

1 A bill to be entitled
2 An act relating to environmental control; amending s.
3 373.323, F.S.; revising eligibility requirements for
4 taking the water well contractor licensure
5 examination; amending s. 378.209, F.S.; providing
6 conditions under which certain constructed clay
7 settling areas are exempt from reclamation rate and
8 financial responsibility requirements; amending s.
9 403.067, F.S.; authorizing the use of land set-asides
10 and land use modifications, including constructed
11 wetlands or other water quality improvement projects,
12 in water quality credit trading; amending s. 403.201,
13 F.S.; providing applicability of prohibited variances
14 concerning discharges of waste into waters of the
15 state and hazardous waste management; amending s.
16 403.709, F.S.; revising conditions under which the
17 Department of Environmental Protection may use
18 specified funds to contract with a third party for the
19 closing and long-term care of solid waste management
20 facilities; abrogating the scheduled expiration of
21 such authorization; amending s. 403.814, F.S.;
22 requiring Florida registered professionals to certify
23 that certain stormwater management systems will meet
24 additional requirements for a general permit;
25 requiring that such certification be submitted to the
26 department or water management district before

27 construction of such stormwater management systems
 28 begins; reenacting s. 373.414(17), F.S., relating to
 29 variances for activities in surface waters and
 30 wetlands, to incorporate the amendment made by the act
 31 to s. 403.201, F.S., in a reference thereto; providing
 32 an effective date.

33

34 Be It Enacted by the Legislature of the State of Florida:

35

36 Section 1. Paragraph (b) of subsection (3) of section
 37 373.323, Florida Statutes, is amended to read:

38 373.323 Licensure of water well contractors; application,
 39 qualifications, and examinations; equipment identification.—

40 (3) An applicant who meets the following requirements
 41 shall be entitled to take the water well contractor licensure
 42 examination:

43 (b) Has at least 2 years of experience in constructing,
 44 repairing, or abandoning water wells. Satisfactory proof of such
 45 experience shall be demonstrated by providing:

46 1. Evidence of the length of time the applicant has been
 47 engaged in the business of the construction, repair, or
 48 abandonment of water wells as a major activity, as attested to
 49 by a letter from a water well contractor or ~~and~~ a letter from a
 50 water well inspector employed by a governmental agency.

51 2. A list of at least 10 water wells that the applicant
 52 has constructed, repaired, or abandoned within the preceding 5

53 | years. Of these wells, at least seven must have been
54 | constructed, as defined in s. 373.303(2), by the applicant. The
55 | list shall also include:

56 | a. The name and address of the owner or owners of each
57 | well.

58 | b. The location, primary use, and approximate depth and
59 | diameter of each well that the applicant has constructed,
60 | repaired, or abandoned.

61 | c. The approximate date the construction, repair, or
62 | abandonment of each well was completed.

63 | Section 2. Subsection (4) is added to section 378.209,
64 | Florida Statutes, to read:

65 | 378.209 Timing of reclamation.—

66 | (4) When the beneficial use of a constructed clay settling
67 | area has been extended, the rate of reclamation requirements in
68 | paragraphs (1)(a)-(e) and the requirements of s. 378.208 apply
69 | to such settling area when the beneficial use of such settling
70 | area is completed.

71 | Section 3. Paragraph (i) is added to subsection (8) of
72 | section 403.067, Florida Statutes, to read:

73 | 403.067 Establishment and implementation of total maximum
74 | daily loads.—

75 | (8) WATER QUALITY CREDIT TRADING.—

76 | (i) Land set-asides and land use modifications not
77 | otherwise required by state law or a permit, including
78 | constructed wetlands or other water quality improvement

79 projects, that reduce nutrient loads into nutrient impaired
 80 surface waters may be used under this subsection.

81 Section 4. Subsection (2) of section 403.201, Florida
 82 Statutes, is amended to read:

83 403.201 Variances.—

84 (2) A ~~No~~ variance may not ~~shall~~ be granted from any
 85 provision or requirement concerning discharges of waste into
 86 waters of the state or hazardous waste management which would
 87 result in the provision or requirement being less stringent than
 88 a comparable federal provision or requirement, except as
 89 provided in s. 403.70715. However, this subsection does not
 90 prohibit the issuance of moderating provisions or requirements
 91 under state law, subject to any necessary approval by the United
 92 States Environmental Protection Agency.

93 Section 5. Subsections (2) through (4) of section 403.709,
 94 Florida Statutes, are renumbered as subsections (3) through (5),
 95 respectively, present subsection (5) is amended, and a new
 96 subsection (2) is added to that section, to read:

97 403.709 Solid Waste Management Trust Fund; use of waste
 98 tire fees.—There is created the Solid Waste Management Trust
 99 Fund, to be administered by the department.

100 (2) Notwithstanding subsection (1), a solid waste landfill
 101 closure account is established within the Solid Waste Management
 102 Trust Fund to provide funding for the closing and long-term care
 103 of solid waste management facilities.

