

1 A bill to be entitled
 2 An act relating to environmental control; amending s.
 3 403.067, F.S.; authorizing the use of land set-asides
 4 and land use modifications, including constructed
 5 wetlands or other water quality improvement projects,
 6 in water quality credit trading; amending s. 403.201,
 7 F.S.; providing applicability of prohibited variances
 8 concerning discharges of waste into waters of the
 9 state and hazardous waste management; amending s.
 10 403.709, F.S.; establishing a solid waste landfill
 11 closure account within the Solid Waste Management
 12 Trust Fund to provide funding for the closing and
 13 long-term care of solid waste facilities; authorizing
 14 the Department of Environmental Protection to contract
 15 with a third party for such closing and long-term care
 16 under certain conditions; requiring the department to
 17 deposit certain funds into the solid waste landfill
 18 closure account; providing an effective date.

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

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 22 Section 1. Paragraph (i) is added to subsection (8) of
 23 section 403.067, Florida Statutes, to read:

24 403.067 Establishment and implementation of total maximum
 25 daily loads.—

26 (8) WATER QUALITY CREDIT TRADING.—

27 (i) Land set-asides and land use modifications, including
 28 constructed wetlands or other water quality improvement
 29 projects, that reduce nutrient loads into nutrient impaired
 30 surface waters may be used under this subsection.

31 Section 2. Subsection (2) of section 403.201, Florida
 32 Statutes, is amended to read:

33 403.201 Variances.—

34 (2) A ~~No~~ variance may not ~~shall~~ be granted from any
 35 provision or requirement concerning discharges of waste into
 36 waters of the state or hazardous waste management which would
 37 result in the provision or requirement being less stringent than
 38 a comparable federal provision or requirement, except as
 39 provided in s. 403.70715. However, this subsection does not
 40 prohibit the issuance of moderating provisions under state law.

41 Section 3. Subsections (2) through (4) of section 403.709,
 42 Florida Statutes, are renumbered as subsections (3) through (5),
 43 respectively, and a new subsection (2) is added to that section
 44 to read:

45 403.709 Solid Waste Management Trust Fund; use of waste
 46 tire fees.—There is created the Solid Waste Management Trust
 47 Fund, to be administered by the department.

48 (2)(a) Notwithstanding subsection (1), a solid waste
 49 landfill closure account is established within the Solid Waste
 50 Management Trust Fund to provide funding for the closing and
 51 long-term care of solid waste management facilities. The
 52 department may use funds from the account to contract with a

53 third party for the closing and long-term care of a solid waste
 54 management facility if:

55 1. The facility has or had a department permit to operate
 56 the facility.

57 2. The permittee provided proof of financial assurance for
 58 closure in the form of an insurance certificate.

59 3. The facility is deemed to be abandoned or was ordered
 60 to close by the department.

61 4. Closure is accomplished in substantial accordance with
 62 a closure plan approved by the department.

63 5. The department has written documentation that the
 64 insurance company issuing the closure insurance policy will
 65 provide or reimburse the funds required to complete closing and
 66 long-term care of the facility.

67 (b) The department shall deposit the funds received from
 68 the insurance company as reimbursement for the costs of closing
 69 or long-term care of the facility into the solid waste landfill
 70 closure account.

71 Section 4. This act shall take effect upon becoming a law.