

CHAPTER 62C-35 CERTIFICATION TO ADMINISTER RECLAMATION RULES

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62C-35.003 Petition for Certification.

(1) A local government may petition the executive director to receive notices of intent to mine and other documents required to carry out Chapters 62C-36 and 62C-39, F.A.C.; to review such notices and documents; and to conduct compliance inspections.

(2) The petition shall be in writing, filed with the department, and include, at a minimum, the following information:

(a) A statement that the agency is petitioning for certification to administer state reclamation requirements and whether the agency is petitioning for certification in whole or in part. If in part, the limits of certification shall be clearly defined.

(b) The name, address, and phone number of the petitioning agency, including the name of the section, division, department, office, or subgroup of the agency that will be responsible for receiving notices, reviewing such notices, and conducting compliance inspections.

(c) The name, title, address, and phone number of the person within the petitioning agency who will have the responsibility for administering the activities granted by the certification.

(d) The signature and title of the person authorizing the agency to petition for certification.

(3) Within 30 days of receipt of the petition, the department shall request any additional information needed to evaluate the petition.

(4) The department shall place a notice in a newspaper of general circulation in the petitioner's area within 30 days of receipt of the petition. The notice shall state that such a petition has been filed with the bureau and provide an address to which comments can be sent.

(5) In deciding whether or not to grant certification to a local government, the department shall determine whether the following criteria are being met:

(a) The petitioning local government has adopted and effectively implemented a local government comprehensive plan.

(b) The local government has adequate review procedures and the financial and staffing resources necessary to assume responsibility for adequate review and inspection.

(c) The local government has a record of effectively reviewing, inspecting, and enforcing compliance with local ordinances and state laws.

(6) In making his determination, the executive director shall consult with the Department of Community Affairs, the Department of Environmental Protection, the appropriate regional planning council, and the appropriate water management district.

(7) The executive director shall grant, grant with modifications, or deny certification, as requested by the petitioner, in whole or in part, within 90 days of receipt of the original petition or the requested additional information. The executive director shall deny a petition without prejudice, if requested additional information is not received within 60 days of the receipt of a request for additional information by the petitioner.

(8) The department shall specify an effective date different from the date of approval to allow the certified agency time to adopt any appropriate ordinances or rules necessary to carry out the specific requirements of certification.

(9) Requests by a certified agency to modify its certification shall be submitted and reviewed in the same manner as an original petition.

(10) The department may review certification at any time, but shall review certification at least once every five years.

Specific Authority 370.021, 378.404, 378.411 FS. Law Implemented 378.411 FS. History—New 2-22-87, Amended 11-29-90, Formerly 16C-35.003, Amended 1-22-02.

62C-35.004 Responsibilities of Certification.

(1) After becoming certified, the certified agency shall carry out its responsibilities under Chapter 62C-35, F.A.C., and the regulatory responsibilities of Chapters 62C-36 and 62C-39, F.A.C., as granted by the department.

(2) Certification shall not preempt the right of the department to carry out inspections pursuant to Section 378.407, Florida Statutes.

(3) A certified agency shall notify the department at least 30 days prior to taking enforcement action against any operator.

(4) The department shall have the right to inspect those files of the certified agency that pertain to the responsibilities of certification.

(5) The department retains the right to seek injunctive relief against any operator, whether or not such operator is regulated by a certified agency.

Specific Authority 370.021, 378.404, 378.411 FS. Law Implemented 120.69, 378.411 FS. History—New 2-22-87, Amended 11-29-90, Formerly 16C-35.004.

62C-35.005 Suspension and Revocation of Certification.

(1) The certified agency may suspend its involvement in certification at any time with 60 days notice in writing to the department.

(2) If the department determines that the certified agency has failed to perform its responsibilities, as certified, the department shall revoke the certification in whole or in part with 60 days notice in writing to the certified agency.

(3) If certification is suspended or completely or partially revoked, the department shall require that the certified agency turn over to the department all related notices and documents obtained as a result of the certification.

Specific Authority 370.021, 378.404, 378.411 FS. Law Implemented 378.411 FS. History—New 2-22-87, Amended 11-29-90, Formerly 16C-35.005.

62C-35.006 Annual Reports.

(1) Each certified agency shall submit an annual report to the department that summarizes the reclamation regulation activities for which it has been certified. The report shall cover all activities for the preceding calendar year and shall be submitted no later than May 1 of each year.

(2) If certification occurs after November 30th, the first annual report shall not be due until May 1 of the second calendar year following certification, but shall include activities from the date of certification through the end of the first full calendar year.

(3) The annual report required pursuant to this section shall include at least the following information:

(a) A list of all new notices received, identifying the type of notice, the date received, the mine, and the operator.

(b) A list of all notices determined sufficient, identifying the type of notice, the date determined sufficient, the mine, and the operator.

(c) The number of citations issued for noncompliance.

(d) The number of acres in mining operations, under reclamation, and released.

(e) A list of operators that have not submitted an annual report as of the date the certified agency submitted its report to the bureau.

(f) Any change in the information submitted in the petition for certification or changes identified in previous annual reports.

(g) The first annual report shall include an inventory of all mines within the certified agency's jurisdiction that have been operating within the last five years. Each annual report thereafter shall provide only additions or deletions to the initial inventory. The inventory shall include the following information for each mine:

1. Name of mine.

2. Operator's name, address, and phone number.

3. Acreage.

4. Resource extracted.

(h) Each annual report shall include a list of mines that are expected to open within the next two years and should provide the information requested under paragraph (g) above to the extent known.

(4) After examining each annual report, the department may notify the certified agency of any apparent errors or omissions or request a clarification of any information contained in the report. The certified agency shall respond within 60 days of receipt of such notification or request.

Specific Authority 370.021, 378.404, 378.411 FS. Law Implemented 378.411 FS. History—New 2-22-87, Amended 11-29-90, Formerly 16C-35.006.