

By the Committees on Fiscal Policy; and Transportation; and
Senators Trumbull, Burgess, Gruters, and Ingoglia

594-03813-23

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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 from being regulated as
16 solid waste if used in accordance with an allowed use
17 under specified federal regulations and approvals;
18 providing that phosphogypsum may be placed in stack
19 systems permitted by the department; providing an
20 effective date.

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

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

26 336.044 Use of recyclable materials in construction.—

27 (2) The Legislature declares it to be in the public
28 interest to find alternative ways to use certain recyclable
29 materials that currently are part of the solid waste stream and

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30 that contribute to problems of declining space in landfills. To
31 determine the feasibility of using certain recyclable materials
32 for paving materials, the department may undertake demonstration
33 projects using all of the following materials in road
34 construction:

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

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

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

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

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

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

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

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

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

58 (2) Upon a determination of suitability by the department,

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59 phosphogypsum from phosphate production may be used as a
60 construction aggregate material in accordance with the
61 conditions of the United States Environmental Protection Agency
62 approval for the use.

63 Section 3. Paragraph (f) of subsection (1) of section
64 403.7045, Florida Statutes, is amended to read:

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

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

69 (f) Industrial byproducts, if:

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

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

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88 States Environmental Protection Agency approval for the specific
89 use is not solid waste as defined in s. 403.703 and shall be an
90 allowed use in this state. Phosphogypsum may be placed in a
91 phosphogypsum stack system permitted by the department pursuant
92 to ss. 403.4154 and 403.4155.

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