

Notice Of Filing

Reporting Agency: Department of Environmental Protection
Recipient Agency: Governor and Florida Legislature
Subject: Hazardous Waste Management Needs Assessment Report
Report Due Date: Annual - (no statutory date specified)
Statutory Requirement: Section 403.7226(2), F.S.
<p>Abstract:</p> <p>Section 403.7226(2), Florida Statutes, requires the Department to identify the short and long-term needs for proper management of hazardous waste generated in Florida. It also requires that an annual report be submitted to the Governor and Legislature giving an assessment of the State's hazardous waste management needs. This assessment is an ongoing process and is updated whenever new information on hazardous waste generation and management becomes available.</p> <p>The federal Environmental Protection Agency has made a determination, based on each state's Capacity Assurance Plan, that there is enough commercial hazardous waste treatment and disposal capacity at the national level to properly manage all of the hazardous waste requiring off-site management across the country. The EPA made its initial determination in 1995 and has not altered this determination based on any subsequent review since then. Florida conducted an in-depth "Hazardous Waste Incineration Needs and Capacity Study" in 1993 and 1994 as directed by Section 403.7895, Florida Statutes, and concluded there was no justification for any new commercial hazardous waste incineration capacity in the state. This finding is still relevant.</p> <p>Using this information, the Department finds that the need in Florida for hazardous waste management is being met, at a reasonable cost, by currently available state and national commercial hazardous waste treatment, storage, recycling and disposal capacity now and into the foreseeable future.</p> <p>Copy: Executive Office of the Governor Office of Planning and Budgeting (3 copies)</p>

REPORT TO THE GOVERNOR AND LEGISLATURE

HAZARDOUS WASTE MANAGEMENT
NEEDS ASSESSMENT REPORT



February 2005

Florida Department of Environmental Protection
Division of Waste Management
Hazardous Waste Management Section

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Hazardous Waste Management Needs Assessment Report

Purpose

Section 403.7226(2), Florida Statutes, directs the Department to:

“Identify short-term needs and long-term needs for hazardous waste management for the state on the basis of the information gathered through the local hazardous waste management assessments and other information from state and federal regulatory agencies and sources. The state needs assessment must be ongoing and must be updated when new data concerning waste generation and waste management technologies become available. The Department shall annually send a copy of this assessment to the Governor and to the Legislature.”

The following sections specifically address this requirement.

Background on Hazardous Waste Generation and Regulatory Requirements

The Federal Government enacted the Resource Conservation and Recovery Act (RCRA), which established a national comprehensive hazardous waste management system. RCRA regulates hazardous waste from its point of generation through its final disposal. Hazardous waste generators are the first link in this “cradle-to-grave” hazardous waste management system. Pursuant to the authority granted by RCRA, the U.S. Environmental Protection Agency (EPA) has developed generator standards that address on-site accumulation of hazardous waste, cradle-to-grave tracking via a manifest system, labeling, and recordkeeping and reporting requirements. These standards are found in Title 40, Code of Federal Regulation (CFR), Part 262 and Chapter 62-730, Florida Administrative Code (FAC). Recognizing that generators produce waste in different quantities, EPA established three categories of generators. The extent of regulation to which hazardous waste generators are subject depends on the volume of hazardous waste each generator produces:

1. Large Quantity Generators (LQGs) generate 2,200 pounds or more of hazardous waste per month or 2.2 pounds or more of acute hazardous waste per month (such as some pesticides, toxins or arsenic and cyanide compounds).
2. Small Quantity Generators (SQGs) generate 220-2,200 pounds of hazardous waste per month.
3. Conditionally Exempt Small Quantity Generators (CESQGs) generate less than 220 pounds of hazardous waste per month or less than 2.2 pounds of acute hazardous waste per month.

Certain widely generated hazardous wastes including lead-acid and nickel-cadmium rechargeable batteries, certain pesticides, and mercury lamps and devices are called “universal wastes” and are managed under streamlined regulations that encourage the collection and proper management of these wastes while reducing the regulatory burdens and barriers under RCRA. These standards are found in Title 40, CFR, Part 273 and Chapter 62-737, FAC. Hazardous waste generated in private homes is called Household Hazardous Waste (HHW) and is exempt from Federal and State regulations.

Florida has adopted by reference portions of Title 40, CFR, Parts 260-271 and 273 into Chapter 62-730, FAC. In some instances, Chapter 62-730, FAC is more stringent than the federal regulations.

Based on Department estimates, Florida has approximately 337¹ large quantity generators, between 2,600 and 5,000 small quantity generators and between 17,700 and 21,000 conditionally exempt small quantity generators of hazardous waste² (Figure 1). Based on Department estimates, LQGs generate an estimated 363,195 tons of fully regulated hazardous waste, SQGs generate an estimated 12,426 tons, and CESQGs generate an estimated 5,005 tons of fully regulated hazardous waste annually in Florida.³ This does not include generation estimates of exempt and universal hazardous waste (Figure 2).

