



**To:** FWEA Utility Council

**From:** David Childs

**Date:** September 3, 2025

**Re:** FDEP Proposes Adoption of New Grease Waste Rule

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The Florida Department of Environmental Protection issued a proposed rule addressing grease waste hauling this morning and also announced that the Environmental Regulation Commission will consider adopting the rule at its September 25, 2025 hearing in Tallahassee.

As discussed at several Utility Council board meetings, this rule implements legislation passed three years ago requiring FDEP to establish requirements for grease waste haulers to remove grease waste from “originator” food establishments, dispose of the grease waste at a certified disposal facility, and carry a service manifest documenting the receipt and delivery. The underlying statute broadly defines “originator” food establishments to include any “food service establishment that processes, prepares, or serves food or beverages for consumption by the public, including, but not limited to, restaurants, commercial kitchens, cafeterias, hotels, school kitchens, hospitals, prisons, correctional facilities, and care institutions.” § 403.0741(1)(f), F.S. Haulers are required to dispose of grease waste from originator food establishments at disposal facilities authorized to receive grease waste – i.e. solid waste management facilities, wastewater facilities, or biosolids management facilities – and use the manifest adopted as part of the Department’s rule.

Importantly, the rule appears consistent with the underlying statute with respect to maintaining local government oversight of grease haulers. Section 403.0741(6), Florida Statutes, provides:

**REGULATION BY LOCAL GOVERNMENTS. —**

(a) A local government may:

1. Receive copies of service manifests from haulers.
2. Receive reports of violations.
3. Collect and retain fines for service manifest violations.
4. Impose license actions.

(b) This section does not prohibit a local government from adopting or enforcing an ordinance or a rule to regulate the removal and disposal of grease waste which is stricter or more extensive than this section.

The notice triggers a 21-day time clock to submit a lower cost regulatory alternative. Amendments to the proposed rule may also be presented at the Environmental Regulation Commission hearing. A copy of the rulemaking notice and proposed rule are below.

If you have any concerns regarding this proposed rule, please contact me at [david@vogelgroupdc.com](mailto:david@vogelgroupdc.com).

## Notice of Proposed Rule

### DEPARTMENT OF ENVIRONMENTAL PROTECTION

#### RULE NOS.: RULE TITLES:

62-705.100	Applicability
62-705.200	Definitions
62-705.300	Grease Waste Hauler Requirements
62-705.400	Procedures for Disposal Facility Certifications
62-705.500	Inspecting Entity
62-705.900	Forms

**PURPOSE AND EFFECT:** This proposed rule implements section 403.0741, Florida Statutes. This rule establishes requirements for grease waste haulers to remove grease waste from originator food establishments and dispose of the grease waste at a certified disposal facility using a service manifest. By establishing a process for grease waste to be accounted for and verified, the Department can minimize discharges or damage caused by grease waste being introduced into the natural environment or public infrastructure.

**SUMMARY:** Effective July 1, 2022, Section 403.0741, Florida Statutes, requires the Department to adopt rules that establish requirements for the removal and disposal of grease waste from originator food establishments by grease waste haulers. Haulers are required to dispose of grease waste at disposal facilities authorized to receive grease waste. Disposal facilities are either permitted pursuant to Chapters 62-701, 62-620, 62-640, F.A.C., authorizing the storage, processing, or disposal of grease waste or obtain a certification to accept grease waste. Grease waste haulers must document the removal and disposal of grease waste using a service manifest incorporated by reference into this rule. The Department's proposed rule implements section 403.0741, Florida Statutes, to require the use of manifests that track the grease waste from the originator to the certified disposal facility.

**OTHER RULES INCORPORATING THIS RULE:** None.

**EFFECT ON THOSE OTHER RULES:** N/A.

#### SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION:

The Agency has determined that this will have an adverse impact on small business or likely increase directly or indirectly regulatory costs in excess of \$200,000 in the aggregate within one year after the implementation of the rule. A SERC has been prepared by the Agency.

A SERC was prepared for this proposed rule and available at the website listed below. Based on the SERC determination, the proposed rule is not expected to have an adverse impact on economic growth, job creation, or employment nor will it have an impact on business competitiveness. While there will be an increased anticipated one-time cost of \$200,000 for disposal facilities in the first year and an annual recurring cost of \$65,000 for the haulers, this rulemaking will not increase regulatory costs in excess of \$1 million in aggregate within five years. The SERC is located on the Division of Waste Management website at <https://floridadep.gov/Waste>.

The Agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs or if no SERC is required, the information expressly relied upon and described herein: Based on the SERC determination, the proposed rule will not require legislative ratification.

Any person who wishes to provide information regarding a statement of estimated regulatory costs, or provide a proposal for a lower cost regulatory alternative must do so in writing within 21 days of this notice.

**RULEMAKING AUTHORITY:** 403.0741, 403.707, FS.

**LAW IMPLEMENTED:** 403.031, 403.0741, 403.087, 403.703, 403.707, FS.

**A HEARING WILL BE HELD AT THE DATE, TIME AND PLACE SHOWN BELOW:**

**DATE AND TIME:** September 25, 2025 at 9:00 a.m.

PLACE: The Environmental Regulation Commission located at 3900 Commonwealth Blvd, Room 137, Tallahassee, FL 32399-3000.

Public participation is solicited without regard to race, color, religion, sex, pregnancy, national origin, age, handicap, or marital status. Persons who require special accommodations under the American with Disabilities Act (ADA) or persons who require translation services (free of charge) are asked to contact DEP's Limited English Proficiency Coordinator at (850)245-2118 or LEP@FloridaDEP.gov at least ten (10) days before the hearing. If you have a hearing or speech impairment, please contact the agency using the Florida Relay Service, (800)955-8771 (TDD) or (800)955-8770 (voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Elizabeth Kromhout, (850)245-8744, or Elizabeth.Kromhout@FloridaDEP.gov. Please contact El within 21 days to request a hearing by email or by writing to: Department of Environmental Protection, 2600 Blair Stone Road, Permitting and Compliance Assistance Program, MS #4550, Tallahassee, FL 32399. The SERC, the proposed rule language, and the proposed forms for Chapter 62-705, F.A.C., are located on the Division of Waste Management website at <https://floridadep.gov/Waste>.

THE FULL TEXT OF THE PROPOSED RULE IS:

**62-705.100 Applicability.**

This Chapter applies to all haulers and disposal facilities in this state who remove, transfer, dispose, process, or recycle grease waste.

*Rulemaking Authority 403.0741 FS. Law Implemented 403.0741 FS. History--New \_\_\_\_\_.*

**62-705.200 Definitions.**

All words and phrases defined in Sections 403.0741, and 403.703, Florida Statutes (F.S.), have the same meaning when used in this chapter unless specifically stated otherwise in the chapter. See Sections 403.0741, and 403.703, F.S., for definitions of the following terms: "Closure," "County," "Department," "Grease interceptor or grease trap," "Grease waste," "Operation," "Originator," "Person," "Processing," "Recycling," "Service manifest," "Solid waste," "Solid waste management facility." The following words and phrases used in this chapter shall have the following meaning:

(1) "Clean" means the removal of grease waste from a grease trap or grease interceptor so it remains in service and in good working order.

(2) "Disposal" means the discharge or transfer of grease waste to a permitted or certified waste management facility that is authorized to receive grease waste for final disposition.

(3) "Disposal facility" means a permitted or certified waste management facility that is authorized to receive grease waste for disposal, processing, or recycling.

(4) "Hauler" means a person who removes and transports grease waste for disposal, processing, or recycling. This definition excludes self-cleaners as defined in this chapter.

(5) "Inspecting entity" means any political subdivision of the state, including any state agency, department, county, municipality, special district, utility authority, or other authority or instrumentality, agency, unit, or department thereof with authority to inspect originator grease interceptors or grease traps, or haulers.

(6) "Self-cleaner" means an originator who removes grease waste from a grease trap that has a storage capacity of 55 gallons or less and that is located at their establishment, who subsequently dewateres the grease waste, places the grease waste into a container, and disposes the containerized dewatered grease waste in a waste receptacle for transport to a permitted solid waste management facility authorized to accept grease waste or a certified grease waste disposal facility.

*Rulemaking Authority 403.0741 FS. Law Implemented 403.031, 403.0741, 403.703 FS. History--New \_\_\_\_\_.*

### **62-705.300 Grease Waste Hauler Requirements.**

(1) The licensure requirements of this section apply to haulers, as defined in subsection 62-705.200(4), F.A.C.

