

The Florida Agricultural Handbook of Solid and Hazardous Waste Regulation: Solid and Hazardous Waste Disposal¹

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What is the Resource Recovery and Management Act (RRMA)?

The Resource Recovery and Management Act (RRMA) is Florida's RCRA (Resource Conservation and Recovery Act). Covered under Part IV of Chapter 403, Florida Statutes, the purposes and goals of this state law are similar to those of its federal counterpart. This similarity has allowed the Environmental Protection Agency (EPA) to delegate responsibility for administering RCRA to a state agency. Authority was delegated to Florida's Department of Environmental Protection (DEP). DEP is responsible for administering the state's RRMA and the federal RCRA. This arrangement helps avoid duplication of efforts by state and federal agencies, and by multiple agencies within the state.

What is the definition of solid waste?

The definition of solid waste includes these items:

- garbage
- refuse
- yard trash
- clean debris
- white goods
- special waste
- ashes, residuals (sludge)

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- other discarded material
- solid or semi-solid material, or contained gaseous material.

The definition *specifically* includes these items as well:

- agricultural wastes
- commercial wastes
- domestic wastes
- industrial wastes
- governmental wastes
- mining wastes

The definition *specifically excludes* pollution that is otherwise regulated:

- point source pollution, which is regulated under the Clean Water Act
- air emissions, which are regulated under the Clean Air Act

What is the definition of disposal?

Disposal is defined in the Florida Statutes, Chapter 403.703(9), as any

- discharge;
- deposit;
- injection;
- dumping;
- spilling;
- leaking;
- placement of any form of solid waste or hazardous waste into or upon any land or water.

How broad is the definition of disposal?

The definition of disposal is very broad. This definition includes both intentional and unintentional

disposal, such as leaks. It covers just about every way anyone could imagine to "dispose" of waste. This is so broad that it applies where you never thought it would. For example, consider underground storage tanks. Underground storage tanks are specifically addressed under solid and hazardous waste law because they may leak; sometimes the material they leak is hazardous. Storage requirements are very important because leaks are regulated under this statute.

What are the general rules for disposing of solid waste?

In the past, it was acceptable to dispose of solid wastes by discharge into rivers or lakes, burying, and burning. Today, most wastes may not be discharged into any water body at all, and a permit is necessary for all other discharges. As a general rule, waste may not be buried, although there are a few exceptions. Designated landfills are regulated, permitted facilities where most solid wastes may be buried. Biological wastes, such as animal carcasses, poultry wastes, sludge, and composted wastes may be buried where not otherwise restricted. Burning waste is still acceptable, but there are limitations on when, where, what, how, and who can burn waste.

What are the restrictions on burning solid waste?

Burning household paper products and yard trash (which includes everything from trees and tree stumps to yard clippings and tree trimmings) is allowed under certain conditions. The conditions require that the burning

- is only allowed in an ozone attainment area;
- is only fitting within an eight-foot diameter pile or a non-combustible container;
- is in an area of bare soil and is covered by a non-combustible container to keep sparks from flying;
- does not produce smoke, soot, heat, flame or other conditions so as to create a nuisance;

- is at least 150 feet from any occupied building other than the building owned or leased by the person doing the burning;
- is at least 50 feet from any public highway or road;
- may not be ignited until after 9:00 A.M. and must be extinguished one hour before sunset;
- must be at least 25 feet from any residence on the property where the burning is happening;
- must be attended and adequate fire extinguishing equipment must be readily available;
- must not include green or wet materials;
- must not be prohibited by any local, county, municipal, or other governmental regulation;
- must be setback at least 25 feet from any woodlands, forest, or brush.

In some counties (Alachua, Bay, Brevard, Broward, Collier, Dade, Duval, Escambia, Hillsborough, Lake, Lee, Leon, Manatee, Marion, Okaloosa, Orange, Palm Beach, Pasco, Pinellas, Polk, St. Lucie, Sarasota, Seminole, and Volusia), location restrictions are even stricter. In these counties, open burning must be at least 300 feet from any occupied building other than the building owned or leased by the person doing the burning, and must be at least 100 feet from any public highway or road.

