



LEVY COUNTY BOARD OF COUNTY COMMISSIONERS
Government Serving Citizens

COMMISSIONERS

John Meeks
Rock Meeks
Desiree Mills, Vice Chair
Tim Hodge
Matt Brooks, Chair

Uses Workshop - Composting Discussion Agenda
May 09, 2023
3:30 PM

Public Call-In Information

- Conference Call Number: 1-571-317-3112
- Enter Access Code: 705-809-189
- The phone lines will open at 03:15 PM
- All lines will be muted; listening capabilities only

CALL TO ORDER

Invocation

Pledge to the Flag

Roll Call of the Commissioners

Approval of Agenda

- The Commissioners will approve and/or modify the official agenda at this time.

3:30 PM: LEVY COUNTY PLANNING & ZONING – Stacey Hectus, Director

1. Staff Presentation and Board Consideration on Land Use, Zoning, Special Exception.

PUBLIC COMMENTS:

- Complete Public Comment Form and submit to the Board Chairman
- Approach podium, speak clearly into the microphone and state your full name and address
- Comments will be limited to a maximum of three (3) minutes per person

Adjourn

Should any agency or person decide to appeal any decision made by the Board with respect to any matter considered at this meeting, such agency or person will need a record of the proceedings, and for such purpose, may need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence upon which the appeal is to be based.

In accordance with the Americans with Disabilities Act, person needing a special accommodation or an interpreter to participate in the proceeding should contact the County Clerk's Office at (352) 486-5266, or the Office of the Board of County Commissioners at (352) 486-5217, at least two (2) days prior to the date of the meeting. Hearing-impaired persons can access the foregoing telephone number by contacting the Florida Relay Service at 1-800-955-8770 (Voice) or 1-800-955-8771 (TDD).



Levy County Board of County Commissioners Agenda Item Summary Form

- 1. **Name:** Stacey Hectus
- 2. **Organization/Title/Telephone:** BOCC/Planning & Zoning Director
- 3. **Meeting Date:** Tuesday, May 9, 2023
- 4. **Requested Motion/Action:**
Staff Presentation and Board Consideration on Land Use, Zoning, Special Exception.
- 5. **Agenda Presentation:** Yes No N/A
- 6. **Time Requested:** Click or tap to enter a date.
(Request will be granted if Possible) allotted time not more than 15 minutes
- 7. **Is this Item Budgeted (If Applicable):** Yes No N/A
- 8. **If no, State Action Required:**
 - a. **Budget Action:**
 - b. **Financial Impact Summary Statement:**
 - c. **Detailed Analysis Attached**
 - d. **Budget Officer Approval:**

If approved enter date: Click or tap to enter a date.
- 9. **Background: (Why is the action necessary, and what action will be accomplished) (All supporting documentation must be attached if any)**
- 10. **Recommended Approval**
 - a. **Department Director:** Yes No N/A
 - b. **County Attorney:** Yes No N/A
 - c. **County Coordinator:** Yes No N/A
 - d. **Other:** Yes No N/A

Levy County Board of County Commission Work Shop

Organics Processing & Composting

May 9, 2023

What Is Being Considered?

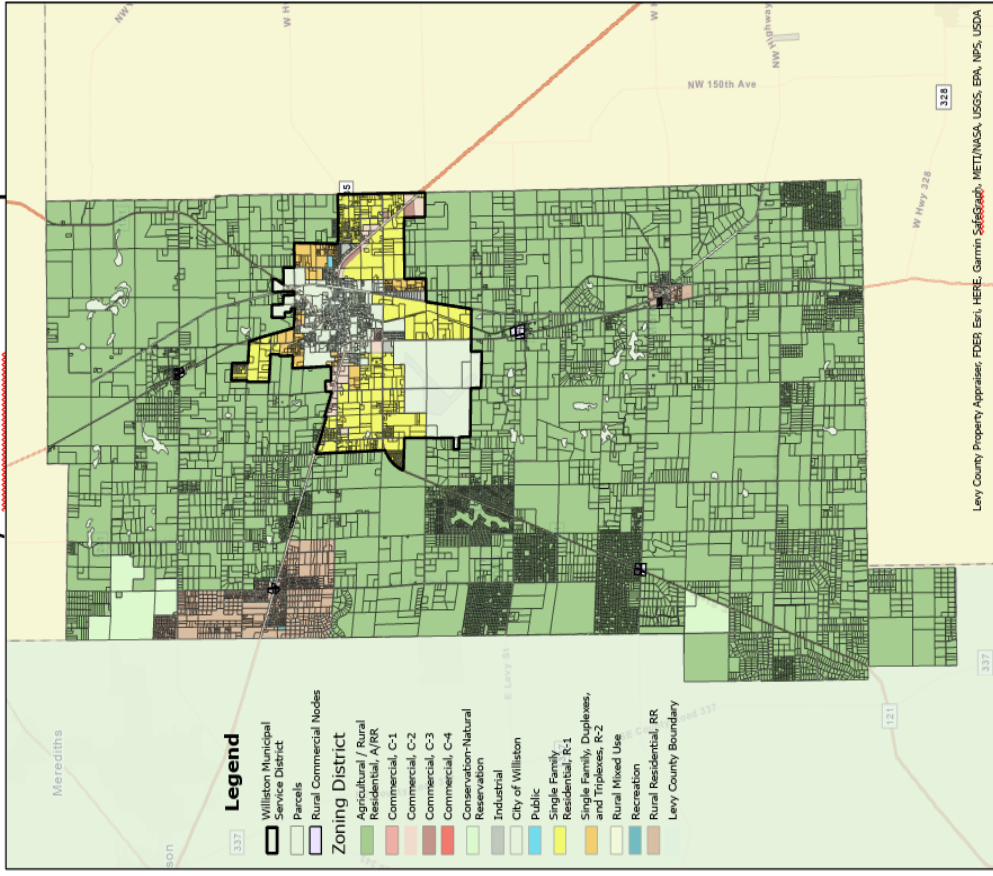
- **Land Use:** Forestry/Rural Residential, Agriculture/Rural Residential, Commercial or Industrial
- **Zoning:** F/RR, A/RR, C-3 – Moderately Intensive Commercial, C-4 Highway Commercial, I – Industrial
- **Density:** Allow only “X” county-wide.
- **Conditional Use :** Staff review and approval, checklist.
- **Special Exception:** Staff Review, Planning Commission, Board of County Commissioners.



Williston /Morriston Area Map

Williston / Morriston Area Map

Item 1.



Conditional Use vs. Special Exception

- **Conditional Use:** Staff review and approval, checklist, Development Review of site plan. Staff usually involved is Planning and Zoning, Building and Development, Engineering and the Road Department.
- There would be no notice. Administrative in nature.
- **Special Exception:** Staff review, Planning Commission and first review by the Board of County Commissioners to direct staff to draft Orders if they are satisfied with the submittal. After staff drafts the Orders will come back to the BoCC for their final review and approval or denial.
- Notice will be given per notice table. Quasi-Judicial in nature.

Where Have We Been and Where Are We In the Process?

- In February of 2021 there was a work shop held on this topic.
- In February 2022 the BoCC directed legal to draft a resolution, Resolution #2022-4.
- In October of 2022 as part of the larger Uses discussion this was a topic of discussion at a work shop.
- In November 2022 prepared draft language for discussion at the work shop.
- In February 2023 at the Uses work shop it was decided by the BoCC to pull composting and other items out of the main Uses Ordinance so as not to hold it up but do a concentrated work shop on Composting alone.
- Here we are today, May 9, 2023 Workshop.

What is Being Considered?

- “farm operation” that produces compost (solely from vegetative materials, animal by-products, manure and/or yard trash) for “on-farm” beneficial use - exempt from DEP regulation (question – does any state agency have BMPs for the on-farm use of compost?)
- “farm operation” that produces compost (solely from vegetative materials, animal by-products, manure and/or yard trash) for “off-farm” beneficial use – required to follow DEP “test and classify” regulations
- Non-farm operation that produces compost (solely from vegetative materials, animal by-products, manure and/or yard trash) for beneficial use by others – requires registration with DEP as a Source-Separated Organics Processing Facility (SOPF)
- Non-farm operation that produces compost (including sources **other than** vegetative materials, animal by-products, manure and/or yard trash) for beneficial use by others – requires DEP Solid Waste Management Facility Permit
- Farm or non-farm operation that collects solid waste (from any sources, including barn waste and manure) and does not make beneficial use of it – this is not composting, this is considered disposal – requires DEP Landfill or other Disposal Facility Permit

The background features a large, light blue watermark of the Henry County Planning & Zoning seal. The seal is circular and contains a map of the county with various colored regions. The text 'HENRY COUNTY' is arched across the top, and 'PLANNING & ZONING' is arched across the bottom.

