

SWS Proposed Revisions to FAC Rule 701.730 (December 1, 2014)

62-701.730 Construction and Demolition Debris Disposal and Recycling.

(1) through (11) No change.

(12) Annual Reports. The owner or operator of the facility shall submit an annual report to the Department on Form 62-701.900(7). This report shall include a summary of the amounts and types of wastes disposed of or recycled from dedicated loads of construction and demolition debris, including the percentage by weight of wastes recycled. The county of origin of materials that are recycled, or a statement that the county of origin is unknown, shall be included in the report. The report shall be submitted no later than February 1 of each year and shall cover the preceding calendar year.

(13) No change.

(14) Recycling requirements where economically feasible.

(a) For the purposes of this subsection (14), the term “economically feasible” shall mean the ability to process and recycle dedicated loads of construction and demolition debris in a manner that allows for a reasonable return on equity consistent with industry standards derived from publicly traded companies, even if the net profit for the facility is lower than it would be without processing.

(b) Except as provided in paragraph (14)(c), the owner or operator of a facility that accepts dedicated loads of construction and demolition debris for disposal shall perform an economic analysis to determine the extent to which, on a percentage basis, the processing and recycling of the material prior to disposal is economically feasible. This economic analysis shall be completed no later than [eff date plus 180 days], or as part of the application for a new facility, and shall be submitted to the Department on the appropriate form listed in Rule 62-701.900, F.A.C.

(c) The owner or operator of a facility is not required to perform such an analysis if:

1. The facility is recycling the waste at a rate that equals or exceeds the percentage for the current year established pursuant to the recycling goals set forth in Section 403.706(2), F.S.;
or

2. The facility receives the waste from a waste processing facility that has already recycled the processed waste, and that the amount processed, in conjunction with any additional amount processed at the facility, cumulatively equals or exceeds the recycling goals for the current year set forth in Section 403.706(2), F.S.

(d) If a disposal facility is located in a county that has a population of greater than 100,000 persons in which at least 50,000 tons of construction and demolition debris are generated annually, and the county has at least one permitted construction and demolition debris materials recovery facility, this economic analysis shall be performed by an independent third party trained or licensed to perform financial analyses, and shall address the following factors:

1. The degree to which tipping fees can be increased, as necessary, to offset any increased operational costs of processing;

2. Depreciation of processing equipment;

3. Long-term costs of development of new disposal areas for unprocessed waste;

4. The potential costs of monitoring and remediation of ground or surface water contamination from the disposal of unprocessed waste;

5. The costs of providing long-term care for the closure of disposal areas;
6. The number of years that the functional life of the existing disposal facility would be extended by recycling;
7. The cost of investment, including the equipment used for processing;
8. The operating cost of the processing equipment;
9. The facility owner's weighted cost of capital; and
10. If the facility cannot recycle at a rate that equals or exceeds the percentage for the year of the analysis as established pursuant to the recycling goals set forth in Section 403.706(2), F.S., the alternative percentage amount for which recycling is economically feasible.

(e) Unless the Department rejects the economic analysis within 60 days of submission for failure of the facility owner or operator to submit all of the information required by this subsection (14), the recycling percentage determined economically feasible for the facility shall become a facility permit condition, compliance with which will be measured by the results of the subsequent annual report required pursuant to subsection (12) of this rule. Compliance will be achieved either if such subsequent annual report demonstrates that the facility is meeting the percentage amount determined economically feasible under the analysis, or if the owner or operator can demonstrate, based upon an analysis performed pursuant to the criteria set forth in this subsection (14), that recycling can only be achieved in an economically feasible manner at an alternative percentage basis, which basis will become the permit condition for the subsequent year.

(f) For any subsequent annual report that demonstrates that the facility is meeting the percentage amount determined economically feasible based upon the analysis performed for the facility, the owner or operator shall not be required to perform a new economic feasibility analysis.

(Renumber subsequent subsections accordingly.)