

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

Michael T. Olexa and Christopher Hill<sup>2</sup>

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

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

1. Florida Department of Environmental Protection (FDEP)
2. Florida Department of Agriculture and Consumer Services (FDACS)
3. Florida Department of Health (FDOH)
4. Florida Division of Emergency Management (FDEM)
5. Florida Department of Economic Opportunity (FDEO)

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

## Florida Department of Environmental Protection (FDEP)

The Florida Department of Environmental Protection (FDEP) 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 FDEP's responsibility for waste management was transferred from the former DER. Only a few of the current responsibilities assigned to FDEP were under the former jurisdiction of DNR. In July of 1999, a few sections of FDEP were merged with the Game and Fish Commission to become the Florida Fish and Wildlife Conservation Commission (FWC).

## What are FDEP's responsibilities?

FDEP'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.

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2. Michael T. Olexa, professor, Department of Food and Resource Economics; director, Center for Agricultural and Natural Resource Law, UF/IFAS Extension, Gainesville, FL; and member, The Florida Bar. Christopher Hill, law student, Levin College of Law, University of Florida, Gainesville, FL.

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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 FDEP (which was transferred from the now defunct Department of Natural Resources) was the authority to control noxious aquatic weeds. While FDEP oversees coastal and aquatic managed areas, the Florida Fish and Wildlife Conservation Commission (FWC) now regulates aquatic weeds. Farmers attempting to control aquatic weeds or algae under a program approved by FWC (or in the case of mosquito control, a program approved by the Florida 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 FDEP?

A secretary appointed by the governor heads FDEP. Reporting directly to the secretary is the general counsel and the chief of staff. The chief of staff in turn oversees External Affairs, the Ombudsman and Public Services, the Division of Administrative Services, the Office of Intergovernmental Programs, the Office of Legislative Affairs, and the Office of Technology and Information Services.

The main FDEP programs are divided into three categories (Regulatory Programs, Land and Recreation, and Ecosystem Restoration), 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 Division of Environmental Assessment and Restoration, the Florida Geological Survey, the Office of Emergency Response, and the six District Offices. Land and Recreation includes the Division of State Lands, the Division of Recreation and Parks, and Cabinet Affairs. Finally, Ecosystem Restoration is responsible for the Office of Ecosystem Projects, the Office of Coastal and Aquatic Managed Areas, and the Office of Water Policy.

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

## With whom does FDEP share powers?

The Florida Environmental Reorganization Act of 1993 provides for increased cooperation between FDEP and the 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). FDEP has also delegated the regulation of certain open burning activities to the Florida Department of Agriculture and Consumer Services (FDACS) through the Florida Forest Service.

## Florida Department of Agriculture and Consumer Services (FDACS)

The Florida Department of Agriculture and Consumer Services (FDACS) 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

FDACS is divided into 18 divisions. The FDACS divisions (also called offices) 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.

*Office 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, and wildland arson investigations; and the protection of the state's natural resources

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

*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 Agricultural Environmental Laboratories; and the Bureau of Pesticides.

*Division of Consumer Services:* regulates various business industries operating in Florida and conducts investigations of unfair and deceptive trade practices. It includes the Bureau of Compliance, which administers laws and rules regulating gasoline, brake fluid, antifreeze, and liquefied petroleum gases.

*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.

## Florida Department of Health (FDOH)

The Florida Department of Health (FDOH) 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: Community

Health Assessments, Health Consultations, and Exposure Investigations. FDOH does not make or enforce regulations pertaining to hazardous waste.

## Florida Division of Emergency Management (FDEM)

The Florida Division of Emergency Management (FDEM) is responsible for implementing the Florida Emergency Planning 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, [FE766](#)), 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 based on the number of employees. For more information contact the Division of Emergency Management ([FE786](#), Contact Agencies) or check Technological Hazards online at <https://www.floridadisaster.org/dem/response/technological-hazards/>.

## Florida Department of Economic Opportunity (FDEO)

The Florida Department of Economic Opportunity (FDEO) is involved with local growth management plans (which include a section discussing solid and hazardous waste management).

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