

WORKSHOP

SOLID WASTE ISSUES WORKSHOP RELATED TO NEW STATE- MANDATED RECYCLING GOALS

**September 14, 2010
1:30 – 3:00 p.m.**

**Leon County Board of County Commissioners' Chambers
Leon County Courthouse, 5th Floor**

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**Board of County Commissioners
Leon County, Florida**

www.leoncountyfl.gov

**Workshop Item
Executive Summary**

September 14, 2010

Title:

Solid Waste Issues Workshop Related to New State Mandated Recycling Goals

Staff:

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Tony Park, P.E., Public Works Director
Norm Thomas, Director, Solid Waste Management

Issue Briefing:

Conduct the Solid Waste Issues Workshop concerning the new state mandated recycling goals.

Fiscal Impact:

This item has no current fiscal impact; however, implementation of any or all of the options presented in the conceptual action plan will have a fiscal impact. As the Board considers various strategies over the next several years, fiscal impacts for each approach will be presented to the Board.

Staff Recommendation:

1. Direct staff to prepare an agenda item for consideration of an internal policy for waste reduction, reuse and recycling.
2. Authorize the County Administrator to approach the City on partnering in the implementation of the recycling goals through the renewal of the interlocal agreement and jointly bidding the curbside collection franchise agreements.
3. Direct staff to compile best practices and approaches being considered by other Counties and Cities and report back to the Board following the closure of the next legislative session.

Report and Discussion

Background:

On April 13, 2010 a Public Hearing was held to approve amendments to the Comprehensive Plan. There were a number of changes to the Solid Waste sub-element, including a new recycling goal equal to or greater than the state mandated goal. At the conclusion of the Public Hearing, the Board requested a workshop to address solid waste issues that relate to waste reduction, reuse and recycling.

Analysis:

During the 2010 Florida Legislative Session, the legislature passed HB 7243, Attachment #1, which establishes a 75% recycling goal for the State of Florida and mandates those counties with populations above 100,000, achieve the following recycling goals:

- 40% by December 31, 2012
- 50% by December 31, 2014
- 60% by December 31, 2016
- 70% by December 31, 2018
- 75% by December 31, 2020

While HB 7243 mandates affected counties to achieve the recycling goals, there are no punitive measures in the bill for those counties not achieving the goals. If counties are not achieving the goals within the designated time frames, the Florida Department of Environmental Protection (DEP) is to provide the legislature with statutory changes needed to achieve the goals.

The goals established are extremely aggressive and will require an extensive statewide commitment and effort to achieve. It is anticipated that over the next several years the goals may be revised or modified as the actions necessary to implement are evaluated.

HB 7243 Overview

The legislation changed what will count towards the recycling goal. For instance, solid waste used for the production of energy will now be counted towards the goal. The DEP will be developing new rules on how the recycling rates will be calculated. Leon County may receive recycling credits because of Springhill's 4.5 Megawatt landfill gas-to-energy project. The amount of recycling credit is unknown at this time.

In addition to the goals, the bill:

- Calls upon Enterprise Florida, Inc., to assist DEP in the creation of the Recycling Business Assistance Center to enhance and expand recycling markets in the state.
- Requires new multi-family developments to include space for recycling containers.
- Authorizes county governments to enact mandatory recycling ordinances.
- Requires all construction and demolition debris to be processed through a recycling facility before being disposed.

- Creates the Capital recycling area, requiring recycling of newspapers and beverage containers in the Capital, the House and the Senate. The amount of materials collected for recycling is to be reported to Leon County annually.

Current Recycling

Current viable programs include single family curbside recycling (both City and County), commercial cardboard and paper recycling, drop-off recycling at the Rural Waste Service Centers, recycling in all public schools and yard debris recycling. The County's public education program, dedicated to waste reduction, reuse and recycling plays a significant role in the community's recycling effort. In the last year, staff conducted 126 educational presentations and 35 facility tours, touching 6,082 residents.

These programs and activities combine to bring the entire County's current recycling rate to 33%, above the state's previous mandated goal of 30%.

Table 1 below provides a breakdown of waste and recycling tonnages for calendar year 2009.

Table 1: Leon County Waste Collected and Recycled, 2009

Generator	Tons Disposed	Tons Recycled	Tons Generated	Percent Recycled
City of Tallahassee				
Residential	39,900	5,483	45,383	12%
Commercial	70,324	4,074	74,398	5%
Total City	110,224	9,557	119,781	8%
County Residential				
Curbside	24,045	4,022	28,067	14%
Rural Waste	4,141	669	4,810	14%
Commerical	10,473	894	11,367	8%
Total County	38,659	5,585	44,244	13%
Soloman	14,720	2,118	16,838	13%
Crowder	13,289	47,145	60,434	78%
Marpan	26,226	41,044	67,270	61%
LC Transfer Station/ Self-Haulers	33,404	-	33,404	0%
Other	8,652	16,746	25,398	66%
Grand Total	245,174	122,195	367,369	33%

Table 1 is divided into three distinct areas: City of Tallahassee, County and Other. The overall recycling rate is 33% for the entire County. Of note, is the 66% in the "Other" category. This consists of recyclables collected and processed independently of the City or County collection services. Examples include big box stores like Sam's and Wal-Mart and large grocery chains like Publix and Winn Dixie. C&D recycling from Marpan and others comprise a significant portion of this rate.

Conceptual Action Plan for Achieving the 75% Recycling Goal

To achieve the ultimate goal of 75%, the County will need to work closely with the City and a number of community partners. Staff has prepared a conceptual action plan; however, the elements contained should not be considered complete nor is the timeline definitive. The table provided is intended to be illustrative of the types of actions that could be needed to reach the goals.

As this is a statewide effort, a number of counties (population greater than 100,000) and cities around the state will also be working towards implementation. Over the next year, Leon County will reach out to other jurisdictions and the Florida Association of Counties (FAC) to evaluate other efforts that are being considered. Given the magnitude of the goal, all impacted local governments will need to work together to achieve the 75%.

After compiling all of the efforts of other jurisdictions and the legislature meets again, it is recommended that the Board convene a citizens group to help in evaluating more definitive action plan for Leon County. It is anticipated that this citizens group would be convened in the summer of 2011. Additional material will be provided to the Board at the appropriate time to effectuate this effort.

The conceptual action plan takes into account a number of recycling programs in place now that will help the county achieve the goals. One notable example is the Marpan Recycling Facility. The facility recycles bulky waste and construction & demolition debris (C&D debris). Statewide, C&D debris constitutes about 25% of the waste stream. In 2009, Marpan Recycling recovered 62% or 42,284 tons of the waste delivered to their facility. A copy of their annual report is attached, as Attachment #2.

Staff has identified a number of "Next Steps" in the conceptual action plan to move the community forward toward achieving the 75% goal. The steps are summarized in Table 2. A detailed discussion of each step follows the summary.

Table 2: Conceptual Action Plan for Leon County to Achieve the 75% Recycling Goal

	Next Steps	Timeline	Recycling	
		calendar year	Goal	
1	Lead by example - adopt an internal waste reduction/reuse/recycling policy for all Board agencies.	Early 2011	40% December 31, 2012	
2	Conduct a waste composition study to determine what materials in the waste stream to target for recycling. The results of the study will be a basis for development of future strategies to increase recycling rates.	April & August 2011		
3	Implement an aggressive, on-going public education campaign to reinforce waste reduction, reuse and recycling behavior. The campaign will employ TV, radio and print.	October 2011		
4	Seek an interlocal agreement with the City of Tallahassee to develop a cooperative partnership in the development and implementation of the action plan.	2011		
5	Consider a joint bid with the City of Tallahassee that will result in a new franchise agreement for waste collection. Steps 6.a - 6.c are integral.	2012		
5 (a)	Consider mandatory collection in the urban area or entire unincorporated area. This step will provide all citizens the benefit of curbside recycling and may result in increased recycling rates. Rates should be lower than a subscription only basis. A joint bid with the city could lower rates even further.	2012		
5 (b)	Include Pay-as You-Throw in the new franchise agreement. Jurisdictions with PAYT see a reduction in the amount of waste generated and an increase in the amount of recyclables collected.	2012		
5 (c)	Explore the feasibility of single-stream recycling. Collier County reported more than a 50% increase in material recovery after converting to single-stream.	2012		
6	Ensure sufficient capacity for processing recyclables. Existing capacity is limited. Partner with private industry to handle increased types and tonnages of recyclables.	2013		50% December 31, 2014
7	To reach beyond a 50% recycling rate, local markets for hard-to-recycle materials such as glass should be developed. Appoint a working group charged with the development and expansion of local recycling markets.	2014		
8	Implement disposal bans at the transfer station. Ban materials such as cardboard and yard debris if the above programs have proven not to be effective.	2014		
9	Implement mandatory commercial recycling. Lee County estimated the number of businesses recycling doubled from 40% to 80% since their mandatory ordinance went in to effect. Several larger businesses in Lee County reported the program saved them upwards of \$20,000 in disposal costs.	2015		60% December 31, 2016
10	Conduct a pilot project for food waste composting to evaluate the effectiveness of producing a marketable compost from food waste and yard debris. Siting and odor controls will be important issues to resolve.	2016		
11	Conduct a full scale food waste composting program if the pilot project proves to be efficient and cost effective.	2018	70% December 31, 2018	
12	Ban commercial food waste from the transfer station assuming the full scale food waste program is viable.	2019	75% December 31, 2020	
13	Celebrate Goal Achievement	2020		

Step 1. Lead by Example – mid FY 2011, 40% goal

Consider adoption of a Waste Reduction/Reuse/Recycling policy. Such action will lend authenticity to the Board's commitment to achieving the recycling goal, and encourage businesses and residents to follow suit. A draft policy has been developed for the Board's consideration and is attached, (Attachment #3).

The Waste Stewardship Model was used as a guiding principle in development of the proposed policy and is attached for review, (Attachment #4). The model depicts a hierarchy of waste management strategies beginning with Waste Prevention followed by Reuse, then Recycling and finally Disposal. Waste prevention is the most cost effective and sustainable strategy. Disposal is the most costly strategy and is the least sustainable. Note that recycling is less sustainable and less cost effective than waste prevention or reuse. Components of a Waste Reduction/Reuse/Recycling Policy:

Prevention and Reduction – *Actions or choices that prevent or reduce the production of waste.*

Reuse – *The process of using a product, material or packaging in its current form more than once.*

Recycling – *The process of separating and collecting, processing and marketing materials diverted from the waste stream for use as raw materials in the manufacturing of new products.*

The Board may wish to consider, as part of its recycling policy, requiring the use of recycled content in construction projects like roads, parking lots and sidewalks. Similar to the justification for the increased cost of constructing LEED certified buildings, the Board may grant paying higher prices for projects that include recycled content.

FDOT has developed asphalt specifications utilizing glass and crumb rubber aggregate. A Florida based construction company is using Filter Pave™, made from recycled glass, in the construction of parking lots and sidewalks. There are commercial pothole repair mixes made from recycled asphalt shingles. Recycled concrete can be used as the aggregate in road base materials, drainfields and in the manufacture of new concrete products.

Step 2. Conduct a Waste Composition Study – April and August, 2011, 40% goal

A waste composition study is an in-depth audit of the waste being delivered to the transfer station. The purpose of the study is to determine the types and amounts of waste that should be targeted for increased recycling efforts. Origin of the waste will be identified, such as commercial, institutional, city residential, unincorporated residential, universities and hospitals. Two studies will be done, one in April and a second in August when students return. The estimated cost of both studies is \$60,000 and is included in the FY11 budget request. A chart of the state-wide waste composition in 2007 is attached, (Attachment #5). **The results of the study will be the basis for developing future strategies to increase recycling rates.**

Step 3. Public Education Campaign – October, 2011, 40% goal

A robust, on-going public education campaign will build and reinforce a community-wide waste stewardship ethic over time. Paid advertisements and public service announcements via TV, newspapers and select radio markets will help citizens understand the benefits of reduce/reuse/recycle and increase participation in recycling programs. Collateral materials will be used to supplement media coverage. It is vitally important to form a unified message for community outreach among the various parties (COT, Leon, WM, Marpan, Sustainable Tallahassee, etc). Making sure we are communicating the same message in a similar manner will help to magnify all of our efforts of education. The suggested County budget for the campaign is \$50,000 per year.

Step 4. City of Tallahassee Interlocal Agreement – 2011, 40% goal

Seventy-two percent of the waste generated in Leon County is from the incorporated area. It is imperative that the effort to achieve the recycling goals be community-wide in order to be successful. Though the County has taken the lead in developing a preliminary action plan, the actual implementation will require cooperation and planning with the City. Central to the agreement is a joint partnership to fully implement the Action Plan.

Step 5. A Joint Bid for Waste Collection Services – 2012, 40% goal

The County's waste collection franchise terminates in March, 2013. Citizens in both the municipality and the unincorporated area could benefit from a joint bid for waste collection, with separate contracts for each jurisdiction. For the unincorporated area, the Board may wish to include three options in the franchise agreement, all designed to lower the overall system cost and increase recycling rates:

- a. Mandatory Collection, either in the Urban Services Area or county-wide.
- b. Pay-As-You-Throw (PAYT) in the mandatory area.
- c. Single-stream recycling.

The City may also wish to consider PAYT and single-stream recycling as a means to further increase recycling rates. Regardless, a unified system in the city and unincorporated area could prove to be beneficial by avoiding confusion between the two systems and presenting a single, community-wide public education message.

Each of these options will be discussed with the Board as part of future steps.

Step 5(a). Mandatory Collection – 2012, 40% goal

Mandatory collection in the urban area of the unincorporated county or county-wide, will also provide lower rates to those citizens currently on a subscription basis. Based on the current franchise agreement, subscribers would see a 9% decrease in collection costs. Mandatory collection may also increase recycling rates, as it appears from Table 1 that there is a greater recycling rate for curbside collection customers than those using drop-off recycling at the Rural Waste Service Centers. Mandatory collection is necessary for the implementation of Pay as You Throw (PAYT) should the Board wish to pursue that option. Mandatory collection is already required in the City.