Additional Industry or any other State Regulatory Agency Information

Instrument # 697211
OR BK: 1627 PG: 154-2pg(s)
REC:2/23/2022 9:31 AM
Danny J. Shipp, Levy County Clerk, Florida
Rec: \$18.50

Deputy Clerk UWILLIAMS

**RESOLUTION
NUMBER 2022-4**

**A RESOLUTION OF THE BOARD OF COUNTY
COMMISSIONERS OF LEVY COUNTY, FLORIDA,
REGARDING BARN WASTE/MANURE USES; PROVIDING
DIRECTIONS TO THE COUNTY COORDINATOR;
PROVIDING AN EFFECTIVE DATE.**

WHEREAS, regional growth in the horse industry and related activities continues to expand and with it the generation of significant amounts of barn waste/manure that require appropriate disposal;

WHEREAS, neighboring counties have placed prohibitions and stringent restrictions on the storage and/or disposal of barn waste/manure in their counties;

WHEREAS, Levy County is concerned that such actions by neighboring counties may result in the horse industry and its service providers looking to store, dispose of or process regional barn waste/manure on property in Levy County;

WHEREAS, the Levy County Land Development Code does not currently allow the dumping, storage, disposal, treatment or processing of barn waste/manure as a permitted commercial use in any zoning district;

WHEREAS, the Levy County Board of County Commissioners (the "Board") adopted Ordinance Number 2022-3 which created new Zoning Districts, and by adoption of a County-wide Zoning Map Atlas, placed a Zoning District designation on all real property located in the unincorporated County effective as of February 9, 2022;

WHEREAS, it was recognized by the Board that the next phase was for County staff to prepare an ordinance to update the uses that are permitted in each of the newly adopted Zoning Districts; and

WHEREAS, staff is working diligently on the zoning uses ordinance and, as part of that work, has been researching how barn waste/manure uses might be addressed in the recommendations that staff brings forward to the Board.

NOW, THEREFORE, BE IT RESOLVED by the Board that:

1. It is recognized that the dumping, storage, disposal, treatment and/or processing of barn waste/manure are not currently allowed commercial or industrial uses

in any zoning district within Levy County and, as such, it is recognized that those uses are prohibited. It is also recognized that this prohibition of such commercial or industrial uses does not operate to limit the activity of generating and re-using manure on a bona fide farm operation on land classified as agricultural land, where such activity is done in the course of their normal farming operations as defined and regulated under State law.

2. Staff is directed to continue work on the zoning uses ordinance and to include recommendations to address barn waste/manure commercial and industrial uses in a manner that would allow environmentally sound and economically viable re-use/treatment/processing of barn waste/manure into beneficial product, while safeguarding against the devaluation of County property values and the creation of public nuisances (e.g., odor, flies, visual blight) that would result from allowing unregulated dumping, storage or processing of barn waste/manure.


3. When staff has prepared draft recommendations that are ready for public review as directed in 2 above, staff is directed to schedule a Workshop for the Board to solicit and consider public input. In particular, the Board seeks input from industry representatives, governmental agencies, academics and any other persons who have knowledge, experience and information relevant to the beneficial re-use of barn waste/manure and how such uses may be regulated to minimize/avoid devaluation of property and the creation public nuisances.

4. The County Coordinator is directed to forward a copy of this Resolution to appropriate persons at the Florida Department of Environmental Protection, the Southwest Florida Water Management District, the Suwannee River Water Management District and the Florida Department of Agriculture and Consumer Services.


5. This Resolution shall take effect upon adoption by the Board.

DULY ADOPTED this 22nd day of February, 2022.

BOARD OF COUNTY COMMISSIONERS
LEVY COUNTY, FLORIDA


Russell Meeks Jr., Chairman

ATTEST: Clerk of the Circuit Court
and Ex Officio to the Board


Danny J. Shipp

Approved as to form and legal sufficiency:


Nicolle M. Shalley, County Attorney

CHAPTER 62-709
CRITERIA FOR ORGANICS PROCESSING AND RECYCLING FACILITIES

62-709.100	Intent (Repealed)
62-709.200	Definitions (Repealed)
62-709.201	Definitions
62-709.300	General Provisions
62-709.310	Permit Requirements (Repealed)
62-709.305	Exemptions
62-709.320	General Provisions for Registrations
62-709.330	Specific Criteria for Registration of Yard Trash Processing Facilities
62-709.350	Specific Criteria for Registration of Facilities Composting Vegetative Wastes, Animal Byproducts or Manure, or Blending Manure
62-709.400	Prohibitions (Repealed)
62-709.460	Special Permitting Criteria for Solid Waste Organics Recycling Pilot Projects
62-709.500	Design Criteria for Permitted Facilities
62-709.510	Operation Criteria for Permitted Facilities
62-709.515	Special Operation Criteria for Minimal Technology (Repealed)
62-709.530	Testing, Recording and Reporting Requirements
62-709.550	Classification of Compost
62-709.600	Criteria for the Use of Compost
62-709.700	Approval of Alternative Procedures and Requirements (Repealed)
62-709.800	General Permits (Repealed)
62-709.900	Forms (Repealed)
62-709.901	Forms

62-709.100 Intent.

Rulemaking Authority 403.061, 403.7043 FS. Law Implemented 403.7043 FS. History—New 11-21-89, Formerly 17-709.100, Repealed 12-17-96.

62-709.200 Definitions.

Rulemaking Authority 403.061, 403.704, 403.7043 FS. Law Implemented 403.7043 FS. History—New 11-21-89, Formerly 17-709.200, Repealed 12-17-96.

62-709.201 Definitions.

The definitions in Rule 62-701.200, F.A.C., apply to this chapter unless the context clearly indicates otherwise. For purposes of this chapter, the following words, phrases or terms shall have the following meaning:

(1) “Anaerobic digestion” means the process by which biological decomposition of organic products is carried out under controlled anaerobic conditions, and that stabilizes the organic fraction into a material which can easily and safely be stored, handled, and used in an environmentally acceptable manner.

(2) “Animal byproducts” means source-separated organic solid waste that is animal in origin, such as meat, fat, dairy, or eggs, and is generated by commercial, institutional, agricultural, or industrial operations. This term includes waste generated by prison facilities, grocery stores, manufacturing or packaging plants, butcher shops, restaurants and abattoirs. This term also includes packaging that has come into contact with animal byproducts. These wastes will be viewed as putrescible waste in this chapter.

(3) “Beneficial use” means, for the purposes of this chapter, that readily-degradable organics are placed on or in the soils to provide a viable benefit, such as, reducing erosion and water loss, regulating soil temperature, preventing the growth of weeds, or serving as a soil amendment upon decomposition. Placement of materials for purposes of disposal is not considered to be a beneficial use.

(4) “Backyard composting” means the composting of organic solid waste, such as grass clippings, leaves or food waste, generated by a homeowner or tenant of a single or multi-family residential unit or an apartment complex unit, where composting occurs at that

dwelling unit.

(5) “Clean wood” means wood, including lumber, tree and shrub trunks, branches, and limbs, that is free of paint, glue, filler, pentachlorophenol, creosote, tar, asphalt, chromated copper arsenate, other wood preservatives or treatments.

(6) “Compost” means solid waste which has undergone biological decomposition of organic matter, has been disinfected using composting or similar technologies, and has been stabilized to a degree that is potentially beneficial to plant growth and that is used or sold for use as a soil amendment, artificial top soil, growing medium amendment or other similar uses.

(7) “Composting” means the process by which biological decomposition of organic solid waste is carried out under controlled aerobic conditions, and that stabilizes the organic fraction into a material which can easily and safely be stored, handled and used in an environmentally acceptable manner. The presence of anaerobic zones within the composting material will not cause the process to be classified as other than composting.

(8) “Composting facility” means a solid waste management facility where solid waste is processed using composting technology. Processing may include physical turning, windrowing, aeration or other mechanical handling of organic matter.

(9) “Curing area” means an area where organic material that has undergone the rapid initial stage of composting is further stabilized into a humus-like material.

(10) “Disinfection” means the selective destruction of pathogens indicated by a reduction in indicator organism(s) as specified in paragraph 62-709.300(8)(a), F.A.C.

(11) “Foreign matter” means the inorganic and organic constituents in a solid waste stream that are not readily decomposed and that may be present in the compost. Foreign matter is metals, glass, plastics, rubber, bones, and leather, but does not include sand, grit, rocks or other similar materials.

(12) “Land reclamation” means the restoration of productivity to lands made barren through processes such as erosion, mining or land clearing.

(13) “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. For purposes of this chapter, manure does not include such material generated and managed by normal farming operations, but does include “paunch manure,” which is the undigested stomach content of cattle.

(14) “Maturity” means the degree of stability that has been achieved.

(15) “Mesophilic stage” means a biological stage in the composting process characterized by active bacteria which favor a moderate temperature range of 20-45 degrees Celsius. It occurs later in a composting process after the thermophilic stage and is associated with a moderate rate of decomposition.

(16) “Motorized firefighting equipment” means equipment that can be used to control and extinguish fires such as fire trucks, front end loaders, and bull dozers.

(17) “Pre-consumer vegetative waste” means source-separated vegetative solid waste from commercial, institutional, industrial or agricultural operations that is not considered yard trash, and has not come in contact with animal products or byproducts or with the end user. This term includes material generated by grocery stores, packing houses, and canning operations, as well as products that have been removed from their packaging, such as out-of-date juice, vegetables, condiments, and bread. This term also includes associated packaging that is vegetative in origin such as paper or corn-starch based products, but does not include packaging that has come in contact with other materials such as meat. Plate scrapings are specifically excluded from this definition. These wastes are putrescible waste as defined in this chapter.

(18) “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.

(19) “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.

(20) “Size-reduced” means the material has been processed so that it will pass through a 6-inch sieve or has been cut for firewood in no greater than 24 inch lengths.

(21) “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. The term means that biological decomposition of the waste that was composted or anaerobically digested has occurred to a sufficient degree that will allow beneficial use. As regards composting, it also means that the compost has at least passed through the thermophilic stage, and that biological decomposition of the solid waste has occurred to a sufficient degree that will allow beneficial use.

(22) “Thermophilic stage” means a biological stage in the composting process characterized by active bacteria which favor a high temperature range of 45-75 degrees Celsius. It occurs early in a composting process before the mesophilic stage and is associated with a high rate of decomposition.

(23) “Vector” means a carrier organism that is capable of transmitting a pathogen from one organism to another.

