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June 30, 1999

Our Files: 98-313, 98-442

DEPT. OF TRANSPORTATION
DEPT. OF PUBLIC SAFETY
98 AUG 1 1999

Donna O'Berry, Esq.
Office of the Chief Counsel
Research Special Program Administration
U.S.D.O.T.
400 7th Street, S.W., Room 8407
Washington, D.C. 20590

RE: **Docket No.: RSPA-98-3577²² (PDA-18[R]); Application Of The Association Of Waste Hazardous Materials Transporters To Initiate A Proceeding To Determine Whether Various Requirements Imposed By The County of Broward, Florida On Persons Involved In Transporting Certain Hazardous Materials To Or From Points In The County Are Preempted By The Hazardous Materials Transportation Act.**

Dear Donna:

Enclosed please find a *DRAFT* copy of the Broward County ordinance relating to Waste Transporters. If the adoption schedule proceeds as anticipated, this *DRAFT* will be reviewed, by the Broward County Planning Council in late July, 1999. After summer recess, the Broward County Commission will consider this *DRAFT* ordinance for adoption at **two** separate meetings, one in late August, and the other in mid-September, 1999.

Please keep in mind that this is only a *DRAFT*. The Broward County Commission **can** make changes if it deems necessary, although staff expects few changes to the proposed language.

We have also provided a copy of the current ordinance. The sections not referenced in this *DRAFT* are proposed to remain unchanged.

Donna O'Berry, Esq.
June 30, 1999
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We believe this *DRAFT* properly balances our local government's need to minimize pollution risks to public health and the environment, with the federal government's authority to regulate transportation.

If I can be of any further assistance, please advise.

Sincerely,

A handwritten signature in cursive script that reads "Lisa Zima Bosch". The signature is written in black ink and is positioned above the printed name and title.

Lisa Zima Bosch
Assistant County Attorney

LZB:jkw

Attachments

cc: Melissa P. Anderson, Assistant County Attorney
Sermin Unsal, DPEP, PPRPD

ARTICLE XIII. WELLFIELD PROTECTION***Sec. 27-376. Definitions.**

The following definitions apply only to this article. Applicable definitions found in other articles shall be used in this **article**.

Continuous transit is the **nonstop** -movement of a **mobile** vehicle.

Hazardous material wellfield license is a license issued by the county to a person operating a **facility** that stores, **handles, uses** or produces regulated substances, as defined herein, to comply with this division. Upon the effective date of this division, all wellfield protection permits issued by the Broward County Water Resources **Management** Division pursuant to the **Wellfield** Protection Ordinance (**Ordinance No. 84-60**), as amended, and Resolution **84-2025** [§ 34-182 et seq.], **as amended, shall be** converted to hazardous **material wellfield** licenses. All **conditions** and **requirements** of the **wellfield** protection permit **and** information provided to **Broward County Water Resources Management Division** as **part of the wellfield protection permit shall be incorporated into the hazardous material wellfield** protection License issued for the **facility**.

Nonresidential activity means any activity which occurs in any building, structure or open **area which is not used** primarily as a private residence or dwelling.

Permitted pumping capacity refers to the amount of water authorized by the South Florida Water Management District to be pumped from a **well, expressed as gallons per day**.

Pollutant travel time is the time required by pollutants to travel from one point to **another**.

Potable water is that water that **is satisfactory for drinking, culinary and domestic purposes, meeting** current state and federal drinking water standards.

***Editor's** note-Art. XIII was formerly art. XII, div. 4. The **section numbers** have not changed.

Public utility is any privately owned, municipally owned or county-owned system providing **water** or wastewater service to the public which **has** at least **fifteen (15) service** connections or regularly serves an average of **at least twenty-five (25)** individuals daily for at least **sixty (60)** days of the **year**.

Regulated substances are those **substances** contained in the list of hazardous and toxic substances appended to this division.

Travel time contour is the **locus** of points from which water takes an equal amount of time to reach a given destination such as a well or wellfield.

Travel time zones are the areas bounded by travel time contours.

Well means an artificial excavation that derives water from the interstices of the rocks or soil which it penetrates.

Wellfield means a tract of land which contains a number of existing or proposed wells for supplying water as specified in the wellfield protection maps, as amended, approved by the Broward County Board of Commissioners.

Zones of influence refers to zones delineated by isotravel time contours around existing or proposed wellfields as specified in the wellfield protection maps, as amended, approved by the Broward County Board of Commissioners, within which hazardous materials are regulated to protect the quality of the groundwater.

Zone 1: The land area situated between the well(s) and the ten-day travel time contour.

Zone 2: The land area situated between the ten-day and the thirty-day travel time contours.

Zone 3: The land area situated between the thirty-day and the 210-day travel time contours, or the thirty-day and the one-foot drawdown contours, whichever is greater.

(Ord. No. 90-49, § 1(27-12.20), 12-18-90)

Sec. 27-377. Incorporation of regulated substances list.

The list of regulated substances shown in the appendix to this article is hereby incorporated to provide for simplicity of transfer of authority to the county. Existing county regulations include every item on this list.

(Ord. No. 90-49, § 1(27-12.21), 12-18-90)

WELLFIELD PROT.

Sec. 27-378. Incorporation of zones of influence maps.

The zones of influence maps completed in January 1984 and subsequent amendments to these **maps** approved by the Broward County Board of Commissioners are incorporated and made a part of this article and shall be on file and maintained by the Broward County **Office** of Environmental Services with **up-to-date** copies provided to the county.

(Ord. No. 90-49, § 1(27-12.22), 12-18-90)

Sec. 27-379. Prohibitions, restrictions and licensing within zones of influence.**(a) Zone 1:**

- (1) Within zone 1 a nonresidential activity which includes the storage, handling, usage or production of any regulated substances shall not be permitted except as provided herein.
- (2) All persons who previously engaged in nonresidential activities within a zone 1 who store, handle, use or produce any regulated substances shall cease to **do so** by **August 28, 1986**, except as provided herein.
- (3) Any facility in zone 1 which is allowed to continue to store, handle or use **regulated** substances in accordance with the exemptions set forth shall obtain a hazardous material **well-field** license which indicates the special conditions to be instituted and the dates on which those conditions apply. Such facilities shall also comply with **all** zone 2 prohibitions and restrictions as set forth here and any of the conditions set forth below for zone 2 as designated in said license.

(b) Zone 2:

- (1) Those facilities in zone 2 which stored, handled, used or produced any regulated substances on August 28, 1986, or any new facility established thereafter, may continue to do so in accordance with the provisions and exemptions set forth here upon obtaining a hazardous material wellfield license. Licensed facilities in zone 2 shall be subject to the following conditions.
 - a. **Inventory:** A recorded inventory of all regulated substances shall be maintained on a form provided by the

county. The **inventory shall list the substances and the quantities present, etc., and shall be submitted with the application for the hazardous materials wellfield license.** Such inventory shall be updated quarterly and forwarded to the **county.**

- b. **Containment: Containment** of hazardous materials shall be in accordance with this chapter except that it shall be of adequate size to **provide** not less than one hundred (100) percent **containment** for any spill. The containment devices used shall be confirmed **in the license.**
- c. **Emergency collection devices:** Vacuum suction devices or absorbent scavenger materials shall be present on site in **sufficient** magnitude so as to control and **collect** the total quantity of hazardous materials present. Emergency containers shall be present of such capacity **as to hold the total quantity** of hazardous materials plus **absorbent material.** The presence of such emergency **collection devices** shall be confirmed in the hazardous material **wellfield** license and application.
- d. **Emergency plan: An emergency plan** shall be prepared and filed with **the** hazardous material **wellfield** license indicating the procedures which will be followed in the event of spillage so as to control **and** collect all spilled material in such a manner as **to** prevent it from reaching any storm or **sanitary drains** or the ground. This is not subject to the sixty-day delay of section **27-368(b)(3)d.**
Editor's note-Because of the repeal and the renumbering of §§ 27-351-27-370 the section reference in this subparagraph d. is incorrect. Reference perhaps should be to 9 27-356(b)(4)a.5
- e. **Daily monitoring:** The emergency plan shall designate a **responsible person who shall, on a daily basis, five (5) times per week, check for breakage** or leakage of any container containing the regulated substances. Daily monitoring records shall be kept and **made available to the county inspector at any reasonable time for examination.**
- f. **Proper and adequate regular maintenance of containment and emergency equipment:** Procedures shall be

established for the quarterly in-house inspection and maintenance of containment and **emergency equipment**. Such **procedures** shall be in writing, a regular schedule of maintenance **shall** be established, and a log **shall** be kept of inspections and maintenance. Such logs and records **shall** be available for inspection by the county inspector.

- g. **Reporting of spills: Any spill of a regulated substance in an amount greater than that indicated on appendix A shall be reported to the county by telephone immediately upon discovery of the spill.** A full written report including the steps taken to contain the spill **shall** be submitted to the **county** within five (5) days of discovery of the spill.
- h. **Monitoring for regulated substances in groundwater monitoring wells:** One (1) or more groundwater monitoring wells shall be installed at the expense of the licensed facility in a manner approved by the county. Certified analytical results of the quantity present in each monitoring well of each of the regulated substances listed in the facility's license **shall** be filed with the county by the fifteenth day of the month following each quarter.
- i. **Alterations and expansion:** The county **shall** be notified prior to the expansion, alteration or modification of a facility holding a hazardous material **wellfield** license.

Any such expansion, alteration or modification **shall** be in conformity with county regulations. Any existing hazardous material wellfield license shall be amended to reflect the introduction of new regulated substances resulting from the change.

- j. **Reconstruction after catastrophe:** If any structure or building in which there is any activity subject to the provisions of this division is damaged by fire, flood, explosion, collapse, wind, war or other **catastrophe** any reconstruction shall be in conformity with county regulations.

- k. In the event that an accumulation of one (1) or more of the regulated substances listed in the hazardous material **wellfield** license shall **appear in a potable** water well **at** any time, then one (1) **of the** following actions shall become **mandatory**.
1. All persons who **engage** in nonresidential activities within the **affected zone 2** who store, handle, use or produce the regulated substance(s) which show evidence of accumulation shall cease to do so within three (3) years of written notification **from** the county. If the source of the regulated substances appearing in the potable **water well** can be identified, then only that facility shall be subject to these mandatory actions. If **the** owner or operator of a facility can present acceptable technical **data** that substantiates it is not the source of the regulated substances appearing in **the** potable water well that facility shall not be subject to these mandatory actions. In complying **with** this subsection no new regulated substance(s) may be introduced in the place of any regulated substance removed to comply with cessation.
 2. The **affected** well(s) shall be reconfigured within three (3) **years**, by change of pumping rate or **relocation** such that the **affected** facility is no longer **within zone 2**.
1. Monitoring of all regulated substances shall be an ongoing activity; and in the event an accumulation, as defined in this section shall occur, the mandatory provisions of subparagraph k. shall apply.
- m. If upon the effective date of this article all the requirements for compliance necessary for the issuance of a **wellfield** protection permit have not been completed, and the applicant **had made a** diligent effort to do so, a hazardous material **wellfield** license **may** be issued contingent on compliance within **a** time certain.
- (2) The raw water from each well designated on the zones of influence maps shall be monitored on **a** quarterly basis for all the regulated substances listed in the hazardous **mate-**

rials wellfield licenses issued to the facilities in the zone 2 for that particular well. It shall be the responsibility of the public utility to provide for the sampling and analyses and to collect the cost which shall be borne by the licensed facilities. The quarterly analyses submitted to the Broward County Division of Water Resources Management beginning March 6, 1987, pursuant to the Wellfield Protection Ordinance (Ordinance No. 84-60) [§ 34-182 et seq.] shall be transferred and incorporated into the wellfield protection program administered under this division.

- (3) Certified quarterly reports of the analyses for regulated substances shall be submitted to the county by the utilities for the **purpose of** determining the accumulation of regulated substances in the potable water wells. These reports will be due by the thirtieth day of the month following each quarter as specified below:

1st quarter: January 1 to March 31.

2nd quarter: April 1 to June 30.

3rd quarter: July 1 to September 30.

4th quarter: October 1 to December 30.

- (4) The **presence** of any of the regulated substances in a monitoring well shall be used to ascertain the source of any accumulation appearing in a potable water well. However, the absence of the regulated substances in a monitoring well shall not be used as the basis to exempt any facility from the mandatory actions set forth in **paragraph (1)k**.

- (5) The county shall make a determination of the accumulation of each of the **regulated** substances in each of the potable water wells. "Accumulation" shall mean an average annual increase of ten (10) percent over the amount of substance present one (1) year earlier.

(c) **Zone 3:**

- (1) Those facilities storing, handling, producing, using or manufacturing regulated substances in zone 3 shall require a hazardous material license in accordance with article XII of this chapter.

- a. Within thirty (30) days of any spillage in an amount greater than that indicated in the appendix to this

article of a regulated substance, the hazardous material license shall be replaced with a hazardous material wellfield license which will include the conditions set forth in subsection (b)(1)a. through g.

- b. If a facility in zone 3, on its own initiative, meets the conditions of subsection (b)(1)a., b., c. and f., then the hazardous material license shall so indicate and the conditions of subparagraph a. above shall not apply.

(Ord. No. 90-49, § 1(27-12.23), 12-18-90)

Sec. 27-380. Exemptions.

(a) **Exemption for Public Utilities:** Public utilities shall be exempt from zone 1 and zone 2 prohibitions as set forth in section 27-379(a)(1) and (2). However, all such utilities in zone 1 and zone 2 shall comply with all provisions of section 27-379(b)(2) through (4). The license exemption set forth in subsection (h) of this section for regulated substances contained in storage tanks and licensed under article X of this chapter shall apply. However, compliance in zone 1 and zone 2 with the requirements set forth in article X of this chapter shall be completed by August 28, 1988.

(b) **Exemption for Continuous Transit:** The transportation of any regulated substances through zone 1 shall be allowed provided the transporting vehicle is in continuous transit.

(c) **Exemption for Vehicular Fuel and Lubricant Use:** The use of any regulated substances solely as fuel in a vehicle fuel tank or as lubricant in a vehicle shall be exempt from the provisions of this article.

(d) **Exemption for Use of Certain Regulated Substances:** The use of certain of the regulated substances such as pesticides, herbicides and fungicides in recreational, agricultural, pest control and aquatic weed control activities shall be allowed provided that:

- (1) In all zones, the use is in strict conformity with the use requirements as set forth in the substances EPA registries and as indicated on the containers in which the substances are sold; and
- (2) In all zones, use in strict conformity with the requirements as set forth in chapters 482 and 487, Florida Statutes, and chapters 5E-2 and 5E-9, Florida Administrative Code.

- (3) In a zone 1, the use of any of the regulated **substances** shall be flagged in the records of the certified operator supervising the use. The certified operator shall provide **specific** notification in writing to the applicators under his or her supervision that they are working at a site located in a zone 1 for which particular care is required. Records shall be kept of the date and amount of regulated substances used at each location.
- (4) In a zone 1 the regulated substances shall not be handled during use in a quantity exceeding seven hundred (700) gallons of formulation.
- (5) All nonresidential uses of regulated substances in zone 1 and zone 2 shall comply with all the provisions of section **27-379(b)**. The use of regulated substances on nonresidential landscape areas smaller than five thousand (5,000) square feet shall be exempted from the provisions of this article. However, commercial or government **services** in all zones shall not be required to obtain individual licenses for every site at which they use the regulated substances, and these services shall be exempt from the provisions of this article with regard to the sites they serve provided the use is in accordance with (1), (2), (3) and (4) above. **However**, all records for such sites as required by **chapter 482**, Florida Statutes, and chapter **10D-55, Florida Administrative Code**, **shall** be available for inspection by the **county**.

(e) Exemption for the Use of Nitrates Contained in Fertilizers:

The use of fertilizers containing nitrates shall be allowed in zone 1, zone 2 and zone 3 provided that:

- (1) For recreational activities the application of **nitrate**-containing materials **shall** be done by a supervised applicator, and the amount of fertilizer applied shall exceed neither forty (40) pounds of nitrogen per acre per month average for the total activity nor two (2) **pounds** per one thousand (1,000) square feet per month for any localized area within the activity.

- (2) For **agricultural** activities the application of **nitrate**-containing materials shall be done by a supervised applicator, and the amount of fertilizer applied shall not exceed two hundred (200) pounds of nitrogen per **acre** per year.
- (3) The regulated substances shall not be handled in a quantity exceeding seven hundred (**700**) gallons of formulation in zone 1.
- (4) All nonresidential uses of regulated **substances** in zone 1 and zone 2 shall comply with all the provisions of section **27-379(b)**. The use of **regulated** substance⁶ on nonresidential **landscape** areas smaller than five thousand (5,000) square feet shall be exempted from the provisions of this regulation. However, commercial services in **all zones** shall not be required to obtain individual licenses for every site at which they use the regulated substances, and these service⁸ shall be exempted from the provisions of this regulation. However, all records of application for such sites shall be available for inspection by the county.

