

## The Florida Agricultural Handbook of Solid and Hazardous Waste Regulation: State Agencies<sup>1</sup>

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### What state agencies are involved in solid and hazardous waste management and pollution control?

There are four state agencies involved in solid and hazardous waste management and pollution control:

1. Department of Environmental Protection (DEP)
2. Department of Agriculture and Consumer Services (DACCS)
3. Department of Health (DOH)
4. Department of Community Affairs (DCA)

See [FE786](#) for contact information on these state agencies.

### Department of Environmental Protection (DEP)

#### What is the Department of Environmental Protection (DEP)?

The Department of Environmental Protection (DEP) was created by the Florida Environmental Reorganization Act of 1993 that effectively merged the Departments of Environmental Regulation (DER) and Natural Resources (DNR). This merger became effective July 1, 1993. Few changes have been made to the regulations. Most of DEP's responsibility for waste management was transferred from the former DER. Only a few of the current responsibilities assigned to DEP were under the former jurisdiction of DNR. In July of 1999, a few sections of DEP were merged with the Game and Fish Commission to become the Florida Fish and Wildlife Conservation Commission.

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### **What are DEP's responsibilities?**

DEP's primary responsibility is to coordinate the protection and management of the environment and natural resources, and to do so in a timely, cost-efficient manner. Although this includes numerous duties, only those relevant to waste management issues are discussed here. These include

- solid and hazardous waste management;
- administration of federal acts such as RCRA (Resource Conservation and Recovery Act) and CERCLA (Comprehensive Environmental Response, Compensation, and Liability Act) in Florida;
- regulation of air, water, and noise pollution;
- the prevention or cleanup of pollutant spills.

An important function of DEP (which was transferred from the now defunct Department of Natural Resources) was the authority to control noxious aquatic weeds. Farmers attempting to control aquatic weeds or algae under a program approved by DEP (or in the case of mosquito control, a program approved by the Department of Health) should check to be certain they are exempt from other statutory mandates which require that they discharge no wastes into Florida waters.

### **What is the structure of DEP?**

A Secretary appointed by the Governor heads DEP. Reporting to the Secretary is the Chief of Staff who oversees External Affairs (including the Ombudsman, Communications, and Environmental Education), the Division of Law Enforcement, the Everglades Restudy, Legislative & Governmental Affairs, the Inspector General, and the General Counsel. The main DEP programs are divided into three categories (Regulatory Programs, Land and Recreation, and Planning and Management), each of which are headed by a Deputy Secretary. Regulatory Programs include the Division of Water Resource Management, the Division of Air Resource Management, the Division of Waste Management, the Siting Coordination Office, and the six District Offices. Land and Recreation includes the Division of State Lands, the Division of Recreation and Parks,

the Office of Greenways and Trails, the Office of Coastal and Aquatic Managed Areas, and Cabinet Affairs. Finally, Planning and Management is responsible for the Division of Resource Assessment and Management, the Division of Administrative Services, and the Office of Strategic Projects and Planning.

Additionally, the Water Management Districts (WMDs) are largely autonomous, but DEP maintains a measure of oversight regarding their policies.

### **With whom does DEP share powers?**

The Florida Environmental Reorganization Act of 1993 provides for increased cooperation between DEP and the Water Management Districts by consolidating dredge-and-fill permits, Management and Storage of Surface Waters (MSSW) permits, and mangrove alteration permits into a single permit known as the Environmental Resource Permit (ERP). DEP has also delegated the regulation of certain open burning activities to the Department of Agriculture and Consumer Services (DACS) through the Division of Forestry.

## **Department of Agriculture and Consumer Services (DACS)**

### **What is the Department of Agriculture and Consumer Services (DACS)?**

The Department of Agriculture and Consumer Services (DACS) carries out functions related to farming practices and products. Responsibilities include

- registration, labeling, and inspection of commercial fertilizers, pesticides, gasoline, and oils;
- registration (i.e. licensing and regulation) of pesticide applicators;
- soil and water conservation.