(2) A hauler shall submit an application using Form 62-705.900(1) Application for Grease Waste Hauler License, effective date November 2025, hereby adopted and incorporated by reference, to obtain or renew a hauler license to remove grease waste. Copies of this form can be obtained from the Department's website or by contacting the Department of Environmental Protection, Solid Waste Section, MS #4565, 2600 Blair Stone Road, Tallahassee, Florida, 32399-2400, or the form can be obtained at <http://flrules.org/Gateway/reference.asp?No=Ref-18593>. Upon receipt of a complete and accurate form, the Department shall issue to each hauler a license which shall be valid until April 1 of the following year. Existing haulers must submit an Application for Grease Waste Hauler License within 180 days from the effective date of this rule. Haulers must submit a renewal Application for Grease Waste Hauler License by March 1 annually. A new hauler shall submit an Application for Grease Waste Hauler License at least 30 days before the hauler intends to begin removal of grease waste.

(3) A hauler must document the removal and disposal of grease waste using Form 62-705.900(2) Grease Waste Service Manifest (Service Manifest), effective date November 2025, hereby adopted and incorporated by reference. Copies of this form are available via <http://flrules.org/Gateway/reference.asp?No=Ref-18594> or by writing to the Department of Environmental Protection, Solid Waste Section, MS #4565, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400, or on the Department's website at <https://floridadep.gov/waste/permitting-compliance-assistance/content/grease-waste>.

(4) Any hauler engaged in collection and removal of grease waste must list the hauler license number obtained from the Department on the Service Manifest form incorporated by reference in subsection 62-705.300(3), F.A.C.

(5) A hauler must retain a copy of each completed Service Manifest at the hauler's place of business in an electronic format or hardcopy for one year from the date of disposal. The Service Manifest must be available for inspection by the Department or inspecting entity during normal business hours. If records are not available at the hauler's place of business at the time of the inspection, the Service Manifests must be made available to the Department or inspecting entity within five business days of the request for production of the Service Manifests.

(6) An inspecting entity inspecting a grease interceptor or grease trap is authorized to impose an administrative fine not to exceed \$250 for each failure to clean a grease interceptor or grease trap pursuant to Section 403.0741(5)(a)2., F.S.

(7) A licensed hauler who fails to comply with this rule is subject to having their grease waste hauler license denied, suspended, or revoked, as well as other penalties provided by state law or county/city ordinances, as provided for in Section 403.0741(5), F.S.

*Rulemaking Authority 403.0741 F.S. Law Implemented 403.0741 FS. History-New*

### **62-705.400 Procedures for Disposal Facility Certification.**

#### **(1) Applicability.**

(a) No person shall construct or operate a grease waste disposal facility without a valid permit or certification issued by the Department.

(b) Existing disposal facilities that are operating without a valid permit or certification issued by the Department must apply for certification to the Department within one year of the effective date of this rule.

(c) Disposal facilities that are constructed and operated under a valid permit issued pursuant to Chapters 62-701, 62-620, or 62-640, F.A.C., are not required to obtain a separate disposal facility certification under this chapter if the storage, processing, or disposal of grease waste is addressed or authorized by the disposal facility's existing permit.

(2) Certification. Applications for certification must be submitted on Form 62-705.900(3) Application for Certification of a Grease Waste Disposal Facility, effective November 2025, hereby adopted and incorporated by reference. Copies of this form can be obtained from the Department's website or by contacting the Department of Environmental Protection, Solid Waste Section, MS #4565, 2600 Blair Stone Road, Tallahassee, Florida, 32399-2400, or the form can be obtained at <http://flrules.org/Gateway/reference.asp?No=Ref-18595>. The certification application must include the following:

(a) Name, address, and phone number of the applicant.

(b) A site plan, signed and sealed by a professional engineer licensed under Chapter 471, F.S., with a scale not greater than 200 feet to the inch that shows the total acreage and location of the disposal facility; identifies the size and location of the proposed processing, storage, and disposal areas; any surface water bodies or wetlands on or within 200 feet of the site; and any potable water wells on or within 500 feet of the site.