(f) **Exemption for Laboratory or Instrument Use in Zone 1:** Regulated substances shall be exempted from the prohibitions of zone 1 if they are stored, handled or used in laboratories or instruments in a combined **total** quantity not to exceed two (2) gallons or sixteen (16) pounds. Those activities covered in this exemption shall **obtain a hazardous material wellfield license and so shall** provide an inventory of regulated substances and a quarterly update.

(g) **Exemption for Retail Sales Activities:** **Retail sales establishments** in all zones of influence that **store and** handle regulated substances for resale in their original unopened containers of two (2) gallons or sixteen (16) pounds, or less, shall be allowed, provided that those establishments shall obtain a hazardous materials wellfield license. In order to obtain the license said establishments need only provide an inventory of regulated substances and a quarterly update.

(h) **Exemption in Zone 2 for Storage Tanks:** Exemption from the permitting requirements in zone 2 shall be allowed for the storage of regulated substances if such substances are contained in storage

tanks and are licensed under the **storage tanks** regulations as set forth in article **X** of this chapter and said activity complies with the provisions of section **27-379(b)**.

(i) **Exemption in Zone 3 for Storage Tanks:** Storage tanks in zone 3 which are licensed under article **X** of this chapter shall be exempt from this article.

(j) **Exemption in Zone 3 for Automotive Service Accessory Uses at Gasoline Service Stations:** Automotive service accessory uses at gasoline service stations in, zone 3 shall be exempted from the **provisions** of this article upon the installation of monitoring wells along the down-gradient property line of the gasoline service station. Said monitoring wells shall be monitored and recorded in the same manner as required for the monitoring wells addressed in article **X** of this chapter.

(k) **Special Exemptions:** Special exemptions granted an affected person in zone 1 or zone 2 by the Broward County Water Resources Management Division pursuant to the Wellfield Protection Ordinance (Ordinance No. **84-60**, as amended) and Resolution **84-2025**, as amended [**§ 34-182 et seq.**], from the prohibitions set out in section **27-379(a)** and **(b)** shall remain in **effect** provided that conditions still exist at the facility as follows:

- (1) That **special** or unusual circumstances exist which are peculiar to the particular nonresidential activity and which are different than other **regulated** nonresidential activities; or
- (2) That adequate technology exists which will isolate the facility or activity from the potable water supply.

In renewing the special exemption, the director may prescribe any additional appropriate conditions and safeguards which are necessary to protect the **wellfields**.

(Ord. No. **90-49**, § 1(27-12.24), 12-18-90)

Sec. 27-381. Determination of location within wellfields.

In determining the location of properties within the zones depicted on the zones of influence maps, the following rules shall apply:

- (1) Properties located wholly within one (1) **zone** reflected on the applicable zones of influence maps shall be governed by the **restrictions applicable to that zone**.

- (2) Properties having parts lying within more than one (1) *zone* as reflected on the applicable zones of influence maps shall be governed by the restrictions applicable to the zone in which the part of the property is located.
 - (3) Where a travel time contour which **delineates** the boundary between two zones of influence passes through a building, **the entire building shall be considered to be in that zone in which more than fifty (50) percent of the floor space of the building is situated as of August 28, 1986.**
- (Ord. No. 90-49, § 1(27-12.25), 12-18-90)

Sec. 27-382. Hazardous material wellfield license.

(a) *When Required:* In zone 1 and zone 2, prior to the commencement of construction, closure, alteration, replacement or operation of any facility that may cause or be a source of pollution, or that may eliminate, reduce or control pollution of the ground, groundwater or surface water, the owner shall obtain a county hazardous material wellfield license. All persons who have obtained a special exemption pursuant to section 27-380(k) shall be required to comply only with the license conditions provided therein.

- (1) *Closure license:* When any activity coming under this article is to be or has been permanently terminated, the licensee shall perform a closure of the **activities** that will remove **all regulated substances from the site of the activity.** Prior to performing a closure of such activity, the licensee **shall obtain a closure license that contains a schedule of events for removal, inspection and certification that all regulated substances have been removed.**

(b) *Application for License:* Application for a license to construct or operate a facility that stores, processes, uses or manufactures hazardous materials shall be made on county forms and be accompanied by the following:

- (1) A list of the regulated substances which are stored, handled, used or produced in the activity being permitted, including their quantities.

- (2) A detailed description of the activities that involve the storage, handling, use or production of the regulated substances, indicating the unit quantities in which the substances are contained or manipulated.
- (3) A description of the inventory record that will be instituted to comply with the restrictions required for zone 2.
- (4) A description of the containment and site plan, the emergency collection devices and containers, and the emergency plan that will be effected to comply with the restrictions required for zone 2 as set forth above. For zone 3 this particular documentation will only be required with **the application** for a new hazardous material wellfield license following any spillage.
- (5) A description of the daily monitoring records that will be instituted to comply with the restrictions for zones 2 and 3 as set forth above.
- (6) A description of the proper and adequate regular maintenance of **containment** and emergency equipment that **will** be required for **zone 2 as set** forth above. For zone 3, this particular documentation will only be required **with application** for a new hazardous material **wellfield license** following **any spillage**.
- (7) A description of the groundwater monitoring **wells** that will be installed and the arrangements made for certified quarterly analyses for regulated substances.
- (8) Evidence of arrangements made with the cognizant public utility for quarterly **sampling** analysis of the raw water from the potable water well.

(c) License Conditions:

- (1) Any change in the facility or operating procedures that may affect the potential for discharging hazardous **materials** shall be approved prior to implementation.
- (2) The license shall **specify** the hazardous materials to be allowed within the facility and state that any **significant**

additions must **have** prior approval if said changes could affect the requirements for storage or secondary containment.

- (3) Any disposed hazardous material, including recycled materials, shall be reported to the county on **a** monthly basis by the fifteenth **day** of the following month, **and be disposed of** in accordance with EPA, **DER and county requirements**.
- (4) Any discharge of hazardous **material** shall be reported to **the county immediately**.
- (5) **The spill contingency plan and emergency plan shall be implemented immediately upon discharge**.
- (6) It is the licensee's responsibility to require that all facility personnel shall successfully complete a program of classroom instructions and/or **on-the-job** training that teaches them to perform their duties in **a way** that ensures the facility's compliance with this chapter. The training shall include proper handling and storage of **all** hazardous materials used **at** the facility. It **shall also** include training at least once **a** year in the **spill** contingency plan and the emergency plan. A record of the name of each employee and the fact that the person has completed the training shall be kept on file on the premises three (3) years after **the** employee's last work day or until a facility is closed.

(Ord. No. 90-49, § 1(27-12.26), 12-18-90)

Sec. 27-383. Fee schedule.

(a) **Effective** Date: The fees shown hereunder **shall** apply to all licenses required by this article issued after the effective date of this article.

(b) **License Application Filing Fee:**

- (1) Before any application for county license required under this article is accepted for review, **a** filing fee shall be delivered to the county.
- (2) Prior to the, **issuance** of the county license required under this article, the license **fees prescribed in this section reduced by the licensed application** filing fee shall be delivered to the county. .

- (3) The **license application filing** fee is not refundable and may not be applied to any license application other than the one for which it was originally paid.

(Ord. No. 90-49, § 1(27-12.27), 12-18-90; Ord. No. 93-1, § 11, 1-12-93)

Sec. 27-384. License fees.

(a) **Transfer Fee:** Where an application is filed for a license to operate any facility by reason of change of location or transfer from one person to another, or both, and where a license has previously been granted for the facility in accordance with this article and no unlicensed modifications have been made to the facility, the applicant shall pay only the appropriate **filing** fee.

(b) **Hazardous Material Wellfield License Fee:** Any proposed or existing industry or other activity that stores, processes, manufactures or uses hazardous materials shall be assessed a **construction or operation** fee based on the quantity of **hazardous** materials used annually.

License fee may be **prorated** to establish convenient expiration dates.

These fees shall also apply to both licenses renewals and extensions.

(c) **Hazardous Material Wellfield Closure Fee:** A license fee shall be assessed for a hazardous material facility spill closure. For a closure license of the type in section **27-382(a)(1)**, the fee shall be one-quarter of the operating license fee.

Those petroleum storage systems designated as qualified sites under the early detection incentive program, section **376.3071(9)**, Florida Statutes (1986), are exempt from the payment of this fee.

(d) **Special Exemption Fee:** Any person renewing a special exemption shall pay a fee, to defray the costs of processing the exemption request. All persons who have obtained a special exception pursuant to section **27-380(k)** shall be required to comply with the license conditions provided therein.

(Ord. No. 90-49, § 1(27-12.28), 12-18-90; Ord. No. 93-1, § 12, 1-12-93)

APPENDIX A

REGULATED SUBSTANCES

<i>Substance</i>	<i>EPA Toxic Pollutant</i>	<i>EPA Signal Word</i>	<i>Amount Required for Reportable Spill</i>	
			<i>gallons</i>	<i>pounds</i>
Acenaphthene	•		10	80
Acenaphthylene	•		10	80
Acephate		Caution (III)	50	400
Actolein	•		10	80
Acrylonitrile	•		10	80
Aldicarb		Danger (I)	10	80
Aldrin	•	Warning (II)	10	80
Allyl alcohol		Warning (II)	10	80
Aluminum phosphide		Danger (I)	10	80
Anthracene	•		10	80
Antimony	•		10	80
Arsenic	•	Danger (I)	10	80
Asbestos (fibrous)	•		10	80
Benzene	•		10	80
Benzidine	•		10	80
Benro (a) anthracene	•		10	80
Benzo (b) pyrene	•		10	80
3, 4-Benzofluoranthene	•		10	80
Benzo (ghi) perylene	•		10	80
Benzo (k) fluoranthene	•		10	80
Berylium (total)	•		10	80
BHC-alpha	•	Warning (II)	10	80
BHC-beta	•		10	80
BHC-delta	•		10	80
BHC (lindane) gamma	•	Warning (II)	10	80
bin (2-chloroethoxy) methane	•		10	80
bis (2-chloroethyl) ether	•		10	80
bis (2-chloroisopropyl) ether	•		10	80

<i>Substance</i>	<i>EPA Toxic Pollutant</i>	<i>EPA Signal word</i>	<i>Amount Required for Reportable Spill</i>	
			<i>gallons</i>	<i>pounds</i>
bis (2-Ethylhexyl) phthalate	•		10	80
Bromoform	•		10	80
4-Bromophenyl phenyl ether	•		10	80
Butylbenzyl phthalate	•		10	80
Cadmium (total)	•		10	80
Carbaryl		Caution (III), Poison	10	80
Carbofuran		Danger (I)	10	80
Carbon tetrachloride	•		50	400
Chlordane	•	Warning (I)	10	80
Chlordecone		Warning (II)	10	80
Chlorfenvinphos		Danger (I), Poison	10	80
Chlorobenzene	•		10	80
p-Chloro-m-cresol	•		10	80
Chlorodibromomethane	•		10	80
Chloroethane	•		10	80
2-Chloroethylvinyl ether	•		10	80
Chloroform	•		50	400
2-Chloronaphthalene	•		10	80
2-Chlorophenol	•		10	80
4-Chlorophenyl phenyl ether	•		10	80
Chloropicrin		Danger (I)	10	80
Chromium (total)	•		10	80
Chromium (hexavalent)	•		10	80
Chrysene			10	80
Clonitralid			10	80
Copper *excluding elemental metal	•		10	80
Cyanide total	•		10	80
Cycloheximide		Danger (I)	10	80
2,4-D		Warning (II)	10	80
4,4'-DDD	•	Caution (III)	10	80
4,4'-DDE	•		10	80
4,4'-DDT	•	Caution (III)	10	80
Demeton		Danger (I)	10	80
Diazinon		Warning (II)	10	80
Dibenzo a,h anthracene			10	80
1,2-Dibromo-3-chloropropane	•	Warning (II)	10	80
1,2-Dichlorobenzene	•		10	80
1,3-Dichlorobenzene	•		10	80

Substance	EPA Toxic Pollutant	EPA Signal Word	Amount Required for Reportable Spill	
			gallons	pounds
1, 4-dichlorobenzene	.		10	80
3, 3'-Dichlorobenzidine	.		10	80
Dichlorobromomethane	.		10	80
1, 1-Dichloroethane	.		10	80
1, 2-Dichloroethane	.		50	400
1, 1-Dichloroethylene	.		50	400
1, 2-cis-Dichloroethene	.		10	80
1, 2-Trans-Dichloroethylene	.		10	80
2, 4-Dichlorophenol	.		10	80
1, 2-Dichloropropane	.		10	80
1, 3-Dichloropropylene	.	Danger (I)	10	80
Dicrotophos	.	Danger (I), Poison		
Dieldrin	.	Warning (II)	10	80
Diethyl phthalate	.		10	80
2, 4-Dimethylphenol	.		10	80
Dimethyl phthalate	.		10	80
Di-n-butyl phthalate	.		10	80
4, 6-Dinitro-o-cresol	.		10	80
2, 4-Dinitrophenol	.		10	80
2, 4-Dinitrotoluene	.		10	80
2, 6-Dinitro toluene	.		10	80
Di-n-octyl phthalate	.			
Dioxathion	.	Danger (I), Poison		
I, 2-Diphenylhydrazine	.		10	80
Disulfoton	.	Danger (I)	10	80
Endosulfan (alpha)	.	Danger (I)	10	80
Endosulfan (beta)	.	most forms are Warning (II)	10	80
Endosulfan sulfate	.		10	80
Endothall (amine formulations)	.	Warning (II)	10	80
Endrin	.	Danger (I)	10	80
Endrin aldehyde	.		10	80
EPN	.	Danger (I)	10	80
Ethoprop	.	Danger (I)	10	80
Ethyl benzene	.		5	0
Ethylene dibromide	.		10	80
Fenamiphos	.		10	80
Fensulfothion	.		10	80

<i>Substance</i>	<i>EPA Toxic Pollutant</i>	<i>EPA Signal Word</i>	<i>Amount Required for Reportable Spill</i>	
			<i>gallons</i>	<i>pounds</i>
Fenthion		Warning (II)	10	80
Fluoranthene	•		50	400
Fluorene	•		50	400
Fluoracetamide -1081		Danger (I)	10	80
Fonofos		Danger (I)	10	80
Guthion		Danger (I)	10	80
Heptachlot	•	Warning (II)	10	80
Heptachlor epoxide	•		10	80
Hexachlotobenrene	•		10	80
Hexachlorobutadiene	•		10	80
Hexachlorocyclopentodiene	•		10	80
Hexachloroethane	•		10	80
Hydrocyanic Acid			10	80
Indeno (1, 2, 3-cd) pyrene	•		10	80
Isophorone	•		10	80
Isopropyl benzene			10	80
Lead (total)	•		10	80
Malathion		Caution (III)	10	80
Mercury (total)	•		10	80
Methamidophos		Danger (I), Poison	10	80
Methrdathion		Danger (I)	10	80
Methomyl		Danger (I)	10	80
Methoxychlor		Caution (III)	10	80
Methyl bromide	•	Danger (I)	10	80
Methyl chloride	•		10	80
Methyl parathion		Danger (I)	10	80
Methylene chloride	•		10	80
Mevinphos		Danger (I), Poison	10	80
Mirex		Warning (II)	10	80
Monocrotophos		Danger (I), Poison	10	80
Napthalene	•		50	400
Nickel (exc. elem. metal)	•		10	80
Nicotine		Danger (I)	10	80
Nitrates			50	400
Nitrobentenc	•		50	400
2-Nitrophenol	•		10	80
4-Nitrophenol	•		10	80

Substance	EPA Toxic Pollutant	EPA Signal Word	Amount Required for Reportable Spill	
			gallons	pounds
N-Nitrosodimethylamine	•		10	80
N-Nitrosodi-n-propylamine	•		10	80
N-Nitrosodiphenylamine	•		10	80
Oxamyl		Danger (I)	10	80
Paraquat		Danger (I), Poison	10	80
Parathion	•	Danger (I)	10	80
PCB-1242	•		10	80
PCB-1254	•		10	80
PCB-1221	•		10	80
PCE1232	•		10	80
PCB-1248	•		10	80
PCB-1260	•		10	80
PCB-1016	•		10	80
Pentachlorophenol	•	Danger (I)	10	80
Phenanthrene	•		60	400
Phenol	•		10	80
Phenols (total)	•		10	80
Phorate		Danger (I), Poison	10	80
Phosacetim			10	80
Phosphamidon		Danger (I), Poison	10	80
Phosphorous			10	80
Picloram	•	Warning (II)	10	80
Pyrene	•		10	80
Selenium (total)	•		10	80
Silver (exc. elem. metal)	•		10	80
Silvex		Caution (III)	10	80
Sodium fluoracetate		Danger (I)	10	80
Strychnine		Danger (I)	10	80
Styenc			50	400
Sulfotepp			10	80
TEPP		Danger (I)	10	80
Terbufos		Danger (I), Poison	10	80
1, 1, 1, 2-Tetrachloroethane	•		10	80
1, 1, 2, 2-Tetrachloroethane	•		10	80
Tetrachloroethylene	•		10	80
Thallium (total)	•		10	80

<i>Substance</i>	<i>EPA Toxic Pollutant</i>	<i>EPA Signal Word</i>	<i>Amount Required for Reportable Spill</i>	
			<i>gallons</i>	<i>pounds</i>
Toluene	*		50	400
Toxaphene	*	warning (II)	10	80
1, 2, 4-Trichlorobenzene	*		10	80
1, 1, 1, -Trichloroethane	*		10	80
1, 1, 2-Trichloroethane	*		10	80
Trichloroethylene	*		50	400
2, 4, 6-Trichlorophenol	*		10	80
Vinyl chloride	*		10	80
Xylene(s)	*		10	80
Zinc (exec. elem. metal)	*		10	80
Gasoline	(contains *)		10	80
Kerosene	(contains *)		10	80
Microbiological (including total and fecal coliform)				
Petroleum products which are hazardous or toxic			10	80
Radionuclides				

Secs. 27-385-27-400. Reserved.

