

By Senator Crist

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1 A bill to be entitled
2 An act relating to the permitting of Class I landfills;
3 amending s. 403.707, F.S.; prohibiting the Department of
4 Environmental Protection from permitting the construction
5 or expansion of Class I landfills within a specified
6 distance of surface waters meeting certain criteria;
7 requiring the department to consider impacts on certain
8 surface waters when evaluating applications for permits
9 for Class I landfills; prohibiting the permitting of Class
10 I landfills if the department finds that the applicant has
11 violated certain laws; defining the term "applicant";
12 providing an effective date.

13
14 Be It Enacted by the Legislature of the State of Florida:

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16 Section 1. Subsections (5) and (8) of section 403.707,
17 Florida Statutes, are amended to read:

18 403.707 Permits.--

19 (5) (a) The department may not issue a ~~construction~~ permit
20 under pursuant to this part for:

21 1. Construction of a new solid waste landfill within 3,000
22 feet of Class I surface waters.

23 2. Construction of a new Class I landfill or expansion of
24 an existing Class I landfill within 1 mile of:

25 a. Class III surface waters or any surface waters that are
26 used for recreation, propagation, and maintenance of a healthy,
27 well-balanced population of fish and wildlife; or

28 b. Any surface waters that are a source of potable water.
29 As used in this subparagraph, the term "waters that are a source

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30 of potable water" includes waters that are potable or that a
31 public or private water treatment facility treats in order to
32 provide potable water.

33 (b) In reviewing an application to construct a new Class I
34 landfill or expand an existing Class I landfill the department
35 shall specifically consider whether any surface waters flow in a
36 direction that allows the new or expanded landfill to directly
37 contaminate such surface waters.

38 (8) (a) The department may refuse to issue a permit to an
39 applicant who by past conduct in this state has repeatedly
40 violated pertinent statutes, rules, or orders or permit terms or
41 conditions relating to any solid waste management facility and
42 who is deemed to be irresponsible as defined by department rule.

43 (b) The department may not approve an application for the
44 construction of a new Class I landfill or the expansion of an
45 existing Class I landfill if, in an enforcement notice or order,
46 the department finds that in the 3-year period before the date
47 that the application was submitted the applicant violated a state
48 law or rule governing the disposal or management of hazardous
49 waste, biomedical waste, or polychlorinated biphenyl waste in
50 regard to the operation or maintenance of a solid waste
51 management facility or solid waste disposal facility. If such
52 finding by the department is under appeal in an administrative or
53 judicial proceeding, the department may not approve the
54 application until the appeal is exhausted.

55 (c) For the purposes of this section ~~subsection~~, an
56 applicant includes the owner or operator of the facility, or if
57 the owner or operator is a business entity, a parent of a
58 subsidiary corporation, a partner, a corporate officer or

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59 | director, or a stockholder holding more than 50 percent of the
60 | stock of the corporation.

61 | Section 2. This act shall take effect July 1, 2008.