

By Representative Kelly

1 A bill to be entitled
 2 An act relating to resource recovery and
 3 management; amending s. 403.703, F.S.; revising
 4 a definition; amending s. 403.721, F.S.;
 5 providing additional rule requirements of the
 6 Department of Environmental Protection;
 7 providing additional contingency plan
 8 requirements; amending s. 403.722, F.S.;
 9 clarifying certain permit requirements;
 10 providing additional requirements for certain
 11 permit application reviews; 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. Subsection (22) of section 403.703, Florida
 17 Statutes, 1996 Supplement, is amended to read:

18 403.703 Definitions.--As used in this act, unless the
 19 context clearly indicates otherwise, the term:

20 (22) "Hazardous waste facility" means:

21 (a) All contiguous land and any structure or other
 22 appurtenance and improvement on the land for use in treating,
 23 storing, or disposing of hazardous waste ~~any building, site,~~
 24 ~~structure, or equipment at or by which hazardous waste is~~
 25 ~~disposed of, stored, or treated.~~ A facility may consist of
 26 several treatment, storage, or disposal operational units,
 27 including, but not limited to, landfills or surface
 28 impoundments.

29 (b) For the purpose of implementing corrective action
 30 under 40 C.F.R. s. 264.101, all contiguous property under the
 31 control of the owner or operator seeking a permit under

1 Subtitle C of the Resource Conservation and Recovery Act, 42
2 U.S.C. This subsection also applies to any facility which
3 implements corrective action under 42 U.S.C. s. 3008(h).

4 Section 2. Paragraph (1) is added to subsection (6)
5 and subsection (8) is added to section 403.721, Florida
6 Statutes, to read:

7 403.721 Standards, requirements, and procedures for
8 generators and transporters of hazardous waste and owners and
9 operators of hazardous waste facilities.--

10 (6) The department, with respect to owners and
11 operators of hazardous waste disposal, storage, or treatment
12 facilities, and with respect to such facilities, shall adopt
13 rules governing:

14 (1) Corrective-action orders at interim-status
15 facilities, which orders are equivalent to orders issued under
16 s. 3008(h) of the Resource Conservation and Recovery Act, 42.
17 U.S.C. s. 6928(h).

18 (8) The department, with respect to owners and
19 operators of commercial hazardous waste disposal, storage, or
20 treatment facilities that are not otherwise subject to the
21 requirements of s. 112(r) of the Clean Air Act, shall require
22 the contingency plans of such owners and operators for such
23 facilities to include an analysis of the off-site consequences
24 of accidental releases. For purposes of s. 403.0872(15), this
25 subsection is not a provision of this chapter relating to air
26 pollution.

27 Section 3. Subsections (1) and (9) of section 403.722,
28 Florida Statutes, 1996 Supplement, are amended to read:

29 403.722 Permits; hazardous waste disposal, storage,
30 and treatment facilities.--

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1 (1) Each person who intends to construct, modify,
2 operate, or close a hazardous waste disposal, storage, or
3 treatment facility shall obtain a construction or operation
4 ~~or closure~~ permit or an approved closure plan from the
5 department prior to constructing, modifying, operating, or
6 closing the facility. A hazardous waste disposal, storage, or
7 treatment facility that fails to close pursuant to an approved
8 closure plan shall obtain a post-closure permit from the
9 department. By rule, the department may provide for the
10 issuance of a single permit instead of any two or more
11 hazardous waste facility permits.

12 (9) It shall ~~not~~ be a requirement for the application
13 review issuance of such a permit that the facility submit,
14 from each county and municipality having jurisdiction over the
15 location of the facility, a statement that all local approvals
16 have been obtained or have been conditionally obtained,
17 contingent upon department approval ~~complies with an adopted~~
18 ~~local government comprehensive plan, local land use~~
19 ~~ordinances, zoning ordinances or regulations, or other local~~
20 ~~ordinances.~~ However, such a permit issued by the department
21 shall not override adopted local government comprehensive
22 plans, local land use ordinances, zoning ordinances or
23 regulations, or other local ordinances.

24 Section 4. This act shall take effect October 1, 1997.

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27 HOUSE SUMMARY

28 Revises resource recovery and management provisions
29 relating to hazardous waste facilities, rules of the
30 Department of Environmental Protection, contingency plan
31 requirements, closure plans, and permit application
reviews. See bill for details.