

By Senator Horne

6-1188-98

See HB

1                                   A bill to be entitled  
2           An act relating to pollution control; creating  
3           s. 403.08701, F.S.; restricting authority of  
4           the Department of Environmental Protection to  
5           issue permits for construction of facilities  
6           for disposal, storage, or treatment of  
7           hazardous waste in Duval County; restricting  
8           locations in Duval County where hazardous waste  
9           transfer facilities may be owned, operated, or  
10          constructed; providing application to pending  
11          permits and proposed transfer stations;  
12          providing an effective date.

14 Be It Enacted by the Legislature of the State of Florida:

16           Section 1.   Section 403.08701, Florida Statutes, is  
17   created to read:

18           403.08701 Hazardous waste facilities located within  
19   Duval County.--

20           (1) With respect to facilities proposed to be located  
21   within Duval County, the department shall not issue any permit  
22   for the construction of a facility for the disposal, storage,  
23   or treatment of hazardous waste which is proposed to be  
24   located in any of the following locations:

25           (a) Any area where lethal concentrations of hazardous  
26   substances could accumulate at any residence or residential  
27   subdivision as the result of a worst-case catastrophic event  
28   at the proposed facility, unless each such residence or  
29   residential subdivision is served by at least one arterial  
30   road or urban minor arterial road, as defined in s. 334.03,  
31   that provides safe and direct egress by land to an area where

1 such lethal concentrations of hazardous substances could not  
2 accumulate in a worst-case scenario. Egress by any road  
3 leading from any residence or residential subdivision to any  
4 point located within 1,000 yards of the proposed facility is  
5 unsafe for the purposes of this paragraph;

6 (b) Any location within 1,500 yards of any hospital,  
7 prison, school, nursing home facility, day care facility,  
8 stadium, place of assembled worship, or any other site where  
9 individuals are routinely confined or assembled in such a  
10 manner that reasonable access to immediate evacuation is  
11 likely to be unavailable;

12 (c) Any location within 1,000 yards of any residence;  
13 or

14 (d) Any location which is inconsistent with rules  
15 adopted by the department under part IV.

16  
17 For the purposes of this subsection, all distances shall be  
18 measured from the outer limit of the active hazardous waste  
19 management area.

20 (2) It shall be presumed, for the purposes of this  
21 section, that lethal concentrations of hazardous substances  
22 could accumulate in a worst-case catastrophic event in any  
23 area within a radius of 3 miles of a hazardous waste transfer,  
24 disposal, storage, or treatment facility. This presumption may  
25 be rebutted by a demonstration that such lethal concentrations  
26 could accumulate at a greater distance, or that such lethal  
27 concentrations could only accumulate at a lesser distance, in  
28 light of the composition, quantity, and concentration of  
29 hazardous waste proposed to be disposed of, treated, or stored  
30 at the proposed facility.

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1           (3) For the purposes of this section, a concentration  
2 of hazardous substances shall be deemed to be lethal when the  
3 concentration could cause susceptible or sensitive  
4 individuals, excluding hypersensitive or hypersusceptible  
5 individuals, to experience irreversible or other serious,  
6 long-lasting effects or impaired ability to escape.

7           (4) No person shall own, operate, or construct a  
8 transfer facility within Duval County for the management of  
9 hazardous waste unless the facility meets the siting  
10 requirements of subsection (1).

11           Section 2. Section 403.08701, Florida Statutes, as  
12 created by this act, shall apply to any permit applications  
13 pending on the effective date of this act for which the  
14 Department of Environmental Protection has not issued a final  
15 order and to any proposed transfer station which has not  
16 commenced operation as of the effective date of this act.

17           Section 3. This act shall take effect upon becoming a  
18 law.

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21           HOUSE SUMMARY

22           Restricts authority of the Department of Environmental  
23 Protection to issue permits for construction of  
24 facilities for the disposal, storage, or treatment of  
25 hazardous waste at specified locations within Duval  
26 County. Restricts locations within Duval County where a  
27 hazardous waste transfer facility may be owned, operated,  
or constructed. Makes said restrictions applicable to  
28 permit applications pending on the effective date of the  
29 act and to proposed transfer stations which have not  
30 commenced operation by said date.  
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