(24) “Vegetative waste” means source-separated organic solid waste that is vegetative in origin, and is generated by commercial, institutional, agricultural or industrial operations that is not considered yard trash. This term includes waste generated by grocery stores, prisons, restaurants, packing houses, and canning operations, as well as products that have been removed from their packaging, such as out-of-date juice, vegetables, condiments, and bread. This term also includes packaging that is vegetative in origin such as paper or corn-starch based products. These wastes are putrescible waste as defined in this chapter. Where the term is not used in conjunction with the term pre-consumer, it included vegetative waste that may have come in contact with the end user.

(25) “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. For purposes of this chapter, it also includes clean wood.

(26) “Yard trash processing facility” means a yard trash transfer station or a facility at which yard trash is processed into a size-reduced, usable material or is composted, but does not include a facility used for the disposal of yard trash.

Rulemaking Authority 403.704, 403.7043 FS. Law Implemented 403.7043 FS. History—New 2-15-10.

62-709.300 General Provisions.

(1) General provisions relating to solid waste management may be found in Chapter 62-701, F.A.C., including statements of intent, definitions, prohibitions, general permitting requirements, alternate procedures, and variances. Except where the context indicates otherwise, these general provisions apply to this chapter.

(2) No solid waste management facility whose purpose is or includes the production of compost shall be constructed, operated, expanded or modified without an appropriate or currently valid permit or registration issued by the Department unless specifically exempted by Chapter 403, F.S., Chapter 62-701, F.A.C., or this chapter.

(3) Except for permits issued in accordance with Rule 62-709.460, F.A.C., the following applies:

(a) Application for a permit, shall be pursuant to the requirements specified in Rule 62-701.320, F.A.C., except that Form 62-709.901(1) shall be used, Application for a Permit to Construct/Operate a Solid Waste Management Facility for the Production of Compost, effective date February 15, 2010, hereby adopted and incorporated by reference. Copies of this form are available from a local District Office or by writing to the Department of Environmental Protection, Solid Waste Section, MS #4565, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400 or from the Department web page at http://www.dep.state.fl.us/waste/quick_topics/forms/pages/62-709.htm.

(b) The Department, after evaluation of a permit application and all supporting information, shall issue or deny a permit pursuant to paragraph 62-701.320(9)(a), (b), or (d), F.A.C. The supporting information shall provide sufficient detail to allow evaluation of the permit application. A copy of the Department-approved engineering drawings, plans, reports, operational plans, and supporting information shall be kept at the facility at all times for reference and inspections.

(c) Term of permit. The time period for permits shall be no longer than five years from the date of issuance by the Department.

(4) Closure requirements.

(a) The owner or operator shall notify the appropriate Department District Office in writing forty-five (45) days prior to ceasing operations, and shall specify a closing date. No waste shall be received by the facility after the closing date.

(b) All residuals, solid waste, and recyclable materials shall be removed from the site and recycled, or disposed of pursuant to the requirements of Chapter 62-701, F.A.C., within one month from the date the facility ceases to receive solid waste. Any remaining compost shall be used in accordance with the requirements of this chapter or disposed of pursuant to the requirements of Chapter 62-701, F.A.C.

(5) Nothing in this chapter is intended to relieve any person from compliance with the storm water rules found in Chapters 62-25 and 62-330, F.A.C., or with any other local, state or federal requirements.

(6) The following activities or facilities are not regulated under this chapter:

(a) Simple exposure of solid waste with little to no mechanical handling that results in natural decay; this is considered disposal and is regulated under Chapter 62-701, F.A.C.

(b) Composting of solid waste as a volume reduction measure prior to intended disposal; this is considered waste processing and

is regulated under Chapter 62-701, F.A.C.

(c) Composting facilities that process domestic wastewater residuals with yard trash; these are regulated under Chapter 62-640, F.A.C. Composting facilities that process domestic wastewater residuals with other solid wastes are regulated under this chapter. However, nothing in this chapter shall relieve such facilities from complying with other applicable federal or state rules or regulations regarding domestic wastewater residuals management.

(d) Facilities where industrial byproducts are segregated and managed, provided that the operation is either exempt from permitting under Section 403.7045, F.S., or is regulated under another Department permit or certification.

(7) Prohibitions.

(a) No person shall cause or allow the discharge of air pollutants that cause objectionable odor in violation of Chapter 62-296, F.A.C.

(b) The prohibitions of Rule 62-701.300, F.A.C., as well as the siting restriction of subsection 62-701.320(13), F.A.C., apply to facilities regulated under this chapter.

(c) No solid waste processed in accordance with this chapter shall be placed in any natural or artificial body of water or wetland, unless authorized under a permit from the Department or a water management district, or in an open sinkhole or a dewatered pit.

(d) No treated or untreated biomedical waste, as regulated by Chapter 64E-16, F.A.C., shall be accepted at organics processing or recycling facilities.

(e) Used oil, hazardous waste and asbestos-containing waste shall not be processed into recyclable organic materials except for small quantities normally found in household waste.

(8) Compost.

(a) Any compost produced from solid waste, excluding compost made with only yard trash or pre-consumer vegetative waste, must be disinfected. One of the following options must be used to demonstrate that disinfection has been achieved (the test frequencies for these options are contained in paragraphs 62-709.530(1)(b) and (c), F.A.C.):

1. Option 1 – at the time composted solid waste has completed the disinfection process:

a. Either the density of fecal coliform is less than 1000 Most Probable Number per gram total solids, or the density of *Salmonella* sp. bacteria is less than three Most Probable Number per four grams of total solids; and,

b. One of the following process controls is achieved:

I. Maintain 55 degrees Celsius or higher for three consecutive days in a mechanical composter or in an aerated, insulated static pile, or

II. Maintain 55 degrees Celsius or higher for 15 consecutive days in a windrow with at least five turnings of the windrow.

2. Option 2 – at the time material is ready to be used, or the pathogen reduction process has been completed:

a. Either the density of fecal coliform is less than 1000 Most Probable Number per gram total solids, or the density of *Salmonella* sp. bacteria is less than three Most Probable Number per four grams of total solids; and,

b. The density of enteric viruses are less than one Plaque-forming Unit per four grams of total solids; and,

c. The density of viable helminth ova is less than one per four grams of total solids.

(b) Temperature monitoring shall be at a depth of two feet into the pile. The temperature readings and the length of the composting period shall be recorded. These records shall be kept for at least three years and shall be made available for inspection by Department personnel.

(c) Any compost that cannot be used pursuant to the requirements of this chapter shall be reprocessed or disposed of pursuant to the requirements of Chapter 62-701, F.A.C.

(9) Permit fees for organic solid waste recycling facilities. Notwithstanding the provisions of paragraph 62-4.050(4)(j), and rule 62-701.315, F.A.C., the following fees shall apply to permit applications associated with this chapter. The provisions of paragraphs 62-4.050(4)(o) through (v), F.A.C., continue to apply to such permits or applications. Fees for permit transfers and alternate procedures are established in Rule 62-701.315, F.A.C., and fees for permit modifications are established in subsection 62-701.320(4), F.A.C.

(a) Construction permits.

1. Manure or yard trash composting facility	\$2,000.00
2. Solid waste composting facility	\$5,000.00

(b) Operation permits.

1. Manure or yard trash composting facility	\$1,000.00
2. Solid waste composting facility	\$3,000.00

(c) Transfer of permit.	\$50.00
(d) Registrations for yard trash processing facilities	\$35.00
(e) Registration for composting of yard trash, vegetative wastes, animal byproducts or manure or blending facilities	\$35.00
(g) Permit for a solid waste organics recycling pilot projects	\$250.00
(h) Request for an alternate procedure to provisions in this rule	\$500.00
(10) Nothing in the chapter is intended to prohibit the beneficial use of sludge or other byproducts, generated from an anaerobic digestion process, that is not expected to pose a significant threat to public health or the environment.	

Rulemaking Authority 403.061, 403.704, 403.7043 FS. Law Implemented 403.7043, 403.707 FS. History—New 11-21-89, Formerly 17-709.300, Amended 12-17-96, 10-22-00, 2-15-10.

62-709.305 Exemptions.

The following activities do not require a permit or registration under this chapter provided no public nuisance or any condition adversely affecting the environment or public health is created and the activity does not violate other state or local laws, ordinances, rules, regulations, or orders.

- (1) Backyard composting and the resulting compost.
- (2) Normal farming operations. For purposes of this chapter, the following will be considered normal farming:
 - (a) Composting or anaerobic digestion of wastes generated on the farm, as part of agronomic, horticultural or silvicultural operations, for use on the farm, as part of agronomic, horticultural or silvicultural operations;
 - (b) Composting of wastes generated on the farm, as part of agronomic, horticultural or silvicultural operations, for sale or use off the farm; although no permit is required, the generator must meet the requirements of Rules 62-709.530 through 62-709.600, F.A.C., for any compost that is sold for use by persons other than the generator;
 - (c) Composting or anaerobic digestion of yard trash, manure, or vegetative wastes generated from off the farm, for use on the farm, as part of agronomic, horticultural or silvicultural operations;
 - (d) Composting of yard trash, manure, or vegetative wastes generated from off the farm, for sale or use off the farm; although no permit is required, the generator must meet the requirements of Rules 62-709.530 through 62-709.600, F.A.C., for any compost that is sold for use by persons other than the generator. For this exemption to apply, the yard trash, manure, or vegetative wastes brought to the farm must be necessary to optimize composting of the yard trash or manure generated on the farm, as part of agronomic, horticultural or silvicultural operations (e.g., bringing in yard trash as a source of carbon and pile structure) to optimize composting of manure generated on the farm). Yard trash, vegetative wastes, or manure which is brought to the farm solely to increase the amount of compost produced is not considered to be part of the agronomic, horticultural or silvicultural operations at the farm and is not covered by this exemption, except as provided for in paragraph (e), below; and,
 - (e) Manure management operations that are regulated under Chapter 62-670, F.A.C., as concentrated animal feeding operations (CAFO) or animal feeding operations (AFO). If the facility is permitted, this includes manure received from off-site as well as generated on-site when the facility permit addresses these waste streams.

