2013 Rule Workshop in Tallahassee**

(Phase II rulemaking from 10-18-2013 version of the draft rule. NOTE the Form mentioned in the rule language is attached at the end of this document.)

62-701.730 Construction and Demolition Debris Disposal and Recycling.

(13) Recycling.

(e) The owner or operator of any facility that accepts construction and demolition debris for disposal shall ensure that, to the extent economically feasible, such materials are processed to remove recyclable materials prior to disposal. Where an owner or operator of a facility does not process such materials prior to disposal, such owner or operator shall provide a certification that they have performed an evaluation of the economic feasibility of processing such materials and shall certify the economic factors that were considered and the types of the discarded materials for which the owner or operator found that processing of such materials prior to disposal was not economically feasible. Documentation of the evaluation and certification shall be provided on Form 62-701.900(36), Certification of Economic Feasibility to Process C&D Debris Prior to Disposal, effective date [eff date], hereby adopted and incorporated by reference. This certification shall be completed no later than [eff date plus 180 days], or prior to operating a new facility. Documentation of the evaluation shall be kept at the facility and made available to the Department upon request. Where an owner or operator of a facility does not process construction and demolition debris prior to disposal, the evaluation required herein shall, at a minimum, consider relevant economic factors including costs of labor, processing equipment, and transportation, the current and projected prices for expected marketable materials, and other relevant business related economic factors. If the owner or operator determines that it is economically feasible to process some or all of the material accepted and is currently not processing materials where it is economically feasible, then such material shall be processed prior to disposal to remove the fraction of the recyclable materials that are economically feasible no later than [eff date plus 1 year]. The Department shall determine whether the certification has been provided documenting whether or not the owner or operator has evaluated the economic factors required in accordance with this rule whenever a facility is not processing construction and demolition debris prior to disposal. The certification is not required in the following situations:

1. The waste consists solely of recovered materials;
2. The materials have previously been source-separated and offered for recycling;
3. The materials have previously been processed to remove recyclable materials.

or

**4. Language used for 03-14-2014 Rule Workshop in Tallahassee**

(Phase II rulemaking from 02-26-2014 version of the draft rule)

62-701.730 Construction and Demolition Debris Disposal and Recycling.

(13) Recycling.

(e) Pursuant to Section 403.707(9)(g), F.S., the owner or operator of any facility that accepts construction and demolition debris for disposal shall ensure that such materials are processed to remove recyclable materials prior to disposal. At a minimum, such processing to remove recyclable materials prior to disposal shall include, except for de minimis amounts of these materials that may be otherwise disposed of in the facility, separation of corrugated containers and ferrous metals from the waste stream for recycling. Reporting of the amounts of any recovered materials separated from the waste stream shall be in accordance with the requirements of Chapter 62-722, F.A.C. This paragraph does not apply where:

1. The waste consists solely of recovered materials;
2. The materials have previously been source-separated and offered for recycling;
3. The materials have previously been processed to remove recyclable materials.

or

**5. Language Used for ERC Briefing on 08-21-2014 in Tallahassee**

(Phase II rulemaking from 07-16-2014 version of the draft rule)

62-701.730 Construction and Demolition Debris Disposal and Recycling.

(13) Recycling.

(e) Pursuant to Section 403.707(9)(g), F.S., the owner or operator of any facility that accepts construction and demolition debris for disposal shall ensure that such materials are processed to remove recyclable materials prior to disposal. At a minimum, such processing to remove recyclable materials prior to disposal shall, to the extent economically feasible, include separation of recyclable materials such as ferrous metals and clean cardboard. Reporting the amounts of any recovered materials separated from the waste stream shall be in accordance with the requirements of Chapter 62-722, F.A.C. This paragraph does not apply to:

1. Recovered materials;
2. Materials that have previously been source-separated and offered for recycling;
3. Materials that have been previously processed to remove recyclable materials.

or



# Florida Department of Environmental Protection

Bob Martinez Center  
2600 Blair Stone Road  
Tallahassee, Florida 32399-2400

DEP Form # 62-701.900(36)  
 Form Title Certification of Economic Feasibility to Process C&D debris Prior to Disposal  
 Effective Date \_\_\_\_\_  
 Incorporated in Rule 62-701.xx

