

By Senator Perry

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1 A bill to be entitled
2 An act relating to resource recovery and management;
3 amending s. 403.703, F.S.; revising definitions;
4 defining the terms "gasification to fuels, chemicals,
5 and feedstocks," "post-use polymers," "pyrolysis," and
6 "pyrolysis facility"; amending s. 403.7045, F.S.;
7 providing that materials recovered via pyrolysis or
8 gasification to fuels, chemicals, and feedstocks are
9 to be considered used or reused materials; conforming
10 a cross-reference; amending ss. 171.205, 316.003,
11 377.709, and 487.048, F.S.; conforming cross-
12 references; providing an effective date.

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

15
16 Section 1. Present sections (10) through (22) of section
17 403.703, Florida Statutes, are redesignated as sections (11)
18 through (23), respectively, present section (23) of that section
19 is redesignated as section (25), present sections (24) through
20 (43) of that section are redesignated as sections (28) through
21 (47), respectively, new subsections (10), (24), (26), and (27)
22 are added to that section, and present subsections (24), (25),
23 (27), and (32) of that section are amended, to read:

24 403.703 Definitions.—As used in this part, the term:
25 (10) "Gasification to fuels, chemicals, and feedstocks"
26 means a process through which post-use polymers are heated in an
27 oxygen-deficient atmosphere and converted to synthesis gas,
28 which can be converted into fuels such as ethanol or into
29 chemical feedstocks.

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30 (24) "Post-use polymers" means polymers that are derived
31 from domestic, commercial, or municipal activities, or other
32 activity sources, polymers that are recycled in commercial
33 markets, or polymers that might otherwise become a waste, and
34 where such polymers are processed through pyrolysis or
35 gasification to manufacture crude oil, fuels, or other valuable
36 final or intermediate products. Post-use polymers may contain
37 incidental contaminants such as, but not limited to, paper
38 labels on plastic bottles and metal rings on plastic bottle
39 caps. Post-use polymers shall be considered recovered materials.

40 (26) "Pyrolysis" means a process through which post-use
41 polymers are heated in the absence of oxygen until melted and
42 thermally decomposed, and are then cooled, condensed, and
43 converted into crude oil or refined into fuels, including, but
44 not limited to, diesel fuel, gasoline, and home heating oil;
45 naphtha and other feedstocks; diesel fuel and gasoline
46 blendstocks; or chemicals, waxes, lubricants, or other raw
47 materials, intermediates, or final products.

48 (27) "Pyrolysis facility" means a facility that collects,
49 separates, or stores post-use polymers and converts them into
50 fuels or other valuable final or intermediate products using a
51 pyrolysis or gasification to fuels, chemicals, and feedstocks
52 process. A pyrolysis facility is not a solid waste management
53 facility.

54 (28)~~(24)~~ "Recovered materials" means metal, paper, glass,
55 plastic, textile, or rubber materials that have known recycling
56 potential, can be feasibly recycled, and have been diverted and
57 source separated or have been removed from the solid waste
58 stream for sale, use, or reuse as raw materials, whether or not

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59 the materials require subsequent processing or separation from
60 each other, but the term does not include materials destined for
61 any use that constitutes disposal. Recovered materials also
62 include any post-use polymers that have subsequently been
63 processed, using pyrolysis or gasification, into fuels,
64 chemicals, and feedstocks. Recovered materials as described in
65 this subsection are not solid waste.

66 ~~(29)~~~~(25)~~ "Recovered materials processing facility" means a
67 facility engaged solely in the storage, processing, recycling,
68 resale, or reuse of recovered materials. This term shall also
69 include pyrolysis facilities. A recovered materials processing
70 ~~Such a~~ facility is not a solid waste management facility ~~if it~~
71 ~~meets the conditions of s. 403.7045(1)(e).~~

72 ~~(31)~~~~(27)~~ "Recycling" means any process by which solid
73 waste, or materials that would otherwise become solid waste, are
74 collected, separated, or processed and reused or returned to use
75 in the form of raw materials, intermediates, or products. Such
76 raw materials, intermediates, or products shall include, but are
77 not limited to, crude oil, naphtha, monomers, chemical
78 feedstocks, fuels, fuel blendstocks, and fuel substitutes.

79 ~~(36)~~~~(32)~~ "Solid waste" means sludge unregulated under the
80 federal Clean Water Act or Clean Air Act, sludge from a waste
81 treatment works, water supply treatment plant, or air pollution
82 control facility, or garbage, rubbish, refuse, special waste, or
83 other discarded material, including solid, liquid, semisolid, or
84 contained gaseous material resulting from domestic, industrial,
85 commercial, mining, agricultural, or governmental operations.
86 Recovered materials as defined in subsection (28) ~~(24)~~ are not
87 solid waste.

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88 Section 2. Subsection (1) of section 403.7045, Florida
89 Statutes, is amended to read:

90 403.7045 Application of act and integration with other
91 acts.—

92 (1) The following wastes or activities may ~~shall~~ not be
93 regulated pursuant to this act:

94 (a) Byproduct material, source material, and special
95 nuclear material, the generation, transportation, disposal,
96 storage, or treatment of which is regulated under chapter 404 or
97 the federal Atomic Energy Act of 1954, ch. 1073, 68 Stat. 923,
98 as amended.†

99 (b) Suspended solids and dissolved materials in domestic
100 sewage effluent or irrigation return flows or other discharges
101 which are point sources subject to permits pursuant to this
102 chapter or s. 402 of the Clean Water Act, Pub. L. No. 95-217.†

103 (c) Emissions to the air from a stationary installation or
104 source regulated under this chapter or the Clean Air Act, Pub.
105 L. No. 95-95.†

106 (d) Drilling fluids, produced waters, and other wastes
107 associated with the exploration for, or development and
108 production of, crude oil or natural gas which are regulated
109 under chapter 377.†~~or~~

110 (e) Recovered materials or recovered materials processing
111 facilities, except as provided in s. 403.7046, if:

112 1. A majority of the recovered materials at the facility
113 are demonstrated to be sold, used, or reused within 1 year. For
114 purposes of this subparagraph, used or reused includes
115 converting the recovered materials via pyrolysis or gasification
116 to fuels, chemicals, and feedstocks as defined in s. 403.703.