ARTICLE XIV. RESERVED*

Secs. 27-401-27-420. Reserved.

***Editor's note—Ord.** No. 96-19, § 1, adopted June 11, 1996, repealed former Art. XIV, §§ 27-401—27-410, in its entirety which pertained to management of storm water discharges and non-point-source water pollution. Former Art. XIV derived from Ord. No. 9049, § 1, adopted Dec. 18, 1990; and Ord. No. 93-1, § 13, adopted Jan. 12, 1993.

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<i>Common Name</i>	<i>Latin Name</i>
Manila ("adonidia") palm Xmas	<i>Veitchia merrillii.</i>
Opsiandra palm	<i>Gausia maya</i>
Parlor palm	<i>Chamaedorea spp.</i>
Pindo palm	<i>Butia capitata</i>
Pigmy date palm	<i>Phoenix roebelenii</i>
Queen sago palm (cycas)	<i>Cycas circinalis</i>
Sago palm	<i>Cycas spp..</i>
Spindle palm	<i>Hyophorbe verschaffeltii</i>
Thatch palm	<i>Thrinax spp.</i>
Windmill palm	<i>Trachycarpus fortunei</i>

*Flowering

Secs. 27-343-27-350. **Reserved.**

ARTICLE XII. HAZARDOUS MATERIAL*

Sec. 27-351. Declaration of intent.

In order to protect the air, waters, soils, **and** other natural resources of Broward County, as well as to protect the health, safety, and welfare of Broward County's citizens, Broward County declares that the generation, use, storage, handling, processing, manufacturing, and disposal of hazardous material, as defined in section 27-352 of this article, must be regulated. Furthermore, the board finds that the unauthorized presence of hazardous material in the air, waters, soils, or other natural resources of Broward County is prohibited and that a responsible party shall take the necessary action to remediate and to remove as required such substances so that the air, waters, soils, or other natural resources contaminated by the introduction of such materials are restored to a condition which does not pose a threat to health,

HAZARDOUS MAT.

***Editor's note--Section 1 of Ord. No. 9347, adopted Nov. 23, 1993, effective Dec. 7, 1993, repealed §§ 27-351—27-370, with the exception of §§ 27-351—27-361, which § 2 renumbered § 27-194(c). Section 3 added §§ 27-351—27-357. Section 4 redesignated div. 4 as art. XIII, with the section numbers being retained. Art. XII was formerly titled "Management of Industrial Wastes and Hazardous Materials"; and the deleted sections were derived from Ord. No. 90-41, § 1(27-12.01)—(27-12.10), Ord. No. 93-1, §§ 9, 10, and Ord. No. 9346, § 6.**

safety, or to the environment. The Department of Natural Resource Protection (DNRP), to the extent permitted by state and federal law, shall have the authority to license, evaluate, review, and administer all hazardous material activities, and all environmental assessment and remediation actions performed in Broward County.

(Ord. No. 93-47, § 3, 11-23-93)

Sec. 27-352. Definitions.

When used in this article, the following words, phrases and terms shall have the indicated meanings:

Accidental discharge means a discharge resulting in a pesticide or its residue(s) becoming deposited on public **lands** or **in** public waters through dumping, drift, run-off, incineration, or other means.

Biomedical waste, also referred to as “biohazardous waste,” is defined as any solid waste or liquid waste which may present a threat of infection to humans. The term includes, but is not limited to, nonliquid tissue and body parts from humans and other primates; laboratory and veterinary waste which contains human disease-causing agents; used discarded sharps; and **blood**, blood products, and body fluids *from* humans and other primates.

Combustible liquid is defined as a liquid having a flash point at or above *one* hundred (100) degrees Fahrenheit (37.8 degrees Celsius).

Contaminant means a hazardous material as defined within **this** article which has been released to the air, waters, soil or other natural resources of Broward County at a level or concentration which exceeds any applicable federal, state or local regulatory cleanup standard. In cases where no regulatory standard is available, the DNRP will make a determination as to whether the release poses an actual threat or potential risk to water supplies, the environment or to health and safety. If a determination is made that the release poses an actual threat or potential risk, then for the purpose of this definition and article, the release would be considered a contaminant.

Contamination assessment plan (CAP) is a document prepared by a responsible party in accordance with DNRP standard operating procedures for nonpetroleum **contamination**, which evaluates whether there is a contaminant present above the reportable quantity threshold, and which also provides scientific information as to the impact and magnitude of that contaminant.

Contamination assessment report (CAR) is a document, prepared in the format specified in the most current version of rule 17-770, F.A.C., for petroleum contamination or in accordance with DNRP's standard operating procedures, for nonpetroleum contamination, and which determines the magnitude and extent to which a contaminant is present in the air, water, soil or other natural resource of Broward County.

Discarded is defined as any **material**, substance or product which has served its original intended purpose and has been or is in the process of being rejected, disposed of or recycled, or is being stored or accumulated in order to be eventually rejected, disposed of or recycled.

Double-walled tank is a **UL-approved** secondary containment tank with three hundred sixty (360) degrees of containment surrounding a UL-approved primary inner tank.

Facility is any building, structure, installation, equipment, pipe or pipeline, well, pit, pond, lagoon, impoundment, ditch, landfill, storage container, motor vehicle, vessel, rolling stock, or aircraft; or any site or area where a hazardous material has been deposited, stored, disposed, or placed or otherwise came to be located; but does not include any consumer product in consumer use.

Flammable liquid is a liquid having a flash point below one hundred (100) degrees Fahrenheit (37.8 degrees Celsius) and having a vapor pressure not exceeding forty (40) pounds per square inch (absolute) (2,068 mm Hg) at one hundred (100) degrees Fahrenheit (37.8 degrees Celsius).

Flash point is defined as the minimum temperature at which a liquid gives off vapor in **sufficient** concentration to form an

ignitable mixture with air near the surface of the liquid **within** the vessel as specified by appropriate test procedures **and apparatus** as follows:

- (1) The flash point of a liquid having a viscosity **less** than forty-five (45) SUS at one hundred (100) degrees Fahrenheit (37.8 degrees Celsius) and a flash point below two hundred (200) degrees Fahrenheit (93 degrees Celsius) shall be determined *in* accordance with ASTM D-56-82, *Standard Methods of Tests for Flash Point by the Tag Closed Tester*.
- (2) The flash point of a liquid having a viscosity of forty-five (45) SUS or more at one hundred (100) degrees Fahrenheit (37.8 degrees Celsius) or a flash point of two hundred (200) degrees Fahrenheit (93 degrees Celsius) or higher shall be determined in accordance with ASTM D-93-80, *Standard Methods of Tests for Flash Point by the Pensky Martens Closed Tester*.
- (3) As an alternate, ASTM D-3828-81, *Standard Methods of Tests for Flash Point of Petroleum and Petroleum Products by Setaflash Closed Tester*, may be used to test aviation turbine' fuels Within the scope of this procedure.
- (4) As an **alternate**, ASTM D-3278-82, *Standard Methods of Tests for Flash Point of Liquids by Setaflash Closed Tester*, may be used to test paints, enamels, **lacquers, varnishes** and related products and their components having flash points between thirty-two (32) degrees Fahrenheit (0 degrees Celsius) and two hundred thirty (230) degrees Fahrenheit (110 degrees Celsius), and having a viscosity lower than one hundred fifty (150) stokes at seventy-seven (77) degrees Fahrenheit (25 degrees Celsius).
- (5) As an alternate, ASTM D-3828-79, *Standard Test Methods for Flash Point of Liquids by Setaflash Closed Tester*, may be used to test materials other than those for which specific Setaflash Methods exist (cf. ASTM D-3248-77 for aviation turbine fuels and ASTM D-3278-78 for paints, enamels, lacquers, varnishes, related products and their components).

- (6) As an alternate, U.S.E.P.A. Methods 1010 and 1020 as contained in *Test Methods for the Evaluation of Solid Waste*, SW846, may be used to test materials as appropriate.

Hazardous material is defined as any substance or mixture of substances which meets any one (1) of the following criteria:

- (1) Hazardous waste as defined in this article.
- (2) Any substance listed in article XIII, appendix A, of this chapter.
- (3) Any petroleum product or any material or substance containing discarded petroleum products.
- (4) Any substance identified as hazardous in the most current version of the following regulations:
 - a. Comprehensive Environmental Response Compensation, and Liability Act (42 U.S.C. § 9601, et seq.).
 - b. Emergency Planning and Community Right-to-Know Act (42 U.S.C. § 11001, et seq.)
 - c. Hazardous Material Transportation Act (49 U.S.C. § 1801, et seq.).
 - d. Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. § 136(a)-(y)).
- (5) Any substance, not specified above, which is known to be hazardous due to quantity, concentration, physical, chemical or infectious characteristics and which DNRP determines poses an actual threat or potential risk to water supplies, to the environment **or** to health and safety.

Hazardous material facility is any site or area, excluding **vehicles** used solely for the transportation of **people** or **property**, where either of the following occurs:

- (1) Any extremely hazardous substance **in excess** of the threshold planning quantity as defined by the most current version of the Emergency Planning and Community Right-to-Know Act (42 U.S.C. § 11001, et seq. (1991) is present.
- (2) Within a one (1) month period of time, an aggregate amount of twenty-five (25) gallons or more or an **equivalent**

dry volume of hazardous material are **stored**, handled, **generated**, used, processed, manufactured, disposed or are otherwise present.

to determine the applicability of this definition to any dry volume quantity of hazardous material reported in units of pounds, the pounds are to be converted to an equivalent volume in gallons by dividing the units of pounds by 10. The resulting number would not be used to determine whether the quantity falls within the criteria for a hazardous material facility.

Hazardous waste is any substance defined or identified as a hazardous waste in 40 CFR parts 260-265 and appendices, promulgated pursuant to the Resource Conservation and Recovery Act, 42 U.S.C. § 6901, et seq., as amended, and rule 17-730, F.A.C.

Impermeable is defined as any coating, membrane, surface or structure designed to contain a hazardous material in a manner which eliminates the likelihood of a release to the environment.

Initial remedial action (IRA) is an emergency action, performed in accordance with the most current version of rule 17-770, F.A.C., for petroleum products or in accordance with DNRP standard operating procedures, for non-petroleum contamination and which is taken by a responsible party to minimize or eliminate the migration of any contaminants which have been identified in the air, water, soil or other natural resources of Broward County

Owner/operator is defined as any person or entity who owns or operates a facility, activity, vehicle, or property subject to regulation pursuant to this article.

Pesticide means any substance or mixture of substances intended for:

- (a) Preventing, destroying, repelling, or mitigating any insects, rodents, nematodes, fungi, weeds, or other forms of plant or animal life or viruses, except viruses or fungi on or in man or other animals; *or*
- (b) Use as a plant regulator, defoliant, or desiccant.

Petroleum products are liquid or semisolid materials containing petroleum or associated by-products, including, but not limited to, petroleum, fuel, sludge, crude, **and** all other liquid hydrocarbons regardless of specific gravity, gasoline, kerosene and mixed product analytical groups pursuant to the most current version of rule 17-770.200, F.A.C. This definition also includes any substances contaminated by discarded petroleum products.

Primary containment is defined as any impermeable coating, surface, membrane or structure which is in direct contact with **the** hazardous material being **contained**. In **cases where** the impermeable membrane or structure is 'an area used for **the** purpose of containing free-flowing hazardous material, the **area** must also provide for protection from weather and prevent stormwater from entering the containment area.

Product-tight is defined as a container which is impervious to **the** hazardous material being contained or to be contained **therein** so as to prevent seepage of the hazardous material from the primary containment.

Release is defined as the unauthorized spilling, leaking, pumping, pouring, emitting, emptying, discharging, injecting, seeping, leaching, dumping and disposing of any hazardous material (including abandoning or discarding barrels, containers, or other closed receptacles) to the air, water, soil or other natural resources **of** Broward County.

Remedial action plan (RAP) is a document prepared in the format specified in the most current version of rule **17-770**, F.A.C., for petroleum contamination or in accordance with the DNRP standard operating procedure for the remediation of nonpetroleum contamination and which describes the **remediation** and/or removal from the site of any contaminants listed in the CAP or CAR, or which **have** been identified on a given site by any other means. .

Reportable quantity threshold is defined as the most stringent threshold set forth in one (1) of the following:

- (1) The most current version of 40 CFR parts 302 and 355, promulgated pursuant to the Comprehensive Environmental Response, Compensation, and Liability Act (**42 U.S.C. § 9601**, et seq.); or

- (2) The most **current** version of sections 27-183, 27-196, 27-197, 27-198, or appendix A of article **XIII** of this chapter, as applicable.
- (3) Reporting requirements for petroleum products and other pollutants as specified in the most current versions of 17-761.460 and 17-762.460, F.A.C.
- (4) A release to the environment of any substance **not specified above**, which is known to be hazardous **due to quantity**, concentration, physical, chemical, or infectious **characteristics** which exceeds any applicable federal, **state or** local regulatory cleanup standard or which DNRP determines poses an actual threat or potential risk to water supplies, to the environment, or to health and safety.

Residential is a unit used for noncommercial and/or nonindustrial purposes which has less than four **(4)** live-in units.

Responsible party is defined as any of the following:

- (1) Any person or entity, including any owner/operator, who permitted, caused, suffered, or **allowed** the release of any hazardous material into the air, **waters**, soil, or other natural resource of **Broward** County.
- (2) The owner or operator of a **facility where** a **contaminant** is **present** or where a hazardous material has been released.
- (3) Any person or entity who previously owned or operated the facility during a time in which a hazardous material was released onto the facility or where contaminants were present on the facility.
- 4) Any person or entity who, by contract, agreement, or otherwise, arranged for disposal or treatment, or arranged with a transporter for disposal or treatment, of hazardous material.
- 5) Any person or entity, other than emergency services personnel acting in their official capacity, who accepts or accepted any hazardous material for transport to disposal or treatment facilities, incineration vessels or any other sites approved to receive such wastes.

- (6) Any owner/operator of any treatment, storage or disposal (TSD) facility from which there is a release or a threat of release.

A responsible party as defined herein may assert those defenses as set forth in applicable federal and state law.

Secondary containment is an impermeable coating, membrane, surface or structure in which tanks or containers are placed. For tanks or containers larger than one hundred ten (110) gallons, the secondary containment shall hold one hundred ten (110) percent of the volume of the largest tank or container. For tanks or containers of one hundred ten (110) gallons or less, the secondary containment shall hold twenty (20) percent of the combined volume of all the tanks or containers within the secondary containment, but no less than the volume of the single largest tank or container. All materials in a secondary containment shall be stored in a manner which prevents contact with an incompatible material or container in the event of a release. For the purpose of this article, a double-walled tank shall be considered secondary containment.

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

Toxicity is defined as the characteristic of a substance to be toxic based upon the toxicity characteristic leaching procedure testing methodology.

Toxicity Characteristic Leaching Procedure (TCLP) is the method of hazardous waste identification defined in 40 CFR part 261, appendix II promulgated pursuant to the Resource Conservation & Recovery Act, 42 U.S.C. § 6901, et seq., as amended.

Transfer station is any site, location, area, or facility whose primary purpose is to store, hold, or process solid waste, sludge, discarded hazardous material, or biomedical waste prior to or

uring transport to a processing or disposal facility. Excluded from this definition are licensed industrial wastewater treatment systems and industrial wastewater basins.

Unauthorized means to perform any activity governed by the provisions of this chapter without a license or prior to receipt of written approval from DNRP.

Used oil is defined as any oil which has been refined from crude oil or synthetic oil and, as a result of use, storage, or handling, has become unsuitable for its original purpose due to the presence of impurities or loss of original properties, but which may be suitable for further use and is economically recyclable.

