

# 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.)

BILL: CS/SB 2134

SPONSOR: Natural Resources Committee and Senator Geller

SUBJECT: Resource recovery and management

DATE: March 27, 2000 REVISED: \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Branning</u>	<u>Voigt</u>	<u>NR</u>	<u>Favorable/CS</u>
2.	_____	_____	_____	_____
3.	_____	_____	_____	_____
4.	_____	_____	_____	_____
5.	_____	_____	_____	_____

**I. Summary:**

This bill redefines the term “source separated” and provides that materials are not source separated when two or more types of recovered materials are combined with each other in a commercial collection container and such materials contain more than 10 percent solid waste by volume or weight.

This bill amends s. 403.703, F.S.

**II. Present Situation:**

Solid waste management in Florida has presented some unique problems given Florida’s magnificent beaches and outstanding recreational opportunities. In addition, Florida’s coastline and geographical features provide valuable wildlife habitat in its swamps and wetlands.

One of the major goals of the 1988 Solid Waste Management Act was to reduce the amount of solid waste that being sent to Florida’s landfills by establishing and encouraging recycling and volume reduction programs. Waste reduction is an integral part of Florida’s municipal solid waste management system. Waste reduction, generally synonymous with recycling, is measured by assessing the amount of waste that is not being burned in a waste-to-energy facility or buried on one of its landfills.

Section 403.706, F.S., provides that each county must have a recyclable materials recycling program. At a minimum, a majority (50 percent) of the following materials are to be recovered from the waste stream and offered for recycling: newspaper, aluminum cans, steel cans, glass, and plastic bottles. These are generally referred to as the “minimum 5.” In its *1999 Solid Waste Management in Florida Annual Report*, the Department of Environmental Protection has reported that none of the 67 counties met the 50 percent recycling goal for all of the minimum 5 materials for the reporting period of 1997; however, 30 percent of all the counties have achieved the goal for one or more materials. The success of a recycling program depends largely upon the

method of collection used. The most successful, convenient and reliable method is through source-separated curbside collection of materials. More than 80 percent of Florida communities use curbside collection. The recyclable materials are taken to a municipal recycling facility for sorting, cleaning, and eventual sale. The nonrecyclable components are sent to the landfills and are deemed solid waste.

Pursuant to s. 403.703(44), F.S., “source separated” means the recovered materials that are separated from solid waste where the recovered materials and solid waste are generated. The term does not require that various types of recovered materials be separated from each other and recognizes de minimis solid waste may be included in the recovered materials.

There is a great deal of competition in the waste hauling industry. Solid waste haulers are generally required to enter into exclusive franchise agreements with the county or municipality for hauling solid waste to final disposal. The franchise agreements are accompanied by franchise fees which can be substantial. The haulers for recyclable materials, however, are not subject to such exclusive franchise agreements and are able to engage in a free market system. Section 403.7046, F.S., requires, however, that anyone who handles, purchases, receives, recovers, sells, or is an end-user of recovered materials must apply annually to the Department of Environmental Protection for certification as a recovered materials dealer. Prior to engaging in business within the jurisdiction of the local government, the recovered materials dealer must provide a copy of the DEP certification. The local government may require that the recovered materials generated at commercial establishments be source-separated at the premises of the commercial establishment.

Within the solid waste and recycling hauling industry, there have been numerous instances of “sham recycling.” Sham recyclers contend that they are hauling recyclable materials when in fact they are hauling a significant amount of solid waste mixed in with the recyclable materials that is then deposited into the landfill. These haulers are actually solid waste haulers operating without a franchise agreement.

**III. Effect of Proposed Changes:**

This bill amends the definition of “source separated” in s. 403.703, F.S., to provide that materials are not considered source separated when two or more types of recovered materials are deposited in combination with each other in a commercial collection container located where the materials are generated and such materials contain more than 10 percent solid waste by volume or weight. For purposes of this provision, “various types of recovered materials” means metals, paper, glass, plastic, textiles, and rubber.

**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:**

It is anticipated that this bill would help curtail the activities of sham recyclers by more clearly defining what is recyclable and can be handled by recovered materials dealers and their haulers, and what is solid waste that should rightfully be hauled by the solid waste hauler holding the exclusive local franchise.

**C. Government Sector Impact:**

This bill would help local governments avoid the loss of revenues from sham recycling activities by better defining what is recovered materials and source separated means.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**VIII. Amendments:**

None.