(3) Composting of solid waste generated on-site or off-site, when there is no more than 100 cubic yards on site at any one time of solid waste to be composted or undergoing the composting process and finished compost being stored for use.

(4) Land application of processed yard trash for beneficial use is not considered disposal, and is not regulated under department solid waste regulations, providing the yard trash has been size-reduced so that it will pass through a 6-inch sieve.

(5) Land application of unprocessed yard trash or other use of yard trash, manure, or vegetative waste, if it is beneficial use that is not expected to pose a significant threat to public health or the environment. The following information could be submitted to the Department’s District office to help provide assurance that this activity is beneficial use:

(a) A description of the property, including street mailing address, property identification number used by the county property appraiser’s office, where on the property the land application will occur, and topography on which the material will be deposited. A map showing the location of the property and identifying water bodies, wetlands and wells to be avoided is also required. The property description must indicate any water bodies or wetlands to be avoided. The Department retains the authority to inspect this operation to assure that the waste is being properly managed.

(b) Documentation that the person either owns the land where the material will be deposited, or has legal authorization from the property owner to deposit the material there in the manner proposed.

(c) An explanation of the proposed project and why the person believes it qualifies for this exemption. The explanation should include a description of the benefit obtained from the project, any specifications or requirements for the incoming material, a description of any processing that will take place on-site before the material is used, and the amount of material required to complete the project. This should include the total amount and a per-acre application rate. The total amount and per-acre application rate shall be in tons or cubic yards. An estimated bulk density in pounds per cubic yards shall also be provided.

(d) An operation plan describing how the material will be received onto the site, how site access will be controlled, what equipment will be used to process or spread it, and how the material will be stored prior to use.

(e) A contingency plan explaining the procedures for dealing with emergencies such as a fire, natural disaster or equipment failure, or receipt of any unacceptable material.

(f) A description of how any vegetative waste or unstabilized manure will be processed within 48 hours.

(g) A demonstration that the proposed project is not expected to create any significant threat to public health or the environment.

Rulemaking Authority 403.061, 403.704, 403.7043 FS. Law Implemented 403.7043, 403.707 FS. History—New 2-15-10.

62-709.310 Permit Requirements.

Rulemaking Authority 403.061, 403.704, 403.7043 FS. Law Implemented 403.7043, 403.707 FS. History—New 11-21-89, Formerly 17-709.310, Repealed 12-17-96.

62-709.320 General Provisions for Registrations.

(1) Applicability.

(a) Owners or operators of yard trash processing facilities, facilities composting vegetative waste, animal byproducts or manure with or without yard trash, and manure blending operations that meet the criteria of this rule and Rule 62-709.330 or 62-709.350, F.A.C., shall register annually with the Department in accordance with subsection 62-709.320(3), F.A.C. However, if these criteria are not met then a solid waste management facility permit is required:

1. In accordance with Chapter 62-701, F.A.C., for disposal operations or transfer stations, or
2. In accordance with subsection 62-709.300(3), F.A.C., for composting or processing operations or Rule 62-709.460, F.A.C., for qualifying pilot projects.

(b) Owners or operators of solid waste facilities that meet the criteria of this rule and either Rule 62-709.330 or 62-709.350, F.A.C., are not subject to the requirements of Rules 62-709.500, 62-709.510 and 62-709.530, F.A.C., unless otherwise specified in this chapter. However, they are subject to the requirements in Rules 62-709.300, 62-709.550 and 62-709.600, F.A.C.

(c) If a facility is already authorized under another Department solid waste management facility permit, then facility registration under this rule is not required as long as that permit remains valid. However, an annual report must still be submitted.

(d) Registrations issued under this chapter are considered to be the equivalent of operation permits for purposes of any notice requirements of Chapter 403, F.S., or Rule 62-110.106, F.A.C.

(2) Design and operating requirements.

(a) The facility shall have the operational features and equipment necessary to maintain a clean and orderly operation. Unless otherwise specified in Rule 62-709.330 or 62-709.350, F.A.C., these provisions shall include:

1. An effective barrier to prevent unauthorized entry and dumping into the facility site,
2. Dust and litter control methods; and,
3. Fire protection and control provisions to deal with accidental burning of solid waste, including:
 - a. There shall be an all-weather access road, at least 20 feet wide, all around the perimeter of the site,
 - b. None of the processed or unprocessed material shall be mechanically compacted; and,
 - c. None of the processed or unprocessed material shall be more than 50 feet from access by motorized firefighting equipment.

(b) The facility shall be operated in a manner to control vectors.

(c) The facility shall be operated in a manner to control objectionable odors in accordance with subsection 62-296.320(2), F.A.C.

(d) Any drains and leachate or condensate conveyances that have been installed shall be kept clean so that flow is not impeded.

(e) Solid waste received at a registered facility must be processed timely as follows:

1. Any yard trash, including clean wood, received at the facility shall be size-reduced or removed within 6 months, or within the period required to receive 3,000 tons or 12,000 cubic yards, whichever is greater. However, logs with a diameter of 6 inches or greater may be stored for up to 12 months before they are size-reduced or removed, provided the logs are separated and stored apart from

other materials onsite.

2. Any putrescible waste such as vegetative wastes, animal byproducts or manure received at a facility shall be processed and incorporated into the composting material, or removed from the facility, within 48 hours of receipt.

(f) If any of the following materials are discovered, they shall be immediately containerized and removed from the facility: treated or untreated biomedical waste; hazardous waste; or any materials containing a polychlorinated biphenyl (PCB) concentration of 50 parts per million or greater.

(g) When a registered facility ceases operation, all residuals, solid waste, and recyclable materials shall be removed from the site and recycled, or disposed of pursuant to the requirements of Chapter 62-701, F.A.C. Any remaining processed material shall be used in accordance with the requirements of this rule or disposed of pursuant to the requirements of Chapter 62-701, F.A.C.

(3) Registration. Owners or operators of solid waste facilities, that qualify for registration, shall register with the Department before beginning operation, unless they are operating under a solid waste management facility permit as specified in paragraph (1)(c) of this rule.

(a) Registration shall be submitted on Form 62-709.901(3), Application for Registration and Annual Report for a Yard Trash Transfer Station or Solid Waste Organics Recycling Facility, effective date February 15, 2010, hereby adopted and incorporated by reference. Copies of this form are available from a local District Office or by writing to the Department of Environmental Protection, Solid Waste Section, MS #4565, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400 or from the Department web page at http://www.dep.state.fl.us/waste/quick_topics/forms/pages/62-709.htm.

(b) The registrant shall provide the facility name, physical address where the facility is located, mailing address, street mailing address, contact name, email address and telephone number, and affirm that facility design and operations comply with the requirements of this rule and Rule 62-709.330 or 62-709.350, F.A.C. The registrant shall also provide documentation that the registrant either owns the land or has legal authorization from the landowner to operate a solid waste organics recycling facility on that site.

(c) Renewal applications for registrations pursuant to Rule 62-709.330 or 62-709.350, F.A.C., shall be submitted annually by July 1.

(d) The application for registration shall include the annual report required in subsection (4) of this rule. Owners and operators of solid waste organics recycling facilities that are submitting registration applications and have not begun operating during the applicable calendar year are not required to submit the annual report for that calendar year.

(4) Record keeping and reporting.

(a) Monthly records of incoming and outgoing material shall be kept on site or at another location as indicated on the registration form for at least three years. The values may be in cubic yards or tonnage, but the same unit of measurement shall be used to record both incoming and outgoing material. An annual report, based on the preceding calendar year, shall summarize the monthly records and shall be submitted by July 1 to the Department using Form 62-709.901(3), Application for Registration and Annual Report for a Yard Trash Transfer Station or Solid Waste Organics Recycling Facility, effective date February 15, 2010, hereby adopted and incorporated by reference. Copies of this form are available from a local District Office or by writing to the Department of Environmental Protection, Solid Waste Section, MS #4565, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400 or from the Department web page at http://www.dep.state.fl.us/waste/quick_topics/forms/pages/62-709.htm. The registrant may submit the annual report to the Department electronically. The initial annual report for existing facilities shall also include a current site inventory of materials.

(b) If temperature monitoring will be used to demonstrate that disinfection has been achieved or that vector attraction has been achieved, then these records shall be kept for at least three years. These records shall be made available upon request.

Rulemaking Authority 403.061, 403.704, 403.7043 FS. Law Implemented 403.7043, 403.707 FS. History—New 10-22-00, Amended 2-15-10.

62-709.330 Specific Criteria for Registration of Yard Trash Processing Facilities.

(1) A facility accepting only yard trash shall meet the criteria in this rule in addition to the provisions of Rule 62-709.320, F.A.C.

(2) Processed material shall be removed from the facility within 18 months. However, if a yard processing facility is authorized under another Department solid waste management facility permit, then the department shall authorize on-site storage of processed material for longer than 18 months if the owner or operator demonstrates that there is a quantifiable use for such material for cover, erosion control, closure, or other similar activities at that permitted facility.

(3) Only yard trash, and bags used to collect yard trash, shall be accepted at the yard trash processing facility. Any other material shall be containerized.