Waste hauler is any person or entity who at any time carries, conveys, bears, or transports sludges, biomedical waste or discarded hazardous material for commercial purposes and in quantities greater than twenty-five (25) gallons liquid or an equivalent dry volume calculated pursuant to the formula set forth within the definition of hazardous material. The transportation of hazardous material from a residential unit to a household hazardous waste collection center by the general public is excluded from this definition.

(Ord. No. 93-47, § 3, 11-23-93; Ord. No. 95-46, § 1, 11-14-95)

Sec. 27-353. Prohibitions.

The following general prohibitions shall apply to this article.

(a) The abandonment, unlawful or unauthorized release, discharge or disposal of hazardous material is prohibited.

(b) No construction or other intrusive activities shall be initiated, proceed or continue at any site, location or property where it is known or discovered that such site, location or property overlies or contains contaminants unless it can be demonstrated that the construction will not result in the enhancement or spread of the contaminants and until the applicant obtains prior approval to construct from DNRP, unless the work is part of an initial remedial action as defined in this article.

(c) Flammable liquids shall be stored in full accordance with the most current version of the National Fire Protection Association Code (NFPA).

(d) Storage, handling, usage or production of any hazardous material shall be prohibited within a wellfield zone, unless licensed by DNRP and generated, stored, handled, used, **processed** or manufactured in accordance with the provisions of **article XIII** of this chapter.

(e) No remedial actions, with the exception of initial remedial actions, shall be initiated at a contaminated site until a remedial action plan (RAP) has been approved by DNRP or by the Florida Department of Environmental Protection (DEP). This prohibition does not apply in cases where the United States Environmental Protection Agency (EPA) is the lead agency and has initiated a corrective action under the provisions of the Resource Conservation and Recovery Act or a remedial action under the provisions of 40 CFR part 300, as amended.

(f) There shall be no hazardous waste disposal sites licensed or permitted in Broward County.

(g) No person shall cause, permit, suffer, or allow the usage, storage, abandonment or disposal of hazardous material:

- (1) In a manner which violates a provision of any federal, state, or local government regulation; or
- (2) In a manner which causes, or may cause, an unauthorized release, discharge or disposal of hazardous material.

(h) Pumping of water as a remedial action at or within a one-quarter-mile radius of a contaminated site shall not be conducted without **DNRP** approval.

(i) Dewatering operations at or within a one-quarter-mile radius of a contaminated site shall not be conducted without DNRP approval.

(Ord. No. **93-47, § 3, 11-23-93**; Ord. No. **95-46, § 1, 11-14-95**)

Sec. 27-354. Exemptions.

The following general exemptions shall apply to this article:

(a) A hazardous material facility license shall not be required for any aboveground storage tank system (**AST**) or underground

orage tanks (UST), including all integral piping and vapor recovery components, which has a capacity greater than one hundred ten (110) gallons, and which is required to be licensed according to the provisions of article X of this chapter. This provision does not exempt facilities which also utilize other hazardous materials from the requirement of obtaining a hazardous material facility license.

(b) Dry fertilizers are exempt from the licensing provisions of this article when properly stored for use on the same property.

(c) Hazardous material facilities which fall under the definition of "terminal facility" as defined in the most current version of section 376.031(19), Florida Statutes, are exempt from this article. However, such facilities are exempt only to the extent that local governments are precluded from regulating such facilities under section 376.19, Florida Statutes. The exemption applies only to the licensing of "pollutants" as defined in section 376.031(15), Florida Statutes.

(d) Hazardous material when contained solely in consumer products packaged for distribution to and use by the general public are exempt from the provisions of this article. This exemption also applies to commercial products used for janitorial and maintenance purposes. However, this exemption does not excuse any person from responsibility to ensure the proper use, handling, storage and disposal of said products to prevent release to the environment.

(e) Dielectric insulating fluids, whose sole purpose is for internal use in electrical equipment, which is owned or operated by an electric public or private utility regulated by the Florida Public Service Commission, shall not be considered a hazardous material as long as the fluids remain within the internal components of the electric equipment. These fluids, when contained in the electrical equipment, are also exempt from the licensing provisions for a hazardous material facility as specified in this article. However, such use is regulated under a special license which will be issued by DNRP under the provisions of section 27-356(g) of this article.

(f) Public used oil collection activities are exempt from the licensing requirements. However, registration of such activities is required pursuant to section 27-356(f) of this article.

(g) A residential unit that is used for noncommercial purposes and which has less than four (4) live-in units is exempt from the provisions of this article for the on-site storage and use of hazardous material, where such use is for noncommercial purposes only. This exemption does not preclude residential property owners from responsibility for licensing and cleanup where it has been determined by DNRP that a release of hazardous material has occurred on their property.

(h) Number 6 fuel oil and petroleum products with a viscosity greater than thirty (30) centistokes are exempt from the licensing provisions of section 27-356(e) of this article. However, in the event of a release, the responsible party is liable for the remediation and proper disposal of the contaminants. Failure to initiate and complete these activities in a timely manner as determined by DNRP shall nullify this exemption and subject the responsible party to enforcement action and licensing under the provisions of section 27-356(e) of this article.

(i) A site contaminated with petroleum products for which an assessment and remediation is funded or eligible for reimbursement, in accordance with the provisions of the DEP cleanup program is exempt from the licensing provisions of section 27-356(e) of this article. In addition, sites where EPA is the lead agency and has initiated a corrective action under the provisions of the Resource Conservation and Recovery Act or is conducting the remediation under the provisions of 40 CFR part 300 are also exempt from the licensing provisions of section 27-356(e) of this article.

(j) Transfer stations which solely provide transfer of biomedical waste and discarded residential hazardous material, free of cost, are exempt from the transfer station licensing provisions of this article.

(k) The handling, storage and use of hazardous material at construction sites are exempt from licensing provisions specified in section 27-356(b) provided that the hazardous materials are

n-site for a maximum of one hundred eighty (**180**) days and that the quantity is less than or equal to five hundred (500) gallons. This exemption applies only to the extent that the handling, storage and usage of the hazardous material by the owner/operator are conducted in full conformance with the provisions of this article. Failure on the part of any owner/operator to conform with the handling, storage and usage provisions of this article shall nullify this exemption and subject the construction site to licensing under section 27-356(b) of this article. This exemption does not apply to construction sites located in wellfield zones of influence as defined in article XIII of this chapter.

(l) The use of any petroleum products solely as fuel in a vehicle fuel tank or as lubricant in a vehicle shall be exempt from the provisions of this article provided that the vehicle remains in active use and that the petroleum products are not released to the environment.

(m) Activities and operations involving pesticides used pursuant to labeling and registration requirements contained in Chapter 487, Florida Statutes, are exempt from provisions of this ordinance except in the areas set forth in sections 482.242 and 487.051, Florida Statutes. A responsible party is liable for any accidental discharge of pesticides which results in injury or death to any animal, plant or aquatic life, and shall be fully liable for the cost of any remediation pursuant to section 482.242(1)(f), Florida Statutes. The cost of remediation includes but is not limited to the cost of site cleanup, habitat restoration and/or recovery of damages for animal, plant or aquatic life injuries. The remediation provisions of this section shall not apply to injuries resulting from the application of federally approved or state approved chemicals to waters in the county for the control of insects, aquatic weeds, or algae, provided the application of such chemicals is done in accordance with a program approved pursuant to section 403.088(1), Florida Statutes, and provided said application is not done negligently.

Ord. No. 93-47, § 3, 11-23-93; Ord. No. 95-46, § 1, 11-14-95)

Sec. 27-355. Notifications.

(a) The following required notifications are in addition to any other notifications which **may** be specified by general license conditions or operating requirements under this article XII:

- (1) **Release of hazardous material or discovery of contamination:** In the event of an unauthorized release of a hazardous material to the environment in an amount that is above the reportable quantity threshold, or the discovery of the presence of any contaminant in the air, water, soil or other natural **resource** of Broward County at a level which **exceeds** any applicable federal, state *or* local regulatory cleanup standard or for which DNRP has determined poses an actual threat or potential risk to water supplies, the environment or to health and safety, the responsible party shall take **the** necessary measures to stabilize **the** situation and shall immediately report such incidents by telephone to DNRP. Written notification of verbal reports to DNRP must be provided within seven (7) calendar days. Written notification shall include at a minimum the location of the release, a brief description of the incident that caused the release or discovery, a brief description of the action taken to stabilize the situation, and any laboratory analysis, if available. Based upon **DNRP's review** of the information provided, the responsible party(s) may be required to obtain an environmental assessment and remediation license in accordance with section 27-356(e) of this article.
- (2) **Failure to comply with license conditions:** In the event the licensee is temporarily unable to comply with any of the conditions of the license, the licensee shall immediately notify DNRP. Within seven (7) calendar days of the event, the licensee shall submit a written report to DNRP that describes the incident, its cause, the measures being taken to correct the problem and prevent its reoccurrence, and a schedule of events leading toward operating within license conditions.
- (3) **Hazardous Material Facility Closure:** Any hazardous material facility which intends to cease operations, initiate a temporary shutdown, transfer its license, or be **perma-**

nently removed from use or operation, must provide written notification to DNRP at least thirty (30) days prior to initiating such activities.

(4) *Dewatering:*

- a. **Prior to** any persons **conducting dewatering** operations at *or* within a one-quarter-mile radius of a contaminated site, written notification shall be given to DNRP and shall include, at a minimum:
 1. Justification for the need for dewatering;
 2. Water treatment and disposal plans;
 3. Effect of the dewatering and disposal procedures on the contaminant plume;
 4. Monitoring program; and
 5. Where required and authorized by chapter 471 or 492, Florida Statutes, applicable portions of **dewatering** plans shall be signed and sealed by a **registered** professional engineer or a registered professional geologist.

(Ord. No. 93-47, § 3, 11-23-93)

Sec. 27-356. Required licenses and approvals.

(a) *General Requirements:* This section identifies the criteria under which a license is required, application contents, general conditions and operating requirements for all activities regulated under this article. The licenses and registrations included in **this** section are **as follows:**

- (1) Hazardous material facility license;
- (2) Licenses for sludge, discarded hazardous material and biomedical waste transfer stations;
- (3) Licenses for sludge, discarded hazardous materials, and biomedical waste haulers;
- (4) Environmental assessment and remediation license;
- (5) Public used oil collection facility registration; and
- (6) Special licenses.

(b) Hazardous Material Facility Licenses:**(1) License required:**

a. **Operating license:** A hazardous material facility operating license shall be obtained by the owner/operator for any existing, new or proposed facility that generates, stores, processes, uses, handles, or manufactures hazardous material in quantities greater than specified in the definition of a hazardous material facility.

(2) Application for license: Application for any license shall be submitted on DNRP forms and shall provide all information as requested therein.

(3) General conditions: The general conditions specified in section 27-58 of this chapter are applicable to all licenses issued under the provisions of this article.

(4) Operating requirements: The operation of a hazardous material facility subject to licensing shall be in accordance with all applicable portions of this chapter. In addition, the following requirements shall apply:

a. **General operating requirements:**

1. Individual storage containers shall be labeled and maintained in accordance with all applicable federal & state standards.
2. Provisions shall be taken to prevent the unauthorized entry into a storage facility containing hazardous material.
3. Sump pumps used to remove rainwater from hazardous material containment shall be manually operated at all times to prevent an automatic release of hazardous material to ground.
4. Any monitoring wells required under this section shall be constructed and maintained in accordance with the most current version of DNRP's "Minimum Criteria for Monitoring Wells and Sampling". Any required monitoring or testing shall be as specified on the license.
5. The owner/operator of a licensed hazardous material facility is required at a minimum to develop

procedures to ensure for the appropriate and SE handling and cleanup of any release of **hazardous** material. DNRP may also require the **owner/operator** of a licensed hazardous material facility prepare a spill contingency plan subject to the **criteria** specified in this section.

- a) If a spill contingency **plan** is to be required by DNRP, the licensee will be notified in **writing** by **DNRP** at the time of license issuance or renewal. The criteria to be utilized by DNR in establishing a license requirement for a spill contingency plan will include the following:
- 1) A statutory requirement to prepare **such** a plan under applicable federal or state environmental regulations.
 - 2) Type and quantity of hazardous **materials** at the facility.
 - 3) Location of the hazardous material in **relation** to storm sewers, surface **waters**, **drinking** water supplies, sensitive **environmental** areas, and/or heavily **populated** areas and schools.
 - 4) Nature of business or activity.
 - 5) Spill history of **the** facility.
 - 6) Other factors determined by DNRP to be relevant to this provision of this article.
- b) The spill contingency plan must be **designed** to minimize hazards to human health or **the** environment from fires, explosions, or any unplanned sudden or nonsudden release of **hazardous** material to air, waters, soils, or other natural resources of Broward County. The provisions of the plan must be carried out immediately whenever there is a fire, explosion, or release of hazardous material **which** could threaten human health or the environment.
- c) The spill contingency plan must be prepared and updated in accordance with all applicable federal and state environmental regulations.

b. *Construction materials and methods:*

1. With the exception of underground storage tanks, storage tank configuration shall provide for complete visual inspection.
2. All primary **containment shall be product-tight and** labeled in compliance with current federal, state and local regulations.
3. Unless the hazardous material is **contained solely** in consumer products packaged for distribution and use by the general public or is a commercial product used for janitorial or minor maintenance purposes, the following secondary containment standards shall apply:
 - a) All secondary containment shall be constructed of materials of **sufficient** thickness, density, **and composition** so as not to be structurally weakened as a result of contact with the released hazardous material. The secondary **containment** must also be capable of containing hazardous material for a **period equal to or longer** than the maximum **anticipated time sufficient** to allow recovery of the released materials.
 - b) All secondary containment shall, at a minimum, be provided with a roof to prevent rainwater from entering the area or, as an alternative, be equipped with a lockable valve to enable the controlled release of any accumulation of **clean** rainwater. The valve shall remain locked or be secured in a manner which, if accessible to the public, prevents the release of hazardous material. All rainwater must be removed from the secondary containment area within twenty-four (24) hours of its accumulation. Any and all rainwater which has come into direct contact with any hazardous material shall be collected and disposed of **in accordance with all applicable federal, state and local regulations.**

4. Any floor drains in a hazardous material **handling**, usage or storage area which lead to a drain field, septic-tank, or stormwater system must be secured or permanently sealed to prevent the release of hazardous materials.
5. **All** storage containers shall be designed and constructed in accordance with the applicable standards established by the National Fire Protection Association, the **American** Society for Testing and Materials, or the EPA; or, if none of the above standards are applicable, then in accordance with alternate DNRP approved standards.

c. Handling and storage:

1. The transportation and disposal of hazardous material shall be conducted in accordance with federal, state and local regulations. Prior to disposal, all hazardous material shall be properly stored and handled on-site and be accessible to inspection at any time.
2. In the event of an unauthorized release of a **hazardous** material in an amount that is above the reportable quantity threshold or the discovery of the presence of any contaminant in the *air*, water, soil or other natural resource of Broward County the licensed facility must comply with the provisions of section **27-355(a)(1)** of this article.
3. Defective *storage containers* shall be removed from service. Such containers shall be repaired or decontaminated and disposed of in accordance with federal, state, and local regulations.
4. Outdoor use of hazardous material including disassembly of any machinery, equipment or **vehicles** is not permitted unless drip pans, secondary **containment**, or other steps are taken to prevent **any** release. Outside storage of disassembled parts is prohibited unless empty and stored with the **fluid** cavities open for inspection and in a **manner** which prevents direct contact with rainwater.
5. All drums containing hazardous material shall be stored within a **secondary** containment area or in

a building or other secure area which meets the requirements of secondary containment and is protected from weather and in accordance with all applicable fire codes.

6. Reactive or incompatible materials such as acids and bases shall be stored in separate containers, in secondary containment areas, and in a manner which eliminates the **potential** for commingling in the event of a release.
7. Any hazardous material transfer, dispensing, or mixing activities shall be performed in a manner which prevents any unauthorized release to the environment.
 - a. Hazardous material may be placed into a sanitary sewer system only in accordance with federal and state regulations. Any release of hazardous material into a sanitary sewer system without permission or approval and/or in excess of POTW system standards is prohibited under the provisions of this article.
9. Hazardous waste **shall** be kept on-site for a period of time no longer than allowed in accordance with federal and state regulations.
10. **All** discarded hazardous material shall be transported by a licensed DNRP **waste** hauler and be disposed in accordance with federal, state, and local regulations.

d. *Recordkeeping and reports:*

1. Reports and records, including hazardous waste manifests, bills of lading, or other equivalent manifesting for all hazardous material disposal, shall be maintained on-site for five (5) years, and shall be available upon request for inspection by DNRP. The records, at a minimum, must identify the facility name and address, type and quantity of waste, the shipping date of the waste, and the hauler's name and address.
2. Material safety data sheet⁶ shall be maintained on-site in accordance with 29 CFR § 1910.1200

promulgated pursuant to the Federal Occupational Health and Safety Act, 29 U.S.C. § 651 et seq. as amended.

