

1 A bill to be entitled
2 An act relating to environmental protection;
3 amending s. 403.087, F.S.; adding hazardous
4 waste, corrective action permits to a list of
5 approvals; amending s. 403.703, F.S.; expanding
6 the materials defined as construction and
7 demolition debris; providing additional
8 definitions; amending s. 403.722, F.S.; adding
9 a "corrective action permit" to a list of
10 approvals; providing an effective date.

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

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14 Section 1. Paragraph (a) of subsection (6) of section
15 403.087, Florida Statutes, is amended to read:

16 403.087 Permits; general issuance; denial; revocation;
17 prohibition; penalty.--

18 (6)(a) The department shall require a processing fee
19 in an amount sufficient, to the greatest extent possible, to
20 cover the costs of reviewing and acting upon any application
21 for a permit or request for site-specific alternative criteria
22 or for an exemption from water quality criteria and to cover
23 the costs of surveillance and other field services and related
24 support activities associated with any permit or plan approval
25 issued pursuant to this chapter. However, when an application
26 is received without the required fee, the department shall
27 acknowledge receipt of the application and shall immediately
28 return the unprocessed application to the applicant and shall
29 take no further action until the application is received with
30 the appropriate fee. The department shall adopt a schedule of
31 fees by rule, subject to the following limitations:

- 1 1. The fee for any of the following may not exceed
2 \$32,500:
- 3 a. Hazardous waste, construction permit.
4 b. Hazardous waste, operation permit.
5 c. Hazardous waste, postclosure permit, or clean
6 closure plan approval.
7 d. Hazardous waste, corrective action permit.
- 8 2. The permit fee for a Class I injection well
9 construction permit may not exceed \$12,500.
- 10 3. The permit fee for any of the following permits may
11 not exceed \$10,000:
- 12 a. Solid waste, construction permit.
13 b. Solid waste, operation permit.
14 c. Class I injection well, operation permit.
- 15 4. The permit fee for any of the following permits may
16 not exceed \$7,500:
- 17 a. Air pollution, construction permit.
18 b. Solid waste, closure permit.
19 c. Drinking water, construction or operation permit.
20 d. Domestic waste residuals, construction or operation
21 permit.
22 e. Industrial waste, operation permit.
23 f. Industrial waste, construction permit.
- 24 5. The permit fee for any of the following permits may
25 not exceed \$5,000:
- 26 a. Domestic waste, operation permit.
27 b. Domestic waste, construction permit.
- 28 6. The permit fee for any of the following permits may
29 not exceed \$4,000:
- 30 a. Wetlands resource management--(dredge and fill),
31 standard form permit.

1 b. Hazardous waste, research and development permit.

2 c. Air pollution, operation permit, for sources not
3 subject to s. 403.0872.

4 d. Class III injection well, construction, operation,
5 or abandonment permits.

6 7. The permit fee for Class V injection wells,
7 construction, operation, and abandonment permits may not
8 exceed \$750.

9 8. The permit fee for any of the following permits may
10 not exceed \$500:

11 a. Domestic waste, collection system permits.

12 b. Wetlands resource management--(dredge and fill and
13 mangrove alterations), short permit form.

14 c. Drinking water, distribution system permit.

15 9. The permit fee for stormwater operation permits may
16 not exceed \$100.

17 10. The general permit fees for permits that require
18 certification by a registered professional engineer or
19 professional geologist may not exceed \$500. The general
20 permit fee for other permit types may not exceed \$100.

21 11. The fee for a permit issued pursuant to s. 403.816
22 is \$5,000, and the fee for any modification of such permit
23 requested by the applicant is \$1,000.

24 12. The regulatory program and surveillance fees for
25 facilities permitted pursuant to s. 403.088 or s. 403.0885, or
26 for facilities permitted pursuant to s. 402 of the Clean Water
27 Act, as amended, 33 U.S.C. ss. 1251 et seq., and for which the
28 department has been granted administrative authority, shall be
29 limited as follows:

30 a. The fees for domestic wastewater facilities shall
31 not exceed \$7,500 annually. The department shall establish a

1 sliding scale of fees based on the permitted capacity and
2 shall ensure smaller domestic waste dischargers do not bear an
3 inordinate share of costs of the program.

