

CHAPTER 2023-311

Committee Substitute for Committee Substitute for House Bill No. 1191

An act relating to the use of phosphogypsum; amending s. 336.044, F.S.; authorizing the Department of Transportation to undertake demonstration projects using phosphogypsum in road construction aggregate material to determine its feasibility as a paving material; creating s. 337.02611, F.S.; requiring the department to conduct a study on the suitability of using phosphogypsum as a construction aggregate material; providing requirements for the study; providing that such materials may be used as a construction aggregate material in accordance with specified regulations if the department determines it suitable for such use; amending s. 403.7045, F.S.; providing that phosphogypsum used under specified circumstances is not solid waste and is an allowed use in the state; authorizing the placement of phosphogypsum in specified stack systems; providing an effective date.

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

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

336.044 Use of recyclable materials in construction.—

(2) The Legislature declares it to be in the public interest to find alternative ways to use certain recyclable materials that currently are part of the solid waste stream and that contribute to problems of declining space in landfills. To determine the feasibility of using certain recyclable materials for paving materials, the department may undertake demonstration projects using all of the following materials in road construction:

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

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

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

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

~~and~~

(e) Glass, and glass aggregates.

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

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

337.02611 Phosphogypsum as a construction aggregate material; study.

(1) The department shall conduct a study to evaluate the suitability of using phosphogypsum as a construction aggregate material as defined in s. 337.0261(1). The department may consider any prior or ongoing studies of phosphogypsum's road suitability in the fulfillment of this duty. The study and a determination of suitability must be completed by April 1, 2024.

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

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

403.7045 Application of act and integration with other acts.—

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

(f) Industrial byproducts, if:

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

2. The industrial byproducts are not discharged, deposited, injected, dumped, spilled, leaked, or placed upon any land or water so that such industrial byproducts, or any constituent thereof, may enter other lands or be emitted into the air or discharged into any waters, including groundwaters, or otherwise enter the environment such that a threat of contamination in excess of applicable department standards and criteria or a significant threat to public health is caused; and—

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

Sludge from an industrial waste treatment works that meets the exemption requirements of this paragraph is not solid waste as defined in s. 403.703. Phosphogypsum used in accordance with an allowed use expressly specified in United States Environmental Protection Agency regulations or pursuant to an express United States Environmental Protection Agency approval for the specific use is not solid waste as defined in s. 403.703 and is an allowed use in the state. Phosphogypsum may be placed in a phosphogypsum stack system permitted by the department under ss. 403.4154 and 403.4155.

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

Approved by the Governor June 29, 2023.

Filed in Office Secretary of State June 29, 2023.