- e. **Closure requirements:** When any facility which treats, stores, uses, handles, processes, manufactures or disposes of hazardous material intends to cease operations, initiate a temporary shutdown, transfer its license or be permanently removed from use or operation the owner/operator is responsible to **notify** DNRP in accordance with the provisions of section **27-355(a)(3)**. The owner/operator is also required to conduct appropriate activities to ensure for the proper removal and disposal of all hazardous material at the facility. At the time of notification, DNRP will specify those closure activities which are determined to be necessary to meet the requirements of this license condition. **Failure** to notify DNRP or to perform the required closure activities **will** constitute a violation of this article and may subject the owner/operator to enforcement action.

(c) Licenses for Sludge, Discarded Hazardous Material and Biomedical Waste Transfer Stations:

- (1) **License required:** A license is required prior to the construction or use of any site for the transfer of sludge, discarded hazardous material or biomedical waste.
- a. **Construction license:** A transfer station construction license shall be obtained prior to any owner/operator building, erecting, altering or replacing in whole or in part any site intended for use in transferring sludge, discarded hazardous material or biomedical waste. This license provision does not apply to normal routine maintenance procedure or alterations that do not impact the transfer station operation.
- b. **Operation license:** A transfer station operating license shall be issued to any owner/operator who has met all the requirements set forth in his or her construction license. An operational license shall not be issued prior to a DNRP as-built construction review. As-built drawings shall be signed and sealed by a professional engineer registered in the State of Florida.

- (2) *Application for license:* Application for a license shall be submitted on DNRP forms and shall provide all information as requested therein.
- (3) *General license conditions:* The owner/operator shall comply with all of the general license conditions set forth in section 27-58 of this chapter.
- (4) *Operating requirements:*
- a. *General operating requirements:*
1. The licensee **shall** be required to fully comply with all pertinent provisions of section **27-356(b)(4)** of this article in addition to those provisions specified within this section.
 2. The licensee **shall** be responsible for requiring that all appropriate facility personnel successfully complete a program of classroom instruction and/or on the job training which teaches employees to perform their duties in a way that ensures the facility's compliance with this article. The training shall include proper handling and storage of all **hazardous material used at the facility**. It shall also include training at least once a year in the implementation of the facility spill contingency plan and procedures. Records of the name of each employee and the dates of training shall be kept on **file** for a minimum of three (3) years following the employee's last work day.
 3. A current DNRP waste haulers license shall be maintained at all times by all operational transfer stations that haul discarded hazardous material or biomedical waste.
- b. *Construction materials and methods:*
1. **DNRP** may require the installation of monitoring wells. Such monitoring wells shall be constructed in accordance with the most current version of **DNRP's** minimum criteria for monitoring wells and sampling.

c. *Handling and storage:*

1. Materials to be received by the facility will be specified on the license by type. The facility can only accept the materials specified in the license. Should the facility wish to accept additional materials, a license modification is required prior to acceptance of any material not specified on the license.
2. Transporters using **railcars** to transfer and/or store hazardous material shall take all appropriate precautions that may be necessary to prevent the release of hazardous material during loading and unloading activities.

d. *Recordkeeping and reports:*

1. Monthly reports, including invoices, bills of lading, and/or manifests demonstrating **the proper disposal** of all hauled material, must be submitted to DNRP by the fifteenth day of the following month. Monthly reports shall also include the total quantity of each type of hauled material transferred at the facility.
2. Periodic groundwater monitoring reports may be required by DNRP based upon site-specific conditions.

(d) *Licenses for Sludge, Discarded Hazardous Material and Biomedical Waste Haulers.*

(1) *Haulers license:* A license from DNRP is required prior to any owner/operator transporting sludge, discarded hazardous material or biomedical waste within Broward County in quantities greater than specified in the definition of a waste hauler.

- a. *License required:* A haulers license is required prior to any person's using a truck, truck-trailer, tank-truck, tank-trailer, mobile container, or vessel for hauling sludge, discarded hazardous material or biomedical waste from the point of generation within Broward County to a disposal site, transfer station, or recycler, or from a transfer station to a disposal site or recycler.

- (2) *Application for license:* Application for a license shall be submitted on DNRP forms and shall **provide** all information as requested therein.
- (3) *General license conditions:* The owner/operator shall comply with all of the general license conditions set forth in section **27-58** of this chapter.
- (4) *Operating requirements:*
 - a. *General operating requirements:*
 - 1. The licensee shall be required to fully comply with all pertinent provisions of section **27-356(b)(4)** of this article in addition to those provisions specified within this section.
 - 2. All waste-hauling vehicles shall be product-tight or be **designed to** effectively **contain** any **release** of hazardous materials during transport. Routine maintenance to **ensure** the **integrity** of hauling vehicles shall be performed by the licensee.
 - 3. The licensee shall, upon request of DNRP, present the licensed vehicle for inspection for compliance with the provisions of this section at any reasonable time; interval, or location. This inspection requirement may be waived by DNRP upon submission by the licensee of evidence that the vehicle has satisfactorily completed an inspection conducted pursuant to applicable federal or state regulations.
 - 4. No vehicle shall be utilized for hauling until it has complied with the inspection requirements of this section and has been issued an identification tag issued by DNRP. The identification tag must be clearly displayed on the rear of the hauling vehicle at all times. If the tag is lost or destroyed, the licensee must apply for a new tag accompanied by the appropriate replacement fee.
 - 5. All transport vehicles shall be identified with the business name of the licensed transporter and a twenty-four-hour emergency telephone number in accordance with applicable federal and state regulations.

6. The licensee shall be responsible for requiring that all drivers and other appropriate personnel **successfully complete a program of classroom instruction and/or on-the-job training that ensures compliance with the provisions of this article. The training shall include proper handling of all materials transported. It shall also include at a minimum annual training in the implementation of the licensee's spill contingency plan and procedures. Records of the name of each employee and dates of training shall be kept on file at the facility three (3) years following each employee's last work day or until the facility is closed.**
7. Fees for this license are due annually and **must** be submitted to DNRP by the annual fee due date specified on the *license*. Failure to do so may *result* in enforcement action.

b. Handling and storage:

1. Vehicles may only be **utilized** for the type of wastes for which the licensee is authorized to haul. A **license** modification must be requested and approved by DNRP prior to utilizing a vehicle for hauling a waste which is not specified on the license.
2. Effluent from the cleaning of vehicles shall be **collected**, and properly disposed in accordance with all applicable federal, state, and local regulations.

c. Recordkeeping and reports:

1. The licensee shall submit a monthly report to DNRP by the fifteenth of the month. The report shall, at a minimum, identify the facility **name and address for each source, type, and quantity of waste, the date the waste was collected, and the final destination of each waste that was hauled during the preceding month. The report shall also include a summary of the total quantities of each type of waste that was hauled by the licensee.**

(e) *Environmental Assessment and Remediation Licenses:*

- (1) **Licenses required:** Notwithstanding any other provision in this article, any responsible party may be required by DNRP to obtain an environmental assessment and remediation license for the purposes of assessing the magnitude and extent of contaminants present at a site and, if necessary, remediating the contamination. ,
- (2) **Application for license:** The responsible party designated by DNRP shall apply for an environmental assessment and remediation license after DNRP has determined that a site should be activated. Application shall be made within thirty (30) calendar days of the written notification to DNRP of the presence of a contaminant(s) or a release of a hazardous material exceeding the reportable quantity threshold. If there is more than one (1) responsible party, DNRP may require each responsible party to obtain a separate environmental assessment and remediation license. DNRP shall take into account the current and prior ownership of the property, culpability, knowledge of the presence of the contaminants prior to purchase of the property, availability of responsible parties, and any other relevant information in making a determination as to which parties should **obtain** the required license. Each application for license shall be accompanied by the appropriate fee for said license.
- 3) **General license conditions:** The owner/operator shall comply with all of the general license conditions set forth in section 27-58 of this chapter.
- 4) **Operating requirements:**
 - a. This license is issued for the purpose of assessing and/or remediating a release of hazardous material. This license does not expire and the licensee is bound by the conditions contained within until DNRP has issued a "No Further Action" determination or inactivates the license. Fees for the license are due annually and must be submitted to DNRP prior to the annual fees due

date specified on the license. Failure to do so will result in the assessment of late fees and subject the licensee to possible enforcement action.

- b. **Due dates for reports:** A licensee shall submit to DNR: a contamination assessment plan (CAP), a contamination assessment report (CAR), a remedial action plan (RAP), and site remediation reports by the dates specified in the license. At least seven (7) calendar days prior to the due date for any report or required activity, the licensee may submit a written request for extension, including the circumstances which make the submission of the report by the due date a hardship. DNR shall respond to such a request in a timely manner and, if possible, prior to the due date of the report.
- c. Monitoring well construction and sampling shall conform with the most recent version of the DNR minimum criteria for monitoring wells and sampling.
- d. Any monitoring well that is destroyed or damaged shall be properly abandoned. A replacement well shall be installed within twenty-one (21) days after discovery of the damaged well and in a location adjacent to the damaged well.
- e. No remedial actions, unless approved otherwise by DNR, with the exception of initial remedial actions shall be initiated at a contaminated site, until an RAF has been approved by DNR or by DEP or where the EPA is the lead agency and has initiated a corrective action under the provisions of the resource conservation and recovery act or a remedial action under the provisions of the most current version of 40 CFR part 300.
- f. Pumping of water as a remedial action and dewatering operations at or within a one-quarter-mile radius of a contaminated site are prohibited unless prior approval is obtained from DNR.
- g. The licensee shall complete construction and begin the operation of the remediation system described in the RAP no later than four (4) months after RAP approval. Excavation and removal of contaminated soil from the

- site, if specified in the RAP, shall be completed and manifests shall be submitted to DNRP no later than four (4) months after DNRP approves the RAP.**
- h. The licensee shall submit a site remediation progress report within thirty (30) days after the remediation system is started and every quarter thereafter until the site is reclassified as inactive by DNRP. The progress reports shall be prepared in accordance with DNRP site-specific instructions.
 - i. No construction or other intrusive activities shall be initiated, proceed or continue at any site where it is known or discovered that such site overlies or contains contaminants until the applicant obtains prior **approval** to construct from **DNRP**.
 - j. All monitoring wells, which are not required for **compliance** with the provisions of this chapter, or state or federal regulations, shall be abandoned after site closure in accordance with the requirements of the most current version of rule **17-532.500(3)(4), F.A.C.**

(f) Public Used Oil Collection Facility Registration:

- (1) **Registration required:** The owner or operator of a facility that stores or transfers used oil generated by **do-it-yourselfers** and that serves as a public used oil collection center, pursuant to section 403.760, Florida Statutes, shall be required to apply for and obtain registration from DNRP. Each registered facility shall display the **DNRP-issued** placard in a prominent place at the facility. A facility is eligible to store or transfer household generated used oil if the used oil is:
 - a. **Stored** in approved aboveground containers not to exceed five hundred fifty (550) gallons with adequate **secondary** containment and in full compliance with the pertinent provisions of section **27-356(b)(4)** of this **article**.
 - b. Transported from the used oil collection center by an industrial hauler licensed by DNRP pursuant to section 27-356(e) of this article.
 - c. In compliance with section **114(c)** of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, 42 **U.S.C. § 9614(c)**, as amended.

(2) **Application for registration:** Application for this registration shall be on DNRP forms and shall provide all information as requested within.

(g) **Special Licenses:**

(1) **Utility electrical equipment special license:**

a. **General requirements:**

1. This special license **shall be obtained** by any public or private electric utility regulated by the Florida Public Service Commission utilizing dielectric insulating fluids in electrical equipment.
2. The provisions of the utility electrical equipment license govern notification of reportable releases, remediation of said releases, spill contingency plan approval, and reporting requirements.

b. **Application for license:** Application for this special license shall be on DNRP forms and shall provide all information as requested within.

c. **General license conditions:** The owner/operator shall comply with all general license conditions set forth in section 27-58 of this chapter.

d. **Operating requirements:** The following operating requirements shall apply to special licenses issued under the provisions of this article:

1. An inventory of all electrical equipment utilizing dielectric insulating fluids shall be provided to DNRP and shall be updated on an annual basis. This inventory must include, at a minimum, the quantity and size of equipment and the volume of oil contained within.
2. A spill contingency plan shall be prepared and submitted to DNRP for approval. This plan must include, at a minimum, the following information:
 - a) Procedure for remediation and cleanup of releases from electrical equipment;
 - b) Internal notification procedure and criteria for notification to DNRP.

- c) **The name and contact information of the individual responsible for responding to identified releases.**
- d) **Sampling procedures, analytical parameters, and estimated time frame to obtain results.**
- e) **Procedure for cleanup of contaminated soil and for confirmatory sampling of the excavation.**
- f) **The names and addresses of licensed cleanup contractors and haulers to be utilized, location(s) of contaminated soil storage and disposal, and method(s) of soil transport.**

The plan must be updated on an annual basis or upon a determination by DNRP that the plan has failed during response to a release.

- 3. **An annual report which provides at a minimum information on the locations of all reportable releases that occurred during the year, quantity of each release, and required remediation activities shall be prepared and submitted to DNRP.**
- 4. DNRP shall be notified immediately upon the occurrence of a reportable release of any of the following:
 - a) For a single or cumulative **release** greater than or equal to **fifty** (60) gallons.
 - b) For a release which contains a total PCB concentration **greater** than **fifty (50)** ppm.
 - c) When the release enters or has the potential to enter a surface water body.
 - d) When an excavation to remove oil spillage extends to the water table.
 - e) For any condition that requires reporting pursuant to federal or state regulations.

Follow-up written notification shall be submitted to DNRP within seven (7) days and should provide the information specified in section **27-355(a)(1)** of this **article**.

5. The disposal of all hazardous material resulting from any releases shall be conducted in accordance with all applicable federal, state and local regulations.

(Ord. No. 93-47, § 3, 11-23-93)

Sec. 27-357. Powers of the department of natural resource protection,

(a) DNRP is authorized to charge fees for licenses, including extensions, renewals, modifications and for any other approvals which are required pursuant to this section, including late fees. Such fees shall be adopted by the board of **county** commissioners and set forth in the Administrative Code.

(b) DNRP has the authority to require a property owner to provide site access for activities associated with handling and storage of hazardous material, contaminant assessment and remedial action.

(c) If a responsible party fails to take action necessary to **remediate a contaminant pursuant to the provisions** of this article, DNRP is hereby granted the regulatory authority to initiate and complete any and all remediation activities. Costs incurred by DNRP in the course of **remediating** a site are the obligation of the responsible party **and therefore must be reimbursed to DNRP by the responsible party. DNRP is authorized to maintain an action** against any and **all** responsible parties in a court of competent jurisdiction to recover costs of remediation, including but not limited to inventory, tracing the source of release, **controlling or** abating the source of pollution, cleanup, removal and disposal of **hazardous material as set forth in chapter 403, Florida Statutes. A responsible party will be subject to civil penalties up to fifteen thousand dollars (\$15,000.00) per day for failing to perform his or her obligations under the provisions of this chapter. This subsection shall have retroactive application.**

(d) Any enforcement proceedings authorized by this chapter or the Laws of Florida may be used to enforce the provisions of this article.

(Ord. No. 93-47, § 3, 11-23-93)

Secs. 27-358-27-375. Reserved.

CR011

ORDINANCE NO.

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF BROWARD COUNTY, FLORIDA, REVISING CHAPTER 27, ARTICLE XII, SECTIONS 27-351 THROUGH 27-357, "HAZARDOUS MATERIAL," RELATING TO DEFINITIONS, PROHIBITIONS, EXEMPTIONS, NOTIFICATIONS, REQUIRED LICENSES AND APPROVALS, AND POWERS OF THE DEPARTMENT OF PLANNING AND ENVIRONMENTAL PROTECTION; REVISING ARTICLE XIII, "WELLFIELD PROTECTION," SECTION 27-379, RELATING TO PROHIBITIONS, RESTRICTIONS, AND LICENSING WITHIN ZONES OF INFLUENCE; PROVIDING FOR THE CREATION OF ARTICLE XVII, SECTIONS 27-434 THROUGH 27-439, "WASTE TRANSPORTERS," RELATING TO DECLARATION OF INTENT, APPLICABILITY, DEFINITIONS, PROHIBITIONS, EXEMPTIONS, AND WASTE TRANSPORTER LICENSE REQUIREMENTS AND STANDARDS; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; AND PROVIDING FOR AN EFFECTIVE DATE.