Step 5(b). PAYT – 2012, 40% goal

PAYT is one of the most common financial incentives to encourage waste reduction and increase recycling rates. According to EPA, Alachua County, the City of Gainesville and Plantation are Florida jurisdictions that have implemented PAYT. Other notable jurisdictions include Lancaster, NH; Canterbury, NH; Boulder, CO and Lafayette, CO. Three States have Mandatory PAYT: Minnesota, Oregon, and Washington. A total of 7,100 communities have implemented PAYT

Other names for PAYT include variable rates, volume-based rates or pay-by-the-bag programs. According to the “Greening of Florida A Solid Waste Management Roadmap,” states that have mandated PAYT have seen a 25% to 50% decrease in the amount of waste generated and a 15%-20% increase in recycling rates. The Greening of Florida Executive Summary and selections from the entire document are attached for review, (Attachment #6). A pay-by-the-bag program can also be implemented for rural waste customers if the Board chooses to implement mandatory collection in the Urban Services Area only.

Using Alachua County’s volume-based system as an example, estimates for annual homeowner costs are \$220 for a 35 gallon cart, \$260 for a 64 gallon cart and \$330 for a 96 gallon cart, including disposal costs. Alachua County collects the fees via a non-ad valorem assessment. Note, these costs could change significantly with a new bid for waste collection. These estimates do not include any cost associated with the operation of the Rural Waste Service Centers.

This element of the Action Plan should be considered for inclusion in the interlocal agreement with the City.

Step 5(c). Single-Stream Recycling – 2012, 40% goal

Single stream recycling means that all recyclables are commingled in a single container and processed at a materials recovery facility (MRF) in one sorting line. Conventional, dual stream programs require the generator (the homeowner or business) to separate their recyclables into two streams, paper products in one stream, containers in another. Single stream recycling is reported by Kessler Consultant’s “Greening of Florida,” to increase recycling rates by 10% to 30%. According to Kessler, Collier County reported more than a 50% increase in recovery after converting to single stream recycling. Single-stream would not be implemented without a careful

benefit analysis. This element of the Action Plan should also be included in the interlocal agreement with the City.

Step 6. Ensure Future Processing Capacity – 2013, 50% goal

Most of the Class I recyclables (cans, paper, plastics) collected in Leon County are processed by Recycle Fibers at their facility on Springhill Road. Opportunities for future expansion at this site are severely restricted. Preliminary discussions with the County's existing Class III (construction and demolition) recycler, Marpan Recycling, indicate that Marpan Recycling has the ability to receive a significant amount of additional tonnage. This could be accomplished through the existing footprint of the facility or if needed through an expansion of the facility. At the appropriate time, the County will continue to pursue discussions with Marpan Recycling.

Step 7. Market Development – 2014, 50% goal

Some materials are either hard to recycle or must be shipped to distant recycling markets, driving up the cost. Waste tires and discarded glass containers are two examples. To reach beyond the 50% goal, the development of local markets will be needed. The Board should appoint a working group with the task of developing local markets for hard-to-recycle materials. Creating local recycling markets will have the added benefit of creating "green" jobs.

Step 8. Disposal Bans – 2014, 50% goal

Ban certain items from the transfer station. Cardboard, newspapers and yard debris can all be cost effectively recycled. Prohibiting these items from the transfer station will encourage the generators of these materials to separate them for recycling. An additional waste composition study during this time frame could be used to determine the effectiveness of disposal bans.

Step 9. Mandatory Commercial Recycling – 2015, 50% goal

If disposal bans are not successful in achieving the recycling goals, a mandatory commercial recycling ordinance can add substantially to the recycling rate. Since most commercial waste is generated in the City, mandatory commercial recycling should be envisioned in the interlocal agreement.

Kessler's "Greening of Florida" cites Lee County's mandatory commercial recycling ordinance. Since January 1, 2008, Lee County has required all businesses in the unincorporated area to have a recycling program. Three program components are required; each business must have: 1) a hauling contract for recyclables, 2) sufficient bins for collection of recyclables, and 3) an educational program for employees. Several of the larger businesses in Lee County have reported a savings on average of over \$20,000 per year in reduced garbage collection fees since implementation of the mandatory program.

Step 10. Pilot Food Waste Composting – 2016, 60% goal

Yard debris and food waste comprise about 16% of the waste stream statewide. Organic materials can constitute a much larger portion of the waste stream in some jurisdictions. The waste composition study (Step 2) will provide the data to suggest whether or not the pilot project

has potential. The pilot project will test the feasibility of collection, processing of the waste and marketing of the compost.

Note that siting an organics compost facility with associated noise and odors will be difficult. A viable odor control component will be necessary. An important part of the public education campaign (Step 3) will be to garner public support of such projects. It is estimated that a very small scale project will cost \$486,000, excluding any revenue from the sale of the compost. This is based on a recent EPA Grant application prepared by staff.

Step 11. Full Scale Food Waste Composting – 2018, 70% goal

Should the pilot project prove successful, a full scale operation can be implemented. It may be advisable to have multiple or regional facilities rather than one large, centralized facility. A feasibility analysis of options will accompany staff recommendations. A full scale, centralized facility could cost upwards of \$2 million, excluding any revenue. A feasibility analysis would be performed before bringing the proposal to the Board.

Step 12. Disposal Ban, Commercial Food Waste – 2019, 70% goal

Ban all commercial food waste from the Transfer Station. This step assumes a successful full-scale food waste composting program is in place and fully functional.

Step 13. Celebrate Goal Achievement – 2020, 75%

Agreements

There are four upcoming solid waste related agreements that staff will bring before the Board in the near future:

- The Franchise Agreement for curbside collection. A joint bid with the City, with separate contracts, is recommended. This will be the time to reconsider mandatory collection, Pay-as-You-Throw and perhaps single-stream recycling. The current agreement terminates in March 2013.
- The Hauling and Disposal Agreement for transportation and disposal of waste from the transfer station. The Board currently enjoys a very competitive rate for these services. It is the Board's prerogative whether or not to continue the Agreement. The agreement terminates in May, 2013.
- The Interlocal Agreement with the City of Tallahassee for Solid Waste Services also terminates in 2013. This agreement requires the City to utilize the transfer station for disposal and requires the County to charge the City no more than any other user of the facility. The Board may wish to seek renewal of this agreement and incorporate it into a larger partnership aimed at achieving the 75% recycling goal.
- The County has an existing agreement with Renewable Fuels Tallahassee, LLC. The purpose of the agreement is to provide the County's Class I Solid Waste to Renewable Fuels Tallahassee, LLC if a facility is constructed. The agreement expires May 1st, 2011 if the facility is not under construction by this time, (Attachment #7).

Funding

The Solid Waste fund is not currently operating consistent with the County's adopted Guiding Principles, Attachment #8; as an enterprise fund, it should operate solely from revenues generated by its operations. However, the fund receives general revenue to support the unincorporated area disposal costs (which includes the operation of the rural waste collection centers).

As the county progresses toward the 75% recycling goal, the Solid Waste fund will experience even less tipping fee revenue. There will be fewer funds available to support solid waste programs such as recycling and education services and household hazardous waste. As part of the implementation of the Action Plan, the Board will need to consider funding mechanisms for these programs.

Options:

1. Direct staff to prepare an agenda item for consideration of an internal policy for waste reduction, reuse and recycling.
2. Authorize the County Administrator to approach the City on partnering in the implementation of the recycling goals through the renewal of the interlocal agreement and jointly bidding the curbside collection franchise agreements.
3. Direct staff to compile best practices and approaches being considered by other Counties and Cities and report back to the Board following the closure of the next legislative session.
4. Board Direction.

Recommendation:

Options #1 - #3.

Attachments:

1. HB 7243 – the 75% recycling goal
2. Marpan Recycling Annual Report
3. Draft Waste Reduction/Reuse/Recycling Policy
4. Waste Stewardship Model
5. Florida Waste Composition Chart, 2007
6. Greening of Florida, A Solid Waste Management Roadmap
7. Renewable Fuels Tallahassee Agreement
8. Guiding Principles

PA/AR/TP/nt

ENROLLED
 HB 7243, Engrossed 3

Attachment# 1
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2010 Legislature

1 A bill to be entitled
 2 An act relating to environmental control; amending s.
 3 288.9015, F.S.; requiring Enterprise Florida, Inc., to
 4 provide technical assistance to the Department of
 5 Environmental Protection in the creation of the Recycling
 6 Business Assistance Center; amending s. 403.44, F.S.;
 7 eliminating a greenhouse gas registration and reporting
 8 requirement for major emitters; eliminating a requirement
 9 for the Department of Environmental Protection to
 10 establish methodologies, reporting periods, and reporting
 11 systems relating to greenhouse gas emissions; amending s.
 12 403.7032, F.S.; requiring all public entities and those
 13 entities occupying buildings managed by the Department of
 14 Management Services to report recycling data; providing
 15 exceptions; encouraging certain private entities to report
 16 the disposal of recyclable materials; requiring the
 17 Department of Management Services to report on green and
 18 recycled products purchased through its procurement
 19 system; directing the Department of Environmental
 20 Protection to create the Recycling Business Assistance
 21 Center; providing requirements for the center; amending s.
 22 403.7046, F.S., relating to regulation of recovered
 23 materials; deleting a requirement that the Department of
 24 Environmental Protection appoint a technical advisory
 25 committee; revising reporting requirements; amending s.
 26 403.7049, F.S.; conforming a cross-reference; amending s.
 27 403.705, F.S.; conforming a cross-reference; requiring
 28 that the Department of Environmental Protection report

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29 biennially to the Legislature on the state's success in
 30 meeting solid waste reduction goals; providing for the
 31 creation of a voluntary recyclers certification program;
 32 amending s. 403.706, F.S.; requiring counties to meet
 33 specific recycling benchmarks; providing legislative
 34 intent; requiring certain multifamily residential and
 35 commercial properties to make certain provisions for
 36 recycling receptacles; providing applicability;
 37 authorizing the Department of Environmental Protection to
 38 require counties to develop a plan to expand recycling
 39 programs under certain conditions; requiring the
 40 Department of Environmental Protection to provide a report
 41 to the Legislature if a specified recycling rate is not
 42 met; eliminating a requirement that counties develop
 43 composting goals; providing for waste-to-energy production
 44 to be applied toward meeting recycling benchmarks;
 45 providing exceptions; providing deadlines for the
 46 reporting of recycling data; amending s. 403.7061, F.S.;
 47 revising requirements for review of new waste-to-energy
 48 facility capacity by the Department of Environmental
 49 Protection; amending s. 403.707, F.S.; establishing
 50 recycling rates for source-separation activities;
 51 providing an exception; amending s. 403.709, F.S.;
 52 conforming a cross-reference; amending s. 403.7095, F.S.;
 53 revising provisions relating to the solid waste management
 54 grant program; deleting provisions requiring the
 55 Department of Environmental Protection to develop a
 56 competitive and innovative grant program for certain

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57 | counties, municipalities, special districts, and nonprofit
58 | organizations; deleting application requirements for such
59 | grant program; deleting a requirement for the Department
60 | of Environmental Protection to evaluate and prioritize
61 | grant proposals for inclusion in its annual budget
62 | request; revising the distribution of funds for the small-
63 | county consolidated grant program; deleting obsolete
64 | provisions; amending s. 403.7145, F.S.; revising recycling
65 | requirements for certain state buildings; providing for a
66 | pilot project for the Capitol recycling area; amending s.
67 | 533.77, F.S.; requiring the Florida Building Commission to
68 | develop specified recommendations relating to recycling
69 | and composting and the use of recyclable materials;
70 | repealing s. 288.1185, F.S., relating to the Recycling
71 | Markets Advisory Committee; providing an effective date.

72

73 | Be It Enacted by the Legislature of the State of Florida:

74

75 | Section 1. Subsection (9) is added to section 288.9015,
76 | Florida Statutes, to read:

77 | 288.9015 Enterprise Florida, Inc.; purpose; duties.—

78 | (9) Enterprise Florida, Inc., shall provide technical
79 | assistance to the Department of Environmental Protection in the
80 | creation of the Recycling Business Assistance Center pursuant to
81 | s. 403.7032(5). As the state's primary organization devoted to
82 | statewide economic development, Enterprise Florida, Inc., is
83 | encouraged to cooperate with the Department of Environmental
84 | Protection to ensure that the Recycling Business Assistance

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Attachment # 1
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2010 Legislature

85 Center is positioned to succeed in helping to enhance and expand
 86 existing markets for recyclable materials in this state, other
 87 states, and foreign countries.

88 Section 2. Subsections (5) through (8) of section 403.44,
 89 Florida Statutes, are renumbered as subsections (3) through (6),
 90 respectively, and present subsections (3) and (4) of that
 91 section are amended to read:

92 403.44 Florida Climate Protection Act.—

93 ~~(3) A major emitter shall be required to use The Climate~~
 94 ~~Registry for purposes of emission registration and reporting.~~

95 ~~(4) The department shall establish the methodologies,~~
 96 ~~reporting periods, and reporting systems that shall be used when~~
 97 ~~major emitters report to The Climate Registry. The department~~
 98 ~~may require the use of quality-assured data from continuous~~
 99 ~~emissions monitoring systems.~~

100 Section 3. Section 403.7032, Florida Statutes, is amended
 101 to read:

102 403.7032 Recycling.—

103 (1) The Legislature finds that the failure or inability to
 104 economically recover material and energy resources from solid
 105 waste results in the unnecessary waste and depletion of our
 106 natural resources. As the state continues to grow, so will the
 107 potential amount of discarded material that must be treated and
 108 disposed of, necessitating the improvement of solid waste
 109 collection and disposal. Therefore, the maximum recycling and
 110 reuse of such resources are considered high-priority goals of
 111 the state.

112 (2) By the year 2020, the long-term goal for the recycling

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2010 Legislature

113 | efforts of state and local governmental entities, private
114 | companies and organizations, and the general public is to
115 | recycle at least 75 percent of the municipal solid waste that
116 | would otherwise be ~~reduce the amount of recyclable solid waste~~
117 | disposed of in waste management facilities, landfills, or
118 | incineration facilities ~~by a statewide average of at least 75~~
119 | ~~percent~~. However, any solid waste used for the production of
120 | renewable energy shall count toward the long-term recycling goal
121 | as set forth in this part section.