(c) A description of the disposal facility operations that includes:

1. A list of all types of materials and wastes that are managed or processed at the disposal facility;

2. The expected daily average and maximum volumes of grease waste to be managed;

3. How the grease waste will be processed, managed, stored, and disposed;

4. A list of equipment that will be used to process, manage, and store the grease waste. As applicable, the list must include details about grease waste storage tank volume and construction material (e.g., fiberglass, steel, etc.);

5. The maximum time grease waste will be stored at the disposal facility;

6. The maximum amount of grease waste that will be stored at the disposal facility at any one time; and

7. A contingency plan that meets the requirements of subsection 62-705.400(9), F.A.C.

(d) A closure plan describing how the disposal facility will be closed, including the expected disposition of all portions of grease waste after processing.

(e) Documentation that the applicant either owns the land or has legal authorization from the property owner to use the site for a disposal facility.

(3) If the Department determines that the information received pursuant to subsection (2) is accurate and complete and meets the requirements of this rule, the Department will issue a certification to the applicant that will include the following information:

(a) The certified disposal facility's address and phone number; and

(b) The applicant's name, mailing address and phone number.

(4) Certifications are valid for three years from the date of issuance unless suspended or revoked by the Department in accordance with Section 403.087, F.S.

(5) A disposal facility owner or operator must renew their grease waste disposal facility certification using Form 62-705.900(3) Application for Certification of a Grease Waste Disposal Facility [incorporated by reference in subsection 62-705.400(2), F.A.C.]. A renewal application will be considered timely and sufficient if it is submitted prior to sixty days before expiration of the existing certification.

(6) A certification issued under this chapter is considered a license for purposes of Sections 120.60 and 403.707, F.S. The license and permit revocation provisions of Rule 62-4.100, F.A.C., and Sections 403.087, and 120.60, F.S., apply to certifications issued under this chapter.

(7) General Provisions. Except where expressly indicated otherwise, the general provisions relating to solid waste management found in Chapter 62-701, F.A.C., apply to disposal facilities certified pursuant to this rule.

(8) Operational Requirements.

(a) Disposal facility personnel shall be present during operational hours when grease waste is received.

(b) The disposal facility shall cease acceptance of grease waste if the disposal facility has reached its maximum storage capacity for grease waste. The disposal facility may only resume acceptance of grease waste once sufficient storage capacity for grease waste is restored.

(c) Disposal facility personnel shall not mix incoming grease waste intended for “disposal,” as defined in Section 403.703(9), F.S., with grease waste intended for “recycling,” as defined in Section 403.703(31), F.S.

(d) The disposal facility shall complete the “disposal,” as defined in Section 403.703(9), F.S., “processing,” as defined in 403.703(25), F.S., or “recycling,” as defined in Section 403.703(31), F.S., of grease waste within six months from the date of the facility’s receipt of the grease waste, unless an alternative timeframe for disposal, processing, or recycling is authorized by the Department by the disposal facility’s permit, certification, or approved alternate procedure issued pursuant to Rule 62-701.310, F.A.C.

(e) The disposal facility shall be operated in a manner to control vectors, as defined in Rule 62-701.200, F.A.C.

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

(9) Every certified disposal facility shall have, as part of its operation plan, a contingency plan that covers operational interruptions and emergencies such as fires, explosions, or natural disasters. The facility shall keep the contingency plan at the facility at all times and shall be accessible to facility operators.

(a) The contingency plan shall include:

1. The designation of person(s) responsible for implementation of the contingency plan;
2. Procedures to notify the Department, the local government, the local fire protection agency, and any other appropriate emergency response agency;
3. A description of emergency procedures the facility must follow that includes the location of firefighting equipment and instructions how to use said equipment;
4. Provisions for the immediate shutting down of those parts of the facility affected by the emergency and facility notification to customers of the closure of the facility; and
5. Procedures to notify neighbors and local government officials of the potential impacts of the emergency and how those impacts can be minimized.

(b) Every certified disposal facility shall have:

1. Sufficient equipment to implement the contingency plan;
2. Sufficient reserve equipment or an arrangement to obtain additional equipment within 24 hours of equipment breakdown;
3. Communications equipment for emergency and routine communications; and
4. Adequate fire protection and fire-fighting capabilities to control accidental combustion of grease waste at the facility. Fire protection includes procedures for notification to local fire protection agencies for assistance in emergencies.