4 b. The annual fees for industrial waste facilities
5 shall not exceed \$11,500. The department shall establish a
6 sliding scale of fees based upon the volume, concentration, or
7 nature of the industrial waste discharge and shall ensure
8 smaller industrial waste dischargers do not bear an inordinate
9 share of costs of the program.

10 c. The department may establish a fee, not to exceed
11 the amounts in subparagraphs 4. and 5., to cover additional
12 costs of review required for permit modification or
13 construction engineering plans.

14 Section 2. Subsection (1) of section 403.722, Florida
15 Statutes, is amended to read:

16 403.722 Permits; hazardous waste disposal, storage,
17 and treatment facilities.--

18 (1) Each person who intends to construct, modify,
19 operate, or close a hazardous waste disposal, storage, or
20 treatment facility must ~~shall~~ obtain a construction permit,
21 operation permit, postclosure permit, ~~or~~ clean closure plan
22 approval, or corrective action permit from the department
23 prior to constructing, modifying, operating, or closing the
24 facility. By rule, the department may provide for the
25 issuance of a single permit instead of any two or more
26 hazardous waste facility permits.

27 Section 3. Subsection (17) of section 403.703, Florida
28 Statutes, is amended, and subsections (45), (46), and (47) are
29 added to that section, to read:

30 403.703 Definitions.--As used in this act, unless the
31 context clearly indicates otherwise, the term:

1 (17) "Construction and demolition debris" means
2 discarded materials generally considered to be not
3 water-soluble and nonhazardous in nature, including, but not
4 limited to, steel, glass, brick, concrete, asphalt roofing
5 material, pipe, gypsum wallboard, and lumber, from the
6 construction or destruction of a structure as part of a
7 construction or demolition project or from the renovation of a
8 structure, and including rocks, soils, tree remains, trees,
9 and other vegetative matter that normally results from land
10 clearing or land development operations for a construction
11 project, including such debris from construction of structures
12 at a site remote from the construction or demolition project
13 site. Mixing of construction and demolition debris with other
14 types of solid waste will cause it to be classified as other
15 than construction and demolition debris. The term also
16 includes:

17 (a) Clean cardboard, paper, plastic, wood, and metal
18 scraps from a construction project;

19 (b) Except as provided in s. 403.707(12)(j),
20 unpainted, nontreated wood scraps from facilities
21 manufacturing materials used for construction of structures or
22 their components and unpainted, nontreated wood pallets
23 provided the wood scraps and pallets are separated from other
24 solid waste where generated and the generator of such wood
25 scraps or pallets implements reasonable practices of the
26 generating industry to minimize the commingling of wood scraps
27 or pallets with other solid waste; ~~and~~

28 (c) Nonhazardous fiber-reinforced cement scrap waste
29 from facilities manufacturing fiber-reinforced cement products
30 for the construction industry, if the waste is separated from
31 other solid waste where generated and the generator of such

1 waste implements reasonable practices of the generating
2 industry to minimize commingling of the fiber-reinforced
3 cement scrap waste with other solid waste; and

4 (d)(c) De minimis amounts of other nonhazardous wastes
5 that are generated at construction or destruction projects,
6 provided such amounts are consistent with best management
7 practices of the industry.

8 (45) "Biomass" means a power source that is comprised
9 of, but not limited to, combustible residues or gasses from
10 forest products manufacturing, agricultural and orchard crops,
11 waste products from livestock and poultry operations and food
12 processing, urban wood waste, municipal solid waste, municipal
13 liquid waste treatment operations, and landfill.

14 (46) "Green energy" means renewable energy.

15 (47) "Renewable energy" means electricity generated
16 from any method or process that uses one or more of the
17 following sources of energy: waste heat from industrial
18 processes, biomass, municipal solid waste, geothermal energy,
19 solar energy, wind energy, wood waste, ocean thermal gradient
20 power, hydroelectric power, landfill gas, and agricultural
21 products and by-products.

22 Section 4. This act shall take effect July 1, 2003.
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