



Bill No. HB 3125

Amendment No. \_\_\_\_

1 and other vegetative matter which normally result from land  
2 development operations. Disposal of materials which could  
3 create a public nuisance or adversely affect the environment  
4 or public health, such as: white goods; automotive materials,  
5 such as batteries and tires; petroleum products; pesticides;  
6 solvents; or hazardous substances, is not covered under this  
7 exemption.

8 (b) Storage in containers by persons of solid waste  
9 resulting from their own activities on their property, leased  
10 or rented property, or property subject to a homeowners or  
11 maintenance association for which the person contributes  
12 association assessments, if the solid waste in such containers  
13 is collected at least once a week.

14 (c) Disposal by persons of solid waste resulting from  
15 their own activities on their property, provided the  
16 environmental effects of such disposal on groundwater and  
17 surface waters are:

18 1. Addressed or authorized by a site certification  
19 order issued under part II or a permit issued by the  
20 department pursuant to this chapter or rules adopted pursuant  
21 thereto; or

22 2. Addressed or authorized by, or exempted from the  
23 requirement to obtain, a groundwater monitoring plan approved  
24 by the department.

25 (d) Disposal by persons of solid waste resulting from  
26 their own activities on their own property, provided that such  
27 disposal occurred prior to October 1, 1988.

28 (e) Disposal of solid waste resulting from normal  
29 farming operations as defined by department rule.  
30 Polyethylene agricultural plastic, damaged, nonsalvageable,  
31 untreated wood pallets, and packing material that cannot be

Bill No. HB 3125

Amendment No. \_\_\_\_

1 feasibly recycled, which are used in connection with  
2 agricultural operations related to the growing, harvesting, or  
3 maintenance of crops, may be disposed of by open burning,  
4 provided that no public nuisance or any condition adversely  
5 affecting the environment or the public health is created  
6 thereby and that state or federal ambient air quality  
7 standards are not violated.

8 (f) The use of clean debris as fill material in any  
9 area. However, this paragraph does not exempt any person from  
10 obtaining any other required permits, nor does it affect a  
11 person's responsibility to dispose of clean debris  
12 appropriately if it is not to be used as fill material.

13 (g) Compost operations that produce less than 50 cubic  
14 yards of compost per year when the compost produced is used on  
15 the property where the compost operation is located.

16 (5) The department may not issue a construction permit  
17 pursuant to this part for:

18 (a) A new solid waste landfill within 3,000 feet of  
19 Class I surface waters.

20 (b) A new Class I municipal solid waste landfill  
21 facility, waste-to-energy facility, or municipal solid waste  
22 composting facility located within a 5-mile radius from the  
23 perimeter of a county-owned and county-operated municipal  
24 solid waste landfill that is listed on the National Priorities  
25 List pursuant to the federal Comprehensive Environmental  
26 Response Compensation and Liability Act and that is  
27 immediately adjacent to a highway that is part of the  
28 Interstate Highway System unless it complies with the  
29 following requirements:

30 1. No active solid waste disposal activities shall  
31 take place within 500 feet of an existing residential

Bill No. HB 3125

Amendment No. \_\_\_\_

1 structure unless the permit application was filed before the  
2 structure was in existence. The department may grant a  
3 variance from this setback requirement to an applicant who  
4 demonstrates that the facility is not expected to create a  
5 public nuisance or pose a significant threat to public health  
6 or the environment if the variance is granted, or who can  
7 demonstrate that compliance with the setback requirement would  
8 create a substantial hardship or would violate principles of  
9 fairness, as those terms are defined in s. 120.542.

10 2. The applicant shall provide notice to adjacent  
11 property owners that an application for the proposed facility  
12 has been filed with the department. The notice must be sent by  
13 certified mail, return receipt requested, to the mailing  
14 address shown in the local property tax roll for each person  
15 owning real property that has a common border with the  
16 property to be used for the proposed facility. The notice  
17 requirements in this subparagraph shall be applied in addition  
18 to any other notice requirements imposed by law or department  
19 rules.

20 (c) An existing Class I municipal solid waste landfill  
21 facility, waste-to-energy facility, or municipal solid waste  
22 composting facility located with a 5-mile radius from the  
23 perimeter of a county-owned and county-operated municipal  
24 solid waste landfill that is listed on the National Priorities  
25 List pursuant to the federal Comprehensive Environmental  
26 Response Compensation and Liability Act and that is  
27 immediately adjacent to a highway that is part of the  
28 Interstate Highway System unless the applicant provides notice  
29 to adjacent property owners that an application for the  
30 facility has been filed with the department. The notice must  
31 be sent by certified mail, return receipt requested, to the

Bill No. HB 3125

Amendment No. \_\_\_\_

1 mailing address shown in the local property tax roll for each  
 2 person owning real property that has a common border with the  
 3 property to be used for the facility. The notice requirements  
 4 in this paragraph shall be applied in addition to any other  
 5 notice requirements imposed by law or department rules.

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8 ===== T I T L E    A M E N D M E N T =====

9 And the title is amended as follows:

10            On page 1, line 7, after the semicolon,

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12 insert:

13            providing conditions for issuing permits;

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