

1 A bill to be entitled
2 An act relating to pollution control; amending
3 s. 403.1835, F.S.; providing for the
4 administration of the sewage treatment
5 facilities revolving loan program; amending s.
6 403.707, F.S.; revising and clarifying
7 conditions under which the disposal of solid
8 waste is exempt from Department of
9 Environmental Protection permitting
10 requirements; providing for a single financial
11 mechanism to cover costs of closure of a
12 privately owned solid-waste-management facility
13 in certain circumstances; providing an
14 effective date.

15
16 Be It Enacted by the Legislature of the State of Florida:

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18 Section 1. Subsections (1), (3), (9), and (10) of
19 section 403.1835, Florida Statutes, are amended to read:

20 403.1835 Sewage treatment facilities revolving loan
21 program.--

22 (1) The purpose of this section is to assist in
23 implementing the legislative declaration of public policy as
24 contained in s. 403.021 by establishing a self-perpetuating
25 loan program to accelerate construction of sewage treatment
26 facilities by local governmental agencies and to assist local
27 governmental agencies.

28 (3) The department is authorized to make loans and
29 grants to local governmental agencies to assist them in
30 planning, designing, and constructing sewage treatment
31 facilities and stormwater management systems. The department

1 may administer the resulting portfolio of loans, including the
2 authority to sell or pledge the loans, or any portion of the
3 loans, with the approval of the Governor, the Treasurer, and
4 the Comptroller, acting as the State Board of Administration,
5 to ensure compliance with subsection (1).

6 (a) The department is authorized to make loans, to
7 provide loan guarantees, to purchase loan insurance, and to
8 refinance local debt through the issue of new loans for
9 projects approved by the department. Local governmental
10 agencies are authorized to borrow funds made available
11 pursuant to this section and may pledge any revenue available
12 to them to repay any funds borrowed. The department shall
13 administer loans to local governmental agencies so that at
14 least 15 percent of each annual allocation for loans is
15 reserved for small communities.

16 (b) The department may make grants to financially
17 disadvantaged small communities, as defined in s. 403.1838,
18 using funds made available from grant allocations on loans
19 authorized under subsection (4). The grants must be
20 administered in accordance with s. 403.1838.

21 (c) The department may make grants to local government
22 agencies as authorized under the Federal Water Pollution
23 Control Act, or as a result of other federal action. The
24 grants must be administered in accordance with this section
25 and applicable federal requirements.

26 (9) Funds for the loans and grants authorized under
27 this section must be managed as follows:

28 (a) A nonlapsing trust fund with revolving loan
29 provisions to be known as the "Sewage Treatment Revolving Loan
30 Fund" is hereby established in the State Treasury to be used
31 as a revolving fund by the department to carry out the purpose

1 of this section. Any funds therein which are not needed on an
2 immediate basis for loans may be invested pursuant to s.
3 215.49. The cost of administering the program shall be paid
4 from federal funds, ~~and~~ from reasonable service fees that may
5 be imposed upon loans, and from proceeds from the sale of
6 loans as permitted by federal law so as to enhance program
7 perpetuity. Grants awarded by the Federal Government, state
8 matching funds, and investment earnings thereon shall be
9 deposited into the fund. Proceeds from the sale of loans must
10 be deposited into the fund. All moneys available in the fund,
11 including investment earnings, are hereby designated to carry
12 out the purpose of this section. The principal and interest
13 payments of all loans held by the fund ~~repaid and investment~~
14 ~~earnings~~ shall be deposited into this fund.

15 (b) Revenues from the loan grant allocations
16 authorized under subsection (4), federal appropriations, state
17 matching funds for grants authorized by federal statute or
18 other federal action, and service fees, and all earnings
19 thereon, shall be deposited into the department's Grants and
20 Donations Trust Fund. Service fees and all earnings thereon
21 must be used solely for program administration. The loan grant
22 allocation revenues and earnings thereon must be used solely
23 for the purpose of making grants to financially disadvantaged
24 small communities. Federal appropriations and state matching
25 funds for grants authorized by federal statute or other
26 federal action, and earnings thereon, must be used solely for
27 the purposes authorized. All deposits into the department's
28 Grants and Donations Trust Fund under this section, and
29 earnings thereon, must be accounted for separately from all
30 other moneys deposited into the fund.

31

1 (10)(a) Because the Legislature has experienced
2 revenue shortfalls in recent years and has been unable to
3 provide enough funds to fully match available federal funds to
4 help capitalize the Sewage Treatment Revolving Loan Fund, it
5 is necessary for innovative approaches to be considered to
6 help capitalize the revolving loan fund. The department shall
7 evaluate potential innovative approaches that can generate
8 funds to match available federal funds. The department may
9 adopt approaches that will help ensure the continuing
10 viability of the Sewage Treatment Revolving Loan Fund.The
11 department shall consider, among other possible alternatives,
12 the option of implementing by rule a program to allow local
13 governments to offer funds voluntarily to the state for use as
14 a match to available federal funds to capitalize the state
15 sewage treatment revolving loan fund.

16 (b) The department may adopt rules necessary to
17 administer this section.

18 Section 2. Subsection (2) of section 403.707, Florida
19 Statutes, is amended, and subsection (13) is added to that
20 section, to read:

21 403.707 Permits.--

22 (2) Except as provided in s. 403.722(6), no permit
23 under this section is required for the following, provided
24 that the activity shall not create a no public nuisance or any
25 condition adversely affecting the environment or public health
26 and shall ~~is created and the activity does~~ not violate other
27 state or local laws, ordinances, rules, regulations, or
28 orders:

29 (a) Disposal by persons of solid waste resulting from
30 their own activities on their own property, provided such
31 waste is either ordinary household waste from their

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

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

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

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

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

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

29 (e) Disposal of solid waste resulting from normal
30 farming operations as defined by department rule.

31 Polyethylene agricultural plastic, damaged, nonsalvageable,

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

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

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

17 (13) If the department and a local government
18 independently require financial assurance for the closure of a
19 privately owned solid-waste-management facility, the
20 department and that local government shall enter into an
21 interagency agreement that will allow the owner or operator to
22 provide a single financial mechanism to cover the costs of
23 closure and any required long-term care. The financial
24 mechanism may provide for the department and local government
25 to be cobeneficiaries or copayees, but shall not impose
26 duplicative financial requirements on the owner or operator.
27 These closure costs must include at least the minimum required
28 by department rules and must also include any additional costs
29 required by local ordinance or regulation.

30 Section 3. This act shall take effect July 1 of the
31 year in which enacted.