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117 2. The recovered materials handled by the facility or the
118 products or byproducts of operations that process recovered
119 materials are not discharged, deposited, injected, dumped,
120 spilled, leaked, or placed into or upon any land or water by the
121 owner or operator of such facility so that such recovered
122 materials, products or byproducts, or any constituent thereof
123 may enter other lands or be emitted into the air or discharged
124 into any waters, including groundwaters, or otherwise enter the
125 environment such that a threat of contamination in excess of
126 applicable department standards and criteria is caused.

127 3. The recovered materials handled by the facility are not
128 hazardous wastes as defined under s. 403.703, and rules
129 promulgated pursuant thereto.

130 4. The facility is registered as required in s. 403.7046.

131 (f) Industrial byproducts, if:

132 1. A majority of the industrial byproducts are demonstrated
133 to be sold, used, or reused within 1 year.

134 2. The industrial byproducts are not discharged, deposited,
135 injected, dumped, spilled, leaked, or placed upon any land or
136 water so that such industrial byproducts, or any constituent
137 thereof, may enter other lands or be emitted into the air or
138 discharged into any waters, including groundwaters, or otherwise
139 enter the environment such that a threat of contamination in
140 excess of applicable department standards and criteria or a
141 significant threat to public health is caused.

142 3. The industrial byproducts are not hazardous wastes as
143 defined under s. 403.703 and rules adopted under this section.

144
145 Sludge from an industrial waste treatment works that meets the

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146 exemption requirements of this paragraph is not solid waste as
147 defined in s. 403.703(36) ~~s. 403.703(32)~~.

148 Section 3. Subsection (2) of section 171.205, Florida
149 Statutes, is amended to read:

150 171.205 Consent requirements for annexation of land under
151 this part.—Notwithstanding part I, an interlocal service
152 boundary agreement may provide a process for annexation
153 consistent with this section or with part I.

154 (2) If the area to be annexed includes a privately owned
155 solid waste disposal facility as defined in s. 403.703(37) ~~s.
156 403.703(33)~~ which receives municipal solid waste collected
157 within the jurisdiction of multiple local governments, the
158 annexing municipality must set forth in its plan the effects
159 that the annexation of the solid waste disposal facility will
160 have on the other local governments. The plan must also indicate
161 that the owner of the affected solid waste disposal facility has
162 been contacted in writing concerning the annexation, that an
163 agreement between the annexing municipality and the solid waste
164 disposal facility to govern the operations of the solid waste
165 disposal facility if the annexation occurs has been approved,
166 and that the owner of the solid waste disposal facility does not
167 object to the proposed annexation.

168 Section 4. Subsection (28) of section 316.003, Florida
169 Statutes, is amended to read:

170 316.003 Definitions.—The following words and phrases, when
171 used in this chapter, shall have the meanings respectively
172 ascribed to them in this section, except where the context
173 otherwise requires:

174 (28) HAZARDOUS MATERIAL.—Any substance or material which

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175 has been determined by the secretary of the United States
176 Department of Transportation to be capable of imposing an
177 unreasonable risk to health, safety, and property. This term
178 includes hazardous waste as defined in s. 403.703(14) ~~s.~~
179 ~~403.703(13)~~.

180 Section 5. Paragraph (f) of subsection (2) of section
181 377.709, Florida Statutes, is amended to read:

182 377.709 Funding by electric utilities of local governmental
183 solid waste facilities that generate electricity.—

184 (2) DEFINITIONS.—As used in this section, the term:

185 (f) "Solid waste facility" means a facility owned or
186 operated by, or on behalf of, a local government for the purpose
187 of disposing of solid waste, as that term is defined in s.
188 403.703(36) ~~s. 403.703(32)~~, by any process that produces heat
189 and incorporates, as a part of the facility, the means of
190 converting heat to electrical energy in amounts greater than
191 actually required for the operation of the facility.

192 Section 6. Subsection (1) of section 487.048, Florida
193 Statutes, is amended to read:

194 487.048 Dealer's license; records.—

195 (1) Each person holding or offering for sale, selling, or
196 distributing restricted-use pesticides must obtain a dealer's
197 license from the department. Application for the license shall
198 be filed with the department by using a form prescribed by the
199 department or by using the department's website. The license
200 must be obtained before entering into business or transferring
201 ownership of a business. The department may require examination
202 or other proof of competency of individuals to whom licenses are
203 issued or of individuals employed by persons to whom licenses

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204 are issued. Demonstration of continued competency may be
205 required for license renewal, as set by rule. The license shall
206 be renewed annually as provided by rule. An annual license fee
207 not exceeding \$250 shall be established by rule. However, a user
208 of a restricted-use pesticide may distribute unopened containers
209 of a properly labeled pesticide to another user who is legally
210 entitled to use that restricted-use pesticide without obtaining
211 a pesticide dealer license. The exclusive purpose of
212 distribution of the restricted-use pesticide is to keep it from
213 becoming a hazardous waste as defined in s. 403.703(14) ~~s.~~
214 ~~403.703(13)~~.

215 Section 7. This act shall take effect upon becoming a law.