

By the Committee on Environmental Protection and  
Representatives Fuller, King, Wise, Thrasher, Arnall, Hill and  
Craday

1                                   A bill to be entitled  
2           An act relating to pollution control; creating  
3           s. 403.7211, F.S.; restricting authority of the  
4           Department of Environmental Protection to issue  
5           permits for construction, modification, and  
6           initial operation of facilities for disposal,  
7           storage, or treatment of hazardous wastes  
8           generated off-site; restricting the locations  
9           of hazardous waste transfer facilities;  
10          providing application to pending permits and  
11          proposed transfer stations; providing an  
12          effective date.

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

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16           Section 1. Section 403.7211, Florida Statutes, is  
17 created to read:

18           403.7211 Hazardous waste facilities managing hazardous  
19 wastes generated off-site.

20           (1) With respect to facilities managing hazardous  
21 wastes generated off-site, except as provided in subsection  
22 (5), the department shall not issue any permit for the  
23 construction, initial operation, or substantial modification  
24 of a facility for the disposal, storage, or treatment of  
25 hazardous wastes generated off-site which is proposed to be  
26 located in any of the following locations:

27           (a) Any area where life-threatening concentrations of  
28 hazardous substances could accumulate at any residence or  
29 residential subdivision as the result of a catastrophic event  
30 at the proposed facility, unless each such residence or  
31 residential subdivision is served by at least one arterial

1 road or urban minor arterial road, as defined in s. 334.03,  
2 that provides safe and direct egress by land to an area where  
3 such life-threatening concentrations of hazardous substances  
4 could not accumulate in a catastrophic event. Egress by any  
5 road leading from any residence or residential subdivision to  
6 any point located within 1,000 yards of the proposed facility  
7 is unsafe for the purposes of this paragraph;

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

14 (c) Any location within 1,000 yards of any residence;  
15 or

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

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19 For the purposes of this subsection, all distances shall be  
20 measured from the outer limit of the active hazardous waste  
21 management area. "Substantial modification" includes: any  
22 physical change in, change in the operations of, or addition  
23 to a facility which could increase the potential off-site  
24 impact, or risk of impact, from a release at that facility;  
25 and any change in permit conditions which is reasonably  
26 expected to lead to greater potential impacts, or risks of  
27 impacts, from a release at that facility. "Initial operation"  
28 means the initial commencement of operations at the facility.

29 (2) It shall be presumed, for the purposes of this  
30 section, that life-threatening concentrations of hazardous  
31 substances could accumulate in a catastrophic event in any

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

13 (3) For the purposes of this section, a concentration  
14 of hazardous substances shall be deemed to be life-threatening  
15 when the concentration could cause susceptible or sensitive  
16 individuals, excluding hypersensitive or hypersusceptible  
17 individuals, to experience irreversible or other serious,  
18 long-lasting effects or impaired ability to escape.

19 (4) No person shall own, operate, or construct a  
20 transfer facility for the management of hazardous waste unless  
21 the facility meets the siting requirements of subsection (1).

22 (5) This section does not apply to privately owned, or  
23 local-government-owned, permitted industrial generators that  
24 treat or store hazardous waste and expand operations by  
25 receiving additional hazardous wastes or increased amounts of  
26 hazardous wastes from other sites owned or acquired by the  
27 permittee. An "industrial generator" includes a facility  
28 engaging in the business of manufacturing or power generation.

29 Section 2. Section 403.7211, Florida Statutes, as  
30 created by this act, shall apply to any permit applications  
31 for the construction, initial operation, or substantial

1 modification of a facility pending on the effective date of  
2 this act for which the Department of Environmental Protection  
3 has not issued a final order and to any proposed transfer  
4 facility which has not commenced operation as of the effective  
5 date of this act.

6           Section 3. This act shall take effect upon becoming a  
7 law.

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