
SENATE STAFF ANALYSIS AND ECONOMIC IMPACT STATEMENT

(This document is based only on the provisions contained in the legislation as of the latest date listed below.)

Date: April 2, 1998

Revised: 4/14/98 _____

Subject: Solid Waste Management

	<u>Analyst</u>	<u>Staff Director</u>	<u>Reference</u>	<u>Action</u>
1.	<u>Branning</u>	<u>Voigt</u>	<u>NR</u>	<u>Favorable/CS</u>
2.	<u>Cooper</u>	<u>Yeatman</u>	<u>CA</u>	<u>Fav/2 amendments</u>
3.	_____	_____	_____	_____
4.	_____	_____	_____	_____
5.	_____	_____	_____	_____

I. Summary:

This bill would prohibit the Department of Environmental Protection from permitting the construction of a new Class I solid waste landfill facility, a waste-to-energy facility, or a composting facility located within a 5-mile radius from the perimeter of a specified municipal solid waste landfill unless it complies with certain specified requirements. Also, the bill prohibits the department from issuing a construction permit for an existing Class I solid waste landfill facility, a waste-to-energy facility, or a composting facility located within a 5-mile radius from the perimeter of a specified municipal solid waste landfill unless the applicant provides notice to adjacent property owners.

This bill amends section 403.707, Florida Statutes.

II. Present Situation:

Section 403.707(1), F.S., provides that no solid waste management facility may be operated, maintained, constructed, expanded, modified, or closed without an appropriate and currently valid permit issued by the Department of Environmental Protection (DEP). Subsection (5) of s. 403.707, F.S., prohibits the DEP from issuing a construction permit for a new solid waste landfill within 3,000 feet of Class I surface waters.

In 1987, the United Church of Christ Commission on Racial Justice published a study entitled *Toxic Wastes and Race in the United States*. The study found three out of five black and Hispanic Americans living in communities with uncontrolled toxic waste sites. This study was considered to be the first to nationally address the siting of waste disposal facilities and uncontrolled hazardous waste sites in communities of color. In 1994, the Florida Legislature created the Florida

Environmental Equity and Justice Commission to scientifically study whether low-income and minority communities are more at risk from environmental hazards than the general population.

The commission found, in its Final Report, that the provisions of ch. 403, F.S., and the regulations adopted pursuant thereto did not incorporate the concept of “environmental equity.” The commission also found that the issue of the appropriate location of solid and hazardous waste facilities has always been a matter managed by local governments through the zoning and land use planning process. It has never been a responsibility of the DEP to address land use issues as part of the environmental permitting process. Further, the Department of Community Affairs and local zoning authorities did not and were not required to consider environmental equity and justice issues in land use planning and zoning determinations.

Today, many landfills, construction and demolition debris disposal facilities, and other such disposal facilities are often near low-income communities, minority communities, and other residential communities.

III. Effect of Proposed Changes:

This bill amends s. 403.707(5), F.S., to provide that the DEP may not issue a construction permit for a new Class I municipal solid waste landfill facility, waste-to-energy facility, or municipal solid waste composting facility located within a 5-mile radius from the perimeter of a county-owned and county-operated municipal solid waste landfill that is listed on the National Priorities List pursuant to the federal Comprehensive Environmental Response, Compensation and Liability Act (CERCLA), and that is immediately adjacent to a highway that is part of the Interstate Highway System unless it complies with the following requirements.

- No active solid waste disposal activities shall take place within 500 feet of an existing residential structure unless the application was filed before the structure was in existence. The DEP may grant a variance under certain circumstances.
- The applicant is required to provide notice to adjacent property owners of the proposed facility.

The bill also prohibits the DEP from issuing a construction permit for an existing Class I municipal solid waste landfill facility, waste-to-energy facility, or municipal solid waste composting facility located within a 5-mile radius from the perimeter of a county-owned and county-operated municipal solid waste landfill that is listed on the National Priorities List pursuant to CERCLA, and that is immediately adjacent to a highway that is part of the Interstate Highway System unless the applicant provides notice to adjacent property owners that an application for the facility has been filed with the department.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Economic Impact and Fiscal Note:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

This bill would likely affect any Class I municipal solid waste landfills, waste-to-energy facilities, or municipal solid waste composting facilities located in a certain part of Hillsborough County. This part of Hillsborough County already has a site that is listed on the National Priorities List (Superfund). As a result, this bill would benefit residents in that area by restricting the construction of new disposal facilities. This would assure a measure of environmental justice in the siting of these facilities.

Siting costs may increase as a result of this bill.

C. Government Sector Impact:

None.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Amendments:

#1 by Community Affairs:

Restricts DEP from issuing a construction permit for *new* “construction and demolition debris facilities” unless certain conditions are met.

#2 by Community Affairs:

Restricts DEP from issuing a construction permit for *existing* “construction and demolition debris facilities” unless certain conditions are met.

This Senate staff analysis does not reflect the intent or official position of the bill's sponsor or the Florida Senate.
