

SENATE STAFF ANALYSIS AND ECONOMIC IMPACT STATEMENT

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

BILL: CS/SB 1038

SPONSOR: Natural Resources Committee and Senator Brown-Waite

SUBJECT: Solid Waste Management

DATE: February 12, 2002 REVISED: _____

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

I. Summary:

The committee substitute deletes the requirement that the state solid waste program must provide guidelines for the collection and transportation of solid waste. Deletes the requirement that the state solid waste management program be updated every 3 years. Deletes the detailed language regarding what information the counties must submit to the Department of Environmental Protection (DEP) annually. Provides instead that the DEP would periodically seek information from the counties to evaluate and report on the success of meeting the solid waste reduction goal.

Provides that the counties must implement a recyclable materials recycling program; however, the counties are no longer required to recover a majority of the "minimum five." Instead, they are encouraged to recover a significant portion of at least four of the following materials: Newspaper, aluminum cans, steel cans, glass, plastic bottles, cardboard, office paper, and yard trash. Counties are encouraged to consider plans for composting or mulching of organic materials and work in partnership with the private sector. Deletes specific language regarding the amount of construction and demolition debris, yard trash, white goods, and tires that may be considered when determining the 30 percent waste reduction goal. Redefines a small county for the purposes of having to provide an opportunity to recycle in lieu of achieving the 30 percent goal. Streamlines the provisions relating to the information counties must submit to the DEP.

Requires that construction and demolition debris must be separated from solid waste stream in separate locations at a solid waste disposal facility or other permitted site. Clarifies in the permit section that no facility that uses processed yard trash or clean wood or paper waste as a fuel source is deemed to be a solid waste disposal facility. These provisions currently exist and are moved from other sections in ch. 403, F.S.

Deletes DEP's authority to establish and administer a separate waste tire grants program.

This bill amends ss. 403.705, 403.706, 403.707, and 403.717, F.S. This bill repeals ss. 403.7085, 403.7165, and 403.7175, F.S.

II. Present Situation:

Solid waste management is a local government responsibility. Prior to 1988, local governments in Florida did not receive ongoing grants to subsidize and assist in recycling and other solid waste management problems. Pollution problems at existing landfills, long delays in siting new landfill sites, and forecasts that one-third of the landfill space available in the state in 1985 would be closed by 1996 prompted the Legislature to help local governments meet their solid waste management responsibilities. The Solid Waste Management Act was enacted in 1988 to provide comprehensive programs to promote recycling and reduce the volume of materials going to landfills.

By 1990, Florida had 150 permitted landfills, most of which were lined, 11 waste-to-energy plants, and one of the largest recycling programs in the United States. These significant changes resulted from the passage of the Solid Waste Management Act of 1988 (SWMA.) The SWMA contained comprehensive provisions that established an overall 30 percent recycling goal to be met by 1994. The act also established a number of new programs for the management of special waste, as well as requiring training of landfill operators, financial responsibility for landfill closure, full-cost accounting for local government solid waste services, packaging requirements, litter control, and most importantly, a recycling and education grant program for governments to help them reach the 30 percent recycling goal.

The SWMA directed counties with population greater than 50,000 to reduce the disposal of municipal solid waste by 30 percent by the end of 1994. Counties with a population of 50,000 or less were exempt from the 30 percent goal as long as they provide their residents with an opportunity to recycle.

Another major feature of the SWMA was the creation of a Waste Tire Grant Program to assist counties in solving problems stemming from the large number of waste tires in Florida. One tire site in Polk County contained over 4.5 million tires which posed significant threats for fire and mosquito control. This grant program is funded from a \$1 fee imposed on each new motor vehicle tire sold at retail.

The SWMA created the Solid Waste Management Trust Fund to finance the various activities authorized by the 1988 law. The two major revenue sources for this fund are:

- A distribution of two-tenths of one percent of the sale tax proceeds transferred directly to the Solid Waste Management Trust Fund amounting to approximately \$30 million annually; and
- The Waste Tire Fees which produce an annual revenue of approximately \$20 million.

The Recycling and Education Grants Program has been successful in assisting counties in establishing and operating recycling program. By late 1995, the Department of Environmental Protection noted that a majority of counties with populations greater than 50,000 were recycling

over 30 percent of their municipal solid waste, effectively meeting the statutory goal established in 1988.

The Waste Tire Grant Program has also been very successful. The large waste tire piles were cleaned up and management practices were put in place by local governments to prevent these build-ups from occurring again and appropriate disposal options were available to keep tires from being discarded randomly in the woods and rural locations.