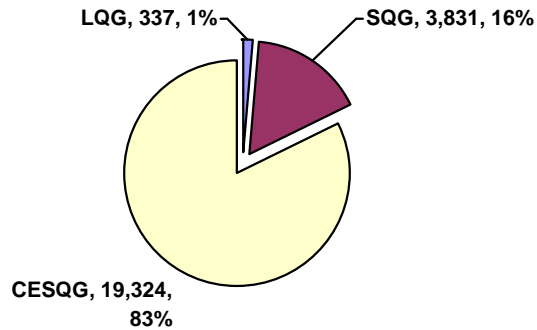


Figure 1 Estimated Universe of Hazardous Waste Generators in Florida

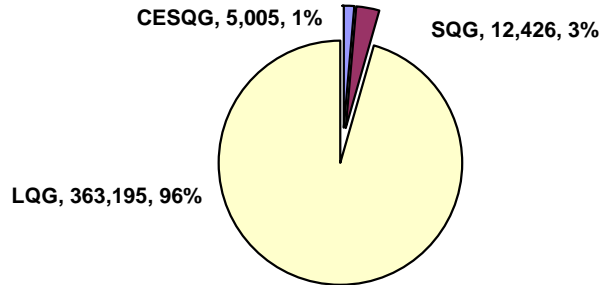


Figure 2 Estimated Hazardous Waste Generation in Florida (In Tons)

A complete summary of Florida's Hazardous Waste requirements can be found at the DEP Hazardous Waste Program website at www.floridadep.org/waste/categories/hazardous/

¹ Source: 2003 Biennial Reporting System Report

² Source: 2003 Hazardous Waste Needs Assessment Report

³ Hazardous waste generation amounts were derived from multiplying the average amount of hazardous waste generated per SQG and CESQG verified (by local governments) in 2002-2003 by the average number of SQGs and CESQGs estimated by FDEP.

Short-term and Long-term Needs for Hazardous Waste Management

Florida does not need additional short term or long term hazardous waste treatment or disposal facilities because there is sufficient state and national hazardous waste treatment and disposal capacity available to Florida's hazardous waste generators at a reasonable cost. This assessment is supported by a national and state specific "capacity" study, statewide assessment data and other information.

- Florida submitted its final Capacity Assurance Plan (CAP) report on May 19, 1994 as required by the federal Superfund Amendments and Reauthorization Act of 1986 (SARA). On the basis of Florida and other states' CAPs, the EPA determined there was enough commercial hazardous waste treatment and disposal capacity at the national level to properly manage all the hazardous waste requiring off-site management across the country.
- Florida conducted a "Hazardous Waste Incineration Needs and Capacity Study" in 1993 and 1994 as directed by 403.7895, Florida Statutes (F.S.), and concluded there was no justification in the state of Florida for any new commercial hazardous waste incineration capacity ("Hazardous Waste Incineration Needs and Capacity Study, Interim Status Report," November 1, 1994).
- Although hazardous waste generation from Florida's LQG facilities has more than doubled since 1993, the quantity shipped from these facilities has declined by more than 40% since 1993.⁴ This means that Florida facilities are treating more of their hazardous waste on-site and, consequently, shipping less to out-of-state commercial facilities, thereby requiring even less capacity than was required at the time of the 1994 CAP study. Since hazardous waste from SQG facilities comprises only about 4% of all the hazardous waste generated in Florida, there is also adequate capacity for this waste.
- No problems with state and national capacity for treating or disposing of hazardous waste have been brought to the Department's attention by either generators or commercial hazardous waste handling facilities located in Florida.
- Florida has a very extensive statewide infrastructure of "household hazardous waste collection centers" operated by local government. These centers offer proper hazardous waste management to private citizens. Many centers also accept waste from CESQGs at a reduced price, lessening the need for more commercial treatment facilities.
- The departments' Pollution Prevention and Local Assessment, Notification and Verification programs work with businesses to reduce "the volume and toxicity of hazardous waste" (403.7223(1), F.S.), and facilitate "the introduction of waste reduction opportunities to small quantity generators" (403.7225(1), F.S.).

The following Department programs are some of the ways by which Florida's short-term and long-term needs for hazardous waste management are reported on and met. Details on these programs can be found in the Department's annual "Solid Waste Management in Florida" report or on the referenced websites.

⁴ Biennial Hazardous Waste Reports, 1993-2003.

- Biennial Hazardous Waste Reporting System for Large Quantity Generators of Hazardous Waste (www.floridadep.org/waste/categories/hazardous)
- Local Assessment, Notification and Verification Program for Small Quantity Generators of Hazardous Waste (SQG Program)
- Enhanced Local Assessment, Notification and Verification Program for Small Quantity Generators of Hazardous Waste (ESQG Program)
- Mercury-Containing Lamps and Devices Management Program (www.floridadep.org/waste/categories/mercury)
- Battery Recycling and Toxics Reduction (www.dep.state.fl.us/waste/categories/batteries)
- Operation Cleansweep for Pesticide Collection and Disposal (www.floridadep.org/waste/categories/cleansweep-pesticides)
- Electronics Recycling (www.floridadep.org/waste/categories/electronics)
- Used Oil Recycling (www.floridadep.org/waste/categories/used_oil)
- Local Hazardous Waste Collection Center Grant Program for Household Hazardous Waste (www.floridadep.org/waste/categories/hazardous/pages/household.htm)
- Pollution Prevention (www.floridadep.org/waste/categories/p2)