

# CHAPTER 98-316

## House Bill No. 3125

An act relating to pollution control; amending s. 403.1835, F.S.; providing for the administration of the sewage treatment facilities revolving loan program; amending s. 403.707, F.S.; revising and clarifying conditions under which the disposal of solid waste is exempt from Department of Environmental Protection permitting requirements; providing for a single financial mechanism to cover costs of closure of a privately owned solid-waste-management facility in certain circumstances; providing an effective date.

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

Section 1. Subsections (1), (3), (9), and (10) of section 403.1835, Florida Statutes, are amended to read:

403.1835 Sewage treatment facilities revolving loan program.—

(1) The purpose of this section is to assist in implementing the legislative declaration of public policy as contained in s. 403.021 by establishing a self-perpetuating loan program to accelerate construction of sewage treatment facilities by local governmental agencies and to assist local governmental agencies.

(3) The department is authorized to make loans and grants to local governmental agencies to assist them in planning, designing, and constructing sewage treatment facilities and stormwater management systems. The department may administer the resulting portfolio of loans, including the authority to sell or pledge the loans, or any portion of the loans, with the approval of the Governor, the Treasurer, and the Comptroller, acting as the State Board of Administration, to ensure compliance with subsection (1).

(a) The department is authorized to make loans, to provide loan guarantees, to purchase loan insurance, and to refinance local debt through the issue of new loans for projects approved by the department. Local governmental agencies are authorized to borrow funds made available pursuant to this section and may pledge any revenue available to them to repay any funds borrowed. The department shall administer loans to local governmental agencies so that at least 15 percent of each annual allocation for loans is reserved for small communities.

(b) The department may make grants to financially disadvantaged small communities, as defined in s. 403.1838, using funds made available from grant allocations on loans authorized under subsection (4). The grants must be administered in accordance with s. 403.1838.

(c) The department may make grants to local government agencies as authorized under the Federal Water Pollution Control Act, or as a result of other federal action. The grants must be administered in accordance with this section and applicable federal requirements.

(9) Funds for the loans and grants authorized under this section must be managed as follows:

(a) A nonlapsing trust fund with revolving loan provisions to be known as the “Sewage Treatment Revolving Loan Fund” is hereby established in the State Treasury to be used as a revolving fund by the department to carry out the purpose of this section. Any funds therein which are not needed on an immediate basis for loans may be invested pursuant to s. 215.49. The cost of administering the program shall be paid from federal funds, ~~and from reasonable service fees that may be imposed upon loans, and from proceeds from the sale of loans as permitted by federal law~~ so as to enhance program perpetuity. Grants awarded by the Federal Government, state matching funds, and investment earnings thereon shall be deposited into the fund. Proceeds from the sale of loans must be deposited into the fund. All moneys available in the fund, including investment earnings, are hereby designated to carry out the purpose of this section. The principal and interest payments of all loans held by the fund repaid and investment earnings shall be deposited into this fund.

(b) Revenues from the loan grant allocations authorized under subsection (4), federal appropriations, state matching funds for grants authorized by federal statute or other federal action, and service fees, and all earnings thereon, shall be deposited into the department’s Grants and Donations Trust Fund. Service fees and all earnings thereon must be used solely for program administration. The loan grant allocation revenues and earnings thereon must be used solely for the purpose of making grants to financially disadvantaged small communities. Federal appropriations and state matching funds for grants authorized by federal statute or other federal action, and earnings thereon, must be used solely for the purposes authorized. All deposits into the department’s Grants and Donations Trust Fund under this section, and earnings thereon, must be accounted for separately from all other moneys deposited into the fund.

(10)(a) Because the Legislature has experienced revenue shortfalls in recent years and has been unable to provide enough funds to fully match available federal funds to help capitalize the Sewage Treatment Revolving Loan Fund, it is necessary for innovative approaches to be considered to help capitalize the revolving loan fund. The department shall evaluate potential innovative approaches that can generate funds to match available federal funds. The department may adopt approaches that will help ensure the continuing viability of the Sewage Treatment Revolving Loan Fund. The department shall consider, among other possible alternatives, the option of implementing by rule a program to allow local governments to offer funds voluntarily to the state for use as a match to available federal funds to capitalize the state sewage treatment revolving loan fund.

(b) The department may adopt rules necessary to administer this section.

Section 2. Subsection (2) of section 403.707, Florida Statutes, is amended, and subsection (13) is added to that section, to read:

403.707 Permits.—

(2) Except as provided in s. 403.722(6), no permit under this section is required for the following, provided ~~that the activity shall not create a no~~ public nuisance or any condition adversely affecting the environment or public health ~~and shall is created and the activity does not violate other state or local laws, ordinances, rules, regulations, or orders:~~

(a) Disposal by persons of solid waste resulting from their own activities on their own property, provided such waste is either ordinary household waste from their residential property or is rocks, soils, trees, tree remains, and other vegetative matter which normally result from land development operations. Disposal of materials which could create a public nuisance or adversely affect the environment or public health, such as: white goods; automotive materials, such as batteries and tires; petroleum products; pesticides; solvents; or hazardous substances, is not covered under this exemption.

(b) Storage in containers by persons of solid waste resulting from their own activities on their property, leased or rented property, or property subject to a homeowners or maintenance association for which the person contributes association assessments, if the solid waste in such containers is collected at least once a week.

(c) Disposal by persons of solid waste resulting from their own activities on their property, provided the environmental effects of such disposal on groundwater and surface waters are:

1. Addressed or authorized by a site certification order issued under part II or a permit issued by the department pursuant to this chapter or rules adopted pursuant thereto; or

2. Addressed or authorized by, or exempted from the requirement to obtain, a groundwater monitoring plan approved by the department.

(d) Disposal by persons of solid waste resulting from their own activities on their own property, provided that such disposal occurred prior to October 1, 1988.

(e) Disposal of solid waste resulting from normal farming operations as defined by department rule. Polyethylene agricultural plastic, damaged, nonsalvageable, untreated wood pallets, and packing material that cannot be feasibly recycled, which are used in connection with agricultural operations related to the growing, harvesting, or maintenance of crops, may be disposed of by open burning, provided that no public nuisance or any condition adversely affecting the environment or the public health is created thereby and that state or federal ambient air quality standards are not violated.

(f) The use of clean debris as fill material in any area. However, this paragraph does not exempt any person from obtaining any other required permits, nor does it affect a person's responsibility to dispose of clean debris appropriately if it is not to be used as fill material.

(g) Compost operations that produce less than 50 cubic yards of compost per year when the compost produced is used on the property where the compost operation is located.

(13) If the department and a local government independently require financial assurance for the closure of a privately owned solid-waste-management facility, the department and that local government shall enter into an interagency agreement that will allow the owner or operator to provide a single financial mechanism to cover the costs of closure and any required long-term care. The financial mechanism may provide for the department and local government to be cobeneficiaries or copayees, but shall not impose duplicative financial requirements on the owner or operator. These closure costs must include at least the minimum required by department rules and must also include any additional costs required by local ordinance or regulation.

Section 3. This act shall take effect July 1 of the year in which enacted.

Became a law without the Governor's approval May 30, 1998.

Filed in Office Secretary of State May 29, 1998.