## CERTIFICATION OF ECONOMIC FEASIBILITY TO PROCESS C&D DEBRIS PRIOR TO DISPOSAL

**GENERAL INSTRUCTIONS:** Section 403.707(9)(g), Florida Statutes requires that, "...to the extent economically feasible, all construction and demolition debris must be processed prior to disposal, either at a permitted materials recovery facility or at a permitted disposal facility." This paragraph does not apply to recovered materials, any materials that have been source separated and offered for recycling, or materials that have been previously processed. Rule 62-701.730(13)(e), F.A.C., requires that an owner or operator provide this certification where construction and demolition debris materials are not processed prior to disposal. Where certification is required, this form shall be used by owners or operators of C&D debris disposal facilities to certify that they have performed an evaluation of the economic feasibility of processing such materials and documenting the economic factors and types of discarded materials that were considered.

Please Type or Print in Ink

1. Facility name: \_\_\_\_\_ WACS ID: \_\_\_\_\_

2. Facility Location:  
 Street Address (main entrance): \_\_\_\_\_  
 City: \_\_\_\_\_ County: \_\_\_\_\_ Zip: \_\_\_\_\_

3. Owner or Operator name: \_\_\_\_\_  
 Mailing address: \_\_\_\_\_  

Street or P.O. Box
City
State
Zip
  
 Title: \_\_\_\_\_ Email: \_\_\_\_\_  
 Telephone: ( \_\_\_\_\_ ) \_\_\_\_\_

4. The types of construction and demolition debris materials that were evaluated and the results were as follows (include all that apply):

Description of Construction and Demolition Material Types	Evaluated	Not Economically Feasible
<u>Feasible</u>		
_____	<input type="checkbox"/>	<input type="checkbox"/>
_____	<input type="checkbox"/>	<input type="checkbox"/>
_____	<input type="checkbox"/>	<input type="checkbox"/>
_____	<input type="checkbox"/>	<input type="checkbox"/>
_____	<input type="checkbox"/>	<input type="checkbox"/>
_____	<input type="checkbox"/>	<input type="checkbox"/>
_____	<input type="checkbox"/>	<input type="checkbox"/>
_____	<input type="checkbox"/>	<input type="checkbox"/>
_____	<input type="checkbox"/>	<input type="checkbox"/>
_____	<input type="checkbox"/>	<input type="checkbox"/>
_____	<input type="checkbox"/>	<input type="checkbox"/>

Northwest District  
160 Government Center, Ste. 308  
Pensacola, FL 32501-5794  
850-595-8300

Northeast District  
7825 Baymeadows Way Ste. 200B  
Jacksonville, FL 32256-7590  
904-256-1700

Central District  
3319 Maguire Blvd., Ste. 232  
Orlando, FL 32803-3767  
407-897-4100

Southwest District  
13051 N. Telecom Pky.  
Temple Ter., FL 33637  
813-632-7600

South District  
2295 Victoria Ave., Ste. 364  
P.O. Box 2549  
Fort Myers, FL 33902-2549  
239-344-5600

Southeast District  
400 North Congress Ave., Ste. 200  
West Palm Beach, FL 33401  
561-681-6600

5. The economic analyses performed for the above facility included an evaluation of the following items (check all that apply):

- |  |  |
|--|--|
| <input type="checkbox"/> Cost of transportation          | <input type="checkbox"/> Cost of processing equipment                        |
| <input type="checkbox"/> Prices for marketable materials | <input type="checkbox"/> Revenues from recycling vs. the costs of processing |
| <input type="checkbox"/> Local landfill tip fees         | <input type="checkbox"/> Market availability to sell recycled materials      |
| <input type="checkbox"/> Cost of labor                   | <input type="checkbox"/> Local availability to other processing facilities   |
| <input type="checkbox"/> Other (explain): _____          |  |
| <input type="checkbox"/> Other (explain): _____          |  |
| <input type="checkbox"/> Other (explain): _____          |  |

6. **Certification:**

I certify that an economic feasibility evaluation has been performed in accordance with Rule 62-701.730(13)(e), F.A.C., and that it is NOT economically feasible to process the types of Construction and Demolition debris materials that are indicated above to remove recyclable materials prior to disposal at the referenced facility.

The undersigned owner or operator of the above facility certifies that the information provided in this document is true, correct and complete to the best of his or her knowledge and belief.

\_\_\_\_\_  
Signature of Owner or Operator

Date

Name (please type or print)