

**STORAGE NAME:** h0915s1z.ep  
**DATE:** June 15, 2000

**\*\*FAILED TO PASS THE LEGISLATURE\*\***

**HOUSE OF REPRESENTATIVES  
AS FURTHER REVISED BY THE COMMITTEE ON  
ENVIRONMENTAL PROTECTION  
FINAL ANALYSIS**

**BILL #:** CS/HB 915

**RELATING TO:** Solid and hazardous waste management

**SPONSOR(S):** Committee on Environmental Protection and  
Representative(s): Sembler and Dockery

**TIED BILL(S):**

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

- (1) ENVIRONMENTAL PROTECTION YEAS 13 NAYS 0
- (2) BUSINESS DEVELOPMENT & INTERNATIONAL TRADE YEAS 7 NAYS 0
- (3) GENERAL GOVERNMENT APPROPRIATIONS YEAS 13 NAYS 0
- (4)
- (5)

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**I. SUMMARY:**

CS/HB 915 directs the Department of Environmental Protection to request an annual appropriation from the Solid Waste Management Trust Fund for the Solid Waste Management Exchange, Inc., (SWIX). The funds are to be used to maintain and expand a waste exchange service and other solid and hazardous waste management assistance for the private sector, and state and local government. CS/HB 915 also directs DEP to evaluate the amount of funding to be requested annually.

CS/HB 915 also amends s. 403.703, F.S., to update the definition of "storage" and create a definition for "hazardous waste transfer facility".

CS/HB 915 provides an effective date of July 1, 2000.

*(On April 24, 2000 CS/HB 915 was laid on the table and CS/CS/SB 714 was passed but was vetoed by the Governor on June 14, 2000.)*

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 Florida Legislature granted authority to the Department of Environmental Protection (DEP) to develop and implement a state solid waste management program. Pursuant to s. 403.705(1), F.S., the state solid waste program shall:

- create guidelines for collection, transportation, storage, recovery, recycling, and disposal of solid waste;
- encourage coordinated local activity for solid waste management;
- investigate and provide proposals to correct deficiencies in solid waste management processes;
- provide assistance to local governments and state agencies for the reduction, recycling, reuse, and processing of solid waste;
- assist in developing solid waste reduction and recycling programs; and
- educate the general public and train waste management professionals to reduce the production of solid waste as well as encourage recycling.

The DEP is charged with promoting the recycling and reuse of solid and hazardous waste

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the state. Specifically, the DEP is directed to provide assistance to counties in developing and implementing recycling programs. At a minimum, the recycling programs must be designed to recover a majority of the newspapers, aluminum cans, steel cans, glass and plastic bottles from the solid waste stream prior to final disposal at a solid waste disposal facility and to offer these materials for recycling. A county's recycling program must sufficiently reduce waste within its boundaries in order to meet the 30 percent statutory reduction goal established in s. 403.706(4), F.S.

The Solid Waste Management Trust Fund was created under s. 403.709, F.S., to be administered by the Department of Environmental Protection for the purpose of:

- funding solid waste activities of the department;
- making grants and awards to local governments as provided in s. 403.7095, F.S.; and
- providing funding for research, demonstration, and training by state universities and other organizations that can reasonably demonstrate the capability to carry out such projects.

and

Southern Waste Information Exchange, Inc., (SWIX), is a separate, not-for-profit corporation and not a part of Florida's solid waste management program. According to SWIX, its objective is to provide information to the public and private sectors which facilitates the exchange of solid and hazardous waste material. SWIX also provides a list of waste management services (e.g., recycling collection, and transportation) which can be used by waste generators and managers.

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SWIX contends that 93,104 tons of waste materials were recycled or reused in 1999 as a result of its program. SWIX further asserts that, during 1999, this program saved the public and private sector approximately \$7,407,041 in waste disposal costs. The cost-benefit ratio of this program is 1:40; for every dollar spent by the state on this program, \$40 were saved by reducing disposal costs. In 1999, SWIX was granted \$300,000 from the Solid Waste Management Trust Fund (Fund) to operate its program.

The statutes grant the DEP the power to contract with private industries or the State University System in order to implement a solid waste management program and other activities which may be necessary, desirable, or convenient. The department contends that SWIX meets one or more of the Fund's requirements and, therefore, qualifies for annual funding.