Rulemaking Authority 403.061, 403.704, 403.7043 FS. Law Implemented 403.7043, 403.707 FS. History—New 2-15-10.

62-709.350 Specific Criteria for Registration of Facilities Composting Vegetative Wastes, Animal Byproducts or Manure, or Blending Manure.

(1) A facility accepting and composting only vegetative wastes, animal byproducts or manure, with or without yard trash, or a facility accepting only manure and blending it with yard trash or soil, shall meet the criteria of this rule in addition to the provisions of Rule 62-709.320, F.A.C.

(2) The carbon:nitrogen ratio of the blended feedstocks shall be greater than 20.

(3) Vegetative waste, animal byproducts or manure shall not be stored or processed in piles that exceed 12 feet in height.

(4) Yard trash processing facilities that also compost or blend and are registered in accordance with this section are not required to obtain a separate registration for the yard trash processing operation.

(5) All material accepted by the facility shall be removed within 18 months. However, if a facility is authorized under another Department solid waste management facility permit, then the department shall authorize on-site storage of compost or blended manure for longer than 18 months if the owner or operator demonstrates that there is a quantifiable use for such material for cover, erosion control, closure, or other similar activities at that permitted facility.

(6) The owner or operator of a facility producing compost, or manure blended with yard trash or soil, must demonstrate that disinfection has been achieved using one of the options in paragraph 62-709.300(8)(a), F.A.C. However, such demonstration is not required if the compost was made from pre-consumer vegetative waste, with or without yard trash.

(7) Operation features of a composting or manure blending facility for vector attraction reduction controls shall include one of the following:

(a) The material shall be composted for at least 14 days, during which time the temperature of the material being composted shall not be lower than 40 degrees Celsius and the average temperature of the material being composted shall be higher than 45 degrees Celsius, or

(b) The specific oxygen uptake rate (SOUR) for material being composted or blended shall be equal to or less than 1.5 milligrams of oxygen per hour per gram of total solids (dry weight basis) at a temperature of 20 degrees Celsius.

Rulemaking Authority 403.061, 403.704, 403.7043 FS. Law Implemented 403.7043, 403.707 FS. History—New 2-15-10.

62-709.400 Prohibitions.

Rulemaking Authority 403.061, 403.704, 403.7043 FS. Law Implemented 403.7043 FS. History—New 11-21-89, Formerly 17-709.400, Repealed 12-17-96.

62-709.460 Special Permitting Criteria for Solid Waste Organics Recycling Pilot Projects.

(1) Applicability.

(a) A person wishing to conduct a solid waste organics recycling pilot project shall operate only under a permit issued in accordance with this rule. Pilot projects may include a research project that does not qualify for the permit provision in Section 403.70715, F.S., or an organics recycling project that is not limited to composting. Pilot projects that qualify for this permit are those that:

1. Do not qualify for registration under this chapter,
2. Will initially operate for no more than 18 months, with the option to extend the project for an additional 18 months; and,
3. Will accept no more than 10,000 cubic yards of project feedstock.

(b) If a facility is already authorized under another Department permit that addresses the project, then a permit under this rule is not required as long as that permit remains valid.

(c) Pilot projects that meet the criteria of this rule are not subject to the requirements of Rules 62-709.500, 62-709.510 and 62-709.530, F.A.C., unless otherwise specified in this rule. However, such projects are subject to the requirements in Rules 62-709.300, 62-709.550, and 62-709.600, F.A.C.

(2) The prohibitions in subsection 62-709.300(7), F.A.C., apply to solid waste organics recycling pilot projects. However, because these projects use smaller quantities of feedstock for a minimal duration, the following setbacks apply in lieu of the setbacks in subsection 62-709.300(7), F.A.C.:

(a) No material or processed material shall be placed within 250 feet of any existing or approved off-site potable water well.

(b) No material or processed material shall be placed within 100 feet of any natural or artificial body of water. For purposes of this paragraph, a “body of water” includes wetlands within the jurisdiction of the Department, but does not include impoundments or conveyances that are part of a permitted stormwater management system, or water bodies contained completely within the property boundaries of the facility that do not discharge from the site to surface waters.

(3) Design and operating requirements.

(a) The facility shall have the operational features and equipment necessary to maintain a clean and orderly operation including:

1. An effective barrier to prevent unauthorized entry and dumping into the facility site,

2. Dust and litter control methods; and,

3. Fire protection and control provisions to deal with accidental burning of solid waste.

a. There shall be an all-weather access road, at least 20 feet wide, all around the perimeter of the site.

b. None of the processed or unprocessed material shall be more than 50 feet from access by motorized firefighting equipment.

(b) The facility shall be operated in a manner to control vectors.

(c) The facility shall be operated in a manner to control objectionable odors in accordance with subsection 62-296.320(2), F.A.C.

(d) Any drains and leachate or condensate conveyances that have been installed shall be kept clean so that flow is not impeded.

(e) If any of the following materials are discovered, they shall be immediately containerized and removed from the facility: treated or untreated biomedical waste; hazardous waste; or any materials containing a polychlorinated biphenyl (PCB) concentration of 50 parts per million or greater.

(f) When a solid waste organics recycling pilot project ceases operation, all residuals, solid waste, and recyclable materials shall be removed from the site and recycled or disposed of pursuant to the requirements of Chapter 62-701, F.A.C. Any remaining processed material shall be used in accordance with the requirements of this chapter or disposed of pursuant to the requirements of Chapter 62-701, F.A.C.

(4) A permit application for a pilot project shall be submitted on Form 62-709.901(4), Permit Application for a Solid Waste Organics Recycling Pilot Project, effective February 15, 2010, hereby adopted and incorporated by reference. Copies of this form are available from a local District Office or by writing to the Department of Environmental Protection, Solid Waste Section, MS #4565, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400 or from the Department web page at http://www.dep.state.fl.us/waste/quick_topics/forms/pages/62-709.htm. The application shall include the following:

(a) The facility name, physical address where the facility is located, mailing address, street mailing address, contact name and telephone number, contact email address, and affirmation that facility design and operations comply with the requirements of this rule;

(b) Documentation that the registrant either owns the land or has legal authorization from the landowner to operate a pilot project on that site;

(c) A description of what the project is designed to do;

(d) The materials that will be processed;

(e) The length of time needed to complete the project;

(f) The methods to be used to control odor and vectors;

(g) The methods to be used to disinfect the solid waste processed, and the option specified in paragraph 62-709.300(8)(a), F.A.C., that will be used to demonstrate that disinfection has been achieved;

(h) A description of how stormwater will be controlled;

(i) The operating parameters to be followed for managing the process, such as temperature monitoring;

(j) A description of how the facility will be closed; and,

(k) For a renewal application, a progress report as specified in subsection (6) of this rule.

(5) Operation features of the facility for vector attraction reduction controls shall include one of the following:

(a) If this is a composting project, then the material shall be composted for at least 14 days, during which time the temperature of the wastes shall not be lower than 40 degrees Celsius and the average temperature of the waste shall be higher than 45 degrees Celsius, or

(b) The specific oxygen uptake rate (SOUR) for wastes being processed shall be equal to or less than 1.5 milligrams of oxygen per hour per gram of total solids (dry weight basis) at a temperature of 20 degrees Celsius.

(6) A progress report shall be submitted within 9 months of permit issuance, and at the time a permit renewal application is submitted. The report shall include:

(a) A description of the issues that arose during the project and how they were resolved;

- (b) A summary and copies of any test results;
- (c) For progress reports submitted as part of a permit renewal application, a summary of the monthly records required in subsection (9), of this rule; and,
- (d) A current site inventory of materials.
- (7) Renewal applications to operate the pilot project for up to an additional 18 months shall be submitted at least ninety (90) days before the permit expires.
- (8) A final report shall be submitted within 60 days after permit expiration. The report shall include:
 - (a) A description of how the project goals were met or, if not met, how close the project was to meeting those goals and why they were not met;
 - (b) A description of the conclusions that were reached and any cost benefit analyses that were performed;
 - (c) A summary and copies of any test results;
 - (d) A summary of the monthly records required in subsection (9) of this rule; and,
 - (e) A current site inventory of materials.
- (9) Record keeping and reporting.
 - (a) Monthly records of incoming and outgoing materials shall be kept on site or at another location as indicated on the permit application form for at least the duration of the project, or until all material has been removed from the facility site, whichever is greatest. The values may be in cubic yards or tonnage, but the same unit of measurement shall be used to record both incoming and outgoing material. The recorded information shall be summarized and submitted to the Department with any permit renewal application and at project completion.
 - (b) Records shall be kept for any temperature monitoring performed and for any demonstration that disinfection has been achieved for at least the duration of the project, or until all material has been removed from the facility site, whichever is greatest. These records shall be made available to the Department upon request, and shall be summarized in the progress and final reports.

Rulemaking Authority 403.061, 403.704, 0403.7043 FS. Law Implemented 403.7043, 403.707 FS. History—New 2-15-10.

62-709.500 Design Criteria for Permitted Facilities.

