

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Environmental Preservation and Conservation Committee

BILL: SB 738

INTRODUCER: Senator Altman

SUBJECT: Solid Waste Management Facilities

DATE: December 20, 2011

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Wiggins	Yeatman	EP	Pre-meeting
2.			CA	
3.			BC	
4.				
5.				
6.				

I. Summary:

The bill extends the duration of solid waste management facility permits that meet specified criteria from 5 years to 20 years. This extension will apply to a qualifying solid waste management facility that applies for an operating or construction permit or renews an existing operating or construction permit on or after July 1, 2012.

The bill amends s. 403.707 of the Florida Statutes.

II. Present Situation:

The Department of Environmental Protection (DEP) provides guidelines for the storage, separation, processing, recovery, recycling, and disposal of solid waste throughout the state. Section 403.707, F.S., requires that a solid waste management facility must obtain a permit from DEP in order to operate.

Section 403.707(3), F.S., limits permit duration to 10 years for a potential source of water pollution, which includes most solid waste management facilities. DEP rules currently limit permit duration to 5 years, except for certain long-term care permits for closed facilities which may last up to 10 years. The fees for most solid waste permits are limited to \$10,000.

Leachate from a landfill varies widely in composition depending on the age of the landfill and the type of waste it contains. It can usually contain both dissolved and suspended material. The generation of leachate is caused principally by precipitation percolating through waste deposited in a landfill. Once in contact with decomposing solid waste, the percolating water becomes contaminated and if it then flows out of the waste material it is termed leachate.

The risks of leachate generation can be mitigated by properly designed and engineered landfill sites, such as sites that are constructed on geologically impermeable materials or sites that use impermeable liners made of geomembranes or engineered clay.

III. Effect of Proposed Changes:

Section 1 amends s. 403.707 (3), F.S., to provide that a permit issued after July 1, 2012, to a solid waste management facility with a leachate control system that is in compliance will be valid for up to 20 years. This change will allow DEP to prorate existing fees for these longer permits. For example, a Class I landfill operation permit fee is currently \$10,000 for a 5-year permit. If the bill becomes law, the permit fee will increase to a maximum of \$40,000 for a 20-year permit.

Section 2 provides an effective date of July 1, 2012.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

Owners and operators of lined solid waste management facilities that opt for longer-term permits may benefit from the increased predictability such longer permits provide. For example, it may be easier to obtain financing for these projects and operational and design criteria are less likely to need updating and amending as frequently. After five years, the cost savings from not having to apply for and receive permit renewals will be significant.

Solid waste management facilities will have more flexibility when preparing to apply for permits as the life of the permit will be increased by 15 years. Further, the costs associated with filing renewal applications will decrease.

C. Government Sector Impact:

DEP anticipates an increase in the amount of fees collected due to the extended length of the permit. This increase will level out, as the new permits will not need to be renewed as often.

The DEP recommends that the effective date of the bill be amended to give the department additional time to modify its rules (at least until January 1, 2013), or in the alternative, that the bill be amended to allow the department to modify its rules in an expedited manner.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Additional Information:**A. Committee Substitute – Statement of Substantial Changes:**
(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

B. Amendments:

None.