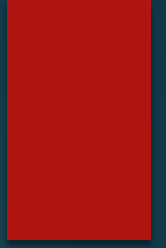




# New Legislation and Regulatory Developments

DAVID S. DEE

# House Bill 771 - Contamination in Recyclable Materials



# HB 771

- ▶ 2018 - HB 1149 passed by Legislature but vetoed by Governor Scott because of "Toilet to Tap"
- ▶ 2019 - HBB 771 passed by Legislature but vetoed by Governor DeSantis because of Ban on Straw Bans

# HB 771 - Vetoes -- A Message from God?



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HB 771

Unnecessary

Burdensome

Won't Solve the Problem

# HB 771

- ▶ Two Mandates:
  - ▶ A local government cannot require a hauler to collect contaminated material
  - ▶ A local government cannot require a RMPF to process contaminated material

# HB 771

- ▶ What is contamination?
  - ▶ Each contract will define contamination based on local facts and considerations
  - ▶ Zero to 100%

# HB 771

- ▶ Local governments must address contamination in each contract and RFP/ITB
  - ▶ Strategy for reducing contamination
  - ▶ Remedies to use if residents don't comply
  - ▶ Education measures
  - ▶ Enforcement measures



# HB 771

## **Unnecessary**

Local governments already are aware of the problem

The market and contract law already control this situation

# HB 771

- ▶ The local government contract tells the hauler how much contamination is acceptable in a cart
- ▶ But the hauler can't control contamination using an ASL

# HB 771

- ▶ The owner of the RMPF decides what it will accept
- ▶ There is no negotiation

# HB 771

- ▶ **Burdensome**

- ▶ Each RFP/ITB/contract must contain plans and information that are not necessary to the contract

# HB 771

- ▶ **Won't Solve the Problem**
  - ▶ Can't meet China's standards
  - ▶ Doesn't address operations in RMPF
  - ▶ Doesn't promote innovation

# HB 771

- ▶ Only obvious benefit is for owners of RMPFs
- ▶ The bill gives them statutory authority to reject loads and send them to a landfill

# HB 771

- ▶ It will be back in 2020
- ▶ A top priority for private sector
- ▶ Fast Tracked for passage

# HB 771

- ▶ Alternative Approaches?
  - ▶ Provide for cart inspections
  - ▶ Fund educational programs
  - ▶ Terminate service
  - ▶ Pursue Sustainable Materials Management



# Unfair Competition with Haulers

- ▶ HB 1169

- ▶ SB 1572

- ▶ Both Died

# Unfair Competition

- ▶ Amends Section 403.70605(3), F.S.
- ▶ Cannot displace haulers for 5 years
- ▶ Must pay 18 months of gross revenues

# Solid Waste Fees and Assessments

- ▶ HB 7053 - Died
- ▶ All solid waste special assessments and franchise fees must be labelled as taxes

# Biosolids

- ▶ HB 973
- ▶ SB 1278
  - ▶ Both Died
- ▶ Implement the recommendations of FDEP's Biosolid TAC

# Biosolids

- ▶ HB 405 - Died
- ▶ Ban land application of Class B in Upper Basin of St. Johns River
- ▶ Petition drive underway

# Biosolids

- ▶ Bills contained no meaningful requirements for Class AA, compost or fertilizer
- ▶ Local ordinances cannot be enforced after FDEP finishes rulemaking

# FDEP's Biosolids Rules

- ▶ Rulemaking is on-going
- ▶ Focus on nutrients (N & P)
- ▶ Monitoring surface and ground water
- ▶ Questions re use of Class AA (compost)

# Biosolids

- ▶ FDEP's Blue Green Algae Task Force
  - ▶ The regulatory system is not working
  - ▶ What do we do now?



# Biosolids

- ▶ Litigation re SFWMD Permit for Sunbreak Farms
- ▶ Should monitoring be required?

# Biosolids

- ▶ New Legislation
- ▶ FDEP Rulemaking
- ▶ FDEP's Blue Green Algae Task Force
- ▶ Sunbreak Farms

Stay Tuned!