### **What is the internal structure of DACS?**

DACS is divided into 17 divisions. The DACS divisions relevant to solid and hazardous waste management are

*Division of Plant Industry:* works to detect, intercept, and control plant and honeybee pests that threaten Florida's native plant resources as well as the state's agricultural and horticultural industries. It includes, among others, the Bureau of Entomology, Nematology, and Plant Pathology; the Bureau of Methods Development and Biological Control; and, the Bureau of Pest Eradication and Control.

*Department of Agricultural Law Enforcement:* conducts inspections of highway shipments of agricultural, horticultural, aquacultural, and livestock commodities, as well as conducting investigations of consumer fraud, enforcing of criminal and civil violations occurring within State Forests, or any crimes involving agriculture. It includes

- the Bureau of Uniform Services;
- the Bureau of Investigative Services which handles cases involving unfair and deceptive trade practices against consumers, theft and related crimes against the state's agricultural industry, food safety, wildland arson investigations, as well as protection of the state's natural resources;
- the mobile Vehicle and Cargo Inspection System (VACIS), which scans live images of commercial vehicles and containers to determine anomalies that may warrant a physical inspection of the cargo.

*Department of Forestry:* manages over one million acres of state forest resources and protects the state of Florida, through detection and suppression, from the dangers of wildland fire. Additionally, the division is actively involved in wildfire prevention and providing assistance for private forest landowners. It includes County Foresters, the Field Operations Bureau, the Forest Management Bureau, the Forest Protection Bureau, Forest Resource Planning and Support Services Bureau, and the Florida Center for Wildfire and Forest Resources Management Training.

*Division of Agricultural Environmental Services:* administers various state and federal regulatory programs concerning environmental and consumer protection issues, including state mosquito control

program coordination; agricultural pesticide registration, testing, and regulation; pest control regulation; and feed, seed, and fertilizer production inspection and testing. It includes the Bureau of Compliance Monitoring; the Bureau of Entomology and Pest Control; the Bureau of Feed, Seed, and Fertilizer Laboratories; and the Bureau of Pesticides.

*Division of Standards:* administers laws and rules regulating gasoline, brake fluid, antifreeze, and liquefied petroleum gases. It includes, among others, the Bureau of Petroleum Inspection and the Bureau of Liquefied Petroleum Gas Inspections.

*Office of Agricultural Water Policy:* facilitates communications between the federal, state, and local agencies and the agricultural industry on water quantity and water quality issues involving agriculture. It is directly involved with statewide programs to implement the Total Maximum Daily Load (TMDL) requirements of the Clean Water Act (CWA) for agriculture.

## **Department of Health (DOH)**

### **What is the Department of Health (DOH)?**

The Department of Health (DOH) is responsible for public health and disease control. It is responsible for the preparation of three types of documents for communities near hazardous waste sites: Public Health Assessments, Health Consultations, and Exposure Investigations. The DOH does not make or enforce regulations pertaining to hazardous waste.

## **Department of Community Affairs (DCA)?**

### **What is the Department of Community Affairs (DCA)?**

The Department of Community Affairs is responsible for diverse aspects of waste management. The DCA divisions relevant to solid and hazardous waste management are

*Division of Emergency Management:* responsible for implementing the Florida Hazardous Materials Emergency Response and Community Right-to-Know Act. This statute concerns the release of hazardous materials and the exposure of

employees to hazardous materials in the workplace, and coordinates with the federal right-to-know laws of SARA. For example, if a facility exceeds the threshold planning quantity (TPQ) for hazardous substances (see EPCRA section of this handbook), the facility owners must report to the State Emergency Response Commission within this division. Facility owners must also pay a registration fee that will range from \$25 to \$2000. For more information contact the DCA ([FE786](#), Contact Agencies) or check Technology Hazards online at <http://www.hazmat.floridadisaster.org>.

*Division of Community Planning:* involved with local growth management plans (which include a section discussing solid and hazardous waste management).