(Sponsored by the Board of County Commissioners)

WHEREAS, it is the intent and policy of the Broward County Board of County Commissioners (the "Board") to protect the residents of Broward County, Florida, pertaining to the requirements for hazardous materials; and

WHEREAS, the intent of this Ordinance is to maintain the stricter standard previously held in Broward County and the State of Florida, and to minimize the risk to public health and the environment and shall apply county-wide; and

WHEREAS, in order to ensure the continued health and safety of the residents of Broward County, as well as to prevent the destruction of the environment and drinking water resources, Broward County's present hazardous material, wellfield, and waste transporter regulations must be amended to reflect current state and federal laws; NOW THEREFORE,

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF BROWARD COUNTY, FLORIDA:

Section 1. Chapter 27, Article XII, "Hazardous Material Ordinance," Sections 27-351 through 27-357 are hereby amended:

ARTICLE XII. HAZARDOUS MATERIAL

Sec. 27-351. Declaration of intent.

In order to protect the air, waters, soils, and other natural resources of Broward County, as well as to protect the health, safety, and welfare of Broward County's citizens, Broward County declares that the generation, use, storage, handling, processing, manufacturing, and disposal of hazardous material, as defined in section 27-352 of this article, must be regulated. Furthermore, the board finds that the unauthorized presence of

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1 hazardous material in the air, waters, soils, or other natural resources of Broward County
2 is prohibited and that a responsible party shall take the necessary action to remediate and
3 to remove as required such substances so that the air, waters, soils, or other natural
4 resources contaminated by the introduction of such materials are restored to a condition
5 which does not pose a threat to health, safety, or to the environment. The Department of
6 Planning and Environmental Protection (DPEP), to the extent permitted by state and federal
7 law, shall have the authority to license, evaluate, review, and administer all hazardous
8 material activities, and all environmental assessment and remediation actions performed in
9 Broward County.

10 **Sec. 27-352. Definitions.**

11 ...

12 Biomedical waste, also referred to as "biohazardous waste," ~~is defined as any solid~~
13 ~~waste or liquid waste which may present a threat of infection to humans. The term includes;~~
14 ~~but is not limited to, nonliquid tissue and body parts from humans and other primates;~~
15 ~~laboratory and veterinary waste which contains human disease-causing agents; used~~
16 ~~discarded sharps; and blood, blood products, and body fluids from humans and other~~
17 ~~primates.~~ has the meaning given it in Chapter 27, Article VI, Section 214, of the Code. as
18 amended.

19 ...

20 Contaminant means a hazardous material as defined within this article which has
21 been released to the air, waters, soils or other natural resources of Broward County at a
22 level or concentration which exceeds any applicable federal, state or local regulatory
23 cleanup standard. In cases where no regulatory standard is available, the ~~DNRP~~ DPEP will
24 make a determination as to whether the release poses an actual threat or potential risk to
25 water supplies, the environment or to health and safety. If a determination is made that the
26 release poses an actual threat or potential risk, then for the purpose of this definition and
27 article, the release would be considered a contaminant.

28 Cleanup Target Level (CTL) is the concentration for each contaminant identified by
29 the applicable analytical test method in the medium of concern at which a site rehabilitation
30 program is deemed complete.

31 ~~Contamination assessment plan (CAP) is a document prepared by a responsible~~
32 ~~party in accordance with DNRP standard operating procedures for nonpetroleum~~

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1 ~~contamination, which evaluates whether there is a contaminant present above the~~
2 ~~reportable quantity threshold, and which also provides scientific information as to the impact~~
3 ~~and magnitude of that contaminant.~~

4 ~~Contamination assessment report (GAR) is a document, prepared in the format~~
5 ~~specified in the most current version of rule 17-770, F.A.C., for petroleum contamination or~~
6 ~~in accordance with DNRP's standard operating procedures, for nonpetroleum contamination,~~
7 ~~and which determines the magnitude and extent to which a contaminant is present in the~~
8 ~~air, water, soil or other natural resource of Broward County.~~

9 ...

10 ~~Discarded hazardous materials means any hazardous material which has served its~~
11 ~~original intended purpose and has been or is in the process of being rejected, disposed of~~
12 ~~or recycled, or hazardous material stored or accumulated in order to be eventually rejected,~~
13 ~~disposed of or recycled. Such material may include, but is not limited to, hazardous waste,~~
14 ~~used oil, used oil filters, waste radiator fluid, industrial wastewater, petroleum contaminated~~
15 ~~media and water, contaminated soils, waste fuel, leachate, or waste photographic fixer.~~

16 ~~Double-walled tank is a UL-approved secondary containment tank with three hundred~~
17 ~~sixty (360) degrees of containment surrounding a UL-approved primary inner tank. means~~
18 ~~a storage tank that has an outer tank wall, or integral piping that has an outer wall, that~~
19 ~~provides secondary containment of the primary tank or piping.~~

20 ~~Engineering Control means modifications to a site to reduce or eliminate the potential~~
21 ~~for contaminant migration and exposure to contaminants. Examples of modifications include~~
22 ~~physical or hydraulic control measures, capping, point-of-use treatments, or slurry walls.~~

23 ...

24 ~~(5) Any substance, not specified above, which is known to be hazardous due to~~
25 ~~quantity, concentration, physical, chemical or infectious characteristics and~~
26 ~~which DNRP determines poses an actual threat or potential risk to water~~
27 ~~supplies, to the environment or to health and safety.~~

28 ...

29 Hazardous waste is any substance defined or identified as a hazardous waste in 40
30 CFR parts 260-265 and appendices, promulgated pursuant to the Resource Conservation
31 and Recovery Act, 42 U.S.C. § 6901, et seq., as amended, and rule ~~1762~~-730, F.A.C., as
32 amended.

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1 ...
2 Institutional Control means the restriction on use of, or access to, a site to eliminate
3 or minimize exposure to contaminants. Examples of restrictions include deed restrictions,
4 use restrictions, or restrictive zonina.

5 ~~Initial remedial action (IRA) is an emergency action, performed in accordance with~~
6 ~~the most current version of rule 17-770, F.A.C., for petroleum products or in accordance with~~
7 ~~DNRP standard operating procedures for non-petroleum contamination and which is taken~~
8 ~~by a responsible party to minimize or eliminate the migration of any contaminants which~~
9 ~~have been identified in the air, water, soil or other natural resources of Broward County.~~

10 Natural attenuation is an approach to site rehabilitation that allows natural processes
11 to contain the spread of contamination and reduce the concentrations of contaminants in
12 contaminated groundwater and soil. Natural attenuation processes may include the
13 following: sorption, biodegradation, chemical reactions with subsurface materials, diffusion,
14 dispersion, and volatilization.

15 ...
16 Petroleum *products* are liquid or semisolid materials containing petroleum or
17 associated by-products, including, but not limited to, petroleum, fuel, sludge, crude, and all
18 other liquid hydrocarbons regardless of specific gravity, gasoline, kerosene and mixed
19 product analytical groups pursuant to the most current version of rule 62-770.200, F.A.C.,
20 as amended. This definition also includes any substances contaminated by discarded
21 petroleum products.

22 ...
23 *Remedial Action Plan (RAP)* is a document prepared in the format specified in the
24 most current version of rule 62-770, F.A.C., as amended, for petroleum contamination;
25 ~~or in accordance with the DNRP standard operating procedure for the remediation of~~
26 ~~nonpetroleum contamination~~ or the most current version of rule 62-782, F.A.C., for dry-
27 cleaning solvent contamination; or the most current version of rule 62-785, F.A.C., for all
28 other types of contamination and which describes the remediation and/or removal from the
29 site of any contaminants listed in the ~~CAP or CAR~~ SAR, or which have been identified on
30 a given site by any other means.

31 ...

32
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1 . Used oil is defined as any oil which has been refined from crude oil or synthetic oil
2 and, as a result of use, storage, or handling, has become contaminated and unsuitable for
3 its original purpose due to the presence of physical or chemical impurities or loss of original
4 properties, ~~but which may be suitable for further use and is economically recyclable.~~

5 Waste hauler transporter is any person or entity who at any time carries, conveys,
6 bears, or transports ~~sludges, biomedical waste or~~ discarded hazardous material, sludge or
7 biomedical waste for commercial purposes- ~~and in quantities greater than twenty-five (25)~~
8 ~~)~~
9 ~~the definition of hazardous material. The transportation of hazardous material from a~~
10 ~~residential unit to a household hazardous waste collection center by the general public is~~
11 ~~excluded from this definition.~~

12 **Sec. 27-353. Prohibitions.**

13 The following general prohibitions shall apply to this article;

14 ...

15 (b) No construction or other intrusive activities shall be initiated, proceeded or
16 continued at any site, location or property where it is known or discovered that such site,
17 location or property overlies or contains contaminants unless it can be demonstrated that
18 the construction will not result in the enhancement or spread of the contaminants and until
19 the applicant obtains prior approval to construct from ~~DNRP~~ DPEP, unless the work is part
20 of ~~an initial remedial action~~ a source removal as defined in this article.

21 ...

22 (d) Storage, handling, usage or production of any hazardous material shall be
23 prohibited within a wellfield zone, unless licensed by ~~DNRP~~ DPEP and generated, stored,
24 handled, used, processed or manufactured in accordance with the provisions of article XIII
25 of this chapter.

26 (e) No remedial actions, with the exception of ~~initial remedial actions~~ source
27 removal, shall be initiated at a contaminated site until a remedial action plan (RAP) has been
28 approved by ~~DNRP~~ DPEP or by the Florida Department of Environmental Protection (DEP).
29 This prohibition does not apply in cases where the United States Environmental Protection
30 Agency (EPA) is the lead agency and has initiated a corrective action under the provisions
31 of the Resource Conservation and Recovery Act or a remedial action under the provisions
32 of 40 CFR part 300, as amended.

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1 ...
2 (h) Pumping of water as a remedial action at or within a one-quarter-mile radius
3 of a contaminated site shall not be conducted without ~~DNRP~~ DPEP approval.

4 (i) Dewatering operations at or within a one-quarter-mile radius of a contaminated
5 site shall not be conducted without ~~DNRP~~ DPEP approval.

6 **Sec. 27-354. Exemptions.**

7 The following general exemptions shall apply to this article:

8 ...

9 (C) Hazardous material facilities which fall under the definition of "terminal facility"
10 as defined in the most current version of section 376.031(19), Florida Statutes, are exempt
11 from this article. However, such facilities are exempt only to the extent that local
12 governments are precluded from regulating such facilities under section 376.19, Florida
13 Statutes. The exemption applies only to the licensing of "pollutants" as defined in section
14 376.031(15), Florida Statutes, as amended.

15 ...

16 (e) Dielectric insulating fluids, whose sole purpose is for internal use in electrical
17 equipment, which is owned or operated by an electric public or private utility regulated by
18 the Florida Public Service Commission, shall not be considered a hazardous material as
19 long as the fluids remain within the internal components of the electric equipment. These
20 fluids, when contained in the electrical equipment, are also exempt from the licensing
21 provisions for a hazardous material facility as specified in this article. However, such use
22 is regulated under a special license which will be issued by ~~DNRP~~ DPEP under the
23 provisions of section 27-356(gf) of this article.

24 (f) Public used oil collection activities are exempt from the licensing requirements.
25 ~~However, registration of such activities is required pursuant to section 27-356(f) of this~~
26 ~~article.~~

27 (g) A residential unit that is used for noncommercial purposes and which has less
28 than four (4) live-in units is exempt from the provisions of this article for the on-site storage
29 and use of hazardous material, where such use is for noncommercial purposes only. This
30 exemption does not preclude residential property owners from responsibility for licensing
31 and cleanup where it has been determined by ~~DNRP~~ DPEP that a release of hazardous
32 material has occurred on their property.

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1 (h) Number 6 fuel oil and petroleum products with a viscosity greater than thirty
2 (30) centistokes are exempt from the licensing provisions of section 27-356(ed) of this
3 article. However, in the event of a release, the responsible party is liable for the remediation
4 and proper disposal of the contaminants. Failure to initiate and complete these activities in
5 a timely manner as determined by ~~DNRP DPEP~~ shall nullify this exemption and subject the
6 responsible party to enforcement action and licensing under the provisions of section
7 27-356(e) of this article.

8 j A site ~~contaminated with petroleum products~~ for which an assessment and
9 remediation is funded ~~or eligible for reimbursement by the DEP petroleum cleanup program~~
10 ~~or the DEP dry-cleanina solvent cleanup program in accordance with the provisions of the~~
11 ~~DEP cleanup program~~ is exempt from the licensing provisions of section 27-356(ed) of this
12 article, as amended. In addition, sites where EPA is the lead agency and has initiated a
13 corrective action under the provisions of the Resource Conservation and Recovery Act or
14 is conducting the remediation under the provisions of 40 CFR part 300 are also exempt from
15 the licensing provisions of section 27-356(ed) of this article, as amended.

16 . . .

17 **Sec. 27-355. Notifications.**

18 (a) The following required notifications are in addition to any other notifications
19 which may be specified by general license conditions or operating requirements under this
20 article XII:

21 (1) Release of hazardous material ~~or~~ discovery of contamination: In the event of
22 an unauthorized release of a hazardous material to the environment in an
23 amount that is above the reportable quantity threshold, or the discovery of the
24 presence of any contaminant in the air, waters, soils or other natural resource
25 of Broward County at a level which exceeds any applicable federal, state or
26 local regulatory cleanup ~~standard target level~~ or for which ~~DNRP DPEP~~ has
27 determined poses an actual threat or potential risk to water supplies, the
28 environment or to health and safety, the responsible party shall take the
29 necessary measures to stabilize the situation and shall immediately report
30 such incidents by telephone to ~~DNRP DPEP~~. Written notification of verbal
31 reports to ~~DNRP DPEP~~ must be provided within seven (7) calendar days.
32 Written notification shall include at a minimum the location of the release, a

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1 , brief description of the incident that caused the release or discovery, a brief
2 description of the action taken to stabilize the situation, and any laboratory
3 analysis, if available. Based upon ~~DNRP DPEP~~'s review of the information
4 provided, the responsible party(s) may be required to obtain an environmental
5 assessment and remediation license in accordance with section 27-356(ed)
6 of this article.

7 (2) Failure *to* comply *with* license *conditions*: In the event the licensee is
8 temporarily unable to comply with any of the conditions of the license, the
9 licensee shall immediately notify ~~DNRP DPEP~~. Within seven (7) calendar
10 days of the event, the licensee shall submit a written report to ~~DNRP DPEP~~
11 that describes the incident, its cause, the measures being taken to correct the
12 problem and prevent its reoccurrence, and a schedule of events leading
13 toward operating within license conditions.

14 (3) Hazardous Material Facility Closure: Any hazardous material facility which
15 intends to cease operations, initiate a temporary shutdown, transfer its
16 license, or be permanently removed from use or operation, must provide
17 written notification to ~~DNRP DPEP~~ at least thirty (30) days prior to initiating
18 such activities.

19 (4) *De wa tering*:
20 a. Prior to any persons conducting dewatering operations at or within a
21 one-quarter-mile radius of a contaminated site, written notification shall
22 be given to ~~DNRP DPEP~~ and shall include, at a minimum:

23 ...

24 (5) Field activities: Written notification shall be provided by the responsible party
25 to DPEP at least three (3) workina days prior to performina field activities such
26 as installina assessment monitorina wells or recovery wells. performing
27 sampling. installina remediation equipmnet. or performing source removal
28 activities. Personnel from DPEP shall be allowed the opportunity to observe
29 these field activities and to take split samples.

30 **Sec. 27-356. Required licenses and approvals.**

31 (a) *Genera/ Requirements*: This section identifies the criteria under which a
32 license is required, application contents, general conditions and operating requirements for

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1 all activities regulated under this article. The licenses ~~and registrations~~ included in this
2 section are as follows:

- 3 ...
- 4 ~~(3) Licenses for sludge, discarded hazardous materials, and biomedical waste~~
5 ~~haulers;~~
 - 6 ~~(43) Environmental assessment and remediation license; and~~
 - 7 ~~(5) Public used oil collection facility registration; and~~
 - 8 ~~(64) Special licenses.~~
- 9 (b) *Hazardous Material Facility Licenses:*

10 ...

11 (2) *Application for license:* Application for any license shall be submitted on
12 ~~DNRP~~ DPEP forms and shall provide all information as requested therein.

13 ...

14 (4) *Operating requirements:* The operation of a hazardous material facility
15 subject to licensing shall be in accordance with all applicable portions of this
16 chapter. In addition, the following requirements shall apply:

17 a. *General/ operating requirements:*

18 ...

19 4. Any monitoring wells required under this section shall be
20 constructed and maintained in accordance with the most current
21 version of ~~DNRP~~ DPEP's "Minimum Criteria for Monitoring Wells
22 and Sampling." Any required monitoring or testing shall be as
23 specified on the license.

