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?

This Photo by Unknown author is licensed under CC BY-SA.
HB 771

Unnecessary

Burdensome

Won't Solve the Problem
Two Mandates:

A local government cannot require a hauler to collect contaminated material

A local government cannot require a RMPF to process contaminated material
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.
The owner of the RMPF decides what it will accept

There is no negotiation
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
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!