122 | (3) Each state agency, K-12 public school, public
123 | institution of higher learning, community college, and state
124 | university, including all buildings that are occupied by
125 | municipal, county, or state employees and entities occupying
126 | buildings managed by the Department of Management Services,
127 | must, at a minimum, annually report all recycled materials to
128 | the county using the department's designated reporting format.
129 | Private businesses, other than certified recovered materials
130 | dealers, that recycle paper, metals, glass, plastics, textiles,
131 | rubber materials, and mulch, are encouraged to report the amount
132 | of materials they recycle to the county annually beginning
133 | January 1, 2011, using the department's designated reporting
134 | format. Using the information provided, the department shall
135 | recognize those private businesses that demonstrate outstanding
136 | recycling efforts.

137 |
138 | Notwithstanding any other provision of state or county law,
139 | private businesses, other than certified recovered materials
140 | dealers, shall not be required to report recycling rates. Cities

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2010 Legislature

141 with less than a population of 2,500 and per capita taxable
 142 value less than \$48,000 and cities with a per capita taxable
 143 value less than \$30,000 are exempt from the reporting
 144 requirement specified in this paragraph.

145 ~~(4)(3)~~ The Department of Environmental Protection shall
 146 develop a comprehensive recycling program that is designed to
 147 achieve the percentage under subsection (2) and submit the
 148 program to the President of the Senate and the Speaker of the
 149 House of Representatives by January 1, 2010. The program may not
 150 be implemented until approved by the Legislature. The program
 151 must be developed in coordination with input from state and
 152 local entities, private businesses, and the public. Under the
 153 program, recyclable materials shall include, but are not limited
 154 to, metals, paper, glass, plastic, textile, rubber materials,
 155 and mulch. Components of the program shall include, but are not
 156 limited to:

157 (a) Programs to identify environmentally preferable
 158 purchasing practices to encourage the purchase of recycled,
 159 durable, and less toxic goods. The Department of Management
 160 Services shall modify its procurement system to report on green
 161 and recycled products purchased through the system by September
 162 30, 2011.

163 (b) Programs to educate students in grades K-12 in the
 164 benefits of, and proper techniques for, recycling.

165 (c) Programs for statewide recognition of successful
 166 recycling efforts by schools, businesses, public groups, and
 167 private citizens.

168 (d) Programs for municipalities and counties to develop

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169 and implement efficient recycling efforts to return valuable
 170 materials to productive use, conserve energy, and protect
 171 natural resources.

172 (e) Programs by which the department can provide technical
 173 assistance to municipalities and counties in support of their
 174 recycling efforts.

175 (f) Programs to educate and train the public in proper
 176 recycling efforts.

177 (g) Evaluation of how financial assistance can best be
 178 provided to municipalities and counties in support of their
 179 recycling efforts.

180 (h) Evaluation of why existing waste management and
 181 recycling programs in the state have not been better used.

182 (5) The Department of Environmental Protection shall
 183 create the Recycling Business Assistance Center by December 1,
 184 2010. In carrying out its duties under this subsection, the
 185 department shall consult with state agency personnel appointed
 186 to serve as economic development liaisons under s. 288.021 and
 187 seek technical assistance from Enterprise Florida, Inc., to
 188 ensure the Recycling Business Assistance Center is positioned to
 189 succeed. The purpose of the center shall be to serve as the
 190 mechanism for coordination among state agencies and the private
 191 sector in order to coordinate policy and overall strategic
 192 planning for developing new markets and expanding and enhancing
 193 existing markets for recyclable materials in this state, other
 194 states, and foreign countries. The duties of the center must
 195 include, at a minimum:

196 (a) Identifying and developing new markets and expanding

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- 197 and enhancing existing markets for recyclable materials.
- 198 (b) Pursuing expanded end uses for recycled materials.
- 199 (c) Targeting materials for concentrated market-
- 200 development efforts.
- 201 (d) Developing proposals for new incentives for market
- 202 development, particularly focusing on targeted materials.
- 203 (e) Providing guidance on issues such as permitting,
- 204 finance options for recycling market development, site location,
- 205 research and development, grant program criteria for recycled
- 206 materials markets, recycling markets education and information,
- 207 and minimum content.
- 208 (f) Coordinating the efforts of various governmental
- 209 entities having market-development responsibilities in order to
- 210 optimize supply and demand for recyclable materials.
- 211 (g) Evaluating source-reduced products as they relate to
- 212 state procurement policy. The evaluation shall include, but is
- 213 not limited to, the environmental and economic impact of source-
- 214 reduced product purchases to the state. For the purposes of this
- 215 paragraph, the term "source-reduced" means any method, process,
- 216 product, or technology that significantly or substantially
- 217 reduces the volume or weight of a product while providing, at a
- 218 minimum, equivalent or generally similar performance and service
- 219 to and for the users of such materials.
- 220 (h) Providing evaluation of solid waste management grants,
- 221 pursuant to s. 403.7095, to reduce the flow of solid waste to
- 222 disposal facilities and encourage the sustainable recovery of
- 223 materials from Florida's waste stream.
- 224 (i) Providing below-market financing for companies that

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225 manufacture products from recycled materials or convert
 226 recyclable materials into raw materials for use in manufacturing
 227 pursuant to the Florida Recycling Loan Program as administered
 228 by the Florida First Capital Finance Corporation.

229 (j) Maintaining a continuously updated online directory
 230 listing the public and private entities that collect, transport,
 231 broker, process, or remanufacture recyclable materials in the
 232 state.

233 (k) Providing information on the availability and benefits
 234 of using recycled materials to private entities and industries
 235 in the state.

236 (l) Distributing any materials prepared in implementing
 237 this subsection to the public, private entities, industries,
 238 governmental entities, or other organizations upon request.

239 (m) Coordinating with the Agency for Workforce Innovation
 240 and its partners to provide job-placement and job-training
 241 services to job seekers through the state's workforce services
 242 programs.

243 Section 4. Subsection (1) of section 403.7046, Florida
 244 Statutes, is amended to read:

245 403.7046 Regulation of recovered materials.—

246 (1) Any person who handles, purchases, receives, recovers,
 247 sells, or is an end user of recovered materials shall annually
 248 certify to the department on forms provided by the department.
 249 The department may by rule exempt from this requirement
 250 generators of recovered materials; persons who handle or sell
 251 recovered materials as an activity which is incidental to the
 252 normal primary business activities of that person; or persons

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253 | who handle, purchase, receive, recover, sell, or are end users
 254 | of recovered materials in small quantities as defined by the
 255 | department. The department shall adopt rules for the
 256 | certification of and reporting by such persons and shall
 257 | establish criteria for revocation of such certification. ~~Prior~~
 258 | ~~to the adoption of such rules, the department shall appoint a~~
 259 | ~~technical advisory committee of no more than nine persons,~~
 260 | ~~including, at a minimum, representatives of the Florida~~
 261 | ~~Association of Counties, the Florida League of Cities, the~~
 262 | ~~Florida Recyclers Association, and the Florida Chapter of the~~
 263 | ~~National Solid Waste Management Association, to aid in the~~
 264 | ~~development of such rules.~~ Such rules shall be designed to
 265 | elicit, at a minimum, the amount and types of recovered
 266 | materials handled by registrants, and the amount and disposal
 267 | site, or name of person with whom such disposal was arranged, of
 268 | any solid waste generated by such facility. By February 1 of
 269 | each year, registrants shall report all required information to
 270 | the department and to all counties from which it received
 271 | materials. Such rules may provide for the department to conduct
 272 | periodic inspections. The department may charge a fee of up to
 273 | \$50 for each registration, which shall be deposited into the
 274 | Solid Waste Management Trust Fund for implementation of the
 275 | program.

276 | Section 5. Subsection (5) of section 403.7049, Florida
 277 | Statutes, is amended to read:

278 | 403.7049 Determination of full cost for solid waste
 279 | management; local solid waste management fees.—

280 | (5) In order to assist in achieving the municipal solid

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281 waste reduction goal and the recycling provisions of s.
 282 403.706(2) ~~s. 403.706(4)~~, a county or a municipality which owns
 283 or operates a solid waste management facility is hereby
 284 authorized to charge solid waste disposal fees which may vary
 285 based on a number of factors, including, but not limited to, the
 286 amount, characteristics, and form of recyclable materials
 287 present in the solid waste that is brought to the county's or
 288 the municipality's facility for processing or disposal.

289 Section 6. Paragraph (c) of subsection (2) and subsection
 290 (3) of section 403.705, Florida Statutes, are amended, and
 291 subsection (4) is added to that section, to read:

292 403.705 State solid waste management program.—

293 (2) The state solid waste management program shall
 294 include, at a minimum:

295 (c) Planning guidelines and technical assistance to
 296 counties and municipalities to aid in meeting the municipal
 297 solid waste recycling ~~reduction~~ goals established in s.
 298 403.706(2) ~~s. 403.706(4)~~.

299 (3) The department shall ~~periodically seek information~~
 300 ~~from counties to~~ evaluate and report biennially to the President
 301 of the Senate and the Speaker of the House of Representatives on
 302 the state's success in meeting the solid waste recycling
 303 reduction goal as described in s. 403.706(2).

304 (4) The department shall adopt rules creating a voluntary
 305 certification program for materials recovery facilities. The
 306 certification criteria shall be based upon the amount and type
 307 of materials recycled and the compliance record of the facility
 308 and may vary depending on the location in the state and the

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309 available markets for the materials that are processed. Any
 310 materials recovery facility seeking certification shall file an
 311 application to modify its permit, or shall include a
 312 certification application as part of its original permit
 313 application, which application shall not require an additional
 314 fee. The department shall adopt a form for certification
 315 applications, and shall require at least annual reports to
 316 verify the continued qualification for certification. In order
 317 to assist in the development of the certification program, the
 318 department shall appoint a technical advisory committee.

319 Section 7. Subsections (2), (4), (6), (7), and (21) of
 320 section 403.706, Florida Statutes, are amended to read:

321 403.706 Local government solid waste responsibilities.—

322 (2) (a) Each county shall implement a recyclable materials
 323 recycling program that shall have a goal of recycling recyclable
 324 solid waste by 40 percent by December 31, 2012, 50 percent by
 325 December 31, 2014, 60 percent by December 31, 2016, 70 percent
 326 by December 31, 2018, and 75 percent by December 31, 2020.

327 Counties and municipalities are encouraged to form cooperative
 328 arrangements for implementing recycling programs.

329 (b) In order to assist counties in attaining the goals set
 330 forth in paragraph (a), the Legislature finds that the recycling
 331 of construction and demolition debris fulfills an important
 332 state interest. Therefore, each county must implement a program
 333 for recycling construction and demolition debris.

334 (c) In accordance with applicable local government
 335 ordinances, newly developed property receiving a certificate of
 336 occupancy, or its equivalent, on or after July 1, 2012, that is

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337 used for multifamily residential or commercial purposes, must
 338 provide adequate space and an adequate receptacle for recycling
 339 by tenants and owners of the property. This provision is limited
 340 to counties and municipalities that have an established
 341 residential, including multifamily, or commercial recycling
 342 program that provides recycling receptacles to residences and
 343 businesses and regular pick-up services for those receptacles.

344 (d) If, by January 1 of 2013, 2015, 2017, 2019, or 2021,
 345 the county, as determined by the department in accordance with
 346 applicable rules, has not reached the recycling goals as set
 347 forth in paragraph (a), the department may direct the county to
 348 develop a plan to expand recycling programs to existing
 349 commercial and multifamily dwellings, including, but not limited
 350 to, apartment complexes.

351 (e) If the state's recycling rate for the 2013 calendar
 352 year is below 40 percent, below 50 percent by January 1, 2015,
 353 below 60 percent by January 1, 2017, below 70 percent by January
 354 1, 2019, or below 75 percent by January 1, 2021, the department
 355 shall provide a report to the President of the Senate and the
 356 Speaker of the House of Representatives. The report shall
 357 identify those additional programs or statutory changes needed
 358 to achieve the goals set forth in paragraph (a). The report
 359 shall be provided no later than 30 days prior to the beginning
 360 of the Regular Session of the Legislature. The department is not
 361 required to provide a report to the Legislature if the state
 362 reaches its recycling goals as described in this paragraph.

363 (f)-(b) Such programs shall be designed to recover a
 364 significant portion of at least four of the following materials

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365 | from the solid waste stream prior to final disposal at a solid
 366 | waste disposal facility and to offer these materials for
 367 | recycling: newspaper, aluminum cans, steel cans, glass, plastic
 368 | bottles, cardboard, office paper, and yard trash. Local
 369 | governments which operate permitted waste-to-energy facilities
 370 | may retrieve ferrous and nonferrous metal as a byproduct of
 371 | combustion.

372 | (g)-(e) Local governments are encouraged to separate all
 373 | plastics, metal, and all grades of paper for recycling prior to
 374 | final disposal and are further encouraged to recycle yard trash
 375 | and other mechanically treated solid waste into compost
 376 | available for agricultural and other acceptable uses.

377 | (h) The department shall adopt rules establishing the
 378 | method and criteria to be used by a county in calculating the
 379 | recycling rates pursuant to this subsection.

380 | ~~(d) By July 1, 2010, each county shall develop and~~
 381 | ~~implement a plan to achieve a goal to compost organic materials~~
 382 | ~~that would otherwise be disposed of in a landfill. The goal~~
 383 | ~~shall provide that up to 10 percent and no less than 5 percent~~
 384 | ~~of organic material would be composted within the county and the~~
 385 | ~~municipalities within its boundaries. The department may reduce~~
 386 | ~~or modify the compost goal if the county demonstrates to the~~
 387 | ~~department that achievement of the goal would be impractical~~
 388 | ~~given the county's unique demographic, urban density, or~~
 389 | ~~inability to separate normally compostable material from the~~
 390 | ~~solid waste stream. The composting plan is encouraged to address~~
 391 | ~~partnership with the private sector.~~

392 | (i)-(e) Each county is encouraged to consider plans for

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393 composting or mulching organic materials that would otherwise be
394 disposed of in a landfill. The composting or mulching plans are
395 encouraged to address partnership with the private sector.