During the last 10 years, solid waste disposal has changed from being mainly a local issue to becoming a regional issue in most parts of the state. The trend has been toward consolidation with fewer, larger landfills, and waste-to-energy plants taking waste from larger geographic areas. Less money has been going to local government recycling program in the past several years since funds have been diverted from the Solid Waste Management Trust Fund through the General Appropriations Act to other higher priority uses.

In 1995, demands for General Revenue Funds were greater than growth in those revenues. Consideration was given at that time to statutorily reallocating the sales tax revenues that were going to solid waste management and funding other priority needs such as aquatic plant control. Legislation to do that did not pass. However, every year since, significant amounts of revenues have been diverted from the Solid Waste Management Trust Fund to other uses in the General Appropriations Act notwithstanding the provisions of general law. Moneys have been diverted to the Working Capital Fund, the Invasive Plant Control Trust Fund, and the Ecosystem Management and Restoration Trust Fund to be used for aquatic and invasive plant control and various water projects.

The Senate Natural Resources Committee sponsored CS/SB 710 to statutorily address the financial situation regarding the Recycling Grants Program and the Solid Waste Management Trust Fund. That bill provides for a reallocation of the sales tax proceeds that are deposited into the Solid Waste Management Trust Fund and, instead, deposits these proceeds into the Ecosystem Management Trust Fund to be used for water quality improvement and water restoration projects. Because of the reduced funds available to the recycling grants program and the eventual phasing out of this program, certain substantive changes are needed to various provisions in ch. 403, F.S., regarding the local governments' responsibilities for recycling and other solid waste matters.

III. Effect of Proposed Changes:

This bill address amends various provisions relating the recycling goals and mandates imposed on local governments in view of the reduced funding that has occurred for the Recycling Grants Program.

Section 1. Section 403.705, F.S., is amended to delete the requirement that the state solid waste program must provide guidelines for the collection and transportation of solid waste. This is generally a matter between the local governments and their contracts with the private sector. The Department of Environmental Protection (DEP) does not address these provisions for purposes of providing guidance for local recycling programs.

The requirement that a state solid waste management program be updated every 3 years is deleted.

The detailed language regarding what information the counties must submit to the DEP annually is deleted. Instead, the DEP would periodically seek information from the counties to evaluate and report on the success of meeting the solid waste reduction goal.

Section 2. Section 403.706, F.S., is amended to provide that the counties must implement a recyclable materials recycling program; however, the counties are no longer required to recover a majority of the “minimum five” — aluminum cans, newspaper, steel cans, glass, and plastic bottles. Instead, they must have recycling program designed to recover a significant portion of at least four of the following materials: newspaper, aluminum cans, steel cans, glass, plastic bottles, cardboard, office paper, and yard trash.

Counties are encouraged to consider plans for composting or mulching of organic materials and work in partnership with the private sector.

Specific language regarding the amount of construction and demolition debris (C&D), yard trash, white goods, and tires that may be considered when determining the 30 percent waste reduction goal is deleted.

For the purposes of having to provide an opportunity to recycle in lieu of achieving the 30 percent goal, small counties are redefined as those having a population of 100,000 or less instead of 75,000 or less. Certain notice requirements for such counties are deleted.

The provisions relating to the information counties must submit to the DEP regarding recycling and the waste reduction goal are streamlined.

Section 3. Section 403.707, F.S., is amended to require that C&D must be separated from the solid waste stream in separate locations at a solid waste disposal facility or other permitted site. This provision is moved from s. 403.706, F.S., relating to local governments responsibilities, to this section which pertains to permits.

Also moved from s. 403.706, F.S., is a provision that provides that no facility that uses processed yard trash or clean wood or paper waste as a fuel source is deemed to be a solid waste disposal facility.

Section 4. Section 403.717, F.S., is amended to delete DEP’s authority to establish and administer a separate waste tire grants program. Pursuant to CS/SB 710, because of the reduced funding, there will now only be one grants program and that program can be used for waste tires.

Section 5. The following sections are repealed since they are outdated and no longer needed:

- s. 403.7085, F.S. — relating to animal parts, fats, byproducts, waste products, and vegetable oils disposal.

- s. 403.7165, F.S. — Applications Demonstration Center for Resource Recovery from Solid Organic Materials.
- s. 403.7175 — relating to an annual transfer from the General Revenue Fund to the Water Quality Assurance Trust Fund.

Section 6. This act will take effect upon becoming a law.

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:

None.

C. Government Sector Impact:

Local governments will be afforded more flexibility over how they can meet the 30 percent waste reduction goal.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Amendments:

None.

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