

Amendment No.

20 authorized by this section. This paragraph applies to a
21 qualifying solid waste management facility that applies for an
22 operating or construction permit or renews an existing operating
23 or construction permit on or after October 1, 2012.

24 (c) A permit, including a general permit, but not
25 including a registration, issued to a solid waste management
26 facility that does not have a leachate control system meeting
27 department requirements shall be renewed for a term of 10 years,
28 unless the applicant requests a shorter term, if the following
29 conditions are met:

30 1. The applicant has conducted the regulated activity at
31 the same site for which the renewal is sought for at least 4
32 years and 6 months before the date that the permit application
33 is received by the department; and

34 2. At the time of applying for the renewal permit:

35 a. The applicant is not subject to a notice of violation,
36 consent order, or administrative order issued by the department
37 for violation of an applicable law or rule;

38 b. The department has not notified the applicant that it
39 is required to implement assessment or evaluation monitoring as
40 a result of exceedances of applicable groundwater standards or
41 criteria or, if applicable, the applicant is completing
42 corrective actions in accordance with applicable department
43 rules; and

44 c. The applicant is in compliance with the applicable
45 financial assurance requirements.

46 (d) The department may adopt rules to administer this
47 subsection; however, the provisions of chapter 120 which require
48 a statement of estimated regulatory cost and legislative

Amendment No.

49 ratification do not apply to such rulemaking and the department
50 is not required to submit such rules to the Environmental
51 Regulation Commission for approval. Notwithstanding the
52 limitations of s. 403.087(6)(a), permit fee caps for solid waste
53 management facilities shall be prorated to reflect the extended
54 permit term authorized by this subsection.

55 Section 2. Subsection (5) is added to section 403.709,
56 Florida Statutes, to read:

57 403.709 Solid Waste Management Trust Fund; use of waste
58 tire fees.—There is created the Solid Waste Management Trust
59 Fund, to be administered by the department.

60 (5) A solid waste landfill closure account is created
61 within the Solid Waste Management Trust Fund to provide funding
62 for the closing and long-term care of solid waste management
63 facilities, if:

64 (a) The facility had or has a department permit to operate
65 the facility;

66 (b) The permittee provided proof of financial assurance
67 for closure in the form of an insurance certificate;

68 (c) The facility has been deemed to be abandoned or has
69 been ordered to close by the department; and

70 (d) Closure will be accomplished in substantial accordance
71 with a closure plan approved by the department.

72
73 The department has a reasonable expectation that the insurance
74 company issuing the closure insurance policy will provide or
75 reimburse most or all of the funds required to complete closing
76 and long-term care of the facility. If the insurance company
77 reimburses the department for the costs of closing or long-term

Amendment No.

78 care of the facility, the department shall deposit the funds
79 into the solid waste landfill closure account.

80 Section 3. Section 403.7125, Florida Statutes, is amended
81 to read:

82 403.7125 Financial assurance ~~for closure.~~

83 (1) Every owner or operator of a landfill is jointly and
84 severally liable for the improper operation and closure of the
85 landfill, as provided by law. As used in this section, the term
86 "owner or operator" means any owner of record of any interest in
87 land wherein a landfill is or has been located and any person or
88 corporation that owns a majority interest in any other
89 corporation that is the owner or operator of a landfill.

90 (2) The owner or operator of a landfill owned or operated
91 by a local or state government or the Federal Government shall
92 establish a fee, or a surcharge on existing fees or other
93 appropriate revenue-producing mechanism, to ensure the
94 availability of financial resources for the proper closure of
95 the landfill. However, the disposal of solid waste by persons
96 on their own property, as described in s. 403.707(2), is exempt
97 from this section.

98 (a) The revenue-producing mechanism must produce revenue
99 at a rate sufficient to generate funds to meet state and federal
100 landfill closure requirements.

101 (b) The revenue shall be deposited in an interest-bearing
102 escrow account to be held and administered by the owner or
103 operator. The owner or operator shall file with the department
104 an annual audit of the account. The audit shall be conducted by
105 an independent certified public accountant. Failure to collect
106 or report such revenue, except as allowed in subsection (3), is

Amendment No.

