

By Senator Grimsley

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1 A bill to be entitled
2 An act relating to environmental control; amending s.
3 403.067, F.S.; authorizing land set-asides and land-
4 use modifications that reduce nutrient loads into
5 nutrient-impaired surface waters to be used under the
6 water quality credit trading program; amending s.
7 403.201, F.S.; providing applicability of prohibited
8 variances relating to certain discharges of waste;
9 amending s. 403.709, F.S.; establishing a solid waste
10 landfill closure account within the Solid Waste
11 Management Trust Fund to be used for specified
12 purposes; providing for the deposit of certain funds
13 into the account; reenacting s. 373.414(17), F.S.,
14 relating to additional criteria for activities in
15 surface waters and wetlands, to incorporate the
16 amendment made to s. 403.201, F.S.; providing an
17 effective date.

18
19 Be It Enacted by the Legislature of the State of Florida:

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21 Section 1. Paragraph (i) is added to subsection (8) of
22 section 403.067, Florida Statutes, to read:

23 403.067 Establishment and implementation of total maximum
24 daily loads.—

25 (8) WATER QUALITY CREDIT TRADING.—

26 (i) The department may authorize water quality credit
27 trading for land set-asides and land-use modifications,
28 including constructed wetlands and other water quality
29 improvement projects, which reduce nutrient loads into nutrient-

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30 impaired surface waters.

31 Section 2. Subsection (2) of section 403.201, Florida
32 Statutes, is amended to read:

33 403.201 Variances.—

34 (2) A ~~No~~ variance may not shall be granted from any
35 provision or requirement concerning discharges of waste into
36 waters of the state or hazardous waste management which would
37 result in the provision or requirement being less stringent than
38 a comparable federal provision or requirement, except as
39 provided in s. 403.70715. However, this subsection does not
40 prohibit the issuance of moderating provisions or requirements
41 under state law.

42 Section 3. Subsection (5) is added to section 403.709,
43 Florida Statutes, to read:

44 403.709 Solid Waste Management Trust Fund; use of waste
45 tire fees.—There is created the Solid Waste Management Trust
46 Fund, to be administered by the department.

47 (5) (a) Notwithstanding subsection (1), a solid waste
48 landfill closure account is established within the Solid Waste
49 Management Trust Fund to provide funding for the closing and
50 long-term care of solid waste management facilities. The
51 department may use funds from the account to contract with a
52 third party for the closing and long-term care of a solid waste
53 management facility if:

54 1. The facility operates or operated under a department
55 permit;

56 2. The permittee provides proof of financial assurance for
57 closure in the form of an insurance certificate;

58 3. The facility is deemed to be abandoned or was ordered to

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59 be closed by the department;

60 4. Closure is accomplished in substantial accordance with a
61 closure plan approved by the department; and

62 5. The department has written documentation that the
63 insurance company issuing the closure insurance policy will
64 provide or reimburse the funds required to complete closing and
65 long-term care of the facility.

66 (b) The department shall deposit funds received from an
67 insurance company as reimbursement for the costs of closing or
68 long-term care of the facility into the solid waste landfill
69 closure account.

70 Section 4. For the purpose of incorporating the amendment
71 made by this act to section 403.201, Florida Statutes, in a
72 reference thereto, subsection (17) of section 373.414, Florida
73 Statutes, is reenacted to read:

74 373.414 Additional criteria for activities in surface
75 waters and wetlands.—

76 (17) The variance provisions of s. 403.201 are applicable
77 to the provisions of this section or any rule adopted pursuant
78 to this section. The governing boards and the department are
79 authorized to review and take final agency action on petitions
80 requesting such variances for those activities they regulate
81 under this part and s. 373.4145.

82 Section 5. This act shall take effect July 1, 2015.