396 (4) (a) In order to promote the production of renewable
397 energy from solid waste, each megawatt-hour produced by a
398 renewable energy facility using solid waste as a fuel shall
399 count as 1 ton of recycled material and shall be applied toward
400 meeting the recycling goals set forth in this section. If a
401 county creating renewable energy from solid waste implements and
402 maintains a program to recycle at least 50 percent of municipal
403 solid waste by a means other than creating renewable energy,
404 that county shall count 2 tons of recycled material for each
405 megawatt-hour produced. If waste originates from a county other
406 than the county in which the renewable energy facility resides,
407 the originating county shall receive such recycling credit. Any
408 county that has a debt service payment related to its waste-to-
409 energy facility shall receive 1 ton of recycled materials credit
410 for each ton of solid waste processed at the facility. Any
411 byproduct resulting from the creation of renewable energy does
412 not count as waste. A county's solid waste management and
413 recycling programs shall be designed to provide for sufficient
414 reduction of the amount of solid waste generated within the
415 county and the municipalities within its boundaries in order to
416 meet goals for the reduction of municipal solid waste prior to
417 the final disposal or the incineration of such waste at a solid
418 waste disposal facility. The goals shall provide, at a minimum,
419 that the amount of municipal solid waste that would be disposed
420 of within the county and the municipalities within its

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421 | ~~boundaries is reduced by at least 30 percent.~~

422 | (b) A county may receive credit for one-half of the
 423 | recycling goal set forth in subsection (2) ~~for waste reduction~~
 424 | from the use of yard trash, or other clean wood waste or paper
 425 | waste, in innovative programs including, but not limited to,
 426 | programs that produce alternative clean-burning fuels such as
 427 | ethanol or that provide for the conversion of yard trash or
 428 | other clean wood waste or paper waste to clean-burning fuel for
 429 | the production of energy for use at facilities other than a
 430 | waste-to-energy facility as defined in s. 403.7061. The
 431 | provisions of this paragraph apply only if a county can
 432 | demonstrate that:

433 | 1. The county has implemented a yard trash mulching or
 434 | composting program, and

435 | 2. As part of the program, compost and mulch made from
 436 | yard trash is available to the general public and in use at
 437 | county-owned or maintained and municipally owned or maintained
 438 | facilities in the county and state agencies operating in the
 439 | county as required by this section.

440 | (c) A county with a population of 100,000 or less may
 441 | provide its residents with the opportunity to recycle in lieu of
 442 | achieving the goal set forth in this section ~~paragraph (a)~~. For
 443 | the purposes of this section subsection, the "opportunity to
 444 | recycle" means that the county:

445 | 1.a. Provides a system for separating and collecting
 446 | recyclable materials prior to disposal that is located at a
 447 | solid waste management facility or solid waste disposal area; or

448 | b. Provides a system of places within the county for

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449 collection of source-separated recyclable materials.

450 2. Provides a public education and promotion program that
 451 is conducted to inform its residents of the opportunity to
 452 recycle, encourages source separation of recyclable materials,
 453 and promotes the benefits of reducing, reusing, recycling, and
 454 composting materials.

455 (6) The department may reduce or modify the municipal
 456 solid waste recycling ~~reduction~~ goal that a county is required
 457 to achieve pursuant to subsection (2) ~~(4)~~ if the county
 458 demonstrates to the department that:

459 (a) The achievement of the goal set forth in subsection
 460 (2) ~~(4)~~ would have an adverse effect on the financial
 461 obligations of a county that are directly related to a waste-to-
 462 energy facility owned or operated by or on behalf of the county;
 463 and

464 (b) The county cannot remove normally combustible
 465 materials from solid waste that is to be processed at a waste-
 466 to-energy facility because of the need to maintain a sufficient
 467 amount of solid waste to ensure the financial viability of the
 468 facility.

469
 470 The goal shall not be waived entirely and may only be
 471 reduced or modified to the extent necessary to alleviate the
 472 adverse effects of achieving the goal on the financial viability
 473 of a county's waste-to-energy facility. Nothing in this
 474 subsection shall exempt a county from developing and
 475 implementing a recycling program pursuant to this act.

476 (7) In order to assess the progress in meeting the goal

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477 | set forth ~~established~~ in subsection (2) ~~(4)~~, each county shall,
 478 | by April 1 ~~November~~ each year, provide information to the
 479 | department regarding its annual solid waste management program
 480 | and recycling activities.

481 | (a) The information submitted to the department by the
 482 | county must, at a minimum, include:

483 | 1.-(a) The amount of municipal solid waste disposed of at
 484 | solid waste disposal facilities, by type of waste such as yard
 485 | trash, white goods, clean debris, tires, and unseparated solid
 486 | waste;

487 | 2.-(b) The amount and type of materials from the municipal
 488 | solid waste stream that were recycled; and

489 | 3.-(c) The percentage of the population participating in
 490 | various types of recycling activities instituted.

491 | (b) Beginning with the data for the 2012 calendar year,
 492 | the department shall by July 1 each year post on its website the
 493 | recycling rates of each county for the prior calendar year.

494 | (21) Local governments are authorized to enact ordinances
 495 | that require and direct all residential properties, multifamily
 496 | dwellings, and apartment complexes and industrial, commercial,
 497 | and institutional establishments as defined by the local
 498 | government to establish programs for the separation of
 499 | recyclable materials designated by the local government, which
 500 | recyclable materials are specifically intended for purposes of
 501 | recycling and for which a market exists, and to provide for
 502 | their collection. Such ordinances may include, but are not
 503 | limited to, provisions that prohibit any person from knowingly
 504 | disposing of recyclable materials designated by the local

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505 | government and that ensure the collection of recovered materials
 506 | as necessary to protect public health and safety.

507 | Section 8. Paragraphs (d) through (i) of subsection (3) of
 508 | section 403.7061, Florida Statutes, are redesignated as
 509 | paragraphs (c) through (h), respectively, and present paragraph
 510 | (c) of that subsection is amended to read:

511 | 403.7061 Requirements for review of new waste-to-energy
 512 | facility capacity by the Department of Environmental
 513 | Protection.—

514 | (3) An applicant must provide reasonable assurance that
 515 | the construction of a new waste-to-energy facility or the
 516 | expansion of an existing waste-to-energy facility will comply
 517 | with the following criteria:

518 | ~~(c) The county in which the facility is located has~~
 519 | ~~implemented and maintains a solid waste management and recycling~~
 520 | ~~program that is designed to achieve the waste reduction goal set~~
 521 | ~~forth in s. 403.706(4). For the purposes of this section, the~~
 522 | ~~provisions of s. 403.706(4)(c) for counties having populations~~
 523 | ~~of 100,000 or fewer do not apply.~~

524 | Section 9. Paragraph (g) of subsection (9) of section
 525 | 403.707, Florida Statutes, is amended to read:

526 | 403.707 Permits.—

527 | (9) The department shall establish a separate category for
 528 | solid waste management facilities that accept only construction
 529 | and demolition debris for disposal or recycling. The department
 530 | shall establish a reasonable schedule for existing facilities to
 531 | comply with this section to avoid undue hardship to such
 532 | facilities. However, a permitted solid waste disposal unit that

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533 receives a significant amount of waste prior to the compliance
 534 deadline established in this schedule shall not be required to
 535 be retrofitted with liners or leachate control systems.

536 (g) By January 1, 2012, the amount of construction and
 537 demolition debris processed and recycled prior to disposal at a
 538 permitted materials recovery facility or at any other permitted
 539 disposal facility shall be reported by the county of origin to
 540 the department and to the county on an annual basis in
 541 accordance with rules adopted by the department. The rules shall
 542 establish criteria to ensure accurate and consistent reporting
 543 for purposes of determining the recycling rate in s. 403.706
 544 and shall also require that, to the extent economically
 545 feasible, all construction and demolition debris must be
 546 processed prior to disposal, either at a permitted materials
 547 recovery facility or at a permitted disposal facility. This
 548 paragraph does not apply to recovered materials, any materials
 549 that have been source separated and offered for recycling, or
 550 materials that have been previously processed. It is the policy
 551 ~~of the Legislature to encourage facilities to recycle. The~~
 552 ~~department shall establish criteria and guidelines that~~
 553 ~~encourage recycling where practical and provide for the use of~~
 554 ~~recycled materials in a manner that protects the public health~~
 555 ~~and the environment. Facilities are authorized to recycle,~~
 556 ~~provided such activities do not conflict with such criteria and~~
 557 ~~guidelines.~~

558 Section 10. Paragraph (e) of subsection (1) of section
 559 403.709, Florida Statutes, is amended to read:

560 403.709 Solid Waste Management Trust Fund; use of waste

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561 | tire fees.—There is created the Solid Waste Management Trust
562 | Fund, to be administered by the department.

563 | (1) From the annual revenues deposited in the trust fund,
564 | unless otherwise specified in the General Appropriations Act:

565 | (e) A minimum of 40 percent shall be used for funding a
566 | solid waste management ~~competitive and innovative~~ grant program
567 | pursuant to s. 403.7095 for activities relating to recycling and
568 | waste reduction, including waste tires requiring final disposal.

569 | Section 11. Section 403.7095, Florida Statutes, is amended
570 | to read:

571 | 403.7095 Solid waste management grant program.—

572 | ~~(1) The department shall develop a competitive and~~
573 | ~~innovative grant program for counties, municipalities, special~~
574 | ~~districts, and nonprofit organizations that have legal~~
575 | ~~responsibility for the provision of solid waste management~~
576 | ~~services. For purposes of this program, "innovative" means that~~
577 | ~~the process, technology, or activity for which funding is sought~~
578 | ~~has not previously been implemented within the jurisdiction of~~
579 | ~~the applicant. The applicant must:~~

580 | ~~(a) Demonstrate technologies or processes that represent a~~
581 | ~~novel application of an existing technology or process to~~
582 | ~~recycle or reduce waste, or that overcome obstacles to recycling~~
583 | ~~or waste reduction in new or innovative ways;~~

584 | ~~(b) Demonstrate innovative processes to collect and~~
585 | ~~recycle or reduce materials targeted by the department and the~~
586 | ~~recycling industry; or~~

587 | ~~(c) Demonstrate effective solutions to solving solid waste~~
588 | ~~problems resulting from waste tires, particularly in the areas~~

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589 ~~of enforcement and abatement of illegal tire dumping and~~
 590 ~~activities to promote market development of waste tire products.~~

591

592 ~~Because the Legislature recognizes that input from the~~
 593 ~~recycling industry is essential to the success of this grant~~
 594 ~~program, the department shall cooperate with private sector~~
 595 ~~entities to develop a process and define specific criteria for~~
 596 ~~allowing their participation with grant recipients.~~

597 ~~(2) The department shall evaluate and prioritize the~~
 598 ~~annual grant proposals and present the annual prioritized list~~
 599 ~~of projects to be funded to the Governor and the Legislature as~~
 600 ~~part of its annual budget request submitted pursuant to chapter~~
 601 ~~216. Potential grant recipients are encouraged to demonstrate~~
 602 ~~local support for grant proposals by the commitment of cash or~~
 603 ~~in-kind matching funds.~~

604 ~~(1)(3)~~ The department shall develop a consolidated grant
 605 program for small counties having populations fewer than
 606 100,000, with grants to be distributed equally among eligible
 607 counties. Programs to be supported with the small-county
 608 consolidated grants include general solid waste management,
 609 litter prevention and control, and recycling and education
 610 programs.

611 ~~(2)(4)~~ The department shall develop a waste tire grant
 612 program making grants available to all counties. The department
 613 shall ensure that at least 25 percent of the funding available
 614 for waste tire grants is distributed equally to each county
 615 having a population fewer than 100,000. Of the remaining funds
 616 distributed to counties having a population of 100,000 or

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617 greater, the department shall distribute those funds on the
 618 basis of population.

619 ~~(3)-(5)~~ From the funds made available pursuant to s.
 620 403.709(1)(e) for the grant program created by this section, the
 621 following distributions shall be made:

622 ~~(a) Up to 15 percent for the program described in~~
 623 ~~subsection (1);~~

624 ~~(a)(b)~~ Up to 50 ~~35~~ percent for the program described in
 625 subsection (1) ~~(3)~~; and

626 ~~(b)(e)~~ Up to 50 percent for the program described in
 627 subsection (2) ~~(4)~~.

628 ~~(4)-(6)~~ The department may adopt rules necessary to
 629 administer this section, including, but not limited to, rules
 630 governing timeframes for submitting grant applications, criteria
 631 for prioritizing, matching criteria, maximum grant amounts, and
 632 allocation of appropriated funds based upon project and
 633 applicant size.

634 ~~(7) Notwithstanding any provision of this section to the~~
 635 ~~contrary, and for the 2009-2010 fiscal year only, the Department~~
 636 ~~of Environmental Protection shall award the sum of \$2,600,000 in~~
 637 ~~grants equally to counties having populations of fewer than~~
 638 ~~100,000 for waste tire and litter prevention, recycling~~
 639 ~~education, and general solid waste programs. This subsection~~
 640 ~~expires July 1, 2010.~~

641 ~~(8)(a) Notwithstanding any provision of this section to~~
 642 ~~the contrary, and for the 2008-2009 fiscal year only, the~~
 643 ~~Department of Environmental Protection shall award:~~

644 1. ~~The sum of \$9,428,773 in grants equally to counties~~

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645 ~~having populations of fewer than 100,000 for waste tire and~~
 646 ~~litter prevention, recycling education, and general solid waste~~
 647 ~~programs.~~

648 ~~2. The sum of \$2,000,781 to be used for the Innovative~~
 649 ~~Grant Program.~~

650 ~~(b) This subsection expires July 1, 2009.~~

651 Section 12. Subsection (1) of section 403.7145, Florida
 652 Statutes, is amended, and subsection (3) is added to that
 653 section, to read:

654 403.7145 Recycling.—

655 (1) The Capitol and the House and Senate office buildings
 656 constitute the Capitol recycling area. The Florida House of
 657 Representatives, the Florida Senate, and the Office of the
 658 Governor, the Secretary of State, and each Cabinet officer who
 659 heads a department that occupies office space in the Capitol,
 660 shall institute a recycling program for their respective offices
 661 in the House and Senate office buildings and the Capitol.
 662 Provisions shall be made to collect and sell wastepaper and
 663 empty ~~aluminum~~ aluminum beverage containers ~~cans~~ generated by employee
 664 activities in these offices. The collection and sale of such
 665 materials shall be reported to Leon County using the
 666 department's designated reporting format and coordinated with
 667 Department of Management Services recycling activities to
 668 maximize the efficiency and economy of this program. The
 669 Governor, the Speaker of the House of Representatives, the
 670 President of the Senate, the Secretary of State, and the Cabinet
 671 officers may authorize the use of proceeds from recyclable
 672 material sales for employee benefits and other purposes, in

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673 | order to provide incentives to their respective employees for
674 | participation in the recycling program. Such proceeds may also
675 | be used to offset any costs of the recycling program. As a
676 | demonstration of leading by example, the Capitol Building's
677 | recycling rates shall be posted on the website of the Department
678 | of Management Services and shall include the details of the
679 | recycling rates for each Department of Management Services pool
680 | facility. The Department of Environmental Protection shall post
681 | recycling rates of each state-owned facility reported to the
682 | Department of Management Services.

