

By Senator Trumbull

2-01100A-23

20231258__

1 A bill to be entitled
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 prohibiting phosphogypsum placed in specified stack
16 systems from being regulated as solid waste under
17 certain circumstances; providing an effective date.

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

20
21 Section 1. Subsection (2) of section 336.044, Florida
22 Statutes, is amended to read:

23 336.044 Use of recyclable materials in construction.—

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

2-01100A-23

20231258__

30 projects using all of the following materials in road
31 construction:

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

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

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

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

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

43 (f) Phosphogypsum from phosphate production in road
44 construction aggregate material.

45 Section 2. Section 337.02611, Florida Statutes, is created
46 to read:

47 337.02611 Phosphogypsum as a construction aggregate
48 material; study.-

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

56 (2) Upon a determination of suitability by the department,
57 phosphogypsum from phosphate production may be used as a
58 construction aggregate material in accordance with the

2-01100A-23

20231258__

59 conditions of the United States Environmental Protection Agency
60 approval for the use.

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

63 403.7045 Application of act and integration with other
64 acts.—

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

67 (f) Industrial byproducts, if:

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

70 2. The industrial byproducts are not discharged, deposited,
71 injected, dumped, spilled, leaked, or placed upon any land or
72 water so that such industrial byproducts, or any constituent
73 thereof, may enter other lands or be emitted into the air or
74 discharged into any waters, including groundwaters, or otherwise
75 enter the environment such that a threat of contamination in
76 excess of applicable department standards and criteria or a
77 significant threat to public health is caused; and—

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

80

81 Sludge from an industrial waste treatment works that meets the
82 exemption requirements of this paragraph is not solid waste as
83 defined in s. 403.703. Phosphogypsum placed in a phosphogypsum
84 stack system permitted by the department or used in accordance
85 with an allowed use expressly specified in United States
86 Environmental Protection Agency regulations or pursuant to an
87 express United States Environmental Protection Agency approval

2-01100A-23

20231258__

88 for the specific use is not solid waste as defined in s. 403.703
89 and shall be an allowed use in this state.

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