

By Senator Peaden

2-1153B-03

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31

A bill to be entitled
An act relating to resource recovery and
management; creating s. 403.7047, F.S.;
providing for the regulation of certain fossil
fuel combustion products; providing
definitions; providing use requirements,
notification requirements, and exceptions;
providing an effective date.

Be It Enacted by the Legislature of the State of Florida:

Section 1. Section 403.7047, Florida Statutes, is
created to read:

403.7047 Regulation of fossil fuel combustion
products.--

(1) The beneficial use of fossil fuel combustion
products is exempt from regulation under this part. However,
this section does not limit any other requirements under
chapter 376 or other parts of this chapter or local or federal
laws, including, without limitation, requirements governing
air pollution control permits, national pollutant discharge
elimination system permits, and water quality certifications
pursuant to section 401 of the Clean Water Act.

(2) As used in this section, the term:

(a) "Fossil fuel combustion products" means fly ash,
bottom ash, slag, flue gas desulfurization system products,
gasified products, fluidized bed combustion system products,
and other combustion products from the operation of fossil
fuel-fired electric or steam generation facilities, or
material from clean coal or other innovative technology

1 processes at fossil fuel-fired electric or steam generation
2 facilities.

3 (b) "Beneficial use" means the use, handling,
4 processing, transportation, or temporary storage of products
5 or materials that incorporate fossil fuel combustion products
6 as provided below:

7 1. Uses for structural fill, pavement aggregate, pipe
8 bedding aggregate, lightweight aggregate, asphalt, concrete
9 products, cement products, roofing materials, wallboard,
10 plastics, paint, flowable fill and roller compacted concrete,
11 fertilizer products, gypsum used as a soil amendment, blasting
12 grit, filter cloth precoat for sludge dewatering, drainage,
13 capping, or cover material for lined Class I, II, or III
14 landfills, and extraction or recovery of materials and
15 compounds in fossil fuel combustion products; and

16 2. Discrete, controlled land application uses for
17 agronomic value, land reclamation, and pilot demonstration
18 projects that:

19 a. Are not likely to cause contamination in excess of
20 applicable department air or water quality standards or that
21 can be demonstrated to have equivalent environmental impacts
22 to raw products or materials other than fossil fuel combustion
23 products currently used in discrete, controlled land
24 application uses for agronomic value, land reclamation, and
25 pilot demonstration projects; and

26 b. Meet the requirements in subsection (3).

27
28 The beneficial uses of fossil fuel combustion products
29 specified in this subsection have been evaluated only with
30 regard to the protection of human health and the environment.
31 The beneficial use of fossil fuel combustion products in

1 roadway applications must be pursuant to specifications of the
2 Department of Transportation, specifications of the American
3 Society for Testing and Materials, or other generally
4 recognized construction standards.

5 (c) "Structural fill" means fossil fuel combustion
6 products used as a substitute for a conventional aggregate,
7 raw materials, or soil under or immediately adjacent to a
8 building or structure, but does not include uses that involve
9 general filling or grading operations or valley fills.

10 (d) "Pavement aggregate" means fossil fuel combustion
11 products used as subbase material under or immediately
12 adjacent to a paved road, sidewalk, walkway, or parking lot as
13 a substitute for conventional aggregate, raw material, or
14 soil.

15 (e) "Pipe bedding aggregate" means fossil fuel
16 combustion products used as a substitute for conventional
17 aggregate, raw material, or soil under, around, or immediately
18 adjacent to a water, sewer, or other pipeline.

19 (f) "Fossil fuel-fired electric or steam generation
20 facility" means an electric or steam generation facility that
21 is fired with coal, alone or in combination with, petroleum
22 coke, oil, natural gas, other fossil fuels, or renewable
23 energy materials.

24 (3) Discrete, controlled land application uses for
25 agronomic value, land reclamation, and pilot demonstration
26 projects are considered beneficial uses if:

27 (a) A minimum of 60 days before using fossil fuel
28 combustion products for such land application, the user
29 submits written notice to the department, which notice
30 contains:

31

1 1. A description of the nature, purpose, and location
2 of the project, including the name of the United States
3 Geological Survey 7 1/2 minute map on which the project is
4 located and a Department of Transportation map or an 8 1/2 by
5 11 inch topographic map showing the project.

6 2. The estimated start and completion dates for the
7 project.

8 3. An estimate of the volume of fossil fuel combustion
9 products to be used for the project.

10 4. A signed and dated statement by the property owner
11 where the fossil fuel combustion products are used,
12 acknowledging and consenting to the use of the products for
13 such land applications.

14 5. The name of the fossil fuel combustion products
15 generator.

16 6. The physical location and address of the generating
17 facility.

18 7. The name and telephone number of contact for the
19 generator.

20 8. Acknowledgement that any changes that occur will
21 require subsequent notification to the department.

22
23 In addition to the notification requirements under this
24 paragraph, at least 30 days before using fossil fuel
25 combustion products for land reclamation or pilot
26 demonstration projects in volumes of more than 10,000 cubic
27 yards, the person proposing the use must submit a written
28 notice to the department containing construction plans for the
29 facility, including a stability analysis when necessary,
30 prepared, signed, and sealed by a registered professional
31 engineer. The Department of Transportation is not required to

1 submit construction plans with the written notice, but must
2 maintain a complete set of construction plans and notify the
3 department where the plans are located.

4 (b) Such products are not stored or speculatively
5 accumulated at the immediate area where they will be used
6 longer than is necessary to complete the project. They are
7 speculatively accumulated when a minimum of 51 percent of such
8 products at the project site are beneficially used annually.

9 Section 2. This act shall take effect July 1, 2003.

10
11 *****

12 SENATE SUMMARY

13 Provides for the regulation of fossil fuel combustion
14 products and exempts from regulation the beneficial use
15 of such products. Provides definitions, notification
16 requirements, and exemptions. (See bill for details.)
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31