683 | (3) The department shall develop and contract for an
684 | innovative recycling pilot project for the Capitol recycling
685 | area. The project shall be designed to collect recyclable
686 | materials and create a more sustainable recycling system.
687 | Components of the project shall be designed to increase
688 | convenience, incentivize and measure participation, reduce
689 | material volume, and assist in achieving the recycling goals
690 | enumerated in s. 403.706.

691 | Section 13. Paragraph (m) is added to subsection (1) of
692 | section 553.77, Florida Statutes, to read:

693 | 553.77 Specific powers of the commission.—

694 | (1) The commission shall:

695 | (m) Develop recommendations that increase residential and
696 | commercial recycling and composting and strongly encourage the
697 | use of recyclable materials and the recycling of construction
698 | and demolition debris.

699 | Section 14. Section 288.1185, Florida Statutes, is
700 | repealed.

Attachment # 1

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ENROLLED
HB 7243, Engrossed 3

2010 Legislature

701

Section 15. This act shall take effect July 1, 2010.



ANNUAL REPORT TO LEON COUNTY

2009

Marpan Recycling, LLC (MRCO) opened its doors May 1, 2008 as a material recovery facility for Class III material and construction and demolition debris. It is permitted and inspected by the Florida Department of Environmental Protection (FDEP) to ensure clean, environmentally safe operations. In October, 2008, Leon County contracted with MRCO to accept, process and recycle its Class III materials that were being buried in its Apalachee Parkway Solid Waste Management Facility. Effective January 1, 2009, Marpan Recycling began processing Leon County's Class III materials.

The "Agreement for Class III Solid Waste Management and Recycling Services" calls for MRCO to provide Leon County an annual report that includes tons of material received by jurisdiction, tons of material recycled by material type and tons of accepted waste disposed.

MRCO accepted 68,510 tons of material for recycling in calendar year 2009. Ninety-seven percent of the material came from Leon County with the balance coming from eight other counties in Florida and Georgia (attachment A). Recovered and recycled were 42,284 tons for a recycling rate of 62% for the year. Attached is the FDEP 2009 Annual Report for Construction and Demolition Facilities that indicates recovered materials by type as well as unrecyclable material and Recovered Screened Material which was taken to Leon County's Solid Waste Management Facility.

Marpan appreciates the opportunity to serve Leon County and the surrounding areas as the State's first permitted Class III Material Recovery Facility. The goal in the coming years is to be a major partner in helping Leon County meet its 75% recycling goal by expanding the outbound recovered materials as markets become available.

Leon County
Solid Waste Management Services
Draft Waste Reduction/Reuse/Recycling Policy for County Facilities

Policy Scope and Purpose

A. Purpose

As a governmental organization, Leon County Board of County Commissioners produces a variety of waste including office paper, cardboard packaging, Styrofoam packaging, aluminum cans, plastic bottles, and organics. The processing and disposal of this waste have significant impacts on natural resources as well as their financial resources. Accordingly, this policy for waste reduction addresses local concerns regarding environmental and financial factors. In compliance with Florida's House Bill 7243, Florida's state-wide recycling goal is 75% by 2020. The current Tallahassee-Leon County Comprehensive Plan states that the local goal for recycling must be commensurate with the state's goal. Thus, as a governmental organization Leon County should lead by example and strive to meet this statewide goal. The alignment of County Comp Plan and State legislative mandates provides a context for development of this policy.

Leon County Board of County Commissioners will develop and promote procedures and practices that will divert waste from the waste stream through sustainable practices such a green purchasing policy, recycling programs, employee education, and other process changes at individual Department and Division levels. Through the initiatives outlined in this policy, Leon County Board of County Commissioners in its governmental operations shall strive to achieve a 75% recycling/waste diversion rate by 2020.

B. Goals

1. Implement waste reduction practices throughout Leon County Board of County Commissioners.
2. Increase reuse and recycling throughout Leon County Board of County Commissioners.

Leon County
Solid Waste Management Services
Draft Waste Reduction/Reuse/Recycling Policy for County Facilities

C. Objective

The Waste Stewardship Model was developed through a community effort based on the Waste Management Hierarchy. This model is intended as a visual tool representing the cost and sustainability of waste management. The Leon County Board of County Commissioners will set an example by utilizing this model as a guiding principle.



1. Prevention and Reduction – Actions or choices that prevent or reduce the production of waste.

- Mandate duplex printing (double sided copying) as the default setting for all coping and printing. Instruct staff on the proper use of duplex features.
- Require all new or replacement printers/copiers have duplex and scan features.
- Implement paperless timesheets for all Leon County employees where applicable.

Leon County
Solid Waste Management Services
Draft Waste Reduction/Reuse/Recycling Policy for County Facilities

- Require each email to contain the following automated note: Please consider the environment before printing this electronic-mail.
 - Reduce or eliminate magazine, trade journal and newspaper subscriptions; access web-based versions or use routing slips.
 - Route documents electronically whenever possible.
 - Adopt the draft “Green Purchasing Policy”, including the purchase of environmentally preferable products. The Florida Climate Friendly Preferred Product List may be consulted for guidance.
 - Require the use of Green Seal™ certified cleaning products in janitorial contracts.
 - Promote Waste-free meals at County-sponsored events and Board functions.
 - Send faxes electronically and scan documents for e-mailing.
- 2. Reuse** – The process of using a product, material or packaging in its current form more than once.
- Develop and maintain a county-wide waste information exchange, listing surplus or underutilized materials, supplies, and equipment. Post the exchange on the Intranet.
 - Develop a protocol for repair and refurbishment of office equipment and furniture before purchasing new.
 - Reuse paper printed on one side only for note pads/scrap paper. (Be sure to shred personnel and HIPPA documents to avoid using these sensitive materials.
 - Provide incentives for employees to reuse water bottles and coffee mugs. Make disposable (sustainable) containers available for guests only.
 - Use shredded documents for packing material.
 - Reuse file folders, three-ring binders and other durable office supplies.
 - Create a Reuse Chat Room as a venue for staff to share reuse ideas.
- 3. Recycling** – The process of separating and collecting, processing and marketing materials diverted from the waste stream for use as raw materials in the manufacturing of new products.
- Appoint “Recycling Captains” within each division, office or agency as appropriate to train staff and communicate with the county’s recycling coordinator to address issues.

Leon County
Solid Waste Management Services
Draft Waste Reduction/Reuse/Recycling Policy for County Facilities

- Provide all employees with a desk side recycling bin at their work station. Eliminate desk side waste baskets. Provide waste baskets in hallways or common areas only.
- Provide recycling containers for aluminum cans and plastic bottles in convenient locations and strongly encourage employees to use them.
- Require all employees to place white packaging Styrofoam and all cardboard outside office doors for custodial pick-up.
- Provide collection containers for printer cartridges, rechargeable batteries, and small electronic devices in common areas.
- Require all accepted demolition materials to be processed through Marpan Recycling.
- When specifying asphalt concrete, aggregate base or Portland cement concrete for construction projects, recycled, reusable, or reground materials shall be used when economically feasible (up to 10% above virgin materials.)
- The use of reclaimed glass, stone and brick and the use of secondary or recycled aggregates will be specified whenever economically feasible .
- Transport products, including signs, cones, parking stops, delineators, channelizers and barricades shall contain the highest post-consumer content economically feasible.

3. Disposal

- Minimize disposal by ensuring the aforementioned activities are implemented.
- Minimize waste disposable by ensuring that all Departments provide and enforce a centralized waste container area, rather than individual waste baskets.

D. Responsibilities

1. The Leon County Recycling Services and Education Program will develop and maintain the Reduce, Reuse and Recycling Guide to assist in the implementation of the Waste Stewardship Model principles for Leon County Board of County Commissioners.
2. Leon County employees are responsible for taking individual action to reduce waste, reuse and recycle in accordance with the Waste Stewardship Model.
3. All Group and Division Directors are responsible for ensuring successful implementation of this policy including but not limited to:

Leon County
Solid Waste Management Services
Draft Waste Reduction/Reuse/Recycling Policy for County Facilities

- Communicating with employees about the importance of effectively implementing this Policy.
 - Recognizing employees who contribute to the success of this Policy.
 - Encouraging and reviewing employee suggestion to improve the implementation of this Policy.
 - Designating lead staff contacts (Recycling Captains) in each facility for implementation of the policy.
 - Reporting to the Recycling Coordinator on Department implementation.
 - Providing feedback to the Recycling Coordinator on the Policy including recommendations on improvements to the Policy.
4. The County Administrator has overall responsibility for monitoring implementation of this Policy and as necessary recommended revisions. In addition, the County Administrator has authority to develop new measures and Policy modifications.
5. The Public Information Office has responsibility to issue bulletins on the implementation and progress of the Policy. These bulletins would stress the need for individual action, express appreciation for cooperation and initiatives and documented results.

Implementation Timeline

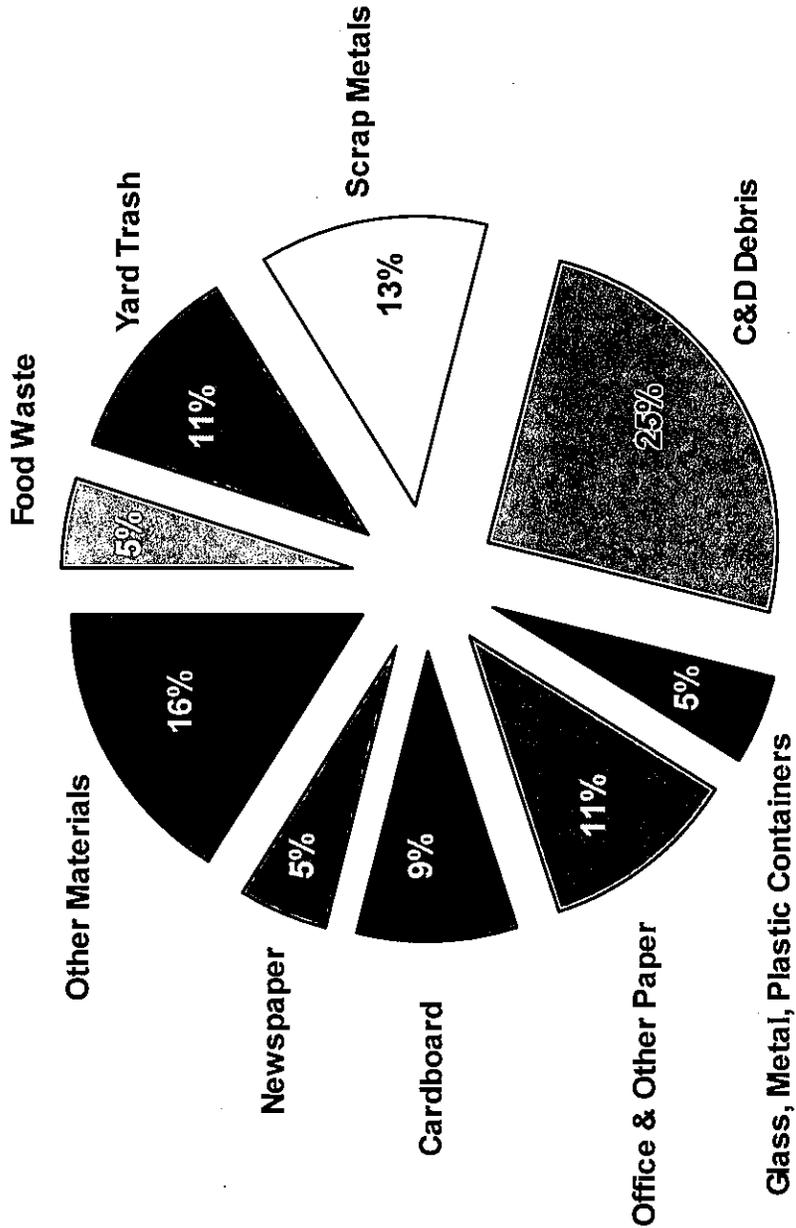
This policy is proposed for adoption in fiscal year 2011 to ensure that Leon County Board of County Commissioners lead by example and demonstrate their commitment to attaining the State mandated recycling rate of:

- 40% by December 31, 2012
- 50% by December 31, 2014
- 60% by December 31, 2016
- 70% by December 31, 2018
- 75% by December 31, 2020

WASTE STEWARDSHIP MODEL



2007 Composition of Waste Generated In Florida
(% by weight)



Attachment #6

**The Greening of Florida:
A Solid Waste Management Roadmap
*Executive Summary***

**Selected Excerpts from The Greening of Florida:
A Solid Waste Management Roadmap
*Full Report***



THE GREENING OF FLORIDA: A SOLID WASTE MANAGEMENT ROADMAP *EXECUTIVE SUMMARY*

December 2009

*Innovative Recycling and
Waste Reduction Grant IG8-18*

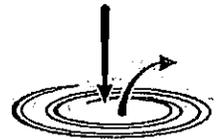
Prepared for:

City of Tallahassee
Environmental Policy
and Energy Resources
300 South Adams Street Box A-36
Tallahassee, FL 32301-4317



Prepared by:

Kessler Consulting, Inc.
innovative waste solutions
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Tampa, FL 33613



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This document is dedicated to the memory of friend and colleague Bill Hinkley, whose intellect, vision, and humor drove solid waste management and recycling in Florida for many years. Bill devoted nearly 30 years of his life to the Florida Department of Environmental Protection, serving most recently as Chief of the Bureau of Solid and Hazardous Waste.

