



## Florida Solid and Hazardous Waste Regulation Handbook: Solid and Hazardous Waste Disposal<sup>1</sup>

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Michael T. Olexa, Aaron Leviten, and Kelly Samek<sup>2</sup>

### What Is the Resource Recovery and Management Act (RRMA)?

The Resource Recovery and Management Act 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 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, as well as the federal RCRA. This arrangement helps avoid duplication of effort by the state and federal agencies and by multiple agencies within the state.

### What Is the Definition of Solid Waste?

The definition of solid waste includes:

- garbage.

- refuse.
- yard trash.
- clean debris.
- white goods.
- special waste.
- ashes.
- residuals (sludge).
- other discarded material.
- solid, or semi-solid material, or contained gaseous material.

The definition specifically includes agricultural, commercial, domestic, governmental, and mining wastes.

The definition specifically excludes pollution, which is otherwise regulated, including point source pollution which is regulated under the Clean Water Act, and air emissions which are regulated under the Clean Air Act.

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2. Michael T. Olexa, Professor in the Department of Food and Resource Economics and Director of the Agricultural Law Center, Florida Cooperative Extension Service, UF/IFAS, University of Florida, Gainesville, FL, and Member of the Florida Bar and Chair of the Agricultural Law Committee of the Florida Bar; Aaron Leviten, Attorney in Orlando and guest lecturer on pesticide litigation at the University of Florida; and Kelly Samek, 2003 graduate of the Levin College of Law at the University of Florida.

## What Is the Definition of Disposal?

Disposal is defined in Florida Statutes 403.703(19) as any:

- discharge.
- deposit.
- injection.
- dumping.
- spilling.
- leaking.
- placing any 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—it includes both intentional and unintentional disposal. It covers just about every way anyone could imagine to "dispose" of waste. Because this statute uses such a broad definition, this document will discuss situations where the statute applies, especially where you never thought it would, such as underground storage tanks (USTs). Underground storage tanks are important under solid and hazardous waste law because they may leak; sometimes the material they leak is hazardous. Because a leak may be regulated under this statute, storage requirements are very important. Pay close attention to them.

## What Are the General Rules for Disposing of Solid Waste?

Historically, there were many acceptable ways to dispose of solid wastes. Discharge into rivers or lakes, burying, and burning were the most common. 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, and there are a few exceptions. Designated landfills are regulated, permitted facilities, where most solid wastes may be buried. Biological wastes (e.g., animal carcasses), poultry wastes, residual wastes (e.g., 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 Waste?

Burning yard trash and household paper products is allowed under certain conditions. The conditions require that the burning:

- is only allowed in an ozone attainment area.
- does not produce smoke, soot, heat, flame, or other conditions so as to create a nuisance.
- is at least 100 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.
- must be extinguished one hour before sunset.
- must be at least 50 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 enclosed in a fireproof container.
- must be setback at least 25 feet from any woodlands, forest, or brush.

In Dade, Broward, Pinellas, Hillsborough, Palm Beach, Duval, Orange, Polk, Brevard, Volusia, Escambia, Lee, Sarasota, Pasco, Seminole, Alachua, Manatee, Leon, Marion, Okaloosa, Lake, Bay, St. Lucie, and Collier Counties the location restrictions are stricter. 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.

### **What Restrictions Are There on Burning Pesticide Containers?**

Waste pesticide containers may be burned by:

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

Waste pesticide containers may be burned under the following 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 1, shall be at least 1000 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 1 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(21), 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 for 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 for Disposing of Hazardous Waste Are Allowed?**

There are locally sponsored collection programs that have been 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.

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This handbook is designed to provide an accurate, current, and authoritative summary of the principal Florida laws that directly or indirectly relate to agriculture. It should provide a basic overview of the many rights and responsibilities farmers and farmland owners have under Florida laws. The reader is provided information about these rights and responsibilities and the appropriate contacts for more detailed information. However, the reader should be aware that because the laws, administrative rulings, and court decisions on which this publication is based are subject to constant revision, portions of this publication could become outdated at any time. Many details of cited laws are also left out due to space limitations.

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