- (1) The facility site shall have sufficient structural support for the operation including total waste received, material processed, compost stored, equipment, and structures to be built onsite.
- (2) Facility design plans shall include:
 - (a) A map or aerial photograph of the area at a scale of not over 500 feet to the inch showing land use and zoning within one mile of the facility. This map or photograph shall be no more than one year old, unless no substantial changes have occurred since the map or photograph was made. All significant features such as buildings, wells, natural and artificial bodies of water, watercourses and roads shall be indicated and labeled;
 - (b) A site plan at a scale of not over 200 feet to the inch showing dimensions, details of the proposed areas for receiving, processing, production, curing and storage, and fencing;
 - (c) Topographic maps at the same scale as the site plan with no less than one-foot and no greater than five-foot contour intervals showing contour interval used, original elevations and proposed final contours, general outline of facility area, access roads, grades required for proper drainage, any special drainage devices, and all other pertinent information;
 - (d) A report on:
 - 1. Designed capacity of the proposed composting facility,
 - 2. Anticipated type and source of solid waste to be received; and,
 - 3. A general description of any additives to be used in the production of compost with reasonable assurances that they will not endanger the environment or public health, safety and welfare.
- (3) Stormwater management system design standards.
 - (a) Stormwater controls shall be designed, constructed, and maintained to meet the requirements of Chapters 62-25 and 62-330, F.A.C., or requirements of the water management district where the Department has delegated stormwater permitting to a water management district.
 - (b) Stormwater management systems shall be designed to prevent run-off from entering the receiving, processing, curing or storage areas. Stormwater or other water which comes into contact with the solid waste received, being stored, processed or composted, or which mixes with leachate shall be considered leachate and shall be reused in the process or treated to meet applicable standards of

Chapters 62-25, 62-302 and 62-330, F.A.C., at the point of discharge.

(c) The facility site shall be graded to minimize ponding of water where the solid waste or compost is received, processed, cured or stored.

(4) The facility site shall be provided with operational features and appurtenances necessary to maintain a clean and orderly operation. These minimum features are:

- (a) An effective barrier to prevent unauthorized entry and dumping into the facility site;
- (b) An all-weather access road to the site;
- (c) Signs indicating name of operating authority, contact person and telephone number in case of emergency, and traffic flow. If the facility receives solid waste from the general public, the signs shall also indicate hours of operation, and charges (if any);
- (d) Dust control methods where needed to control problems;
- (e) Litter control devices as needed;
- (f) Fire protection and control provisions to deal with accidental burning of solid waste or compost at the facility; and,
- (g) Odor control devices, methods or practices.

(5) An operation plan shall be submitted with all facility construction permit applications. The operation plan shall provide written instructions for the daily operation and maintenance of the facility. The plan shall be revised when operational procedures change. The plan shall include the following detailed procedures at a minimum:

- (a) Designation of persons responsible for operation and maintenance of the facility;
- (b) Proposed equipment;
- (c) Controlling the type of waste received at the site. The plan shall specify inspection procedures, number and location of spotters and procedures to be followed if prohibited wastes are discovered;
- (d) Weighing or measuring incoming waste pursuant to subsection (6), below;
- (e) Vehicle traffic control and unloading;
- (f) Method and sequence of processing the waste;
- (g) Operations of leachate and stormwater controls;
- (h) Designation of permitted backup receiving and disposal areas; and,
- (i) Contingency operations, including reserve or alternate equipment, or alternate waste handling and disposal methods in case of emergency such as a natural disaster or equipment failure or receipt of prohibited materials such as used oil, asbestos-containing material or hazardous or biomedical waste.

(6) Scales, or access to scales, for weighing solid waste received are required for all facilities owned or operated by or on behalf of a county or municipality.

(7) In addition to the requirements specified in subsections (1) through (6), above, the following requirements apply to composting facilities which process solid waste other than only yard trash or manure.

(a) The waste receiving and storage areas, and the processing and curing areas shall be located on surfaces, such as asphalt or concrete, to minimize release of leachate into groundwater. The surfaces shall be capable of withstanding wear and tear from normal operations.

(b) The facility shall have a leachate collection and removal system designed, constructed, maintained and operated to collect and remove leachate from the waste receiving and storage areas and the processing and curing areas. Washdown from these areas and equipment, stormwater coming into contact with solid waste or compost in these areas, and condensate will be considered leachate.

(c) Leachate shall be reused in the process or treated in a leachate treatment system to meet applicable standards of Chapters 62-25, 62-302 and 62-330, F.A.C., at the point of discharge.

Rulemaking Authority 403.061, 403.704, 403.7043 FS. Law Implemented 403.7043, 403.707 FS. History—New 11-21-89, Formerly 17-709.500, Amended 10-22-00.

62-709.510 Operation Criteria for Permitted Facilities.

(1) The following operation requirements apply to all composting facilities.

- (a) The design features pursuant to Rule 62-709.500, F.A.C., shall be properly operated and maintained.
- (b) The facility shall be operated in a manner, with any needed measures taken, to control vectors and odors.
- (c) To insure proper staffing and suitable processing facilities, the following shall be required:
 1. During hours when solid waste is received, an attendant at all facility sites; and,

2. Communication facilities for use in emergencies at all facilities.

(d) Measures shall be taken to avoid mixing incoming solid waste with finished compost ready to be used or sold for use to discourage the re-introduction of weed seeds and pathogens.

(e) More than half of the compost stored at the facility shall be used or sold for use within each year beginning the third year after facility startup. Further, any compost remaining at the facility for three years after it was produced shall be disposed of pursuant to the requirements of Chapter 62-701, F.A.C., or shall be reprocessed so that it can be sold or used.

(f) The amount of compost stored at the facility shall not exceed the designed storage capacity.

(2) In addition to the requirements specified in subsection (1), above, the following requirements apply to composting facilities that process only yard trash or manure.

(a) Yard trash or manure which will not be made into compost or processed into other usable material shall be removed at least monthly.

(b) Solid waste other than yard trash or manure received at the facility shall be separated and stored in a manner that prevents vector problems, and shall be removed within 72 hours. However, recovered material which is stored in a manner that prevents vector problems may remain at the facility for up to one year.

(3) In addition to the requirements specified in subsection (1), above, the following requirements apply to composting facilities that process solid waste, other than only yard trash or manure.

(a) All waste delivered to the facility shall be confined to a designated delivery or storage area until processed. Any material not processed within 72 hours shall be removed and disposed of pursuant to Chapter 62-701, F.A.C. Any recovered materials removed from the solid waste stream shall be stored in a manner that prevents vector problems, and shall be removed from the facility at least annually.

(b) The temperature of the composting solid waste shall be monitored at a depth of two feet into the pile on a daily basis during the initial week of composting and then on a weekly basis until the finished compost is produced. The temperature readings and the length of the composting period shall be recorded. These records shall be kept for at least three years and shall be made available for inspection by Department personnel.

(4) When a solid waste management facility that produces compost ceases operation, all residuals, solid waste, and recyclable materials shall be removed from the site and recycled, or disposed of pursuant to the requirements of Chapter 62-701, F.A.C. Any remaining compost shall be used in accordance with the requirements of this rule or disposed of pursuant to the requirements of Chapter 62-701, F.A.C.

Rulemaking Authority 403.061, 403.704, 403.7043 FS. Law Implemented 403.7043 FS. History—New 11-21-89, Formerly 17-709.510, Amended 10-22-00.

62-709.515 Special Operation Criteria for Minimal Technology.

Rulemaking Authority 403.061, 403.704, 403.7043 FS. Law Implemented 403.7043 FS. History—New 11-21-89, Formerly 17-709.515, Repealed 12-17-96.

62-709.530 Testing, Recording and Reporting Requirements.

(1) The compost product shall be sampled and analyzed as follows.

(a) A composite sample of the compost produced at each composting facility shall be analyzed at intervals of every 20,000 tons of compost produced or every three months, whichever comes first, for percent moisture, percent reduction in organic matter, percent organic matter, and pH.

(b) In addition to paragraph (a), above, when demonstration that a material has been disinfected is required in accordance with paragraph 62-709.300(8)(a), F.A.C., the material shall be analyzed for one of the following at intervals of every 20,000 tons of material produced or every three months, whichever comes first:

1. Fecal Coliform, most probable number per gram of total solids (dry weight basis), or
2. *Salmonella* sp. Bacteria, most probable number per four grams of total solids (dry weight basis).

(c) In addition to paragraph (b), above, when the provisions of subparagraph 62-709.300(8)(a)2., F.A.C., will be used, the material shall be analyzed for the following at intervals of every 20,000 tons of material produced or every three months, whichever comes first:

1. Enteric viruses, plaque-forming unit per four grams of total solids (dry weight basis); and,

2. Helminth ova, ova per four grams of total solids (dry weight basis).

(d) Compost produced by persons for their own use, where the compost is made from yard trash, vegetative wastes or manure, is not required to be sampled and analyzed as specified in paragraphs (a) through (c), above.

(e) In addition to paragraphs (a) through (c), above, compost made from solid waste other than only yard trash, vegetative wastes, animal byproducts or manure shall be analyzed at intervals of every 20,000 tons of compost produced or every three months, whichever comes first, for:

1. Percent foreign matter; and,
2. Total cadmium, copper, lead, nickel, and zinc, all in mg/kg dry weight.

(f) The Department may decrease or increase the parameters to be analyzed for or the frequency of analysis based on monitoring data, changes in the waste stream or processing, or the potential presence of toxic substances.

(g) All sampling and analysis activities shall be performed in accordance with Chapter 62-160, F.A.C. Analytical results shall be submitted to the appropriate District office within 30 days of sample collection.

(h) Foreign matter content shall be determined by passing a dried, weighed sample of the compost product through a one-quarter inch or six millimeter screen. The material remaining on the screen shall be visually inspected, and the foreign matter that can be clearly identified shall be separated and weighed. The weight of the separated foreign matter divided by the weight of the total sample multiplied by 100 shall be the % dry weight of the foreign matter content.

(i) The reduction of organic matter is determined by comparing the organic matter content of the feedstock into the composting process and the organic matter content of the compost product. The amount of reduction is determined as a percent of the original amount contained in the feedstock using the following calculation:

$\% \text{ ROM} = [1 - (\text{OMK}(100 - \text{OM})/\text{OM}(100 - \text{OMK}))]100$ where: % ROM = reduction of organic matter, OM = % organic matter content of dry matter before decomposition, and OMK = % organic matter content of dry matter after decomposition.