William W. "Bill" Hinkley



It is our hope that Bill's engaging personality and "can-do" positive spirit shall serve as a beacon of light as we all move forward on this road to a greener Florida.

THE GREENING OF FLORIDA: A SOLID WASTE MANAGEMENT ROADMAP EXECUTIVE SUMMARY

I. Background

Recycling in Florida is at a crossroads. The Solid Waste Management Act (SWMA) of 1988 set a 30% recycling goal, which resulted in significant public and private investment in the infrastructure to recycle waste generated by the State's residents, businesses, and institutions. However, Florida has hit a plateau and has not been able to achieve the 30% recycling goal on a consistent basis.¹ For this reason, the City of Tallahassee requested and was awarded a grant from the Florida Department of Environmental Protection (FDEP) to develop a new vision – a “Roadmap” – to *re-energize* recycling and waste reduction in Florida. Kessler Consulting, Inc. (KCI) assisted the City with research and development of this Roadmap.

This project was underway when the Florida Legislature passed the 2008 Energy Bill (HB 7135), which established a 75% recycling goal. This action indicates that Florida's leaders are ready to take recycling to the next level, and makes this Roadmap especially timely and relevant.

Increasing Florida's recycling rate to 75% (or even 50%) will require a fundamental shift in how “waste” is viewed and managed – a shift from “waste management” to “resource management.” It will require bold new initiatives and substantial investments by the public and private sector in new infrastructure, technology, and education.

II. Good for the Environment and Good for the Economy

Recycling creates jobs and is an engine for economic growth. With \$236 billion in revenues in 2007, the recycling industry represents more than 2% of the nation's gross domestic product.² It outpaces the waste management and disposal industry in job creation. According to a National Recycling Coalition study, for every job in collecting recyclables, 26 are created in processing the materials and manufacturing them into new products.³

Recycling also provides a range of environmental benefits at every stage of a consumer product's lifecycle, from mining of raw materials through use and final disposal. These benefits include:

- Production of less pollution than caused by manufacturing products from virgin materials;
- Conservation of natural resources, such as timber, water, and minerals;
- Energy savings; and
- Reduction in greenhouse gas (GHG) emissions that contribute to global warming.

¹ Florida reportedly exceeded the 30% recycling goal from 1993-1997 when various types of materials not considered to be municipal solid waste were counted towards the goal.

² “Investing in Recycling,” *Progressive Investor*, April 2008.

³ National Recycling Coalition, *National Recycling Economic Information Study*, July 2001.

For most municipal solid waste (MSW) materials, the lifecycle energy savings derived from recycling is greater than if the material had been combusted for energy recovery.⁴ This is not only true for materials with low or no heat content, such as metals and glass, but also for newspaper, corrugated cardboard, and mixed paper.

The potential lifecycle impacts of expanding Florida's recycling efforts on energy savings and GHG reductions were evaluated utilizing the Environmental Benefits Calculator (EBC).⁵ The GHG emission reductions achieved by increasing the recycling rate from 29% to 50% would be equivalent to removing 2.8 million cars from the road annually. An increase from 29% to 75% recycling would result in GHG reductions equivalent to removing 6.1 million cars. The additional energy savings would be equivalent to the amount of power used by 1.3 million homes (at 50% recycling) or 2.8 million homes (at 75% recycling) annually.

III. Current Status of Recycling in Florida

In 2007, Florida's MSW recycling rate was 29%, an increase from its 2006 rate of 24%. Key findings regarding the current status of recycling in Florida include the following:

- The state-level recycling policies and programs implemented to date in Florida, while creating significant new systems to recover waste, have failed to change the disposal-based focus of waste management in the State.
- Recycling has stagnated – and perhaps even lost ground – since 1996 after which state funding to counties was more than cut in half.
- On a per capita basis, MSW generation has increased since 1988 (1.30 tons per person in 1988 and 1.73 ton per person in 2007), and disposal is essentially the same (1.25 tons per person in 1988 and 1.23 tons per person in 2007).
- Disposal facility permitting is not tied to long-term solid waste management planning or recycling progress.
- Local governments that currently rely on disposal revenue for their solid waste and recycling systems will require a new financial model to establish expanded and sustainable recycling programs that seek to minimize waste disposal.
- Florida has been reluctant to require recycling through disposal bans or recycling mandates.
- Florida currently has no product stewardship laws or a bottle bill, and has little sharing of waste management costs by consumer product manufacturers.

⁴ U.S. EPA, *Waste Management and Energy Savings: Benefits by the Numbers*, September 4, 2005, 3.

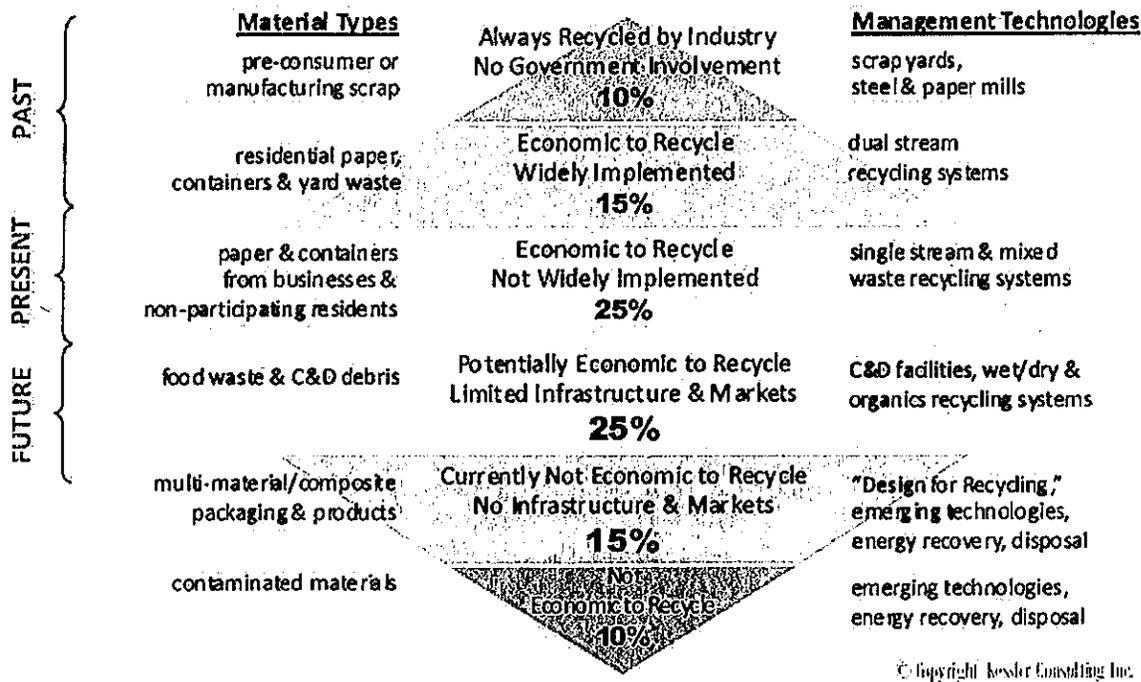
⁵ Developed by the Northeast Recycling Coalition (NERC), the EBC is based on a life-cycle assessment and incorporates and expands upon elements of EPA's Waste Reduction Model (WARM). The EBC applies data from life-cycle assessments that compare the energy and resources it takes to collect, transport, and manufacture products from recyclables versus the energy and resources needed to extract, refine, transport, and manufacture the same products using virgin materials.

IV. Materials Management Diamond

The Materials Management Diamond, depicted in Figure ES-1 provides a basic framework that can be used to set material and sector priorities for increasing recycling. Many states, including Florida, have reached a recycling rate of 25% by concentrating on the top two segments of the diamond. A number of Florida communities are currently working on the third segment by targeting commercial recyclables and expanding residential recycling through automation, single stream collection, and/or mandatory programs.

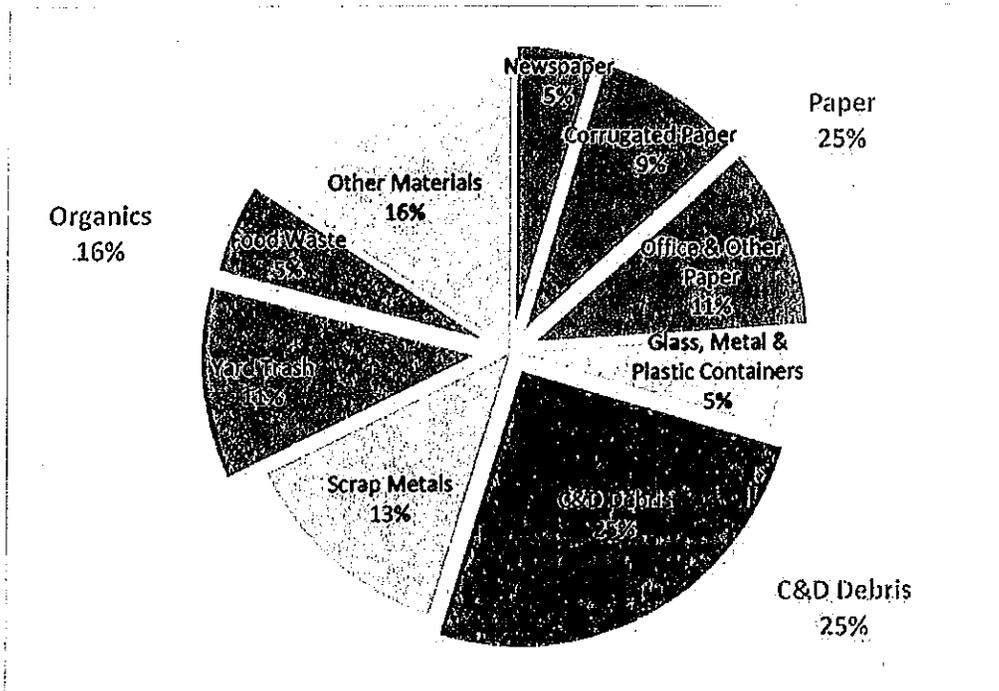
However, many municipally run recycling programs in Florida are seriously underperforming – participation and material recovery rates need to be increased. Although the infrastructure is in place, it is not fully utilized. One of the most cost-effective and environmentally sound actions that can be taken is to maximize the quantities of recyclables collected on existing recycling routes and processed in existing materials recovery facilities.

Figure ES-1: Materials Management Diamond



To achieve 75% recycling, Florida must also focus on the fourth segment. As demonstrated in Figure ES-2, construction and demolition (C&D) debris and organics comprise more than 40% of Florida's MSW. Systems for capturing and processing these materials will need to be established and markets for utilizing the end products developed to create a viable, sustainable recovery infrastructure.

Figure ES-2: Composition of MSW Generated in Florida, 2007 (% by weight)



Source: Based on FDEP 2007 Solid Waste Annual Report Data.

V. Policies and Programs in Lead Recycling States

A number of other states provide valuable examples of what can be accomplished with a focused, progressive solid waste strategy that is reviewed and updated over time. Extensive research was conducted regarding eight states that report recycling or waste diversion rates of 40% or higher (Section 3). The key policies and programs that have helped these and other states to promote and incentivize recycling and waste reduction were categorized into nine topic areas.

1. **Goals and Plans** (Section 4): Meaningful goals and long-term strategic plans to achieve them are the foundation of the country's most successful recycling programs. To be meaningful, there must be consequences for not achieving the goals or maintaining plans.
2. **C&D Debris** (Section 5): Florida must target recovery of C&D debris, which comprises about 25% of MSW, to achieve a 50% or 75% recycling rate.
3. **Disposal Bans** (Section 6): Disposal bans have demonstrated effectiveness in increasing recycling. Massachusetts and Wisconsin cite their disposal bans as keystones to achieving diversion rates of 60% and 40%, respectively.
4. **Bottle Bill** (Section 7): The 11 states with bottle bills make up 29% of the U.S. population but recovered 49% of beverage containers recycled nationwide in 2006. This percentage will likely increase since many of these states have expanded their bottle bills to include non-carbonated beverage containers such as water bottles.

5. **Organics (Section 8):** Organic materials comprise at least 16% of Florida's MSW and, therefore, must also be targeted to maximize recycling.
6. **Recycling Market Development (Section 9):** States can be a driver in helping to create a demand for recycled-content products, as well as in promoting and assisting development of end use markets for recovered materials. In-state markets not only provide local outlets for recovered commodities, but also create jobs and spur economic growth.
7. **Product Stewardship (Section 10):** Product stewardship relieves local government of the primary financial responsibility of managing end-of-life products by placing some or all of that responsibility on product manufacturers. Twenty states have enacted product stewardship laws for electronics, as well as other products, and several are considering broader "framework" legislation that could encompass multiple products over time.
8. **Technical Assistance (Section 11):** Many of the leading recycling states provide high quality, in-depth, and ongoing technical assistance to help local governments stay current on advancements in recycling program design and technologies, as well as to provide valuable resources and tools for use in local programs.
9. **Funding (Section 12):** No substantial growth in Florida's recycling rate has been made since state-level funding to municipalities began to decline in 1996, indicating that a funding mechanism will be needed for Florida communities to make appreciable gains in recycling.

VI. Recommendations for Florida

These nine topic areas were further researched to identify policies and programs most applicable in Florida to help break through the 30% recycling "ceiling." Recommendations identified throughout this document are consolidated into the 19 recommendations below, which are prioritized into two tiers. These policies and programs would undoubtedly need to be phased in to allow time for development of an adequate infrastructure to manage additional recyclables.

- First tier recommendations are those that should be phased in over the next five years to establish the foundation for recycling expansion. They target materials that comprise the largest percentage of MSW.
- Second tier recommendations are those (1) that target materials that comprise a smaller percentage of MSW or (2) that should be considered if first tier recommendations are not effectively implemented.

An overarching recommendation and assumption throughout the Roadmap is that Florida should continue to address recycling as defined by the U.S. Environmental Protection Agency:

"Recycling refers to the series of activities by which discarded materials are collected, sorted, processed, and converted into raw materials and used in the production of new products. *Excludes* the use of these materials as a fuel substitute or for energy production."⁶

⁶ U.S. EPA, *Measuring Recycling: A Guide for State and Local Governments*, September 1997, Appendix A.

