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LEGISLATIVE ACTION

Senate

House

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Floor: WD/2R

04/26/2010 08:16 AM

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Senator Constantine moved the following:

**Senate Amendment (with title amendment)**

Delete lines 640 - 772

and insert:

Section 8. Subsection (9) of section 403.707, Florida Statutes, is amended to read:

403.707 Permits.—

(9) The department shall establish a separate category for solid waste management facilities that accept only construction and demolition debris for disposal or recycling. The department shall establish a reasonable schedule for existing facilities to comply with this section to avoid undue hardship to such facilities. However, a permitted solid waste disposal unit that



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14 receives a significant amount of waste prior to the compliance  
15 deadline established in this schedule shall not be required to  
16 be retrofitted with liners or leachate control systems.

17 (a) The department shall establish reasonable construction,  
18 operation, monitoring, recordkeeping, financial assurance, and  
19 closure requirements for such facilities. The department shall  
20 take into account the nature of the waste accepted at various  
21 facilities when establishing these requirements, and may impose  
22 less stringent requirements, including a system of general  
23 permits or registration requirements, for facilities that accept  
24 only a segregated waste stream which is expected to pose a  
25 minimal risk to the environment and public health, such as clean  
26 debris. The Legislature recognizes that incidental amounts of  
27 other types of solid waste are commonly generated at  
28 construction or demolition projects. In any enforcement action  
29 taken pursuant to this section, the department shall consider  
30 the difficulty of removing these incidental amounts from the  
31 waste stream.

32 (b) The department shall ~~not~~ require liners and leachate  
33 collection systems at individual disposal units and lateral  
34 expansions of existing disposal units that have not received a  
35 department permit authorizing construction or operation prior to  
36 July 1, 2010, facilities unless the owner or operator ~~it~~  
37 demonstrates, based upon the types of waste received, the  
38 methods for controlling types of waste disposed of, the  
39 proximity of groundwater and surface water, and the results of  
40 the hydrogeological and geotechnical investigations, that the  
41 facility is not ~~reasonably~~ expected to result in violations of  
42 groundwater standards and criteria if built without a liner



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43 otherwise.

44 (c) The owner or operator shall provide financial assurance  
45 for closing of the facility in accordance with the requirements  
46 of s. 403.7125. The financial assurance shall cover the cost of  
47 closing the facility and 5 years of long-term care after  
48 closing, unless the department determines, based upon  
49 hydrogeologic conditions, the types of wastes received, or the  
50 groundwater monitoring results, that a different long-term care  
51 period is appropriate. However, unless the owner or operator of  
52 the facility is a local government, the escrow account described  
53 in s. 403.7125(2) may not be used as a financial assurance  
54 mechanism.

55 (d) The department shall establish training requirements  
56 for operators of facilities, and shall work with the State  
57 University System or other providers to assure that adequate  
58 training courses are available. The department shall also assist  
59 the Florida Home Builders Association in establishing a  
60 component of its continuing education program to address proper  
61 handling of construction and demolition debris, including best  
62 management practices for reducing contamination of the  
63 construction and demolition debris waste stream.

64 (e) The issuance of a permit under this subsection does not  
65 obviate the need to comply with all applicable zoning and land  
66 use regulations.

67 (f) A permit is not required under this section for the  
68 disposal of construction and demolition debris on the property  
69 where it is generated, but such property must be covered,  
70 graded, and vegetated as necessary when disposal is complete.

71 (g) By January 1, 2012, the amount of construction and



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72 demolition debris processed and recycled prior to disposal at a  
73 permitted materials recovery facility or at any other permitted  
74 disposal facility shall be reported by the county of origin to  
75 the department and to the county on an annual basis in  
76 accordance with rules adopted by the department. The rules shall  
77 establish criteria to ensure accurate and consistent reporting  
78 for purposes of determining the recycling rate in s. 403.706.  
79 The rules also shall provide that, to the extent economically  
80 feasible, all construction and demolition debris must be  
81 processed prior to disposal, either at a permitted waste  
82 processing facility or a permitted disposal facility. It shall  
83 be presumed that recycling pursuant to the requirements of this  
84 paragraph is economically feasible unless otherwise demonstrated  
85 by the owner or operator of the facility pursuant to department  
86 rule. This requirement does not apply to any recovered materials  
87 that have been source separated and offered for recycling or to  
88 materials that have been previously processed. As part of the  
89 rule development process, the department shall appoint a  
90 technical advisory committee including a representative from the  
91 Florida Association of Counties, the Florida League of Cities,  
92 the construction and demolition debris industry, the Florida  
93 Home Builders Association, the Florida Sunshine Chapter of the  
94 Solid Wastes Association of North America, and the Florida  
95 Chapter of the National Solid Waste Management Association, to  
96 aid in the development of such rules. It is the policy of the  
97 Legislature to encourage facilities to recycle. The department  
98 shall establish criteria and guidelines that encourage recycling  
99 where practical and provide for the use of recycled materials in  
100 a manner that protects the public health and the environment.



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101 ~~Facilities are authorized to recycle, provided such activities~~  
102 ~~do not conflict with such criteria and guidelines.~~

103 (h) The department shall ensure that the requirements of  
104 this section are applied and interpreted consistently throughout  
105 the state. In accordance with s. 20.255, the Division of Waste  
106 Management shall direct the district offices and bureaus on  
107 matters relating to the interpretation and applicability of this  
108 section.

109 (i) The department shall provide notice of receipt of a  
110 permit application for the initial construction of a  
111 construction and demolition debris disposal facility to the  
112 local governments having jurisdiction where the facility is to  
113 be located.

114 (j) The Legislature recognizes that recycling, waste  
115 reduction, and resource recovery are important aspects of an  
116 integrated solid waste management program and as such are  
117 necessary to protect the public health and the environment. If  
118 necessary to promote such an integrated program, the county may  
119 determine, after providing notice and an opportunity for a  
120 hearing prior to April 30, 2008, that some or all of the  
121 material described in s. 403.703(6)(b) shall be excluded from  
122 the definition of "construction and demolition debris" in s.  
123 403.703(6) within the jurisdiction of such county. The county  
124 may make such a determination only if it finds that, prior to  
125 June 1, 2007, the county has established an adequate method for  
126 the use or recycling of such wood material at an existing or  
127 proposed solid waste management facility that is permitted or  
128 authorized by the department on June 1, 2007. The county is not  
129 required to hold a hearing if the county represents that it



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130 previously has held a hearing for such purpose, or if the county  
131 represents that it previously has held a public meeting or  
132 hearing that authorized such method for the use or recycling of  
133 trash or other nonputrescible waste materials and that such  
134 materials include those materials described in s. 403.703(6)(b).  
135 The county shall provide written notice of its determination to  
136 the department by no later than April 30, 2008; thereafter, the  
137 materials described in s. 403.703(6) shall be excluded from the  
138 definition of "construction and demolition debris" in s.  
139 403.703(6) within the jurisdiction of such county. The county  
140 may withdraw or revoke its determination at any time by  
141 providing written notice to the department.

142 (k) Brazilian pepper and other invasive exotic plant  
143 species as designated by the department resulting from  
144 eradication projects may be processed at permitted construction  
145 and demolition debris recycling facilities or disposed of at  
146 permitted construction and demolition debris disposal facilities  
147 or Class III facilities. The department may adopt rules to  
148 implement this paragraph.

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150  
151 ===== T I T L E A M E N D M E N T =====

152 And the title is amended as follows:

153 Delete line 50

154 and insert:

155 for new construction and demolition debris landfills under  
156 certain circumstances;

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