(c) The disposal facility shall undertake all reasonable efforts to immediately extinguish or control a fire at the facility. If the fire cannot be extinguished or controlled within an hour, the owner or operator of the disposal facility shall immediately:

1. Implement the contingency plan;
  2. Cease accepting waste for disposal in those areas of the facility impacted by the fire;
  3. Notify the Department and the local government(s) having jurisdiction over the facility of the fire;
- and
4. Provide the fire control plan being implemented by the owner or operator to the Department and the local government(s) having jurisdiction over the facility.

(d) The owner or operator of the grease waste disposal facility shall notify the local fire protection agency and seek its assistance and shall also notify the local government and any neighbors likely to be affected by the fire if the fire cannot be extinguished or controlled within 48 hours.

(e) The disposal facility is responsible for the operation and maintenance of grease waste storage tanks as designed for the service life of the tanks.

1. The disposal facility must inspect the interior of the tanks whenever the tank is drained or every three years. If the inspection reveals a tank or equipment deficiency, leak, or other deficiency which could result

in failure of the tank to contain the grease waste, remedial measures shall be taken immediately to eliminate the leak or correct the deficiency. If the tank cannot be repaired or the deficiency corrected, the grease waste disposal facility must remove the tank from service and no longer store grease waste in the tank.

2. The exposed exterior of grease waste storage tanks and related equipment shall be inspected weekly by disposal facility personnel for tank integrity, leaks, corrosion, and maintenance deficiencies.

(10) Recordkeeping and Reporting.

(a) The disposal facility shall maintain monthly records of the volume of grease waste received, that includes the originator, county of origin, and the final disposition of that grease waste. The disposal facility must maintain these monthly records for three years. The volume of grease waste contained in the monthly reports must be recorded in gallons. Existing facilities who file an application for certification under paragraph 62-705.400(1)(b), F.A.C., shall include a summary of grease waste onsite at the time of the facility's initial submission of an application for certification.

(b) The disposal facility shall maintain interior and exterior tank inspection reports. The disposal facility shall provide any inspection reports to the Department upon request for the service life of the tank.

(11) Closure Requirements.

(a) The owner or operator of the certified disposal facility must notify the Department in writing thirty days prior to ceasing operations and must specify a closing date to the address provided in subsection 62-705.400(2), F.A.C., or the local District Office. The disposal facility shall not receive or accept any grease waste after the closing date.

(b) Within thirty days after receiving the final grease waste load, the disposal facility owner or operator shall remove or otherwise dispose of all grease waste in accordance with the disposal facility's approved closure plan.

*Rulemaking Authority 403.0741, 403.707 FS. Law Implemented 403.0741, 403.087, 403.707 FS. History-New \_\_\_\_.*

**62-705.500 Inspecting Entity.**

(1) During a compliance inspection, an inspecting entity shall verify that the originator has a contract with a hauler to remove grease waste from the originator's establishment, and that the removal and disposal of grease waste is documented on the Grease Waste Service Manifest.

(2) As part of a grease interceptor or grease trap inspection, the inspecting entity is authorized to impose an administrative fine pursuant to Section 403.0741(5)(a)2., F.S., for each failure by a hauler to clean a grease interceptor or grease trap.

*Rulemaking Authority 403.0741 FS. Law Implemented 403.0741 FS. History-New \_\_\_\_.*

**62-705.900 Forms.**

The forms used by the Department in this chapter are adopted and incorporated by reference elsewhere in this chapter. Copies of forms may be obtained from a local District Office or by writing to the Florida Department of Environmental Protection, Solid Waste Section, Mail Station #4565, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400, or at <https://floridadep.gov/waste/waste/content/waste-management-rule-related-forms>.

(1) Form 62-705.900(1) Application for Grease Waste Hauler License, November 2025, incorporated by reference in subsection 62-705.300(2), F.A.C.

(2) Form 62-705.900(2), Grease Waste Service Manifest, November 2025, incorporated by reference in subsection 62-705.300(3), F.A.C.

(3) Form 62-705.900(3), Application for Certification of a Grease Waste Disposal Facility, November 2025, incorporated by reference in subsection 62-705.400(2), F.A.C.

*Rulemaking Authority 403.0741 FS. Law Implemented 403.0741 FS. History-New \_\_\_\_.*

NAME OF PERSON ORIGINATING PROPOSED RULE: Elizabeth Kromhout, (850)245-8744, Elizabeth.Kromhout@FloridaDEP.gov.

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Secretary Alexis Lambert

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 15, 2025

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: November 1, 2022