*The Greening of Florida: A Solid Waste Management Roadmap
Executive Summary*

A. First Tier

First tier recommendations would establish the foundation for recycling expansion in Florida. They include goal-setting, funding, recycling market development, technical assistance, and policies that target recovery of more than 50% of the MSW generated. They should be phased in over the next five years. Each of these policies and programs is utilized in one or more of the eight lead recycling states that were researched.

- A.1. Phase in a new recycling goal, beginning with 50% by 2020 and increasing to 75% by 2030, with consequences for not achieving the goal.** This should be a true recycling goal that measures material recovery. It should apply to MSW as defined by Florida's existing recycling goal, with the exception of lifting the limit on the amount of yard trash that can count towards the goal. FDEP, with assistance from a technical advisory group if appropriate, could establish an alternative recycling goal or a waste diversion goal for counties that have invested or are investing in waste-to-energy technology.⁷ If such alternative goals are set, the recycling goal should be at least 40% and the waste diversion goal (i.e. diversion from landfilling) at least 75%. Consequences for not achieving the goal should be tied to facility permitting, eligibility for state grants, and penalties. These consequences should also apply to counties with populations of less than 100,000 if they do not demonstrate a "good faith effort" and progress toward achieving the goal.
- A.2. Require counties to develop plans to achieve the goals and have certified Recycling Coordinators.** Submittal of acceptable plans should also be linked to facility permitting, eligibility for state funding, and penalties. FDEP should assist by establishing criteria and standardized information that should be included in all plans. Plans should be updated every five years. A certification program or requirements for Recycling Coordinators should be established.
- A.3. Conduct a comprehensive statewide waste composition study to obtain more accurate information on the composition of MSW.** Predicting and measuring the impacts of various policies and programs on diverting waste from disposal is challenging without more reliable and valid field data on the types and sources of waste generated and disposed. The Florida data provided throughout this document is based on reports submitted to FDEP by each county, which admittedly are best estimates in terms of waste characterization.
- A.4. Establish a disposal fee of \$1.50 to \$2.00 per ton on all waste landfilled, combusted, or delivered to a transfer station for out-of-state disposal.** Disposal surcharges are one of the most common sources of state-level funding in the U.S., used by at least 30 states including 6 states in the Southeast. This would generate an estimated \$34-\$46 million annually. Legislation should establish a clear system to disperse the vast majority

⁷ Other states have made similar allowances to allow communities that have invested in WTE facilities to pay for the incurred debt, meet contractual waste flow obligations, and operate the facilities efficiently. For example, the California Integrated Waste Management Board is authorized to reduce the state's 50% waste diversion goal for any city or county that, prior to 1989, disposed of 75% or more of its waste by transformation, provided that attainment of the 50% diversion goal would impair existing contracts or would interfere with repayment of debt incurred to finance a transformation project.

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of these funds back to local governments for developing recycling programs and infrastructure.⁸ The remainder should be used by FDEP to provide technical assistance and carry out other recycling policies and programs.

- A.5. Require C&D debris to be processed at certified processing facilities prior to disposal and require processing facilities to achieve specified recycling rates to be certified.** This requirement should be phased in to allow adequate time for processing infrastructure to be established. Facility recycling requirements should be adjusted over time as markets for recovered materials are developed. Similar programs are utilized in Portland, Oregon and a number of California communities.
- A.6. Establish disposal bans on corrugated cardboard and newspaper, with possible phase-in of other recyclables.** Corrugated cardboard and newspaper represent 14% of the waste stream and have well-developed collection, processing, and manufacturing systems. If necessary, the ban should be expanded over time to include mixed paper and recyclable containers. A phased approach would provide time to establish the infrastructure and monitoring systems to manage the banned materials. Similar bans have been in place in Massachusetts and Wisconsin since the mid 1990s.
- A.7. Expand and enforce the yard trash disposal ban.** The State should resist the waste disposal industry's efforts to eliminate the ban for landfills that collect and beneficially use landfill gas. Landfill gas recovery is not recycling. In addition, most of the gas produced by landfills escapes to the atmosphere even with state-of-the-art gas collection technology.⁹ Disposal in either combustion facilities or landfills means permanent loss of the nutritive and soil-improving qualities of mulch and compost. Therefore, the ban should be expanded to prohibit disposal of yard trash in all landfills and MSW combustion facilities, with adequate time provided for infrastructure development.
- A.8. Exempt biosolids compost from fertilizer registration requirements in Chapter 62-640, F.A.C., distribution and marketing regulations.** Current draft biosolids regulations in Chapter 62-640 place an unnecessary and inequitable burden on biosolids compost by requiring them to comply with state fertilizer regulations. Unlike other biosolids products, nutrients in biosolids compost are bound in organic non-leachable forms and therefore do not pose a threat to surface or ground water. In fact, biosolids compost is safely used in wetlands restoration projects and as storm water filter media. Therefore, FDEP should exempt Class AA biosolids compost from fertilizer requirements in proposed revisions to Chapter 62-640.
- A.9. Establish a state program that promotes compost utilization to improve soil quality and thereby protect Florida's water quality and conserve water resources.** Used as a

⁸ Diversion of Solid Waste Trust Fund monies to non-waste programs in the past has left local governments skeptical that funds from any new revenue source will be returned to them to establish new or expanded recycling programs. An assured mechanism to return the vast majority of funds to local governments should be part of any new revenue source for solid waste.

⁹ The commonly cited EPA assumption that gas collection systems can capture 75% of landfill methane is being widely disputed based on actual performance data. EPA's own Region 9 office has stated, "We believe 30% is a superior efficiency assumption." Source: U.S. EPA Region 9, *Ideas for Consideration to Strengthen WARM Model* (2007).

*The Greening of Florida: A Solid Waste Management Roadmap
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soil amendment, compost improves water holding capacity and reduces nutrient leaching. Water quality and water resource conservation are critical issues in Florida. The State should establish best management practices (BMPs) for stormwater management that include amending construction site soils with compost, and promote the incorporation of the BMPs into FDEP, Water Management District, and county stormwater management and permitting programs.

- A.10. Expand and enforce requirements for state agencies, as well as their contractors and grantees, to purchase recycled-content products.** At a minimum, the State should (1) identify and specify additional products that must contain specified recycled-content levels; (2) research the performance of various recycled-content products to ensure the content levels specified are aggressive, but practicable; (3) provide training to agency staff; and (4) increase agency accountability to demonstrate compliance. Specified products should include those that could be used for "green building" certification¹⁰ and by the Florida Department of Transportation (FDOT), such as mulch and compost and products recovered from C&D debris, such as the use of concrete in road base.
- A.11. Re-establish a Recycling Business Assistance Center (RBAC).** The RBAC should be staffed with individuals knowledgeable about recycling and business development. Its primary responsibility should be identifying and focusing on specific materials for concentrated market development efforts. Developing in-state markets not only provides local outlets for recovered materials, but also creates jobs and spurs the local economy.
- A.12. Provide more extensive and targeted technical assistance.** FDEP should provide or coordinate more in-depth, focused, and advanced technical assistance to local governments, as well as waste generators, collectors, processors, and end-users. Assistance should include:
- Forums or workshops on maximizing material recovery of existing systems, current and upcoming issues, program designs, state-of-the-art technologies, and composting demonstrations. They should provide practical and first-hand information.
 - Technical support and resources regarding C&D debris recycling, such as model ordinances and contracts, sample debris management plans, and information on the use of diversion security deposits.
 - Organics recycling research and demonstration projects that expand organics recovery into new feedstocks, technologies, and products coordinated through the Florida Organics Recycling Center for Excellence (FORCE).
 - Technical and regulatory assistance to organics recycling operations. A compost operator training and certification program would help to ensure facilities are operated effectively and in an environmentally sound manner.
 - Guidance and resources on BMPs.
 - Other tools and resources, such as model commercial recycling ordinances and programs, sample contracts, and case studies.

¹⁰ HB 7135 amended Section 255.252, FS, to require that construction or renovation of state facilities comply with a "nationally recognized, high-performance green building rating system."

*The Greening of Florida: A Solid Waste Management Roadmap
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B. Second Tier

Second tier recommendations either (1) target materials that comprise a smaller percentage of MSW than most of the first tier recommendations or (2) should be considered if certain first tier recommendations are not effectively implemented.

B.1. Enact product stewardship framework legislation. Product stewardship legislation has been enacted by a number of states, primarily for electronics and other “special wastes,”¹¹ since it helps avoid “bans without plans.” Product manufacturers are required to establish or fund the recovery infrastructure for specified end-of-life products, relieving local governments of this financial burden. Product stewardship “framework” legislation would establish criteria for developing product stewardship regulations and authorize FDEP to develop rules for stewardship on a range of products. The law should establish priority products for product stewardship rule making, including electronics and paint, which is the single largest material segment in household hazardous waste. Product stewardship legislation and rules should build on, not supplant or undermine, the existing infrastructure that currently diverts (through recycling or reuse) the targeted materials.

B.2. Enact disposal bans on specific C&D materials. If first tier recommendations do not result in at least 75% diversion of C&D debris from disposal, bans for specific types of C&D materials should be established. Massachusetts currently bans the disposal of asphalt pavement, brick, concrete, metal, and wood, and expects to ban gypsum in the near future.

B.3. Require C&D landfills to be lined unless facility owners can demonstrate a liner system is not necessary. Shifting the burden of demonstrating the need for a liner from FDEP to the facility owner would be consistent with existing permitting requirements of Class III landfills. It would be more protective of human health and the environment, and would also better reflect the true costs of land disposing of C&D materials. At least 23 states require C&D landfills to be lined.¹²

B.4. Require local governments to mandate commercial recycling. If sufficient progress is not made in recovering commercial recyclables, the State should require local governments to mandate commercial recycling. A number of Florida counties, including Lee and Sarasota counties, currently mandate commercial recycling and have implemented effective programs. Several states, including Pennsylvania, Rhode Island, Wisconsin, New Jersey, Connecticut, and West Virginia, place similar mandates on local government.

B.5. Ban the disposal of food waste from certain large generators. If additional incentives are needed to spur recovery and composting of food waste, a selective disposal ban aimed

¹¹ Product stewardship legislation enacted in the U.S. to date has focused on products that contain toxic materials or are hard-to-handle at end-of-life.

¹² Corrie Clark, Jenna Jambeck, and Timothy Townsend, “A Review of Construction and Demolition Debris Regulations in the United States,” *Critical Reviews in Environmental Science and Technology*, 36:22 (March-April 2006) 141-186.

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Executive Summary*

at certain high-volume generators (e.g. food manufacturers) should be considered. Such a ban should be implemented as part of a carrot and stick approach – first promoting and assisting food residue recovery efforts with technical and financial assistance supported by the ultimate pressure of the ban. Massachusetts is considering a statewide disposal ban on food waste.

- B.6. Require that newsprint and telephone directories sold or distributed in Florida have specified recycled-content.** Establishing recycled-content requirements for these products would help to create market demand for recovered paper. Recycled-content levels for other products should be considered following more in-depth research regarding feasible levels and product availability. Maryland requires that all newsprint and telephone directories have at least 40% recycled content.
- B.7. Establish a recycling market development grant program.** Other states report similarly low utilization rates as Florida's Recycling Loan Program, and have concluded that grants and funding matches are needed to complement loan programs in order to meet the needs of recycling businesses for adequate and diverse sources of financing. If additional incentives are needed to encourage development of in-state recycling markets, a grant program should be established.

VII. Next Steps

This Roadmap is intended to provide a comprehensive, forward-thinking, implementable recycling strategy for Florida. The public policy recommendations summarized in Table ES-1 and further explained in this document represent a starting point for making the shift from "waste management" to "resource management." If Florida is to achieve its recycling goals, doing nothing is not an option. Bold initiatives will need to be undertaken and important policy decisions made to bring about the fundamental change necessary to achieve these goals. This Roadmap will hopefully help Florida navigate through the existing barriers to recycling to once again become a national leader in recycling and waste reduction.

Table ES-1: Summary of Recommendations

FIRST TIER - Phase in 2010-2015	
RECOMMENDATION	SUGGESTED START DATE
1 Phase in recycling goals - 50% by 2020 and 75% by 2030	Establish in 2010
2 Require county plans to achieve goals	2011; updates every 5 years
3 Conduct statewide waste composition study to obtain more accurate data	2010-2011
4 Establish a disposal fee of \$1.50-\$2.00/ton on all waste landfilled, combusted, or transferred for out-of-state disposal	2010
5 Require C&D debris to be processed at certified recycling facility (targets 25% of MSW)	2012
6 Establish disposal ban on cardboard and newspaper (targets 14% of MSW)	2012
7 Expand & enforce the yard trash disposal ban (targets 11% of MSW)	2012
8 Exempt biosolids compost from fertilizer registration requirements	2010
9 Establish a state compost utilization program to improve soil quality and protect water quality	2011
10 Expand & enforce requirements for state agencies to purchase recycled-content products	2010
11 Re-establish a Recycling Business Assistance Center	2011
12 Provide more extensive and targeted technical assistance	2010
SECOND TIER - Phase in 2016-2020	
RECOMMENDATION	PURPOSE
1 Enact product stewardship framework legislation	Recovery and proper management of special waste
2 Enact disposal ban on specific C&D materials	Increase C&D recycling if 75% diversion not yet met
3 Require C&D landfills to be lined unless facility owners demonstrate that a liner is not necessary	More protective; better reflects cost of disposal
4 Require local governments to mandate commercial recycling	Increase commercial recycling if additional incentives needed
5 Ban the disposal of food waste from certain large generators	Increase organics recycling if additional incentives needed
6 Require newsprint and telephone directories sold or distributed in Florida to have specified recycled-content	Create additional market demand for recovered paper
7 Establish a recycling market development grant program	Encourage development of recycling businesses

**Selected Excerpts from the Greening of Florida:
A Solid Waste Management Roadmap**
Full report

SECTION 11

TECHNICAL ASSISTANCE

To complement the comprehensive recycling laws and policies discussed in previous sections of this document, most of the leading recycling states also have extensive technical assistance and education components. State agencies play an active role in helping local governments establish effective recycling programs and keep current on advancements in program design and technology. This section provides a brief overview of some of these advancements, and then discusses state government's role in promoting, encouraging, or supporting expansion and modernization of recycling programs and infrastructure.