Burning yard trash may be allowed in an ozone non-attainment or maintenance area if there is not a local collection service for yard trash at least weekly. You are still subject to all the requirements listed above. Burning authorizations are required for agriculture, silviculture, land clearing, pile and acreage burning; the permits are given out by the Division of Forestry (http://www.fl-dof.com/field_operations/index.html).

What are the restrictions on burning pesticide containers?

Waste pesticide containers may be burned by the following people:

- crop owners
- employees of crop owners
- commercial pesticide applicators hired by crop owners or their employees

Waste pesticide containers may be burned under these conditions:

- plastic containers must be the original container from the manufacturer, and not reused containers designed for other products
- containers must be classified as Group I containers
- containers must contain label instructions that small quantities of the containers may be burned in open fields by the user if burning is permitted by state and local regulations
- the quantity of containers to be burned must not be more than that accumulated during one day's use of the pesticide
- no more than 500 pounds of pesticide containers may be burned per day at a specific location
- burning locations, if more than one, shall be at least 1,000 yards apart
- before burning, the containers must be completely empty by triple-rinsing or other appropriate procedures
- the burning must not produce smoke, soot, odors, heat, flame, or other conditions at such levels as to create a nuisance
- the burning must be at least 200 feet away from any farmworkers or occupied buildings
- the burning must be at least 100 feet from any public road
- the burning must be ignited after 9:00 A.M. and extinguished one hour before sunset of the same day
- the burning is attended at an upwind location until all flame and smoke are no longer visible

- the burning must be enclosed in a fireproof container

What is the definition of hazardous waste?

Under Florida Statute 403.703(13), a hazardous waste is defined as solid waste or a combination of solid wastes which, because of its quantity, concentration, or physical, chemical, or infectious characteristics, may pose a substantial hazard to human health or the environment if improperly managed.

What methods of disposing of hazardous waste are prohibited?

The disposal options for hazardous waste are very limited. No hazardous waste may be placed in a landfill. Hazardous waste may not be burned except as part of a treatment process at a regulated incinerator. Burying hazardous waste on private or public property is also prohibited. Hazardous wastes may not be placed into septic tanks, sewer systems, or surface or groundwater.

What methods of disposing of hazardous waste are allowed?

There are locally sponsored collections programs created to accept hazardous waste from people who have no appropriate, economically feasible way to dispose of this waste. These programs have different names (such as Toxic Roundup) and accept hazardous waste from homeowners, farmers, schools, state agencies, small businesses, and other organizations.

Toxic Roundup and similar programs are usually advertised in the newspaper, on the radio, on the television, and on banners and posters. These programs are generally held on an annual basis, but may occur more frequently. You should contact your county office of waste management for more information.

The only other disposal option for hazardous waste is at a licensed hazardous waste treatment facility. You will be responsible for transporting, or

contracting out the transportation of, the hazardous waste to such a facility.

What are my duties as a generator of hazardous waste to transporters?

For regular shipments of hazardous waste, Florida does not require the submission of a copy of the manifests to the Department of Environmental Protection (DEP). However, under Florida law, generators of hazardous waste must keep records for three years of each hazardous waste shipment as well as comply with all land disposal restrictions.

What are land disposal restrictions?

Under Florida law, generators of hazardous waste must comply with all land disposal restrictions. Included in the restrictions is the requirement that the generator must notify treatment and disposal facilities of the nature and hazardous constituents of each hazardous waste shipped. The written generator notice must include

- the initial manifest document number and all applicable EPA hazardous waste number(s) and treatability groups (see 40 CFR 268.40, http://edocket.access.gpo.gov/cfr_2005/julqtr/pdf/40cfr268.40.pdf);
- a list of the hazardous constituents that must be treated;
- waste analysis data (if available);
- a signed certification if the generator is claiming that his waste already meets the treatment standard.