

1 A bill to be entitled
 2 An act relating to renewable energy; amending s. 403.7061,
 3 F.S.; requiring counties with waste-to-energy facilities
 4 to implement a solid waste management and recycling
 5 program, under certain circumstances; deleting a permit
 6 requirement for a waste-to-energy facility; providing an
 7 effective date.

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

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 11 Section 1. Section 403.7061, Florida Statutes, is amended
 12 to read:

13 403.7061 Requirements for review of new waste-to-energy
 14 facility capacity by the Department of Environmental
 15 Protection.--

16 (1) The Legislature recognizes the need to use an
 17 integrated approach to municipal solid waste management.
 18 Accordingly, the solid waste management legislation adopted in
 19 1988 was guided by policies intended to foster integrated solid
 20 waste management by using waste reduction, recycling, waste-to-
 21 energy facilities, and landfills. Progress is being made in the
 22 state using this integrated approach to municipal solid waste
 23 management, and this approach should be continued. Waste-to-
 24 energy facilities will continue to be an integral part of the
 25 state's solid waste management practices. However, the state is
 26 committed to achieving its recycling and waste reduction goals
 27 and must ensure that waste-to-energy facilities are fully
 28 integrated with the state's waste management goals. Therefore,

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

29 | the Legislature finds that the department should evaluate
 30 | applications for waste-to-energy facilities in accordance with
 31 | the new criteria in subsection (3) to confirm that the
 32 | facilities are part of an integrated waste management plan.

33 | (2) Notwithstanding any other provisions of state law, the
 34 | department shall not issue a construction permit or
 35 | certification to build a waste-to-energy facility or expand an
 36 | existing waste-to-energy facility unless the facility meets the
 37 | requirements set forth in subsection (3). Any construction
 38 | permit issued by the department between January 1, 1993, and May
 39 | 12, 1993, which does not address these new requirements shall be
 40 | invalid. These new requirements do not apply to the issuance of
 41 | permits or permit modifications to retrofit existing facilities
 42 | with new or improved pollution control equipment to comply with
 43 | state or federal law. The department shall initiate rulemaking
 44 | to incorporate the criteria in subsection (3) into its permit
 45 | review process.

46 | (3) An applicant must provide reasonable assurance that
 47 | the construction of a new waste-to-energy facility or the
 48 | expansion of an existing waste-to-energy facility will comply
 49 | with the following criteria ~~subsections~~:

50 | (a) The facility is a necessary part of the local
 51 | government's integrated solid waste management program in the
 52 | jurisdiction where the facility is located and cannot be avoided
 53 | through feasible and practical efforts to use recycling or waste
 54 | reduction.

55 | (b) The use of capacity at existing waste-to-energy
 56 | facilities within reasonable transportation distance of the

57 | proposed facility must have been evaluated and found not to be
 58 | economically feasible when compared to the use of the proposed
 59 | facility for the expected life of the proposed facility. This
 60 | paragraph does not apply to:

61 | 1. Applications to build or expand waste-to-energy
 62 | facilities received by the department before March 1, 1993, or
 63 | amendments to such applications that do not increase combustion
 64 | capacity beyond that requested as of March 1, 1993; or

65 | 2. Any modification to waste-to-energy facility
 66 | construction or operating permits or certifications or
 67 | conditions thereto, including certifications under ss. 403.501-
 68 | 403.518, that do not increase combustion capacity above that
 69 | amount applied for before March 1, 1993.

70 | (c) The county in which the facility is located has
 71 | implemented a solid waste management and recycling program that
 72 | is designed to ~~will~~ achieve the ~~30-percent~~ waste reduction goal
 73 | set forth in s. 403.706(4) ~~by the time the facility begins~~
 74 | ~~operation. For the purposes of this section, the provisions of~~
 75 | ~~s. 403.706(4)(c) for counties with populations of 75,000 or less~~
 76 | ~~do not apply.~~

77 | (d) The local government in which the facility is located
 78 | has implemented a mulching, composting, or other waste reduction
 79 | program for yard trash.

80 | (e) The local governments served by the facility will have
 81 | implemented or participated in a separation program designed to
 82 | remove small-quantity generator and household hazardous waste,
 83 | mercury containing devices, and mercuric-oxide batteries from

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84 the waste stream prior to incineration, by the time the facility
85 begins operation.

86 (f) The local government in which the facility is located
87 has implemented a program to procure products or materials with
88 recycled content, pursuant to s. 403.7065.

89 (g) A program will exist in the local government in which
90 the facility is located for collecting and recycling recovered
91 material from the institutional, commercial, and industrial
92 sectors by the time the facility begins operation.

93 (h) The facility will be in compliance with applicable
94 local ordinances and with the approved state and local
95 comprehensive plans required by chapter 163.

96 (i) The facility is in substantial compliance with its
97 permit, conditions of certification, and any agreements or
98 orders resulting from environmental enforcement actions by state
99 agencies.

100 (4) For the purposes of this section, the term "waste-to-
101 energy facility" means a facility that uses an enclosed device
102 using controlled combustion to thermally break down solid,
103 liquid, or gaseous combustible solid waste to an ash residue
104 that contains little or no combustible material and that
105 produces electricity, steam, or other energy as a result. The
106 term does not include facilities that primarily burn fuels other
107 than solid waste even if such facilities also burn some solid
108 waste as a fuel supplement. The term also does not include
109 facilities that burn vegetative, agricultural, or silvicultural
110 wastes, bagasse, clean dry wood, methane or other landfill gas,

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111 | wood fuel derived from construction or demolition debris, or
112 | waste tires, alone or in combination with fossil fuels.

113 | Section 2. This act shall take effect October 1, 2005.