

Amendment No. ____ (for drafter's use only)

	<u>Senate</u>	CHAMBER ACTION	<u>House</u>
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ORIGINAL STAMP BELOW

Representative(s) Fuller offered the following:

Amendment

On page 1, line 19; through page 3, line 28;
remove from the bill: all of said lines

and insert in lieu thereof:

wastes generated off-site; federal facilities managing
hazardous waste.

(1) This section applies to facilities managing
hazardous waste generated off-site. This section does not
apply to manufacturers, power generators, or other industrial
operations that have received or apply for a permit or a
modification to a permit from the department for the
treatment, storage, or disposal of hazardous waste generated
only on-site or from other sites owned or acquired by the
permittee. Power generators are electric utilities as defined
in s. 403.522 which own or operate facilities necessary for
the generation, transmission, or distribution of electric
energy, federally qualified facilities under the Public

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1 Utility Regulatory Act of 1978 or exempt wholesale generators
2 under the Energy Policy Act of 1992. Notwithstanding the
3 foregoing, this section shall apply to all federal facilities
4 that manage hazardous waste.

5 (2) The department shall not issue any permit under s.
6 403.722 for the construction, initial operation, or
7 substantial modification of a facility for the disposal,
8 storage, or treatment of hazardous waste generated off-site
9 which is proposed to be located in any of the following
10 locations:

11 (a) Any area where life-threatening concentrations of
12 hazardous substances could accumulate at any residence or
13 residential subdivision as the result of a catastrophic event
14 at the proposed facility, unless each such residence or
15 residential subdivision is served by at least one arterial
16 road or urban minor arterial road, as defined in s. 334.03,
17 which provides safe and direct egress by land to an area where
18 such life-threatening concentrations of hazardous substances
19 could not accumulate in a catastrophic event. Egress by any
20 road leading from any residence or residential subdivision to
21 any point located within 1,000 yards of the proposed facility
22 is unsafe for the purposes of this paragraph. In determing
23 whether egress proposed by the applicant is safe and direct,
24 the department shall also consider, at a minimum, the
25 following factors:

26 1. natural barriers such as water bodies, and whether
27 any road in the proposed evacuation route is impaired by a
28 natural barrier such as a water body;

29 2. potential exposure during egress and potential
30 increases in the duration of exposure;

31 3. whether any road in a proposed evacuation route

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1 passes in close proximity to the facility; and

2 4. whether any portion of the evacuation route is
3 inherently directed toward the facility.

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

10 (c) Any location within 1,000 yards of any residence;
11 or

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

14
15 For the purposes of this subsection, all distances shall be
16 measured from the outer limit of the active hazardous waste
17 management area. "Substantial modification" includes: any
18 physical change in, change in the operations of, or addition
19 to a facility which could increase the potential off-site
20 impact, or risk of impact, from a release at that facility;
21 and any change in permit conditions which is reasonably
22 expected to lead to greater potential impacts or risks of
23 impacts, from a release at that facility. "Substantial
24 modification" does not include a change in operations,
25 structures or permit conditions which does not substantially
26 increase either the potential impact from, or the risk of, a
27 release. Physical or operational changes to a facility
28 related solely to the management of non-hazardous waste at the
29 facility shall not be considered a substantial
30 modification. The department shall, by rule, adopt criteria
31 to determine whether a facility has been substantially

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1 modified. "Initial operation" means the initial commencement
2 of operations at the facility.

3 (3) It shall be presumed, for the purposes of section
4 2(a) only, that life-threatening concentrations of hazardous
5 substances could accumulate in a catastrophic event in any
6 area within a radius of 3 miles of a hazardous waste transfer,
7 disposal, storage, or treatment facility. This presumption
8 may be rebutted by a demonstration that such life-threatening
9 concentrations could accumulate at a greater distance, or that
10 such life-threatening concentrations could accumulate only at
11 a lesser distance, in light of the composition, quantity, and
12 concentration of hazardous waste proposed to be disposed of,
13 treated, or stored at the proposed facility. This
14 demonstration may be made, at the election of the facility, in
15 the form of the submissions required under Program 3 of the
16 Accidental Release Prevention Program of s. 112(r)(7) of the
17 Clean Air Act.

18 (4) For the purposes of this section, a concentration
19 of hazardous substances shall be deemed to be life-threatening
20 when the concentration could cause susceptible or sensitive
21 individuals, excluding hypersensitive or hypersusceptible
22 individuals, to experience irreversible or other serious,
23 long-lasting effects or impaired ability to escape.

24 (5) No person shall construct or operate a transfer
25 facility for the management of hazardous waste unless the
26 facility meets the siting requirements of subsection (2).

27 (6) This section shall not prohibit the operation of
28 existing transfer facilities that have commenced operation as
29 of the effective date of this section, if the transfer
30 facility is not relocated or if there is no substantial
31 modification in the structure or operation of the facility

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1 after the effective date of this section.
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