107 a noncriminal violation punishable by a fine of not more than
108 \$5,000 for each offense. The owner or operator may make
109 expenditures from the account and its accumulated interest only
110 for the purpose of landfill closure and, if such expenditures do
111 not deplete the fund to the detriment of eventual closure, for
112 planning and construction of resource recovery or landfill
113 facilities. Any moneys remaining in the account after paying
114 for proper and complete closure, as determined by the
115 department, shall, if the owner or operator does not operate a
116 landfill, be deposited by the owner or operator into the general
117 fund or the appropriate solid waste fund of the local government
118 of jurisdiction.

119 (c) The revenue generated under this subsection and any
120 accumulated interest thereon may be applied to the payment of,
121 or pledged as security for, the payment of revenue bonds issued
122 in whole or in part for the purpose of complying with state and
123 federal landfill closure requirements. Such application or
124 pledge may be made directly in the proceedings authorizing such
125 bonds or in an agreement with an insurer of bonds to assure such
126 insurer of additional security therefor.

127 (d) The provisions of s. 212.055 which relate to raising
128 of revenues for landfill closure or long-term maintenance do not
129 relieve a landfill owner or operator from the obligations of
130 this section.

131 (e) The owner or operator of any landfill that had
132 established an escrow account in accordance with this section
133 and the conditions of its permit prior to January 1, 2007, may
134 continue to use that escrow account to provide financial
135 assurance for closure of that landfill, even if that landfill is

Amendment No.

136 not owned or operated by a local or state government or the
137 Federal Government.

138 (3) An owner or operator of a landfill owned or operated
139 by a local or state government or by the Federal Government may
140 provide financial assurance to the department in lieu of the
141 requirements of subsection (2). An owner or operator of any
142 other landfill, or any other solid waste management facility
143 designated by department rule, shall provide financial assurance
144 to the department for the closure of the facility. Such
145 financial assurance may include surety bonds, certificates of
146 deposit, securities, letters of credit, or other documents
147 showing that the owner or operator has sufficient financial
148 resources to cover, at a minimum, the costs of complying with
149 applicable closure requirements. The owner or operator shall
150 estimate such costs to the satisfaction of the department.

151 (4) This section does not repeal, limit, or abrogate any
152 other law authorizing local governments to fix, levy, or charge
153 rates, fees, or charges for the purpose of complying with state
154 and federal landfill closure requirements.

155 (5) The department shall by rule require that the owner or
156 operator of a solid waste management facility that receives
157 waste after October 9, 1993, and that is required by department
158 rule to undertake corrective actions for violations of water
159 quality standards provide financial assurance for the cost of
160 completing such corrective actions. The same financial
161 assurance mechanisms that are available for closure costs shall
162 be available for costs associated with undertaking corrective
163 actions.

164 (6)-(5) The department shall adopt rules to implement this

Amendment No.

165 section.

166 Section 4. This act shall take effect July 1, 2012.

167
168
169 -----

170 **T I T L E A M E N D M E N T**

171 Remove lines 7-9 and insert:

172 Protection; requiring that existing permit fees be
173 adjusted to the permit term; providing applicability;
174 specifying a permit term for a solid waste management
175 facility that does not have a leachate control system
176 meeting the requirements of the department under
177 certain conditions; authorizing the department to
178 adopt rules; providing that the department is not
179 required to submit the rules to the Environmental
180 Regulation Commission for approval; requiring that
181 permit fee caps for solid waste management facilities
182 be prorated to reflect the extended permit term;
183 amending s. 403.709, F.S.; creating a solid waste
184 landfill closure account within the Solid Waste
185 Management Trust Fund to fund the closing and long-
186 term care of solid waste facilities under certain
187 circumstances; requiring that the department deposit
188 funds that are reimbursed into the solid waste
189 landfill closure account; amending s. 403.7125, F.S.;
190 requiring that the department require by rule that the
191 owner or operator of a solid waste management facility
192 receiving waste after a specified date provide
193 financial assurance for the cost of completing

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 663 (2012)

Amendment No.

194 corrective action for violations of water quality
195 standards; providing an effective date.
196
197