

SENATE STAFF ANALYSIS AND ECONOMIC IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

BILL: SB 1462

SPONSOR: Senator Lawson

SUBJECT: Resource Recovery and Management

DATE: April 17, 2003

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Herrin</u>	<u>Yeatman</u>	<u>CP</u>	<u>Favorable</u>
2.	<u> </u>	<u> </u>	<u>NR</u>	<u> </u>
3.	<u> </u>	<u> </u>	<u>AGG</u>	<u> </u>
4.	<u> </u>	<u> </u>	<u>AP</u>	<u> </u>
5.	<u> </u>	<u> </u>	<u> </u>	<u> </u>
6.	<u> </u>	<u> </u>	<u> </u>	<u> </u>

I. Summary:

This bill provides a definition for “recovered construction and demolition materials.” It requires the Department of Environmental Protection (DEP) to certify a materials recovery facility that meets all applicable permitting requirements, and demonstrates the majority of recovered materials will be sold, used or reused within 1 year. This bill prohibits a local government from enacting any ordinance which restricts the collection of construction and demolition materials that will be delivered to a certified materials recovery facility. Further, the bill allows a local government to establish a registration program and a reporting process for handlers of recovered construction and demolition debris materials.

Under this bill, a local government may enter into a non-exclusive franchise agreement for the collection of recovered construction and demolition materials and to collect franchise fees. It requires facilities that accept significant amounts of construction and demolition materials to have scales that meet the requirements of ch. 531, F.S. This bill also contains record keeping requirements for a materials recovery facility.

This bill substantially amends sections 403.703 and 403.707, Florida Statutes and creates section 403.7047, Florida Statutes.

II. Present Situation:

Construction and demolition debris landfill refers to the waste generated by construction, renovation, and demolition projects. The recovery of construction and demolition materials helps to conserve landfill space, reduces the environmental impacts associated with producing new materials, and can reduce building project expenses through avoided purchase/disposal costs.

According to the U.S. Environmental Protection Agency, it is estimated that 12 to 15 tons of material could be recovered from each home deconstructed.¹

Part IV of ch. 403, F.S., provides for resource recovery and management. Section 403.703, F.S., defines “construction and demolition debris” as “discarded materials generally considered to be not water-soluble and nonhazardous in nature, including, but not limited to, steel, glass, brick, concrete, asphalt roofing material, pipe, gypsum wallboard, and lumber, from the construction or destruction of a structure as part of a construction or demolition project or from the renovation of a structure, and including rocks, soils, tree remains, trees, and other vegetative matter that normally results from land clearing or land development operations for a construction project, including such debris from construction of structures at a site remote from the construction or demolition project site.” The department is required under s. 403.707, F.S., to establish a separate category for solid waste management facilities that accept only construction and demolition debris for disposal or recycling.

Some local governments have established exclusive commercial solid waste franchises that permit only the franchised solid waste hauler to place “roll-off boxes” at construction and demolition sites. This can prevent other companies that would recycle the waste collected from the roll-off boxes within that local government’s jurisdiction. This lack of competition may impede efforts to recycle construction and demolition debris in certain regions of the state.

III. Effect of Proposed Changes:

Section 1 defines “Recovered construction and demolition materials.”

Section 2 directs the Department of Environmental Protection (DEP) to certify a materials recovery facility that meets all applicable permitting requirements, and demonstrates the majority of recovered materials will be sold, used or reused within 1 year. The bill provides rulemaking authority for DEP to implement this certification process.

This bill prohibits a local government from enacting any ordinance which restricts the collection of construction and demolition materials that will be delivered to a certified materials recovery facility. Also, the bill prevents a local government from requiring recovered construction and demolition materials to be separated from at the permitted building or demolition site. This bill allows a local government to establish a registration program and a reporting process for handlers of recovered construction and demolition debris materials. The local government may charge a registration fee.

Under this bill, a local government may enter into a non-exclusive franchise agreement for the collection of recovered construction and demolition materials and to collect franchise fees. The bill requires a local government with an existing permitting or licensing program for construction and demolition materials to comply with this act’s provisions with 90 days after the effective date of the act.

Section 3 requires facilities that accept significant amounts of construction and demolition materials to have scales that meet the requirements of ch. 531, F.S. This bill also contains record keeping requirements for a materials recovery facility. The bill gives DEP rulemaking authority.

¹ See <http://www.epa.gov/epaoswer/osw/conserves/construc.htm>.

Section 4 provides the act shall take effect upon becoming a law.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Economic Impact and Fiscal Note:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

This bill may provide competition for solid waste haulers. This may have the effect of reducing revenues for solid waste haulers with exclusive franchises.

C. Government Sector Impact:

This bill requires DEP to establish a certification process by rule.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Amendments:

None.