

The Florida 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 in Florida was delegated to the Department of Environmental Protection (FDEP). FDEP 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 generally includes these items:

- garbage

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

The definition *specifically* includes these items as well:

- yard trash, which includes landscaping or land clearing debris (e.g., rocks and soils)
- clean debris, which is waste that does not pose a pollution threat or fire hazard and that is virtually inert and likely to retain its physical and chemical structure under disposal conditions (e.g., concrete, bricks, glass, and ceramics)
- white goods, which are discarded domestic and commercial appliances (e.g., air conditioners, refrigerators, and water heaters)
- special waste, which is waste that requires special care in handling and management (e.g., white goods, used oil, tires, lead-acid batteries, and biological wastes)

1. This is EDIS document FE775, a publication of the Department of Food and Resource Economics, UF/IFAS Extension. Original publication date November 2008. Revised March 2023. Please visit the EDIS website at <http://edis.ifas.ufl.edu> for the currently supported version of this publication.

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- ashes and residuals (sludge) generated by waste treatment or processing

These wastes may be produced from a variety of operations, and may include:

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

The definition of solid waste 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

The definition also excludes “recovered materials” which are materials that have the potential to be recycled.

What is the definition of disposal?

Disposal is defined in Section 403.703(9), Florida Statutes, as any:

- discharge
- deposit
- injection
- dumping
- spilling
- leaking
- placement of any form of solid waste or hazardous waste into or on 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 in possibly unexpected ways. 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; these are 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 limited to the site where the waste was generated
- is restricted to an eight-foot-diameter pile or a non-combustible container
- is in an area of bare soil that has been cleared of all combustible material and does not produce smoke, soot, heat, flame or other conditions at such levels 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 paved public highway or road
- may not be ignited until after 9:00 A.M. EST (Eastern Standard Time) 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 set back at least 25 feet from any woodlands, forest, or brush

In some counties (such as Broward) 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 in these counties is only allowed 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 burning, and acreage burning. Permits are issued by the Florida Forest Service (formerly the Florida Division of Forestry). See information on the Florida Forest Service website (<https://www.fdacs.gov/Divisions-Offices/Florida-Forest-Service#setbacks>).

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
- label instructions on containers must specify 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 emptied 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 must be 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 Section 403.703(14), Florida Statutes, a hazardous waste is defined as a solid waste or a combination of solid wastes which, because of its quantity, concentration, or physical, chemical, or infectious characteristics, may cause, or significantly contribute to, an increase in mortality or an increase in serious irreversible or incapacitating reversible illness or 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 Household Hazardous Waste 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 via newspaper, radio, television, and/or 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 (<http://www.dep.state.fl.us/waste/categories/hazardous/pages/localgovhhwweb.htm>).

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, the state does not require the submission of a copy of the manifests to the Florida Department of Environmental Protection (FDEP). 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, <https://www.ecfr.gov/current/title-40/chapter-I/subchapter-I/part-268>)
- 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

Acknowledgment

The authors are indebted to the personnel of both state and federal agencies who gave of their time and advice in the preparation of this handbook. The authors are also indebted to the O. R. and Shirley Minton and the James S. and Dorothy F. Wershow Endowments for funding assistance in the development of this handbook, and Andra Johnson,

Ph.D., dean and professor, Office of Dean for Extension and the Florida Cooperative Extension Service.