24 5. The owner/operator of a licensed hazardous material facility is
25 required at a minimum to develop procedures to ensure for the
26 appropriate and safe handling and cleanup of any release of
27 hazardous material. ~~DNRP~~ DPEP may also require the
28 owner/operator of a licensed hazardous material facility to
29 prepare a spill contingency plan subject to the criteria specified
30 in this section.

31 a) If a spill contingency plan is to be required by ~~DNRP~~
32 DPEP, the licensee will be notified in writing by ~~DNRP~~

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DPEP at the time of license issuance or renewal. The criteria to be utilized by ~~DNRP~~ DPEP in establishing a license requirement for a spill contingency plan will include the following:

6) Other factors determined by ~~DNRP~~ DPEP to be relevant to this provision of this article.

b. *Construction materials and methods:*

5. All storage containers shall be designed and constructed in accordance with the applicable standards established by the National Fire Protection Association, the American Society for Testing and Materials, or the EPA; or, if none of the above standards are applicable, then in accordance with alternate ~~DNRP~~ DPEP approved standards.

c. *Handling and storage:*

10. All discarded hazardous material shall be transported by a licensed ~~DNRP~~ DPEP waste ~~hauler transporter~~ and be disposed in accordance with federal, state, and local regulations.

d. *Recordkeeping and reports:*

1. Reports and records, including hazardous waste manifests, bills of lading, or other equivalent manifesting for all hazardous material disposal, shall be maintained on-site for five (5) years, and shall be available upon request for inspection by ~~DNRP~~ DPEP. The records, at a minimum, must identify the facility name and address, type and quantity of waste, the shipping date of the waste, and the hauler's name and address.
2. Material safety data sheets shall be maintained on-site in accordance with 29 CFR § 1910.1200 promulgated pursuant to

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the Federal Occupational Health and Safety Act, 29 U.S.C. § 651 et seq. as amended.

e *Closure requirements:* When any facility which treats, stores, uses, handles, processes, manufactures or disposes of hazardous material intends to cease operations, initiate a temporary shutdown, transfer its license or be permanently removed from use or operation, the owner/operator is responsible to notify ~~DNRP~~ DPEP in accordance with the provisions of section 27-355(a)(3). The owner/operator is also required to conduct appropriate activities to ensure for the proper removal and disposal of all hazardous material at the facility. At the time of notification, ~~DNRP~~ DPEP will specify those closure activities which are determined to be necessary to meet the requirements of this license condition. Failure to notify ~~DNRP~~ DPEP or to perform the required closure activities will constitute a violation of this article and may subject the owner/operator to enforcement action,

(C) Licenses for Sludge, Discarded Hazardous Material and Biomedical Waste

Transfer **Stations:**

...

b. *Operation license:* A transfer station operating license shall be issued to any owner/operator who has met all the requirements set forth in his or her construction license. An operational license shall not be issued prior to a ~~DNRP~~ DPEP as-built construction review. a w i n g s shall be signed and sealed by a professional engineer registered in the State of Florida.

(2) *Application for license:* Application for a license shall be submitted on ~~DNRP~~ DPEP forms and shall provide all information as requested therein.

(3) *General license conditions:* The owner/operator shall comply with all of the general license conditions set forth in section 27-58 of this chapter.

(4) *Operating requirements:*

a. *General operating requirements:*

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3. A current ~~DNRP DPEP~~ waste ~~haulers transporter~~ license shall be maintained at all times by all operational transfer stations that haul sludge, discarded hazardous material or biomedical waste.

b. *Construction materials and methods:*

1. ~~DNRP DPEP~~ may require the installation of monitoring wells. Such monitoring wells shall be constructed in accordance with the most current version of ~~DNRP DPEP's~~ "Minimum Criteria for Monitoring Wells and Sampling."

c. *Handling and storage:*

2. Transporters using railcars to transfer and/or store discarded hazardous material shall take all appropriate precautions that may be necessary to prevent the release of discarded hazardous material during loading and unloading activities.

d. *Recordkeeping and reports:*

1. Monthly reports, including invoices, bills of lading, and/or manifests demonstrating the proper disposal of all hauled material, must be submitted to ~~DNRP DPEP~~ by the fifteenth (15) day of the following month. Monthly reports shall also include the total quantity of each type of hauled material transferred at the facility.

2. Periodic groundwater monitoring reports may be required by ~~DNRP DPEP~~ based upon site-specific conditions.

~~(d) Licenses for Sludge, Discarded Hazardous Material and Biomedical Waste Haulers:~~

~~(1) Haulers license: A license from DNRP is required prior to any owner/operator transporting sludge, discarded hazardous material or biomedical waste within Broward County in quantities greater than specified in the definition of a waste hauler.~~

~~a. License required: A haulers license is required prior to any person's using a truck, truck-trailer, tank-truck, tank-trailer, mobile container, or~~

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vessel for hauling sludge, discarded hazardous material or biomedical waste from the point of generation within Broward County to a disposal site, transfer station, or recycler, or from a transfer station to a disposal site or recycler.

(2) ~~Application for license:~~ Application for a license shall be submitted on DNRP forms and shall provide all information as requested therein.

(3) ~~General license conditions:~~ The owner/operator shall comply with all of the general license conditions set forth in section 27-58 of this chapter.

(4) ~~Operating requirements:~~

a. ~~General operating requirements:~~

1. ~~The licensee shall be required to fully comply with all pertinent provisions of section 27-356(b)(4) of this article in addition to those provisions specified within this section.~~

2. ~~All waste-hauling vehicles shall be product-tight or be designed to effectively contain any release of hazardous materials during transport. Routine maintenance to ensure the integrity of hauling vehicles shall be performed by the licensee.~~

3. ~~The licensee shall, upon request of DNRP, present the licensed vehicle for inspection for compliance with the provisions of this section at any reasonable time, interval, or location. This inspection requirement may be waived by DNRP upon submission by the licensee of evidence that the vehicle has satisfactorily completed an inspection conducted pursuant to applicable federal or state regulations.~~

4. ~~No vehicle shall be utilized for hauling until it has complied with the inspection requirements of this section and has been issued an identification tag issued by DNRP. The identification tag must be clearly displayed on the rear of the hauling vehicle at all times. If the tag is lost or destroyed, the licensee must apply for a new tag accompanied by the appropriate replacement fee.~~

5. ~~All transport vehicles shall be identified with the business name of the licensed transporter and a twenty-four-hour emergency~~

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1 telephone number in accordance with applicable federal and
2 state regulations.

3 6. ~~The licensee shall be responsible for requiring that all drivers
4 and other appropriate personnel successfully complete a
5 program of classroom instruction and/or on-the-job training that
6 ensures compliance with the provisions of this article. The
7 training shall include proper handling of all materials
8 transported. It shall also include at a minimum annual training
9 in the implementation of the licensee's spill contingency plan
10 and procedures. Records of the name of each employee and
11 dates of training shall be kept on file at the facility three (3)
12 years following each employee's last work day or until the facility
13 is closed.~~

14 7. ~~Fees for this license are due annually and must be submitted to
15 DNRP by the annual fee due date specified on the license.
16 Failure to do so may result in enforcement action.~~

17 b. *Handling and storage:*

18 1. ~~Vehicles may only be utilized for the type of wastes for which
19 the licensee is authorized to haul. A license modification must
20 be requested and approved by DNRP prior to utilizing a vehicle
21 for hauling a waste which is not specified on the license.~~

22 2. ~~Effluent from the cleaning of vehicles shall be collected, and
23 properly disposed in accordance with all applicable federal,
24 state, and local regulations.~~

25 e. *Recordkeeping and reports:*

26 1. ~~The licensee shall submit a monthly report to DNRP by the
27 fifteenth of the month. The report shall, at a minimum, identify
28 the facility name and address for each source, type, and
29 quantity of waste, the date the waste was collected, and the final
30 destination of each waste that was hauled during the preceding
31 month. The report shall also include a summary of the total
32 quantities of each type of waste that was hauled by the licensee.~~

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1 (ed) Environmental Assessment and Remediation Licenses:

2 (1) Licenses required: Notwithstanding any other provision in this article, any
3 responsible party may be required by ~~DNRP~~ DPEP to obtain an environmental
4 assessment and remediation license for the purposes of assessing the
5 magnitude and extent of contaminants present at a site and, if necessary,
6 remediating the contamination.

7 (2) Application for license: The responsible party designated by ~~DNRP~~ DPEP
8 shall apply for an environmental assessment and remediation license after
9 ~~DNRP~~ DPEP has determined that a site should be activated h a l l
10 be made within thirty (30) calendar days of the written notification to ~~DNRP~~
11 DPEP of the presence of a contaminant(s) or a release of a hazardous
12 material exceeding the reportable quantity threshold. If there is more than
13 one (1) responsible party, ~~DNRP~~ DPEP may require each responsible party
14 to obtain a separate environmental assessment and remediation license.
15 ~~DNRP~~ DPEP shall take into account the current and prior ownership of the
16 property, culpability, knowledge of the presence of the contaminants prior to
17 purchase of the property, availability of responsible parties, and any other
18 relevant information in making a determination as to which parties should
19 obtain the required license. Each application for license shall be accompanied
20 by the appropriate fee for said license.

21 ...

22 (4) Operating requirements:

23 a. This license is issued for the purpose of assessing and/or remediating
24 a release of hazardous material. This license does not expire and the
25 licensee is bound by the conditions contained within until ~~DNRP~~ DPEP
26 has issued a "No Further Action" determination or inactivates the
27 license. Fees for the license are due annually and must be submitted
28 to ~~DNRP~~ DPEP prior to the annual fees due date specified on the
29 license. Failure to do so will result in the assessment of late fees and
30 subject the licensee to possible enforcement action.

31 b. Due dates for reports: A licensee shall submit to ~~DNRP~~ DPEP a
32 ~~contamination assessment plan (CAP)~~, a contamination source

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1 . removal report (SRR), site assessment report (SAR), a remedial
2 action plan (RAP), and site remediation reports by the dates specified
3 in the license. At least seven (7) calendar days prior to the due date
4 for any report or required activity, the licensee may submit a written
5 request for extension, including the circumstances which make the
6 submission of the report by the due date a hardship. ~~DNRP DPEP~~
7 shall respond to such a request in a timely manner and, if possible,
8 prior to the due date of the report.

9 c. Field activities: Written notification shall be provided by the responsible
10 party to DPEP at least three working days prior to performing a field
11 activities such as installing assessment monitoring wells or recovery
12 wells, performing sampling, installing remediation equipment, or
13 performing source removal activities. Personnel from DPEP shall be
14 allowed the opportunity to observe these field activities and to take split
15 samples.

16 ed. Monitoring well construction and sampling shall conform with the most
17 recent version of the ~~DNRP DPEP~~ "Minimum Criteria for
18 Monitoring Wells and Sampling."

19 ee. Any monitoring well that is destroyed or damaged, shall be properly
20 abandoned. A replacement well shall be installed within twenty-one
21 (21) days after discovery of the damaged well and in a location
22 adjacent to the damaged well.

23 ef. No remedial actions, unless approved otherwise by ~~DNRP DPEP~~, with
24 the exception of ~~initial remedial actions~~ source removal, shall be
25 initiated at a contaminated site, until an RAP has been approved by
26 ~~DNRP DPEP~~ or by DEP or where the EPA is the lead agency and has
27 initiated a corrective action under the provisions of the resource
28 conservation and recovery act, or a remedial action under the
29 provisions of the most current version of 40 CFR part 300.

30 fg. Pumping of water as a remedial action and dewatering operations at
31 or within a one-quarter-mile radius of a contaminated site are
32 prohibited unless prior approval is obtained from ~~DNRP DPEP~~.

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1 . gh. The licensee shall complete construction and begin the operation of the
2 remediation system described in the RAP no later than four (4) months
3 after RAP approval. Excavation and removal of contaminated soil from
4 the site, if specified in the RAP, shall be completed and manifests shall
5 be submitted to ~~DNRP~~ DPEP no later than four (4) months after ~~DNRP~~
6 DPEP approves the RAP.

7 hj. The licensee shall submit a site remediation progress report within
8 thirty (30) days after the remediation system is started and every
9 quarter thereafter until the site is reclassified as inactive by ~~DNRP~~
10 DPEP. The progress reports shall be prepared in accordance with
11 ~~DNRP~~ DPEP site-specific instructions.

12 ij. No construction or other intrusive activities shall be initiated, proceed
13 or continue at any site where it is known or discovered that such site
14 overlies or contains contaminants until the applicant obtains prior
15 approval to construct from ~~DNRP~~ DPEP.

16 jk. All monitoring wells, which are not required for compliance with the
17 provisions of this chapter, or state or federal regulations, shall be
18 abandoned after site closure in accordance with the requirements of
19 the most current version of rule ~~1762-532.500(3)(4)~~, F.A.C.

20 (5) Groundwater and Soil Cleanup Criteria:

21 a. The purpose for this aroundwater and soil cleanup criteria is to ensure
22 that cleanup target levels at contaminated sites are adequate to protect
23 human health and the environment and to establish the point at which
24 a site rehabilitation or oaram may be deemed complete. It is not
25 intended for use as effluent or disposal criteria.

26 b. Institutional controls. or a combination of enaineerino and institutional
27 controls, where appropriate, may be used to eliminate or control
28 potential exbosure to unacceptable concentrations of contaminants.
29 The enactment and removal of controls must be pre-approved by the
30 DPEP Director or designee.

31 c. Current exoosure and potential risk of exoosure to humans and the
32 environment. including multiple pathways of exoosure. must be

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1 considered. The characteristics of each contaminant must be
2 considered in order to determine the feasibility of risk-based corrective
3 action assessment.

4 d. The groundwater and soil cleanup criteria shall be in accordance with
5 the following:

6 1. For sites contaminated with petroleum products, the cleanup
7 criteria established in Chapter 62-770, F.A.C., as amended,
8 shall apply;

9 2. For sites contaminated with dry-cleaning solvents, the cleanup
10 criteria established in Chapter 62-782, F.A.C., as amended,
11 shall apply;

12 3. For sites determined eligible for the brownfields program, the
13 cleanup criteria established in Chapter 62-785, F.A.C., as
14 amended, shall apply;

15 4. For all other sites, the following cleanup criteria shall apply:
16 a) The cleanup criteria in this section utilizes risk-based
17 corrective action principles to achieve protection of
18 human health and the environment in a cost-effective
19 manner;

20 b) Individual site characteristics, which shall include, but not
21 be limited to, the current and projected land and water
22 use at, and in the vicinity of the site, the exposed
23 population, the degree and extent of contamination, the
24 rate of contaminant migration, the apparent or Potential
25 rate of contaminant degradation, the location of the
26 plume, and the potential for further contaminant
27 migration must be considered;

28 c) The cleanup target levels are based on the following
29 criteria as appropriate:

30 1) Existing standards or criteria;

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- 2) Standard risk calculations using a lifetime cancer risk level of 1 .OE-06, a hazard index of one (1) or less, and DPEP-approved input parameters;
- 3) The best achievable detection limit;
- 4) The naturally occurring background concentration, or nuisance, or aesthetic considerations.

d) Source removal, including a free product and saturated soil, is required prior to application of the cleanup target levels, unless demonstrated that it is not warranted or cost effective.

e) The point of compliance shall be at the source of the contamination. However, the DPEP Director or designee is authorized to temporarily move the point of compliance to the boundary of the property or to the edge of the plume, while cleanup, including natural attenuation in conjunction with appropriate monitoring, is proceeding. When temporarily extending the point of compliance, it must be ensured that human health, public safety and the environment are protected and that owners of any property into which the point of compliance is allowed to extend are appropriately notified.

f) Alternate cleanup target levels may be established at sites where the contaminant source has been effectively abated. It must be demonstrated that the groundwater contamination is not migrating away from a localized source and that human health, public safety and the environment are adequately protected. Alternate cleanup target levels may be considered appropriate in areas of poor groundwater quality and low yield. The current and projected use of the affected groundwater in the vicinity of the site must be fully evaluated.

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Institutional and/or engineering controls may be required to eliminate the potential exposure to contaminants. DPEP may set alternative cleanup target levels based upon demonstration, using site-specific modeling and risk assessment studies, that human health, public safety, and the environment are protected.

(f) ~~Public-Used Oil Collection Facility Registration:~~

~~(1) Registration required: The owner or operator of a facility that stores or transfers used oil generated by do-it-yourselfers and that serves as a public used oil collection center, pursuant to section 403.760, Florida Statutes, shall be required to apply for and obtain registration from DNRP. Each registered facility shall display the DNRP-issued placard in a prominent place at the facility. A facility is eligible to store or transfer household generated used oil if the used oil is:~~

- ~~a. Stored in approved aboveground containers not to exceed five hundred fifty (550) gallons with adequate secondary containment and in full compliance with the pertinent provisions of section 27-356(b)(4) of this article.~~
- ~~b. Transported from the used oil collection center by an industrial hauler licensed by DNRP pursuant to section 27-356(e) of this article.~~
- ~~c. In compliance with section 114(c) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, 42 U.S.C. § 9614(e), as amended.~~

~~(2) Application for registration: Application for this registration shall be on DNRP forms and shall provide all information as requested within.~~

~~(g)~~(f) *Special Licenses:*

(1) *Utility electrical equipment special license:*

b. *Application for license:* Application for this special license shall be on ~~DNRP~~ DPEP forms and shall provide all information as requested within.