(2) Facility owners or operators shall record and maintain for three years the following information regarding their activities for each month of operation of the facility. Records shall be available for inspection by Department personnel during normal business hours and shall be sent to the Department upon request:

- (a) Analytical results on compost testing;
- (b) The quantity, type and source of waste received;
- (c) The quantity and type of waste processed into compost;
- (d) The quantity and type of compost produced by product classification; and,
- (e) The quantity and type of compost removed for use or disposal, by product classification, and the market or permitted disposal facility.

(3) Owners and operators of facilities producing compost made from solid waste shall submit to the Department an annual report by June 1. The report shall be submitted on Form 62-709.901(2), Annual Report for a Solid Waste Management Facility Producing Compost Made from Solid Waste, effective date February 15, 2010, hereby adopted and incorporated by reference. Copies of this form are available from a local District Office or by writing to the Department of Environmental Protection, Solid Waste Section, MS #4565, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400 or from the Department web page at http://www.dep.state.fl.us/waste/quick_topics/forms/pages/62-709.htm. The owner and operator of the facility may submit the annual report to the Department electronically. The report shall include:

- (a) The facility name, address and permit number;
- (b) The year covered;
- (c) The total quantity in tons, with sludge values expressed in dry weight, and type of waste received at the facility during the year covered by the report;
- (d) The total quantity in tons, with sludge values expressed in dry weight, and type of waste processed into compost at the facility during the year covered by the report;
- (e) The total quantity in tons and type of compost produced at the facility, by product classification, during the year covered by the report; and,
- (f) The total quantity in tons and type of compost removed for use or disposal from the facility, by product classification, along with a general description of the market if for use during the year covered by the report.

Rulemaking Authority 403.061, 403.704, 403.7043 FS. Law Implemented 403.7043 FS. History—New 11-21-89, Formerly 17-709.530, Amended 10-22-00, 2-15-10.

62-709.550 Classification of Compost.

(1) Compost shall be classified based on the type of waste processed, product maturity, the amount of foreign matter in the product, the particle size and organic matter content of the product, and the concentration of heavy metals as specified in the following sections. The following characteristics shall be used:

(a) Type of waste processed.

1. Yard trash only.
2. Manure or yard trash or vegetative waste with manure.
3. Solid waste, other than only yard trash, vegetative waste or manure. This includes composts made from the addition of any animal byproducts.

(b) Product maturity.

1. Mature.
2. Semi-mature.
3. Fresh.

(c) Foreign matter content.

1. $\leq 2\%$ dry weight.
2. $\geq 2\%$, but $\leq 4\%$ dry weight.
3. $\geq 4\%$, but $\leq 10\%$ dry weight.

(d) Particle size, using the screen size that the compost passed through. Organic matter content shall be associated with particle size.

1. Fine: $\leq 10\text{mm}$, and an organic matter content of $\geq 25\%$.
2. Medium: $\leq 15\text{mm}$, and an organic matter content of $\geq 30\%$.
3. Coarse: $\leq 25\text{mm}$, and an organic matter content of $\geq 35\%$.

(e) The codes in the following table for heavy metal concentrations shall be used in classifying the compost produced. The concentrations are expressed in mg/kg dry weight. In determining the appropriate classification code for parameter concentrations, if any one parameter falls in a higher concentration grouping, the code for that higher grouping will apply.

Concentration codes

Parameter	1	2	3	4
Cadmium	≤ 15	$15 - \leq 30$	30-100	≥ 100
Copper	≤ 450	$450 - \leq 900$	900-3,000	$\geq 3,000$
Lead	≤ 500	$500 - \leq 1,000$	1,000-1,500	$\geq 1,500$
Nickel	≤ 50	$50 - \leq 100$	100-500	≥ 500
Zinc	≤ 900	$900 - \leq 1,800$	1,800-10,000	$\geq 10,000$

(2) Compost shall be classified as follows.

(a) Type Y is compost made only from yard trash, which is mature or semi-mature, and is fine, medium or coarse. For such compost, a foreign matter content of less than 2% and a metal concentration equivalent to code 1 is assumed.

(b) Type YM is compost made from only vegetative waste, animal byproducts or manure, with or without yard trash, which is mature or semi-mature and is fine, medium or coarse. For such compost, a foreign matter content of less than 2% and a metal concentration equivalent to code 1 is assumed.

(c) Type A is compost made from solid waste, other than only yard trash, vegetative waste, animal byproducts or manure, which is mature and is fine. The foreign matter content shall be less than or equal to 2%, and the metal concentration shall fall under code 1. Further, it shall contain no foreign matter, such as glass or metal shards, of a size and shape that can cause injury.

(d) Type B is compost made from solid waste, other than only yard trash, vegetative waste, animal byproducts or manure, which is mature or semi-mature and is fine or medium. The foreign matter content shall be less than or equal to 4%, and the metal concentration shall fall under codes 1 or 2. Further, it shall contain no foreign matter, such as glass or metal shards, of a size and shape that can cause injury.

(e) Type C is compost made from solid waste, other than only yard trash, vegetative waste, animal byproducts or manure, which is mature or semi-mature and is fine, medium or coarse. The foreign matter content shall be less than or equal to 10%, and the metal concentration shall fall under codes 1, 2 or 3.

(f) Type D is compost made from solid waste, or from only yard trash, vegetative waste, animal byproducts or manure, which is

fresh and is fine, medium or coarse. It shall have a foreign matter content of less than or equal to 10%, and the metal concentration shall fall under codes 1, 2 or 3. Foreign matter content and metal concentration is assumed for fresh compost made from only yard trash, vegetative waste, animal byproducts or manure.

(g) Type E is compost made from solid waste, other than only yard trash, vegetative waste, animal byproducts or manure, which has a metal concentration that falls under code 4.

(3) Compost maturity shall be determined as follows:

(a) Mature compost is a highly stabilized compost material that has been exposed to prolonged periods of decomposition. It will not reheat upon standing to greater than 20°C above ambient temperature. It has beneficial use and can be used in direct contact with roots. The material should be brown to black in color. This level of maturity is indicated by a reduction of organic matter of greater than 60%.

(b) Semi-mature compost is compost material that is at the mesophilic stage. It will reheat upon standing to greater than 20°C above ambient temperature. It has beneficial use, although direct contact with roots should be avoided. The material should be a light to dark brown in color. This level of maturity is indicated by a reduction of organic matter of greater than 40% but less than or equal to 60%.

(c) Fresh compost is compost material that has been through the thermophilic stage and has undergone partial decomposition. The material will reheat upon standing to greater than 20°C above ambient temperature. It has beneficial use, but proper care is needed as further decomposition and stabilization will occur. The material should be similar in texture and color to the feed stock into the composting process. This level of maturity is indicated by a reduction of organic matter of greater than 20% but less than or equal to 40%.

Rulemaking Authority 403.061, 403.704, 403.7043 FS. Law Implemented 403.7043 FS. History—New 11-21-89, Formerly 17-709.550, Amended 2-15-10.

62-709.600 Criteria for the Use of Compost.

(1) Compost classified as Types Y, YM or A shall have unrestricted distribution.

(2) Compost classified as Types B or C shall be restricted to use by commercial, agricultural, institutional or governmental operations. However, if it is used where contact with the general public is likely, such as in a park, only Type B may be used.

(3) Compost classified as Type D shall only be used at landfills or land reclamation projects. However, such use shall not be allowed if contact with the general public is likely.

(4) Type E must be disposed of pursuant to Chapter 62-701, F.A.C., unless demonstrated that use of this material will not endanger the public or the environment.

(5) The total amount of heavy metal applied to soils shall be (in pounds per acre) as follows.

(a) Cadmium – 4.45.

(b) Nickel – 111.

(c) Copper – 111.

(d) Zinc – 222.

(e) Lead – 445.

(6) For applications where repeated use of the compost can be expected, such as in agricultural applications, the amount of heavy metal applied to soils shall be no more than one-tenth of the amount listed in subsection (5), above, per acre per year. For applications where repeated use of the compost is not expected, such as land reclamation or as a soil amendment on highway medians, the amount listed in subsection (5), above, may be applied within a one-year period.

(7) If a person wishing to apply compost to the soil can demonstrate through an analysis of the cation exchange capacity and other physical and chemical characteristics of the receiving soil that a higher application rate will provide an equal degree of protection to the public and the environment, the Department may approve such application rates pursuant to Rule 62-709.700, F.A.C.

(8) Compost shall not be used in any manner that will endanger public health and welfare, and the environment, or would violate the provisions of this rule.

Rulemaking Authority 403.061, 403.704, 403.7043 FS. Law Implemented 403.7043 FS. History—New 11-21-89, Formerly 17-709.600.

62-709.700 Approval of Alternative Procedures and Requirements.

Rulemaking Authority 403.061, 403.704 FS. Law Implemented 403.707, 403.7043 FS. History—New 11-21-89, Formerly 17-709.700, Repealed 12-17-96.

62-709.800 General Permits.

Rulemaking Authority 403.061, 403.704, 403.7043 FS. Law Implemented 403.7043, 403.707, 403.814 FS. History—New 11-21-89, Formerly 17-709.800, Repealed 12-17-96.

62-709.900 Forms.

Rulemaking Authority 120.53(1), 403.704 FS. Law Implemented 120.53(1), 403.7043 FS. History—New 11-21-89, Formerly 17-709.900, Repealed 12-17-96.

62-709.901 Forms.

