

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 placed in specified stack
 16 systems from being regulated as solid waste under
 17 certain circumstances; providing an effective date.

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 19 Be It Enacted by the Legislature of the State of Florida:

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 21 Section 1. Subsection (2) of section 336.044, Florida
 22 Statutes, is amended to read:

23 336.044 Use of recyclable materials in construction.—

24 (2) The Legislature declares it to be in the public
 25 interest to find alternative ways to use certain recyclable

26 materials that currently are part of the solid waste stream and
 27 that contribute to problems of declining space in landfills. To
 28 determine the feasibility of using certain recyclable materials
 29 for paving materials, the department may undertake demonstration
 30 projects using all of the following materials in road
 31 construction:

32 (a) Ground rubber from automobile tires in road
 33 resurfacing or subbase materials for roads ~~.~~

34 (b) Ash residue from coal combustion byproducts for
 35 concrete and ash residue from waste incineration facilities and
 36 oil combustion byproducts for subbase material ~~.~~

37 (c) Recycled mixed-plastic material for guardrail posts or
 38 right-of-way fence posts ~~.~~

39 (d) Construction steel, including reinforcing rods and I-
 40 beams, manufactured from scrap metals disposed of in the state ~~.~~
 41 ~~and~~

42 (e) Glass ~~,~~ and glass aggregates.

43 (f) Phosphogypsum from phosphate production in road
 44 construction aggregate material.

45 Section 2. Section 337.02611, Florida Statutes, is created
 46 to read:

47 337.02611 Phosphogypsum as a construction aggregate
 48 material; study.-

49 (1) The department shall conduct a study to evaluate the
 50 suitability of using phosphogypsum as a construction aggregate

HB 1191

2023

51 material as defined in s. 337.0261(1). The department may
52 consider any prior or ongoing studies of phosphogypsum's road
53 suitability in the fulfillment of this duty. The study and a
54 determination of suitability must be completed by January 1,
55 2024.

56 (2) Upon a determination of suitability by the department,
57 phosphogypsum from phosphate production may be used as a
58 construction aggregate material in accordance with the
59 conditions of the United States Environmental Protection Agency
60 approval for the use.

61 Section 3. Paragraph (f) of subsection (1) of section
62 403.7045, Florida Statutes, is amended to read:

63 403.7045 Application of act and integration with other
64 acts.—

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

67 (f) Industrial byproducts, if:

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

70 2. The industrial byproducts are not discharged,
71 deposited, injected, dumped, spilled, leaked, or placed upon any
72 land or water so that such industrial byproducts, or any
73 constituent thereof, may enter other lands or be emitted into
74 the air or discharged into any waters, including groundwaters,
75 or otherwise enter the environment such that a threat of

HB 1191

2023

76 | contamination in excess of applicable department standards and
77 | criteria or a significant threat to public health is caused;
78 | and-

79 | 3. The industrial byproducts are not hazardous wastes as
80 | defined in s. 403.703 and rules adopted under this section.

81 |
82 | Sludge from an industrial waste treatment works that meets the
83 | exemption requirements of this paragraph is not solid waste as
84 | defined in s. 403.703. Phosphogypsum placed in a phosphogypsum
85 | stack system permitted by the department or used in accordance
86 | with an allowed use expressly specified in United States
87 | Environmental Protection Agency regulations or pursuant to an
88 | express United States Environmental Protection Agency approval
89 | for the specific use is not solid waste as defined in s. 403.703
90 | and shall be an allowed use in this state.

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