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d. *Operating requirements:* The following operating requirements shall apply to special licenses issued under the provisions of this article:

- 1. An inventory of all electrical equipment utilizing dielectric insulating fluids shall be provided to ~~DNRP~~ DPEP and shall be updated on an annual basis. This inventory must include, at a minimum, the quantity and size of equipment and the volume of oil contained within.
- 2. A spill contingency plan shall be prepared and submitted to ~~DNRP~~ DPEP for approval. This plan must include, at a minimum, the following information:
 - a) Procedure for remediation and cleanup of releases from electrical equipment;
 - b) Internal notification procedure and criteria for notification to ~~DNRP~~ DPEP.

...

The plan must be updated on an annual basis or upon a determination by ~~DNRP~~ DPEP that the plan has failed during response to a release.

- 3. An annual report which provides at a minimum information on the locations of all reportable releases that occurred during the year, quantity of each release, and required remediation activities shall be prepared and submitted to ~~DNRP~~ DPEP.

- 4. ~~DNRP~~ DPEP shall be notified immediately upon the occurrence of a reportable release of any of the following:

...

Follow-up written notification shall be submitted to ~~DNRP~~ DPEP within seven (7) days and should provide the information specified in section 27-355(a)(1) of this article.

...

Sec. 27-357. Powers of the department of ~~natural resource~~ Planning and Environmental Protection.

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1 (a) ~~DNRP~~ DPEP is authorized to charge fees for licenses, including extensions,
2 renewals, modifications and for any other approvals which are required pursuant to this
3 section, including late fees. Such fees shall be adopted by the board of county
4 commissioners and set forth in the Administrative Code.

5 (b) ~~DNRP~~ DPEP has the authority to require a property owner to provide site
6 access for activities associated with handling and storage of hazardous material,
7 contaminant assessment and remedial action.

8 (c) If a responsible party fails to take action necessary to remediate a contaminant
9 pursuant to the provisions of this article, ~~DNRP~~ DPEP is hereby granted the regulatory
10 authority to initiate and complete any and all remediation activities. Costs incurred by ~~DNRP~~
11 DPEP in the course of remediating a site are the obligation of the responsible party and
12 therefore must be reimbursed to ~~DNRP~~ DPEP by the responsible party. ~~DNRP~~ DPEP is
13 authorized to maintain an action against any and all responsible parties in a court of
14 competent jurisdiction to recover costs of remediation, including but not limited to inventory,
15 tracing the source of release, controlling or abating the source of pollution, cleanup, removal
16 and disposal of discarded material and hazardous material as set forth in chapter 403,
17 Florida Statutes. A responsible party will be subject to civil penalties up to fifteen thousand
18 dollars (\$15,000.00) per day for failing to perform his or her obligations under the provisions
19 of this chapter. This subsection shall have retroactive application.

20 (d) Any enforcement proceedings authorized by this chapter or the Laws of Florida
21 may be used to enforce the provisions of this article.

22 **Section 2.** Chapter 27, Article XIII, Wellfield Protection, Section 27-379, is hereby
23 amended:

24 **ARTICLE XIII. WELLFIELD PROTECTION**

25 ...

26 **Sec. 27-379. Prohibitions, restrictions and licensing within zones of influence.**

27 ...

28 d. Emergency plan: An emergency plan shall be prepared and filed with
29 the hazardous material wellfield license indicating the procedures
30 which will be followed in the event of spillage so as to control and
31 collect all spilled material in such a manner as to prevent it from
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reaching any storm or sanitary drains or the ground. ~~This is not subject to the sixty-day delay of section 27-368(b)(3)d.~~

(2) The raw water from each well designated on the zones of influence maps shall be monitored on a quarterly basis for all the regulated substances listed in the hazardous materials wellfield licenses issued to the facilities in the zone 2 for that particular well. It shall be the responsibility of the public utility to provide for the sampling and analyses and to collect the cost which shall be borne by the licensed facilities. The quarterly analyses submitted to the Broward County Division of Water Resources Management beginning March 6, 1987, pursuant to the Wellfield Protection Ordinance (Ordinance No. 84-60) [§ 34-182 et seq.] shall be transferred and incorporated into the wellfield protection program administered under this division.

Compositina of Samples: A public utility system may reduce the total number of samples that must be analyzed as required above. by compositina samples in accordance with Chapter 62-550, F.A.C.. as amended.

Section 3. Chapter 27, Article XVII, Waste Transporters, Sections 27-434 through 27-439, are hereby created:

[UNDERLINING OMITTED]
ARTICLE XVII. WASTE TRANSPORTERS

Sec. 27-434. Declaration of Intent.

In order to protect the air, waters, soils, and other natural resources of Broward County, as well as to protect the health, safety, and welfare of its citizens, the Board declares that certain discarded hazardous material, sludge, and biomedical waste transportation activities must be regulated. Furthermore, the Board finds that improper storage, handling, and disposal of discarded hazardous material, sludge, and biomedical waste results in or contributes to air and water pollution, land blight, and nuisance conditions. It is the intent of the Board to require certain discarded hazardous material, sludge, and biomedical waste activities to be managed to eliminate deleterious effects upon the quality of air, waters, soils, and human health. It is also the intent of the Board to encourage recycling and recovery of resources that have a potential for further use. The

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1 Board recognizes that other federal, state, municipal, and county agencies have adopted
2 rules for the regulation or management of discarded hazardous material, sludge, and
3 biomedical waste. These include, but are not limited to, the generation, flow, transportation,
4 control, collection, storage, and unauthorized dumping of discarded hazardous material,
5 sludge, and biomedical waste within Broward County and are administered by the applicable
6 governing body. This article regulates discarded hazardous material, sludge, and
7 biomedical waste transportation to, from, and within Broward County. The Department of
8 Planning and Environmental Protection (DPEP) is responsible for enforcing the provisions
9 of this article unless otherwise specified.

10 **Sec. 27-435. Applicability.**

11 This article applies to all persons conducting activities within geographic boundaries
12 of Broward County, which transport discarded hazardous material, sludge, or biomedical
13 waste to, from, and within Broward County.

14 **Sec. 27-436. Definitions.**

15 When used in this article, the following words, phrases and terms shall have the
16 indicated meanings:

17 Biomedical waste means any solid or liquid waste which may present a threat of
18 infection to humans. Examples include non-liquid tissue and body parts from humans and
19 other primates; laboratory and veterinary waste which may contain human disease-causing
20 agents; discarded sharps; and blood, blood products and body fluids from humans and other
21 primates. The following are also included;

22 (a) Used, absorbent materials saturated with blood, body fluids, or excretions or
23 secretions contaminated with blood and absorbent materials saturated with blood or blood
24 products that have dried. Absorbent material includes items such as bandages, gauzes,
25 and sponges.

26 (b) Non-absorbent disposable devices that have been contaminated with blood,
27 body fluids or blood contaminated secretions or excretions and have not been sterilized or
28 disinfected by an approved method.

29 (c) Other contaminated solid waste materials which represent a significant risk of
30 infection because they are generated in medical facilities which care for persons suffering
31 from diseases requiring Strict Isolation Criteria and used by the U.S. Department of Health
32 and Human Services, Centers for Disease Control, CDC Guideline for Isolation Precautions
33 in Hospitals, July/August 1983.

1 . *Discarded* hazardous materials means any hazardous material which has served its
2 original intended purpose and has been or is in the process of being rejected, disposed of
3 or recycled, or is being stored or accumulated in order to be eventually rejected, disposed
4 of or recycled. Such material may include, but is not limited to, hazardous waste, used oil,
5 used oil filters, waste radiator fluid, industrial wastewater, petroleum contaminated media
6 and water, contaminated soils, waste fuel, leachate, or waste photographic fixer.

7 Hazardous waste means any substance defined or identified as a hazardous waste
8 in 40 CFR parts 260-265 and appendices, promulgated pursuant to the Resource
9 Conservation and Recovery Act, 42 U.S.C. § 6901, et seq., as amended and rule 62-730,
10 F.A.C., as amended.

11 Owner *or* operator means as any person or entity who owns or operates a facility,
12 activity, vehicle or property subject to the regulations pursuant to this article.

13 Person has the same meaning given it in Article I, Section 4, of the Code, as
14 amended.

15 Release means the unauthorized spilling, leaking, pumping, pouring, emitting,
16 emptying, discharging, injecting, seeping, leaching, dumping and disposing of any discarded
17 hazardous material, sludge, or biomedical waste (including abandoning or discarding
18 barrels, containers, or other closed receptacles) to the air, waters, soils or other natural
19 resources of Broward County.

20 Responsible party has the meaning given it in Chapter 27, Article I, Section 4, of the
21 Code, as amended.

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

27 Used *oil* means any oil which has been refined from crude oil or synthetic oil and, as
28 a result of use, storage, or handling, has become contaminated and unsuitable for its
29 original purpose due to the presence of impurities or loss of original properties.

30 Waste transporter means any person or entity who at any time carries, conveys,
31 bears, or transports discarded hazardous material, sludge, or biomedical waste for
32 commercial purposes.

33

1 . ~~Waste~~ transporter license means an authorization issued by DPEP to transport
2 discarded hazardous material, sludge, or biomedical waste to, from, and within Broward
3 County.

4 **Sec. 27-437. Prohibitions.**

5 (a) No person shall cause, permit, suffer, or allow the usage, storage,
6 abandonment or disposal of discarded hazardous material, sludge, or biomedical waste.

7 (1) In a manner which violates a provision of any federal, state, or local
8 government regulation; or

9 (2) In a manner which causes, or may cause, an unauthorized release of
10 discarded material.

11 (b) Unless ~~otherwise~~ authorized by the Code, no person shall transport discarded
12 hazardous material, sludge, or biomedical waste except with a licensed waste transporter.

13 **Sec. 438. Exemptions.**

14 The following activities are exempted from the licensing requirements:

15 (a) the transportation of discarded hazardous material from a residential unit to
16 a household hazardous waste collection center by the general public;

17 (b) the on-site transportation of discarded hazardous material, sludge, or
18 biomedical waste to a spot or location within the boundaries of a given facility, property or
19 site;

20 (c) the transportation of fully containerized and hermetically sealed receptacles
21 which are approved by DOT provided said transport is passing through Broward County and
22 provided Broward County is not the point of origin, final destination, or place of disposal;

23 (d) the transportation of discarded hazardous material, sludge, or biomedical
24 waste in quantities less than twenty-five (25) gallons liquid or an equivalent dry volume (the
25 pounds are to be converted to an equivalent volume in gallons by dividing the units of
26 pounds by ten (10); the resulting number would then be used to determine whether the
27 quantity falls within the criteria for the exemption);

28 (e) the transportation of used oil in quantities less than fifty-five (55) gallons at one
29 time that is stored in tightly closed containers which are secured in a totally enclosed section
30 of the transport vehicle; and

31 (f) the transportation of used oil by persons who generated the used oil at their
32 own non-contiguous operations to their own central collection facility for storage or

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1 processing. However, such persons shall comply with applicable federal or state
2 regulations.

3 **Sec. 27-439. Waste Transporter License Requirements and Standards.**

4 (a) **License Requirements:** Unless otherwise exempted by this article, prior to
5 any person transporting to, from, and within Broward County any discarded hazardous
6 material, sludge, or biomedical waste, that person shall first obtain a waste transporter
7 license.

8 (b) **License Application Requirements and Standards:** A license application
9 for a waste transporter shall be submitted on an approved DPEP application form by an
10 owner, operator, or authorized agent and shall provide all information as requested therein.
11 Applications shall be accompanied by required fee(s) as established by the Board in
12 Chapter 41 of the Broward County Code of Ordinances, as amended.

13 (c) **Action on license application:** Action on license applications shall be taken
14 in accordance with the provisions in Chapter 27, Article I of the Code, as amended.

15 (d) **Standards for issuing or denying a license:** Licenses shall be issued or
16 denied in accordance with the provisions in Chapter 27, Article I of the Code, as amended.

17 (e) **Operating requirements:**

18 (1) General requirements: The owner or operator shall comply with all of the
19 general license conditions set forth in Article I, Sections 27 through 58 of the
20 Code.

21 (2) All waste transport vehicles shall be designed to effectively contain any
22 release of discarded hazardous material, sludge, or biomedical waste during
23 transport. Routine maintenance to ensure the integrity of transport vehicles
24 shall be performed by the owner or operator.

25 (3) The owner or operator shall upon request of DPEP, provide to DPEP the
26 licensed vehicle for inspection for compliance with the provisions of this
27 section at any reasonable time, interval, or location.

28 (4) The owner or operator shall obtain an identification tag from DPEP prior to
29 utilizing a vehicle for hauling discarded hazardous material, sludge, or
30 biomedical waste. The identification tag must be clearly displayed on the rear
31 of the hauling vehicle at all times. If the tag is lost or destroyed, the owner or
32 operator must apply for a new tag accompanied by the appropriate
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1 . replacement fee. This section does not apply to vehicles which solely
2 transport hazardous waste.

3 (5) All transport vehicles shall be identified with the business name of the licensed
4 transporter and a twenty-four (24) hour emergency telephone number in
5 accordance with applicable federal and state regulations.

6 (6) The owner or operator shall be responsible for requiring that all drivers and
7 other appropriate personnel successfully complete a program of classroom
8 instruction and/or on-the-job training that ensures compliance with federal and
9 state regulations.

10 (7) Effluent from the cleaning of vehicles shall be collected, and properly disposed
11 in accordance with all applicable federal, state, and local regulations.

12 (8) In case of an emergency situation, including mechanical failure, waste may be
13 transferred to another waste transport vehicle, including a rental vehicle. The
14 transfer shall be conducted in accordance with all applicable federal and state
15 regulations.

16 (f) **Notification:**

17 (1) The owner or operator shall report any unintentional releases during
18 transportation to the local emergency operator (911) immediately upon
19 learning of the release in accordance with federal and state regulations. All
20 other releases shall be reported to the DPEP in accordance with the
21 requirements set forth in Section 27-355(a)(1) of the Code, as amended.

22 (2) If a rental vehicle is used due to an emergency situation, the owner or
23 operator shall notify the DPEP of its use on the first working day after the
24 emergency.

25 (g) **Record keeping and reports:** The owner or operator shall:

26 (1) Maintain reports, and records, including waste manifests, bills of lading, or
27 other equivalent manifesting for all discarded hazardous material, sludge, and
28 biomedical waste disposal. Reports and records shall be maintained for three
29 (3) years, and shall be available upon request for inspection by DPEP. The
30 records, at minimum, must identify the generator's name and address, type
31 and quantity of waste, the shipping date of the waste.

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- 1 (2) Submit a monthly report to DPEP no later than the fifteenth (15) day of the
2 succeeding month. If no waste is transported during the reporting month, the
3 owner or operator shall send in a report stating such. The report shall include:
4 a. The waste transporter name and license number;
5 b. The month covered by the report;
6 c. The total quantity of material picked up by type;
7 d. The total quantity of material delivered, by type, to a licensed disposal
8 facility and identify the disposal location(s); and
9 e. In addition to the requirements specified in a. through d. above, waste
10 transporters which solely transport hazardous waste shall include in the
11 monthly report the generator's name and address, type and quantity of
12 waste, and the date the waste was collected.

13 **Section 4. SEVERABILITY.**

14 If any section, part of a section, paragraph, sentence, clause, phrase or word of this
15 Ordinance is for any reason held or declared to be unconstitutional, inoperative, or void,
16 such holdings of invalidity shall not affect the remaining portions of this Ordinance and it
17 shall be construed to have been the legislative intent to pass this Ordinance without such
18 unconstitutional, invalid or inoperative part herein, and the remainder of this Ordinance after
19 the exclusion of such part or parts shall be deemed to be held valid as if such part or parts
20 had not been included therein, or if this Ordinance or any of the provisions thereof shall be
21 held inapplicable to any person, group of persons, property, kind of property, circumstances
22 or set of circumstances, such holdings shall not affect the applicability thereof to any other
23 person, property or circumstances.

24 **Section 5. INCLUSION IN CODE.**

25 It is the intention of the Board of County Commissioners that the provisions of this
26 Ordinance shall become and be made a part of the Broward County Code; and that the
27 sections of this Ordinance may be renumbered or relettered and the word "ordinance" may
28 be changed to "section," "article," or such other appropriate word or phrase in order to
29 accomplish such intentions.

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Section 6. EFFECTIVE DATE.

This Ordinance shall become effective as provided by law.

ENACTED

FILED WITH DEPARTMENT OF STATE

EFFECTIVE

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