

By Senator Kirkpatrick

5-538-98

See HB 3125

1 A bill to be entitled
 2 An act relating to disposal of solid waste;
 3 amending s. 403.707, F.S.; revising and
 4 clarifying conditions under which the disposal
 5 of solid waste is exempt from Department of
 6 Environmental Protection permitting
 7 requirements; providing an effective date.

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

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 11 Section 1. Subsection (2) of section 403.707, Florida
 12 Statutes, is amended to read:

13 403.707 Permits.--

14 (2) Except as provided in s. 403.722(6), no permit
 15 under this section is required for the following, provided
 16 that the activity shall not create a no public nuisance or any
 17 condition adversely affecting the environment or public health
 18 and shall is created and the activity does not violate other
 19 state or local laws, ordinances, rules, regulations, or
 20 orders:

21 (a) Disposal by persons of solid waste resulting from
 22 their own activities on their own property, provided such
 23 waste is either ordinary household waste from their
 24 residential property or is rocks, soils, trees, tree remains,
 25 and other vegetative matter which normally result from land
 26 development operations. Disposal of materials that could
 27 create a public nuisance or adversely affect the environment
 28 or public health, such as white goods; automotive materials,
 29 such as batteries and tires; petroleum products; pesticides;
 30 solvents; or hazardous substances, is not covered under this
 31 exemption.

1 (b) Storage in containers by persons of solid waste
2 resulting from their own activities on their property, leased
3 or rented property, or property subject to a homeowners or
4 maintenance association for which the person contributes
5 association assessments, if the solid waste in such containers
6 is collected at least once a week.

7 (c) Disposal by persons of solid waste resulting from
8 their own activities on their property, provided the
9 environmental effects of such disposal on groundwater and
10 surface waters are:

11 1. Addressed or authorized by a site certification
12 order issued under part II or a permit issued by the
13 department pursuant to this chapter or rules adopted pursuant
14 thereto; or

15 2. Addressed or authorized by, or exempted from the
16 requirement to obtain, a groundwater monitoring plan approved
17 by the department.

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

21 (e) Disposal of solid waste resulting from normal
22 farming operations as defined by department rule.
23 Polyethylene agricultural plastic, damaged, nonsalvageable,
24 untreated wood pallets, and packing material that cannot be
25 feasibly recycled, which are used in connection with
26 agricultural operations related to the growing, harvesting, or
27 maintenance of crops, may be disposed of by open burning,
28 provided that no public nuisance or any condition adversely
29 affecting the environment or the public health is created
30 thereby and that state or federal ambient air quality
31 standards are not violated.

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

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

9 Section 2. This act shall take effect July 1 of the
10 year in which enacted.

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12 LEGISLATIVE SUMMARY

13
14 Revises and clarifies conditions under which the disposal
15 of solid waste is exempt from Department of Environmental
16 Protection permitting requirements.

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