

STORAGE NAME: h1133.ep

DATE: March 10, 2000

**HOUSE OF REPRESENTATIVES
COMMITTEE ON
ENVIRONMENTAL PROTECTION
ANALYSIS**

BILL #: HB 1133

RELATING TO: Environmental Control

SPONSOR(S): Representative Eggelletion

TIED BILL(S):

ORIGINATING COMMITTEE(S)/COMMITTEE(S) OF REFERENCE:

- (1) ENVIRONMENTAL PROTECTION
 - (2) COLLEGES AND UNIVERSITIES
 - (3) EDUCATION APPROPRIATIONS
 - (4)
 - (5)
-

I. SUMMARY:

This bill creates a State University System Hazardous Materials Management Assistance Center to be located at the Florida Agricultural and Mechanical University - Florida State University College of Engineering. This center is to provide the following: waste management assistance to State University Systems so that the institutions will be better able to comply with state and federal laws; a computerized onsite hazardous inventory and a waste management system that would be accessible to all of the state educational institutions; assistance to help the institutions develop their own curriculum on proper disposal of hazardous material; and engineering and technical assistance in modeling soil and groundwater contamination.

Lastly, this bill sets forth a one-time appropriation of \$1 million from the General Revenue Fund to the FAMU - FSU College of Engineering to implement this hazardous material center.

This bill takes effect upon becoming law.

This bill has a \$1 million fiscal impact on state revenues.

II. SUBSTANTIVE ANALYSIS:

A. DOES THE BILL SUPPORT THE FOLLOWING PRINCIPLES:

- | | | | |
|-----------------------------------|------------------------------|-----------------------------|---|
| 1. <u>Less Government</u> | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 2. <u>Lower Taxes</u> | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 3. <u>Individual Freedom</u> | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 4. <u>Personal Responsibility</u> | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 5. <u>Family Empowerment</u> | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |

For any principle that received a "no" above, please explain:

B. PRESENT SITUATION:

Hazardous substances are usually toxic, corrosive, explosive, or chemically reactive. Hazardous waste is any hazardous material that is disposed of which would cause a threat to human health or the environment. Not all hazardous materials or substances are hazardous waste.

Currently, hazardous materials are governed by various state and federal laws. In s. 403.726, F.S., the Legislature recognizes that hazardous waste which has been improperly generated, transported, disposed of, stored, or treated may pose a threat to public health, safety, and welfare to the environment.

Currently, under s. 403.74, F.S., the agencies and state educational institutions are to notify the department of the type and quantity of each hazardous material that is generated. Under this section, each institution is to develop written plans for management of the disposal of hazardous material and plans for spill prevention.

The Department of Environmental Protection is authorized under s. 403.726, F.S., to abate or reduce any imminent hazard caused by disposal of such hazardous substances. The department is also authorized to use funds from the Water Quality Assurance Trust Fund to finance such actions, and these expenditures are recoverable pursuant to s. 376.307, F.S. The department is further authorized to seek an assessment of fines against the generator. Under s. 403.121, F.S., the department may institute an action to recover damages and to recover a penalty of not more than \$10,000 per offense. Conversely, the department is authorized to institute an action in its own name to abate the imminent hazard and recover a civil penalty of not more than \$25,000 for each day of continued violations.

Under federal law, the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA), commonly known as the Superfund, was enacted by Congress on December 11, 1980. This federal law created a tax on the chemical and petroleum industries and provided federal authority to respond directly to releases of hazardous substances which may endanger public health or the environment. Over five years, approximately \$1.6 billion has been collected and applied toward cleaning up abandoned or uncontrolled hazardous waste sites. Under this law, requirements for closed and abandoned waste sites are set forth; the person responsible for the release is charged with liability; and a trust fund is established when no responsible party can be found.

Congress enacted the Resource Conservation and Recovery Act (RCRA) in 1984. This act requires the clean up of contamination in the environment from improper waste management practices of sites that have on-going operations. RCRA requires the responsible parties that are seeking a permit to treat store or dispose of hazardous wastes to clean up environmental contaminants at their sites regardless of the time of the release. This clean up is termed "corrective action". Florida runs its own corrective action program which mirrors RCRA.

The state university systems have been charged with noncompliance of several federal laws, including RCRA and CERCLA, for mishandling and improper disposal of waste in chemistry labs and wastes from site renovations not being properly discarded which have resulted in several fines. In an effort to reduce such fines, the Board of Regents recommended that a program be designed in order to provide assistance to the educational institutions in complying with state and federal laws and ultimately, reducing such fines.

C. EFFECT OF PROPOSED CHANGES:

This bill creates a State University System Hazardous Materials Management Assistance Center to be located at the Florida Agricultural and Mechanical University - Florida State University College of Engineering. This center is created for the purpose of providing waste management assistance to state university systems so that the institutions will be better able to comply with state and federal laws.

This center would provide a computerized onsite hazardous inventory and a waste management system that would be accessible to all of the state educational institutions. This center would also help the institutions develop their own curriculum on proper disposal of hazardous material. In addition, this center would provide engineering and technical assistance in modeling soil and groundwater contamination.

Lastly, this bill sets forth a one-time appropriation in the sum of \$1 million from the General Revenue Fund to the FAMU - FSU College of Engineering to implement this hazardous material center.

D. SECTION-BY-SECTION ANALYSIS:

This section need be completed only in the discretion of the Committee.

III. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT:

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

The state university system would receive a one-time appropriation in the sum of \$1 million from the General Revenue Fund to implement this hazardous waste center.

2. Expenditures:

This bill sets forth a one-time appropriation in the sum of \$1 million to the FAMU - FSU College of Engineering to implement this hazardous waste center.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

N/A

2. Expenditures:

N/A

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

N/A

D. FISCAL COMMENTS:

N/A

IV. CONSEQUENCES OF ARTICLE VII, SECTION 18 OF THE FLORIDA CONSTITUTION:

A. APPLICABILITY OF THE MANDATES PROVISION:

This bill does not require counties or municipalities to spend funds or to take an action requiring the expenditure of funds.

B. REDUCTION OF REVENUE RAISING AUTHORITY:

This bill does not reduce the authority that municipalities or counties have to raise revenues in the aggregate.

C. REDUCTION OF STATE TAX SHARED WITH COUNTIES AND MUNICIPALITIES:

This bill does not reduce the percentage of a state tax shared with counties or municipalities.

V. COMMENTS:

A. CONSTITUTIONAL ISSUES:

N/A

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B. RULE-MAKING AUTHORITY:

N/A

C. OTHER COMMENTS:

N/A

VI. AMENDMENTS OR COMMITTEE SUBSTITUTE CHANGES:

N/A

VII. SIGNATURES:

COMMITTEE ON ENVIRONMENTAL PROTECTION:

Prepared by:

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