

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.)

Prepared By: Environmental Preservation Committee

BILL: SB 824

SPONSOR: Senator Crist

SUBJECT: Waste-To-Energy Facilities

DATE: March 2, 2005

REVISED: 03/08/05

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Branning</u>	<u>Kiger</u>	<u>EP</u>	<u>Fav/2 amendments</u>
2.	<u></u>	<u></u>	<u>CA</u>	<u></u>
3.	<u></u>	<u></u>	<u></u>	<u></u>
4.	<u></u>	<u></u>	<u></u>	<u></u>
5.	<u></u>	<u></u>	<u></u>	<u></u>
6.	<u></u>	<u></u>	<u></u>	<u></u>

Please see last section for Summary of Amendments

Technical amendments were recommended

Amendments were recommended

Significant amendments were recommended

I. Summary:

This bill modifies the requirements for counties that want to expand existing or construct new waste-to-energy facilities. Deletes the requirement that counties must achieve the 30 percent waste reduction goal before the facility begins operation and instead requires counties to implement a solid waste management and recycling program designed to achieve the waste reduction goal.

This bill substantially amends the following section of the Florida Statutes: 403.7061.

II. Present Situation:

Waste-to-energy facilities have been a component of Florida's solid waste management program for more than 20 years. In the 1993 revisions to the 1988 Solid Waste Management Act, the Legislature recognized the need to use an integrated approach to municipal solid waste management. Section 403.7061, F.S., states that the 1988 Solid Waste Management Act was guided by policies intended to foster integrated solid waste management by using waste reduction, recycling, waste-to-energy facilities, and landfills.

A waste-to-energy (WTE) facility is defined in s. 403.7061(4), F.S., as a facility that uses an enclosed device using controlled combustion to thermally break down solid, liquid, or gaseous

combustible solid waste to an ash residue that contains little or no combustible material and that produces electricity, steam, or other energy as a result. The term does not include facilities that burn vegetative, agricultural, or silvicultural wastes, bagasse, clean dry wood, methane or other landfill gas, wood fuel derived from construction or demolition debris, or waste tires, alone or in combination with fossil fuels.

Section 403.706, F.S., requires each county to implement a recyclable materials recycling program. Counties and municipalities are encouraged to form cooperative arrangements for implementing recycling programs. The county’s solid waste management and recycling programs shall be designed to provide for sufficient reduction of the amount of solid waste generated within the county in order to meet goals for the reduction of municipal solid waste prior to the final disposal or the incineration of such waste at a solid waste disposal facility. The goals shall provide, at a minimum, that the amount of municipal solid waste that would be disposed of within the county is reduced by at least 30 percent. Counties with a population of 100,000 or less may provide its residents with the opportunity to recycle in lieu of achieving the goal.

Section 403.7061, F.S., provides the requirements for review of new WTE facility capacity by the Department of Environmental Protection. One of the criteria for a new or expanded WTE facility is that the county in which the facility is located will achieve the 30 percent waste reduction goal by the time the facility begins operation. This requirement does not apply to counties with populations of 75,000 or less.

There are currently 12 operating WTE facilities in Florida. The following table depicts the WTE facilities in Florida along with the most current recycling rates.*

County	Facility	Ownership Type	Start Yr.	Recycle Rate 1999	Recycle Rate 2000	Recycle Rate 2001	Recycle Rate 2002
Bay	Bay Co. Res. Recovery Facility	Public	1987	13%	16%	18%	21%
Broward	North & South Broward Co. Res. Recovery Center	Private	1991	25%	26%	25%	23%
Miami-Dade	Dade Co. Res. Recovery Center	Public	1982/89	19%	20%	21%	18%
Hillsborough	Hillsborough Co. Solid Waste Energy Rec.Fac./McKay Bay Refuse to Energy Project	Public	1987/85	30%	32%	30%	32%
Lake	Lake Co. Res. Recovery Fac.	Private	1991	31%	26%	14%	24%
Lee	Lee Co. Solid Waste Res. Recovery Center	Public	1994	33%	30%	30%	33%
Palm Bch.	North Co. Regional Res. Recovery Center	Public	1989	36%	31%	39%	36%
Pasco	Pasco Co. Solid Waste Res. Recovery Facility	Public	1983/85	24%	23%	30%	35%
Pinellas	Pinellas Co. Res. Recovery	Public	1983/85	24%	23%	30%	35%

	Fac.						
Polk ¹	Ridge Generating Station	Private	1994	32%	30%	22%	25%

*Source: Department of Environmental Protection

III. Effect of Proposed Changes:

This bill amends s. 403.7061, F.S., to modify the requirements for counties that want to expand existing or construct new WTE facilities. The requirement that counties must achieve the 30 percent waste reduction goal before the WTE facility begins operation is deleted and instead counties must implement a solid waste management and recycling program designed to achieve the waste reduction goal as provided in s. 403.706(4), F.S.

Further, s. 403.706, F.S., provides that small counties do not have to implement a recycling program; they only have to provide an opportunity to recycle. Currently, if an applicant proposes a WTE in a small county, s. 403.7061(3)(c), F.S., provides that the requirement for small counties to provide an opportunity to recycle does not apply. This bill deletes that provision and appears to provide that whenever a new or expanded WTE facility is proposed, the county must meet the recycling goal, regardless of the size of the county.

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:

None.

¹ The DEP counts this facility as a WTE facility, but this facility only burns wood waste and waste tires and does not fall within the definition of a WTE facility in s. 403.7061(4), F.S.

C. Government Sector Impact:

This bill would make it easier to expand existing or construct new WTE facilities in counties that have implemented a solid waste management and recycling program that is designed to meet the waste reduction goal. Currently, those counties must achieve the 30 percent reduction goal before the DEP can approve the construction or expansion of such facilities.

VI. Technical Deficiencies:

None.

VII. Related Issues:

Small counties still appear to have the option of providing an opportunity to recycle in lieu of implementing a recycling program; however, unless that county has implemented a solid waste management or recycling program designed to meet the reduction goal, a WTE cannot be sited in that county.

This Senate staff analysis does not reflect the intent or official position of the bill's sponsor or the Florida Senate.

VIII. Summary of Amendments:

Barcode 860082 by Environmental Preservation:

This amendment provides that prior to the construction of a new WTE facility or the expansion of an existing WTE facility the county must implement and maintain a solid waste management and recycling program designed to meet the 30 percent waste reduction goal.

Barcode 585254 by Environmental Preservation:

Provides that if a WTE facility is built in a county with a population of less than 100,000, that county would have to have a program designed to achieve the 30 percent waste reduction goal, and not just provide the opportunity to recycle.

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