The forms used by the Department in this rule are adopted and incorporated by reference in this subsection. The form is listed by rule number, which is also the form number, and with the subject, title and effective date. Copies of forms may be obtained from a local District Office or by writing to the Florida Department of Environmental Protection, Solid Waste Section, MS #4565, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400.

(1) Application for a Permit to Construct/Operate a Solid Waste Management Facility for the Production of Compost, effective February 15, 2010.

(2) Annual Report for a Solid Waste Management Facility Producing Compost Made from Solid Waste, effective February 15, 2010.

(3) Application for Registration and Annual Report for a Yard Trash Transfer Station or Solid Waste Organics Recycling Facility, effective February 15, 2010.

(4) Permit Application for a Solid Waste Organics Recycling Pilot Project, effective February 15, 2010.

Rulemaking Authority 120.53(1), 403.704 FS. Law Implemented 120.53(1), 403.7043 FS. History—New 2-15-10.



Registration of a Source-Separated Organics Processing Facility (SOPF)

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Facilities that are Eligible for Registration

Facilities that handle the following materials may operate under an annual registration. Solid waste permits are not required, provided that facilities meet the design, operating, and product quality criteria:

- Source-separated vegetative materials (including vegetables, fruits, or breads from commercial and institutional generators)
- Source-separated animal by-products (including meat, fats, dairy, or eggs from commercial and institutional generators but excluding butchers and abattoirs)
- Manure
- Yard trash

Please click the link to download an [application](#) to register a facility for composting vegetative wastes, animal byproducts or manure, or blended manure. You may renew a registration for a yard trash processing facility and submit annual report for those facilities that process only yard trash using the online registration portal. Please click the link to access the [portal for electronic registration and submission](#).

Activities Exempt from Regulation

On-site composting activities that meet the following limits are exempt unless they cause a nuisance or adversely affect public health or the environment:

- Backyard composting
- <100 cubic yards of materials in total on-site at any time
- Normal farming operation as defined below:
 - Composting or anaerobic digestion of on-farm or off-farm yard trash, manure or vegetative waste for on-farm use
 - Composting of on-farm materials for off farm use (must test and classify)

- Including off-farm trash, manure or vegetative waste when it optimizes composting of on-farm materials for off farm use (must test and classify)
- Facilities that are regulated under 62-670 of the Florida Administrative Code for manure management as animal feeding operations

Item 1.

Last Modified: February 27, 2023 - 1:46pm

Select Year:

The 2022 Florida Statutes (including 2022 Special Session A and 2023 Special Session B)

[Title XLVI](#)
CRIMES

[Chapter 823](#)
PUBLIC NUISANCES

[View Entire Chapter](#)

823.14 Florida Right to Farm Act.—

(1) SHORT TITLE.—This section shall be known and may be cited as the “Florida Right to Farm Act.”

(2) LEGISLATIVE FINDINGS AND PURPOSE.—The Legislature finds that agricultural production is a major contributor to the economy of the state; that agricultural lands constitute unique and irreplaceable resources of statewide importance; that the continuation of agricultural activities preserves the landscape and environmental resources of the state, contributes to the increase of tourism, including agritourism, and furthers the economic self-sufficiency of the people of the state; and that the encouragement, development, improvement, and preservation of agriculture will result in a general benefit to the health and welfare of the people of the state. The Legislature further finds that agricultural activities conducted on farm land in urbanizing areas are potentially subject to lawsuits based on the theory of nuisance and that these suits encourage and even force the premature removal of the farm land from agricultural use. It is the purpose of this act to protect reasonable agricultural and complementary agritourism activities conducted on farm land from nuisance suits and other similar lawsuits.

(3) DEFINITIONS.—As used in this section:

(a) “Agritourism activity” has the same meaning as provided in s. [570.86](#).

(b) “Established date of operation” means the date the farm operation commenced. For an agritourism activity, the term “established date of operation” means the date the specific agritourism activity commenced. If the farm operation is subsequently expanded within the original boundaries of the farm land, the established date of operation of the expansion shall also be considered as the date the original farm operation commenced. If the land boundaries of the farm are subsequently expanded, the established date of operation for each expansion is deemed to be a separate and independent established date of operation. The expanded operation shall not divest the farm operation of a previous established date of operation.

(c) “Farm” means the land, buildings, support facilities, machinery, and other appurtenances used in the production of farm or aquaculture products.

(d) “Farm operation” means all conditions or activities by the owner, lessee, agent, independent contractor, or supplier which occur on a farm in connection with the production of farm, honeybee, or apiculture products or in connection with complementary agritourism activities. These conditions and activities include, but are not limited to, the marketing of farm products at roadside stands or farm markets; the operation of machinery and irrigation pumps; the generation of noise, odors, dust, fumes, and particle emissions; ground or aerial seeding and spraying; the placement and operation of an apiary; the application of chemical fertilizers, conditioners, insecticides, pesticides, and herbicides; agritourism activities; and the employment and use of labor.

(e) “Farm product” means any plant, as defined in s. [581.011](#), or animal or insect useful to humans and includes, but is not limited to, any product derived therefrom.

(f) “Nuisance” means any interference with reasonable use and enjoyment of land, including, but not limited to, noise, smoke, odors, dust, fumes, particle emissions, or vibration. The term also includes all claims that meet the requirements of this definition, regardless of whether the plaintiff designates those claims as brought in nuisance, negligence, trespass, personal injury, strict liability, or other tort.

(4) FARM OPERATIONS; NUISANCE.—

(a) No farm operation which has been in operation for 1 year or more since its established date of operation and which was not a nuisance at the time of its established date of operation shall be a public or private nuisance if the farm operation conforms to generally accepted agricultural and management practices, except that the following conditions shall constitute evidence of a nuisance:

1. The presence of untreated or improperly treated human waste, garbage, offal, dead animals, dangerous waste materials, or gases which are harmful to human or animal life.
2. The presence of improperly built or improperly maintained septic tanks, water closets, or privies.
3. The keeping of diseased animals which are dangerous to human health, unless such animals are kept in accordance with a current state or federal disease control program.
4. The presence of unsanitary places where animals are slaughtered, which may give rise to diseases which are harmful to human or animal life.

(b) No farm operation shall become a public or private nuisance as a result of a change in ownership, a change in the type of farm product being produced, a change in conditions in or around the locality of the farm, or a change brought about to comply with best management practices adopted by local, state, or federal agencies if such farm has been in operation for 1 year or more since its established date of operation and if it was not a nuisance at the time of its established date of operation.

(c) A farm may not be held liable for nuisance unless the plaintiff proves by clear and convincing evidence that the claim arises out of conduct that did not comply with state or federal environmental laws, regulations, or best management practices.

(d) A nuisance action may not be filed against a farm operation unless the real property affected by the conditions alleged to be a nuisance is located within one-half mile of the source of the activity or structure alleged to be a nuisance.

(5) WHEN EXPANSION OF OPERATION NOT PERMITTED.—This act shall not be construed to permit an existing farm operation to change to a more excessive farm operation with regard to noise, odor, dust, or fumes where the existing farm operation is adjacent to an established homestead or business on March 15, 1982.

(6) LIMITATION ON DUPLICATION OF GOVERNMENT REGULATION.—It is the intent of the Legislature to eliminate duplication of regulatory authority over farm operations as expressed in this subsection. Except as otherwise provided for in this section and s. [487.051\(2\)](#), and notwithstanding any other provision of law, a local government may not adopt any ordinance, regulation, rule, or policy to prohibit, restrict, regulate, or otherwise limit an activity of a bona fide farm operation on land classified as agricultural land pursuant to s. [193.461](#), where such activity is regulated through implemented best management practices or interim measures developed by the Department of Environmental Protection, the Department of Agriculture and Consumer Services, or water management districts and adopted under chapter 120 as part of a statewide or regional program. When an activity of a farm operation takes place within a wellfield protection area as defined in any wellfield protection ordinance adopted by a local government, and the adopted best management practice or interim measure does not specifically address wellfield protection, a local government may regulate that activity pursuant to such ordinance. This subsection does not limit the powers and duties provided for in s. [373.4592](#) or limit the powers and duties of any local government to address an emergency as provided for in chapter 252.

(7) COMPENSATORY DAMAGES.—When the alleged nuisance emanated from a farm operation, the compensatory damages that may be awarded to a plaintiff for a private nuisance action must be measured by the reduction in the fair market value of the plaintiff's property caused by the nuisance, but may not exceed the fair market value of the property.

(8) PUNITIVE DAMAGES.—Any punitive damages claim in a nuisance action brought against a farm is subject to ss. [768.71-768.81](#). Additionally, a plaintiff may not recover punitive damages in a nuisance action against a farm unless:

(a) The alleged nuisance is based on substantially the same conduct that was subject to a civil enforcement judgment or criminal conviction; and

(b) The conviction or judgment occurred within 3 years of the first action forming the basis of the nuisance action.

(9) NUISANCE ACTIONS BASED ON EXISTING FARM OPERATIONS.—A plaintiff who fails to prevail in a nuisance action based on a farm operation that has been in existence for 1 year or more before the date that the action was instituted and that conforms with generally accepted agricultural and management practices or state and federal environmental laws is liable to the farm for all costs, fees, and expenses incurred in defense of the action.

Item 1.

History.—s. 1, ch. 79-61; ss. 1, 2, ch. 82-24; s. 9, ch. 87-367; s. 75, ch. 93-206; s. 1279, ch. 97-102; s. 25, ch. 99-391; s. 39, ch. 2000-308; s. 13, ch. 2012-83; s. 1, ch. 2021-7; s. 65, ch. 2022-4.

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