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CS/CS/HB 1191

2023 Legislature

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 2 An act relating to the use of phosphogypsum; amending
 3 s. 336.044, F.S.; authorizing the Department of
 4 Transportation to undertake demonstration projects
 5 using phosphogypsum in road construction aggregate
 6 material to determine its feasibility as a paving
 7 material; creating s. 337.02611, F.S.; requiring the
 8 department to conduct a study on the suitability of
 9 using phosphogypsum as a construction aggregate
 10 material; providing requirements for the study;
 11 providing that such materials may be used as a
 12 construction aggregate material in accordance with
 13 specified regulations if the department determines it
 14 suitable for such use; amending s. 403.7045, F.S.;
 15 providing that phosphogypsum used under specified
 16 circumstances is not solid waste and is an allowed use
 17 in the state; authorizing the placement of
 18 phosphogypsum in specified stack systems; providing an
 19 effective date.

20
 21 Be It Enacted by the Legislature of the State of Florida:

22
 23 Section 1. Subsection (2) of section 336.044, Florida
 24 Statutes, is amended to read:

25 336.044 Use of recyclable materials in construction.—

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26 (2) The Legislature declares it to be in the public
 27 interest to find alternative ways to use certain recyclable
 28 materials that currently are part of the solid waste stream and
 29 that contribute to problems of declining space in landfills. To
 30 determine the feasibility of using certain recyclable materials
 31 for paving materials, the department may undertake demonstration
 32 projects using all of the following materials in road
 33 construction:

34 (a) Ground rubber from automobile tires in road
 35 resurfacing or subbase materials for roads.~~†~~

36 (b) Ash residue from coal combustion byproducts for
 37 concrete and ash residue from waste incineration facilities and
 38 oil combustion byproducts for subbase material.~~†~~

39 (c) Recycled mixed-plastic material for guardrail posts or
 40 right-of-way fence posts.~~†~~

41 (d) Construction steel, including reinforcing rods and I-
 42 beams, manufactured from scrap metals disposed of in the state.~~†~~
 43 ~~and~~

44 (e) Glass~~†~~ and glass aggregates.

45 (f) Phosphogypsum from phosphate production in road
 46 construction aggregate material.

47 Section 2. Section 337.02611, Florida Statutes, is created
 48 to read:

49 337.02611 Phosphogypsum as a construction aggregate
 50 material; study.-

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51 (1) The department shall conduct a study to evaluate the
 52 suitability of using phosphogypsum as a construction aggregate
 53 material as defined in s. 337.0261(1). The department may
 54 consider any prior or ongoing studies of phosphogypsum's road
 55 suitability in the fulfillment of this duty. The study and a
 56 determination of suitability must be completed by April 1, 2024.

57 (2) Upon a determination of suitability by the department,
 58 phosphogypsum from phosphate production may be used as a
 59 construction aggregate material in accordance with the
 60 conditions of the United States Environmental Protection Agency
 61 approval for the use.

62 Section 3. Paragraph (f) of subsection (1) of section
 63 403.7045, Florida Statutes, is amended to read:

64 403.7045 Application of act and integration with other
 65 acts.—

66 (1) The following wastes or activities may not be
 67 regulated pursuant to this act:

68 (f) Industrial byproducts, if:

69 1. A majority of the industrial byproducts are
 70 demonstrated to be sold, used, or reused within 1 year;~~;~~

71 2. The industrial byproducts are not discharged,
 72 deposited, injected, dumped, spilled, leaked, or placed upon any
 73 land or water so that such industrial byproducts, or any
 74 constituent thereof, may enter other lands or be emitted into
 75 the air or discharged into any waters, including groundwaters,

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76 | or otherwise enter the environment such that a threat of
 77 | contamination in excess of applicable department standards and
 78 | criteria or a significant threat to public health is caused;
 79 | and.

80 | 3. The industrial byproducts are not hazardous wastes as
 81 | defined in s. 403.703 and rules adopted under this section.

82 |
 83 | Sludge from an industrial waste treatment works that meets the
 84 | exemption requirements of this paragraph is not solid waste as
 85 | defined in s. 403.703. Phosphogypsum used in accordance with an
 86 | allowed use expressly specified in United States Environmental
 87 | Protection Agency regulations or pursuant to an express United
 88 | States Environmental Protection Agency approval for the specific
 89 | use is not solid waste as defined in s. 403.703 and is an
 90 | allowed use in the state. Phosphogypsum may be placed in a
 91 | phosphogypsum stack system permitted by the department under ss.
 92 | 403.4154 and 403.4155.

93 | Section 4. This act shall take effect July 1, 2023.