

**INTERAGENCY AGREEMENT BETWEEN
THE FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION AND THE
DEPARTMENT OF HEALTH AND REHABILITATIVE SERVICES**

1. Purpose

This agreement, required by subsections 381.0098(1) and (9)(d), Florida Statutes (F.S.), has been developed to ensure maximum efficiency in coordinating, administering, and regulating biomedical waste by the Department of Environmental Protection (DEP) and the Department of Health and Rehabilitative Services (HRS). This agreement supersedes the 1993 Memorandum of Understanding. Effective January 1, 1997, any references to the Department of Health and Rehabilitative Services will be read and understood as referring to the Department of Health (DOH) with no further amendments to this agreement.

2. Department of Health and Rehabilitative Services Responsibilities

HRS/DOH is mandated by subsection 381.0098, F.S., to promulgate rules concerning the onsite and offsite handling, packaging, labeling, transport, storage, and treatment of biomedical waste, except for onsite and offsite incineration. HRS/DOH has exclusive authority to establish efficacy of treatment standards for biomedical waste.

3. Department of Environmental Protection Responsibilities

DEP is mandated by Section 403.704(31), F.S., to promulgate rules concerning the onsite and offsite incineration and disposal of biomedical waste. DEP has exclusive authority to establish statewide standards relating to the environmental impacts of treatment and disposal.

4. Delegations

HRS/DOH hereby delegates the following responsibilities to DEP, and the parties agree to the conditions therein:

a. DEP shall accept and act on applications for offsite biomedical waste treatment facility permits only in those instances where a facility is required to obtain other DEP permits. Treatment facility permits shall be consolidated with other DEP permits whenever possible. DEP shall perform inspections at these facilities.

b. DEP shall accept and act on applications for storage facility permits at offsite biomedical waste incinerators. Storage requirements, as well as operational and contingency requirements found in Chapter 10D-104, Florida Administrative Code (F.A.C.), shall be incorporated into existing or new air operation permits whenever possible in lieu of requiring separate storage permits. HRS/DOH shall provide the standard storage permit conditions that the DEP will incorporate into these permits. DEP shall perform inspections at these storage facilities.

5. Interagency Coordination

In those instances where DEP has been delegated program responsibilities from HRS/DOH, the parties agree to the following procedures:

a. When HRS/DOH receives a permit application for an offsite biomedical waste treatment facility which is known to have other DEP permits, HRS/DOH will return the application and the associated fees with instructions to resubmit the application to the appropriate DEP district office. At the applicant's request, HRS/DOH will forward the application and the associated fees to the DEP district office. The permit application time clock will not start until the appropriate DEP district office receives the application and fees.

b. The appropriate DEP district office will accept and act on the permit application in accordance with the statutory timeframes of Sections 120.60 and 403.0876, F.S. DEP will follow its established permit review procedures unless they directly conflict with HRS/DOH rules or statutes. DEP shall ascertain whether the fees remitted are correct, and retain such fees. When DEP determines a fee is not correct, it shall proceed in accordance with the procedures in Rule 62-4.050 (5), F.A.C.

c. Within five days of receipt of an application, the DEP district office will send a copy to the HRS/DOH Environmental Health Programs Office (HSEH). HSEH shall review the application with respect to those matters within its jurisdiction. HSEH shall advise the DEP district office within fifteen days of receipt whether the application is complete, and, if not, what additional information may be needed, or what specific conditions should be included in the permit. Questions concerning interpretation of HRS/DOH rules or policies shall be referred to HSEH.

d. Inspection of facilities will be coordinated and consolidated with other required inspections whenever possible. HSEH shall supply inspection checklists for use by DEP district inspectors as soon as possible. DEP need not notify HSEH prior to issuing Warning Letters or similar notices of noncompliance, but shall send HSEH copies of each notice as well as copies of each inspection report. The DEP district office may recommend that formal enforcement actions be considered by HSEH. HSEH will review DEP's recommendation and supporting data and initiate formal enforcement actions, if warranted.

e. DEP will be responsible for handling all administrative proceedings and litigation that may result from its management of delegated responsibilities. HRS/DOH will provide whatever support is needed, including expert or policy witnesses.

6. Emergency Response Actions

Response to complaints regarding the generation, labeling, transport, storage or treatment of biomedical waste shall be handled by HRS/DOH. Complaints concerning improper disposal of biomedical waste shall be initially assessed by HRS/DOH, and then referred to the waste management personnel at the appropriate DEP district office, if necessary. Complaints of improper disposal of biomedical waste, which HRS/DOH determines to be small and localized, will be cleaned up by HRS/DOH as part of their investigation. DEP's Bureau of Emergency Response will assist in the coordination and cleanup of biomedical waste which HRS/DOH determines is an emergency and involves large or uncontained amounts of biomedical waste that

pose a public health threat. HRS/DOH shall notify DEP's Bureau of Emergency Response through the state warning point number (904-413-9911), and request assistance. DEP and HRS/DOH agree to coordinate their responses to all incidents and any enforcement actions which may result.

7. General

This agreement becomes effective upon the date of the final signature and shall be reviewed periodically and revised as necessary to remain consistent with the duties and responsibilities of the agencies. It may be amended by mutual written consent. This agreement shall continue annually unless and until one party to this agreement provides written notice of termination, signed by the head of that agency to the other agency, at least 60 days prior to the proposed termination date.

Department of
Environmental Protection

Virginia B. Wetherell
Virginia B. Wetherell
Secretary

105-96
Date

Department of Health and Rehabilitative
Services

Edward A. Feaver
Edward A. Feaver
Secretary

10/24/96
Date

Department of Health

James T. Howell, M.D.
James T. Howell, M.D.
Secretary

10/16/96
Date