

**STORAGE NAME:** h1133s1.ep  
**DATE:** March 21, 2000

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

**BILL #:** CS/HB 1133

**RELATING TO:** Environmental Control

**SPONSOR(S):** Committee on Environmental Protection; and Representative(s): Eggelletion and Others

**TIED BILL(S):**

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

- (1) ENVIRONMENTAL PROTECTION YEAS 14 NAYS 0
  - (2) COLLEGES AND UNIVERSITIES
  - (3) EDUCATION APPROPRIATIONS
  - (4)
  - (5)
- 

**I. SUMMARY:**

This bill creates a State University System Hazardous Substance Compliance Assistance Center to be located at the Florida State University Geophysical Fluid Dynamics Institute. This center is created for the purpose of: providing waste management assistance to State University Systems to facilitate the institutional compliance with state and federal hazardous substance/ waste laws; providing a computerized onsite hazardous inventory and a waste management system that would be accessible to all of the state educational institutions; helping the institutions develop their own curriculum on proper management and disposal of hazardous substances; providing engineering and technical assistance in modeling soil and groundwater contamination.

Furthermore, this bill provides education, training and outreach programs to contractors of the state university system so that the contractors may comply with state and federal hazardous waste laws.

Lastly, this bill creates two full time employee positions to be entitled the Director and Assistant Director of the Services of the State University System Hazardous Substance Compliance Assistance Center. An annual appropriation of \$1 million is to be made from the General Revenue Fund to the FSU Geophysical Fluid Dynamics Institute to implement this hazardous substance act.

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

This bill takes effect upon becoming law.

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:

The state university systems have been charged with noncompliance of several federal laws, including RCRA, 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.

Currently, hazardous materials are governed by various state and federal laws. Hazardous substances are usually toxic, corrosive, explosive, or chemically reactive and hazardous to health. Hazardous waste is any hazardous material that is disposed of which would cause threat to human health or the environment. Not all hazardous materials or substances are hazardous waste.

Various state laws apply to the hazardous waste generator. 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 and the environment.

Currently, the agencies and institutions are to notify the department of the type and quantity of each hazardous material that is generated under s. 403.74, F.S. 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 is authorized under s. 403.726, F.S., to abate or reduce any imminent hazard caused by such hazardous substance. The department is authorized to use funds from the Water Quality 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 a continued violation.

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. This tax has collected approximately \$1.6 billion which was applied toward cleaning 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 where no responsible party can be found, federal funding is allocated for the clean up.

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 which have released pollutants into soil, ground water, surface water and air. RCRA requires the responsible parties that are seeking a permit for storage or disposal 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.

A responsible party may be fined under either of these laws for noncompliance and improper management or disposal of hazardous wastes.

**C. EFFECT OF PROPOSED CHANGES:**

This bill creates a State University System Hazardous Substance Compliance Assistance Center to be located at the Florida State University Geophysical Fluid Dynamics Institute. This center is created for the purpose of providing waste management assistance to State University Systems to facilitate the institutional compliance with state and federal hazardous substance/ waste laws.

This center would cooperate with other pollution prevention and recycling programs within the state university system and 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 management and disposal of hazardous substances.

This center would provide engineering and technical assistance in modeling soil and groundwater contamination in addition to other technical assistance to independent and state colleges and universities, depending on the available resources.

Furthermore, this bill directs that this center is to provide education, training and outreach programs to contractors of the university system so that the contractors may comply with state and federal hazardous waste laws.

Lastly, this bill creates two full time positions to be entitled the Director and Assistant Director of the Services of the State University System Hazardous Substance Compliance Assistance Center. The Director is to have ten years of experience in federal and state hazardous waste regulatory compliance; experience in coordinating waste programs and experience in teaching environmental regulatory compliance courses. An annual appropriation of \$1 million is to be made from the General Revenue Fund to the FSU Geophysical Fluid Dynamics Institute to implement this hazardous substance act.

**D. SECTION-BY-SECTION ANALYSIS:**

**Section 1:** Creates s. 403.741, F.S., and establishes the State University System Hazardous Substance Compliance Assistance Center at FSU for the purpose of educating institutions on how to comply with state and federal hazardous substance laws.

Changes hazardous "materials" to hazardous "substances" for a broader and more inclusive definition.

This center is to design and implement a computerized onsite hazardous inventory and waste management system for the state educational institutions; provide outreach programs and education to

contractors of the university system so that contractors will be more able to comply with state and federal laws; cooperate with other programs within the state university system; assist educational facilities in developing their own curriculum for hazardous substance management and disposal; provide technical assistance in modeling soil and groundwater contamination at state university systems and provide other technical assistance to independent and state colleges and universities depending upon resources.

**Section 2:** Creates into Chapter law, two full time employee positions to be entitled the Director and Assistant Director of the Services of the State University System Hazardous Substance Compliance Assistance Center.

**Section 3:** Provides that an annual appropriation of \$1 million is to be made from the General Revenue Fund to the FSU Geophysical Fluid Dynamics Institute to implement this hazardous substance act.

**Section 4:** Provides that this act is to take effect upon becoming law.

III. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT:

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

N/A

2. Expenditures:

This bill appropriates \$1 million on an annual basis from the General Revenue Fund to the FSU Geophysical Fluid Dynamics Institute 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:

This center may save the state university system approximately \$250,000 each year in fines which it currently receives for noncompliance of state and federal hazardous waste laws.

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:

N/A

A. CONSTITUTIONAL ISSUES:

N/A

B. RULE-MAKING AUTHORITY:

N/A

C. OTHER COMMENTS:

N/A

VI. AMENDMENTS OR COMMITTEE SUBSTITUTE CHANGES:

On March 14, 2000, the Committee on Environmental Protection adopted a strike everything amendment to HB 1133 and then passed the bill as a committee substitute. This committee substitute differs from the original bill in the following ways, it:

- changes the title to “University Hazardous Substance Compliance Assistance Center”;
- changes the location of the center from FAMU-FSU College of Engineering to the FSU Geophysical Fluid Dynamics Institute;
- uses the term hazardous “substance” instead of hazardous “material” for a broad and more encompassing meaning;
- directs that the center provide technical assistance to independent colleges and state universities depending upon resources;
- creates two new positions, a Director and Assistant Director and provides for the Director’s required credentials;
- provides that an annual appropriation is to go to the FSU Geophysical Fluid Dynamics Institute.

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VII. SIGNATURES:

COMMITTEE ON ENVIRONMENTAL PROTECTION:

Prepared by:

Staff Director:

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Christine Hoke, J.D.

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Wayne Kiger