Chapter 98-334, L.O.F., created additional conditions under which the DEP could permit facilities which treat, store, or dispose of hazardous waste. Hazardous waste transfer facilities are facilities used for temporary storage of hazardous waste. Hazardous waste disposal, storage or treatment facilities are currently required by statute (s. 403.722, F.S.) to have a permit from the DEP. These requirements include location standards, design and operation standards, and contingency planning requirements, among other things.

### C. EFFECT OF PROPOSED CHANGES:

CS/HB 915 provides that the DEP must request funding annually from the Solid Waste Management Trust Fund for SWIX, to assist small businesses and industries in complying with solid and hazardous waste management requirements, to maintain and expand a waste exchange service, to provide technical assistance on waste reduction and minimization methods, and to help Florida businesses and industries in reducing their waste management costs. CS/HB 915 directs DEP to evaluate the amount of funding to be requested annually.

The SWIX has been receiving funding from the DEP's Solid Waste Management Trust Fund (SWMTF). In fiscal year 1998 - 1999 SWIX received \$300,000 from the SWMTF and is currently funded from the SWMTF in the amount of \$300,000 for FY 1999 - 2000. Both

the House and Senate proposed General Appropriations Bills for FY 2000-2001 continue the \$300,000 appropriation from the SWMTF for SWIX.

CS/HB 915 would include transfer facilities in the statutory definition of "storage" facility making clear that DEP has specific statutory authority to regulate hazardous waste transfer facilities and to require that they meet minimum safety criteria prior to obtaining a permit.

CS/HB 915 provides an effective date of July 1, 2000.

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

**Section 1:** CS/HB 915 provides that the DEP must request funding annually from the Solid Waste Management Trust Fund for SWIX and directs DEP to evaluate the amount of funding to be requested annually.

**Section 2:** CS/HB 915 defines the terms "storage" and "hazardous waste transfer facility".

**Section 3:** Provides an effective date upon becoming law.

**III. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT:**

**A. FISCAL IMPACT ON STATE GOVERNMENT:**

1. Revenues:

A long run effect will be that state agencies may incur a savings by participating in a waste exchange service instead of disposing of waste materials.

2. Expenditures:

The bill directs DEP to request funding from the Solid Waste Management Trust Fund for Southern Waste Information Exchange, Inc., on an annual basis.

**B. FISCAL IMPACT ON LOCAL GOVERNMENTS:**

1. Revenues:

Local governments may incur a savings by participating in the waste exchange service. By exchanging waste materials, the local governments would reduce their waste disposal costs incurred at landfills.

2. Expenditures:

See Fiscal Impact on State Agencies/State Funds herein. In addition, revenues of the landfills may decrease as the result of less waste being disposed and more waste being exchanged.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

SWIX contends that in 1999, private and public sectors combined saved an estimated \$7,407,041 in waste disposal costs.

Hazardous waste transfer facilities that previously were exempted from permitting will now incur the costs of obtaining permits. The amount is indeterminate as it will depend on the size and scope of these operations.

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 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:

None

B. RULE-MAKING AUTHORITY:

N/A

C. OTHER COMMENTS:

N/A

**VI. AMENDMENTS OR COMMITTEE SUBSTITUTE CHANGES:**

On March 8, 2000 the Committee on Environmental Protection adopted a strike everything amendment and passed this bill unanimously as a committee substitute.

Changes made by the strike everything amendment:

- ▶ direct DEP to undertake an evaluation of SWMTF and determine what amount of funding should be appropriated annually; and
- ▶ amend s. 403.722 F.S., to amend the definition of “storage” and create a definition for “hazardous waste transfer facility”.

**VII. SIGNATURES:**

**COMMITTEE ON ENVIRONMENTAL PROTECTION:**

Prepared by:

Beatriz Ramos

Staff Director:

Wayne S. Kiger

**AS REVISED BY THE COMMITTEE ON BUSINESS DEVELOPMENT & INTERNATIONAL TRADE:**

Prepared by:

Lisa Munroe

Staff Director:

J. Paul Whitfield, Jr.

**AS FURTHER REVISED BY THE COMMITTEE ON GENERAL GOVERNMENT APPROPRIATIONS:**

Prepared by:

Cynthia P. Kelly

Staff Director:

Cynthia P. Kelly

**FINAL ANALYSIS PREPARED BY THE COMMITTEE ON ENVIRONMENTAL PROTECTION:**

Prepared by:

Wayne S. Kiger

Staff Director:

Wayne S. Kiger