104 (a) The department may use funds from the account to

105 contract with a third party for the closing and long-term care
106 of a solid waste management facility if:

107 1. The facility has, had, or was not required to obtain a
108 department permit to operate the facility;

109 2. The permittee, where required by permit or rule,
110 provided proof of financial assurance for closure in the form of
111 an insurance certificate or an alternative form of financial
112 assurance mechanism established pursuant to s. 403.7125;

113 3. The department has ordered the facility closed or has
114 deemed the facility abandoned;

115 4. The closure of the facility is accomplished in
116 substantial accordance with a closure plan approved by the
117 department; and

118 5. The department has sufficient documentation to confirm
119 that the issuer of the insurance policy or alternative form of
120 financial assurance will provide or reimburse the funds required
121 to complete the closing and long-term care of the facility.

122 (b) The department shall deposit all funds received from
123 the insurer or other parties for reimbursing the costs of
124 closing or long-term care of the facility under this subsection
125 into the solid waste landfill closure account.

126 (c) If the amount available under the insurance policy or
127 alternative form of financial assurance is insufficient, or is
128 otherwise unavailable, to perform or complete the facility
129 closing or long-term care under this subsection, and the
130 department has used all such funds from the insurance policy or

131 alternative form of financial assurance, the department may use
132 funds from the Solid Waste Management Trust Fund to pay for or
133 reimburse additional expenses needed for performing or
134 completing the approved facility closure or long-term care
135 activities.

136 ~~(5) (a) Notwithstanding subsection (1), a solid waste~~
137 ~~landfill closure account is established within the Solid Waste~~
138 ~~Management Trust Fund to provide funding for the closing and~~
139 ~~long-term care of solid waste management facilities. The~~
140 ~~department may use funds from the account to contract with a~~
141 ~~third party for the closing and long-term care of a solid waste~~
142 ~~management facility if:~~

143 ~~1. The facility has or had a department permit to operate~~
144 ~~the facility;~~

145 ~~2. The permittee provided proof of financial assurance for~~
146 ~~closure in the form of an insurance certificate;~~

147 ~~3. The facility is deemed to be abandoned or was ordered~~
148 ~~to close by the department;~~

149 ~~4. Closure is accomplished in substantial accordance with~~
150 ~~a closure plan approved by the department; and~~

151 ~~5. The department has written documentation that the~~
152 ~~insurance company issuing the closure insurance policy will~~
153 ~~provide or reimburse the funds required to complete closing and~~
154 ~~long-term care of the facility.~~

155 ~~(b) The department shall deposit the funds received from~~
156 ~~the insurance company as reimbursement for the costs of closing~~

157 ~~or long-term care of the facility into the solid waste landfill~~
 158 ~~closure account.~~

159 ~~(c) This subsection expires July 1, 2016.~~

160 Section 6. Subsection (12) of section 403.814, Florida
 161 Statutes, is amended to read:

162 403.814 General permits; delegation.—

163 (12) A general permit is granted for the construction,
 164 alteration, and maintenance of a stormwater management system
 165 serving a total project area of up to 10 acres meeting the
 166 criteria of this subsection. ~~Such~~ ~~When the~~ stormwater management
 167 systems must be ~~system is~~ designed, operated, and maintained in
 168 accordance with applicable rules adopted pursuant to part IV of
 169 chapter 373.7 There is a rebuttable presumption that the
 170 discharge ~~from~~ ~~for~~ such systems complies ~~system will comply~~ with
 171 state water quality standards. The construction of such a system
 172 may proceed without any further agency action by the department
 173 or water management district if, before ~~within 30 days after~~
 174 construction begins, an electronic self-certification is
 175 submitted to the department or water management district which
 176 ~~that~~ certifies that the proposed system was designed by a
 177 Florida registered professional and that the registered
 178 professional has certified that the proposed system will ~~to~~ meet
 179 the following additional requirements:

180 (a) The total project area involves less than 10 acres and
 181 less than 2 acres of impervious surface;

182 (b) ~~No~~ Activities will not impact wetlands or other

183 surface waters;

184 (c) ~~No~~ Activities are not conducted in, on, or over
185 wetlands or other surface waters;

186 (d) Drainage facilities will not include pipes having
187 diameters greater than 24 inches, or the hydraulic equivalent,
188 and will not use pumps in any manner;

189 (e) The project is not part of a larger common plan,
190 development, or sale; and

191 (f) The project does not:

192 1. Cause adverse water quantity or flooding impacts to
193 receiving water and adjacent lands;

194 2. Cause adverse impacts to existing surface water storage
195 and conveyance capabilities;

196 3. Cause a violation of state water quality standards; or

197 4. Cause an adverse impact to the maintenance of surface
198 or ground water levels or surface water flows established
199 pursuant to s. 373.042 or a work of the district established
200 pursuant to s. 373.086.

201 Section 7. For the purpose of incorporating the amendment
202 made by this act to section 403.201, Florida Statutes, in a
203 reference thereto, subsection (17) of section 373.414, Florida
204 Statutes, is reenacted to read:

205 373.414 Additional criteria for activities in surface
206 waters and wetlands.—

207 (17) The variance provisions of s. 403.201 are applicable
208 to the provisions of this section or any rule adopted pursuant

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209 | to this section. The governing boards and the department are
210 | authorized to review and take final agency action on petitions
211 | requesting such variances for those activities they regulate
212 | under this part and s. 373.4145.

213 | Section 8. This act shall take effect upon becoming a law.