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Florida Solid and Hazardous Waste Regulation Handbook: State Agencies¹

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Four state agencies are primarily involved in solid and hazardous waste management and pollution control:

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

What Does the Department of Environmental Protection (DEP) Do?

The Department of Environmental Protection (DEP) was created by the Florida Environmental Reorganization Act of 1993. DEP was formed by a merger of the Department of Environmental Regulation (DER) and the Department of 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. A

few responsibilities 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.

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

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An important function of DEP (which was transferred from DNR) 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 DOH) should check to be certain they are exempt from other statutory mandates which require that they discharge no wastes into Florida waters.

DEP is headed by a Secretary appointed by the Governor. 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 and 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. Under Regulatory Programs falls 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.

While the Water Management Districts (WMD) are largely autonomous, DEP maintains a measure of oversight regarding their policy. The Florida Environmental Reorganization Act of 1993 provided for increased cooperation between DEP and WMDs 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).

In addition, DEP has delegated the regulation of certain open burning activities to DACS through the Division of Forestry.

What Does the Department of Agriculture and Consumer Services (DACS) Do?

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, gasolines and oils.
- registration (i.e. licensing and regulation) of pesticide applicators.
- soil and water conservation.

DACS is divided into 12 divisions. The relevant divisions are:

- *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. 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 Plant Industry*: Works to detect, intercept and control plant and honeybee pests that threaten Florida's native plant resources, agricultural, and horticultural industries. 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.
- *Division of Standards*: Administers laws and rules regulating gasoline, brake fluid, antifreeze, and liquefied petroleum gases. Includes, among

others, the Bureau of Petroleum Inspection and the Bureau of Liquefied Petroleum Gas Inspections.

What Does the Department of Health (DOH) Do?

The Department of Health (DOH) can prepare 3 types of documents for the 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.

What Does the Department of Community Affairs (DCA) Do?

The Department of Community Affairs (DCA) is responsible for a few diverse aspects of waste management. The relevant divisions of DCA are:

- *Division of Community Planning* is involved with local growth management plans.
- *Division of Emergency Management* is responsible for implementing the Florida Hazardous Materials Emergency Response and Community Right-to-Know Act (1988). 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. If a facility exceeds the TPQs for hazardous substances, 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 (877-352-3222).

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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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