11.1 Advancements and Trends in Recycling

In the last ten years, technologies have emerged that improve the efficiency of collecting and processing recyclables. In addition, innovative and streamlined program designs that add convenience and create incentives for recycling participation are being implemented in many parts of the U.S. These advancements have contributed to increased recycling rates in many communities and states. Several of these key advancements are summarized below.

11.1.1 Single Stream Recycling

Single stream recycling is the collection of recyclables (paper and commingled containers) in one recycling cart or bin. Most single stream programs utilize large-volume roll carts that are serviced using fully- or semi-automated trucks. Allowing the commingling of recyclables and using larger collection carts provides convenience and additional incentive to customers to recycle. Single stream recycling can also be implemented using manually collected recycling bins, but the introduction of larger, automated carts typically results in greater material recovery.

Single stream materials recovery facilities (MRFs) employ specialized equipment, such as disc or star screens, to separate the recyclables into the paper and commingled container fractions that would normally be collected with a dual stream program. Fourth and fifth generation single stream processing equipment has increased the ability to produce clean, marketable recovered commodities from this mixed stream of recyclables.

Many municipalities throughout the U.S. are changing to single stream recycling, resulting in reconfiguration of existing MRFs or the construction of new ones to process these materials. The number of single stream MRFs in the U.S. has increased from 5 in 1995 to 175 in 2007. Overall, 30% of all U.S. MRFs are currently single stream.⁸⁶

⁸⁶ Berenyi, Eileen Brettler. *Materials Recycling And Processing In The United States: 2007-2008 Yearbook And Directory*.

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Section 11: Technical Assistance

Conversion to single stream recycling is often accompanied by other program changes, such as the addition of more material types and the switch from recycling bins to large carts, making an evaluation of single stream recycling challenging. However, many communities that have adopted single stream recycling report increased recycling participation and material recovery. Provided below are a few examples:

- According to Waste Management, nationally the single stream communities they serve have reported a 10% to 30% increase in material recovery.⁸⁷
- Chula Vista, California experienced a 92% increase in recycling tonnages and a 73% increase in its recycling rate after converting to single stream. However, the city implemented cart collection and PAYT at the same time as single stream recycling.⁸⁸
- San Jose, California had a 25% increase in recycling tonnages and 11.5% increase in waste diversion after implementing single stream recycling.⁸⁹
- Collier County, Florida, Waste Management reported more than a 50% increase in material recovery during the first year after converting to single stream.⁹⁰

11.1.2 Pay-As-You-Throw

Pay-As-You-Throw (PAYT) is one of the most common financial incentive systems utilized in the U.S. to encourage waste reduction and recycling. It is a variable rate system of pricing waste services whereby residents are charged based on the amount of waste thrown away rather than a fixed rate per household. Other names for PAYT include variable rate, volume-based, pay-by-the-bag, and, most recently, Save Money and Reduce Trash (SMART). PAYT programs can be designed and operated in numerous ways to meet the needs of the community, and can be based on either the volume of the waste container or the actual weight of waste collected.

EPA actively endorses PAYT because it provides an economic incentive and sustainable system to reduce waste and increase recycling. EPA also lauds the program for being an effective tool in managing the cost of MSW services.

PAYT programs have been gaining popularity since 1990, increasing from approximately 100 in the late 1980s to about 7,100 in 2006. PAYT is fast gaining acceptance and is currently available in 30 of the largest 100 U.S. cities reaching approximately 25% of the country's population.⁹¹

As shown in Table 11-1, in six of the eight "high-performing" states, PAYT programs have been implemented in at least 50% of communities. Two states (Washington and Minnesota) have legislation mandating PAYT pricing systems in all communities.

⁸⁷ Jennifer Gerzskowiak, "Choosing to be Single", *Waste Age*, October 2008, 48.

⁸⁸ Susan Kinsella, "Single-stream: Closing the Loop," *Resource Recycling*, January 2006.

⁸⁹ Kinsella.

⁹⁰ Interview with Jim Byrd, Waste Management Collier County.

⁹¹ Lisa A. Skumatz and David J. Freeman, *Pay-As-You-Throw (PAYT) in the U.S.: 2006 Update and Analysis*, December 30, 2006.

Table 11-1: Examples of States with 50% or More Communities Participating in PAYT

State	% of Communities with PAYT ^a	Number of PAYT Communities ^a	2007 Recycling/Diversion Rate ^b
Minnesota	100%	1,850	49%
Oregon	100%	336	47%
Washington	100%	522	47%
Wisconsin	81%	512	40%
Massachusetts	59%	139	60%
California	50%	536	58%
National Average	26%	7,095	33%

^a Based on data in Lisa A. Skumatz and David J. Freeman, *Pay-As-You-Throw (PAYT) in the U.S.: 2006 Update and Analysis*, December 30, 2006.

^b Source: Based on recycling/diversion rates reported by states and EPA.

PAYT programs are limited in Florida, but programs are known to exist in Alachua County/Gainesville and Plantation, both of which are volume-based.

As with single stream recycling, evaluating the effectiveness of PAYT can be challenging because it is often implemented at the same time as other programmatic changes. According to studies by the Massachusetts Department of Environmental Protection (MA DEP), PAYT reduced solid waste tonnage by 25-50% and increased recycling by 15-20%.⁹² The average resident in a Massachusetts community with a PAYT program disposed of 44% less waste than residents in communities without a unit-based structure for waste disposal.⁹³

11.1.3 Commercial Recycling Mandates and Incentives

Many communities throughout the country mandate recycling and several states, including Pennsylvania, Rhode Island, Wisconsin, New Jersey, Connecticut, and West Virginia, require local governments to mandate commercial recycling. Several Florida jurisdictions mandate commercial recycling, but key to the effectiveness of these programs is the extent to which they are enforced. The commercial recycling mandates in Lee and Sarasota counties are two examples of successful programs.

Beginning January 1, 2008, all businesses in unincorporated Lee County were required to implement recycling programs for materials that, by weight, comprise most of their waste stream. To enforce the program, county staff verifies that businesses have three essential program components in-place: 1) a hauling contract for recyclables, 2) sufficient bins for collection of recyclables, and 3) an educational program for employees. Businesses found to not be in compliance are assessed a monthly advance disposal fee (ADF) in the range of \$100 to \$400. County staff report that once most businesses initiate programs, they quickly expand programs beyond the largest material contributor to multiple material types. The county estimates that the number of businesses recycling doubled from 40% to 80% since the ordinance

⁹² As reported by MA DEP to KCI, April 2009.

⁹³ MA DEP, *Pay-As-You-Throw: An Implementation Guide for Solid Waste Unit-Based Pricing Programs*, January 2004.

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Section 11: Technical Assistance

became effective. Several larger businesses report that instituting new programs has saved them upwards of \$20,000 in annual disposal costs.⁹⁴

Since 1991, Sarasota County has had a mandatory recycling ordinance that requires all commercial businesses in the unincorporated county to contract with a private hauler for collection of recyclables or arrange for delivery to a recycling facility. Sarasota County raised the commercial recycling participation rate to 87% using a three-pronged strategy.

- **Outreach and education** efforts focus on the principle of right-sizing disposal and recycling containers to optimize recycling and garbage services, and helping businesses understand how diverting material from garbage saves money. Since 2005, county staff visited more than 2,700 businesses and found that 62% of them were already recycling.
- **Code enforcement** occurs only after outreach and education efforts have failed to bring about results.
- **Business recognition** is the most recent addition to the strategy. The Green Business Partnership (GBP) was established in 2007. Businesses that meet specified environmental standards, including an effective waste reduction and recycling program, can be certified as a GBP Partner. More than 100 local businesses are now GBP-certified.⁹⁵



11.1.4 Mixed Waste Processing

Mixed waste processing has been gaining attention in recent years as communities strive to achieve high recycling goals. Because of technological advancements in processing equipment, today's mixed waste MRF is a far cry from the "dirty MRF" of even 10 years ago. Historically, mixed waste MRFs recovered between 5% and 45% of the incoming material as recyclables. Newer mixed waste MRFs reportedly are diverting 25-75% of waste from disposal.⁹⁶ MRFs achieving higher waste diversion rates are recovering a significant percentage of materials in the form of organics that are sent for composting.

Mixed waste MRFs are used to target different waste streams, but function more efficiently if wet materials, such as organics, are removed from nonorganic, dry materials prior to processing. Various waste streams have been targeted for mixed waste processing including the following:

- Waste streams that are not being tapped using traditional recycling methods, such as multi-family and commercial waste.
- Waste loads rich in recyclables (A hybrid transfer station/mixed waste MRF allows such recyclables-rich loads to be directed to the MRF).

⁹⁴ *Business Recycling Ordinance*, Lee County Government, Solid Waste Division, http://www3.leegov.com/Solidwaste/Autopage_TI_R89.htm

⁹⁵ <http://www.segov.net/greenbusiness/>.

⁹⁶ Based on KCI's site visits to and information obtained regarding six mixed waste MRFs in California.

**MUNICIPAL SOLID WASTE
AGREEMENT FOR THE TALLAHASSEE PLASMA GASIFICATION
FACILITY**

This AGREEMENT FOR THE SUPPLY OF MUNICIPAL SOLID WASTE FOR FUEL FOR THE TALLAHASSEE PLASMA GASIFICATION FACILITY ("Agreement") is made and entered into this 21st day of April, 2009, by and between the following Parties:

LEON COUNTY, FLORIDA, a Charter County and a political subdivision of the State of Florida, hereinafter referred to as the "County", and,

RENEWABLE FUELS TALLAHASSEE, LLC, a limited liability company duly organized and doing business under the laws of the State of Florida hereinafter referred to as "RFT".

WITNESSETH

WHEREAS:

RFT is in the business of developing, permitting, owning and operating plasma gasification facilities that have the capability of gasifying Municipal Solid Waste, bio-solids and other organic waste; and,

RFT gasification facilities generate a synthetic gas, which can be used as fuel to generate electricity; and,

RFT has expressed an interest in locating a Gasification Facility in Leon County.

The City of Tallahassee and RFT entered into a power purchase agreement on June 21, 2007 for the sale of electricity generated from the Gasification Facility; and,

Leon County has the sole responsibility pursuant to Florida Statutes to provide for the disposal of the Municipal Solid Waste generated by its citizens and the city of Tallahassee. *Chapter 403.706(1) Florida Statutes; and,*

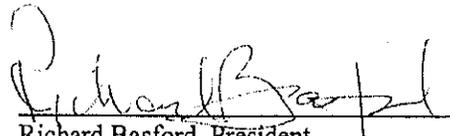
RFT needs a commitment from Leon County regarding access to its municipal solid waste in order to proceed with acquiring financing for their project.

NOW, THEREFORE, FOR AND INCONSIDERATION OF THE MUTUAL PROMISES AND CONSIDERATIONS SET FORTH HEREIN, THE PARTIES DO HEREBY AGREE AS FOLLOWS:

1. For purposes of this agreement, all terms related to Solid Waste are as defined and consistent with Chapter 62.701.200 of the Florida Administrative Code.

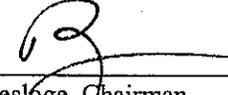
2. The County agrees, that if, and only if, RTF is able to successfully site, construct and operate within all required federal, state and local permits the Gasification Facility, the County will provide all Class I Solid Waste under the County's control, excluding any material separated for recycling and composting, to the RTF once the facility is operational.
3. The County does not and shall not guarantee any tonnage amounts.
4. RTF agrees that the fee charged to the County for this disposal of the solid waste will be a minimum of 10 percent less than the County's tipping fee at the Transfer Station.
5. RTF shall secure pre-construction financing for the project within six months of this agreement being executed. If financing has not been secured in this time frame, this agreement automatically terminates. Upon securing pre-construction financing, RTF shall be responsible for providing more detailed information to the County as it relates to the project's overall financings, permitting, siting and construction timelines and other matters necessary for the project to proceed. RTF shall submit written documentation of their financing commitment no later than fourteen days prior to the deadline set forth in this item.
6. Within twelve months of this agreement being executed, the County and RTF shall negotiate an operational agreement for the delivery of solid waste. It is envisioned that the term of this operational agreement shall be concurrent of the Purchase Power Agreement executed with the City of Tallahassee. In addition, after five years of operation, the operational agreement may be assignable to another entity only with the express concurrence of the Board of County Commissioners; however, such assignment will not be unreasonably withheld.
7. RTF shall secure the balance of the financing commitments necessary to complete the project within twelve months of this agreement being executed. RTF shall submit written documentation of their financing commitment no later than fourteen days prior to the deadline stipulated in this item.
8. If the facility is not under construction within two years of execution of this agreement, this agreement automatically terminates.
9. RTF agrees that this agreement is specifically contingent upon selection of a site acceptable to the County, through the Board of County Commissioners. To that end, RTF agrees that whether located within the incorporated limits of the City of Tallahassee or in the unincorporated area of Leon County, the proposed project site location shall be: subject to the express approval of the Leon County Board of County Commissioners; shall be completely consistent with the Comprehensive Plan; shall be consistent with all applicable land development regulations; shall meet concurrency requirements; and, shall be selected by RTF only after no less than three (3) public hearings held by RTF in advance and in cooperation with Leon County staff.

IN WITNESS WHEREOF, the parties hereto have set their hands this 1ST day
of May, 2009.

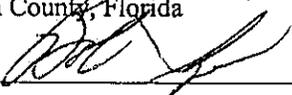

Richard Basford, President
Renewable Fuels-Tallahassee, LLC.

Attest: 
As Its: Vice President
Richard Bestmeyer

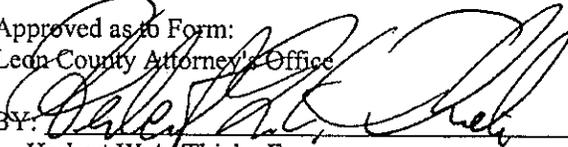
LEON COUNTY, FLORIDA

BY: 
Bryan Desloge, Chairman
Board of County Commissioners

ATTEST:
Bob Inzer, Clerk of the Court
Leon County, Florida

BY: 



Approved as to Form:
Leon County Attorney's Office
BY: 
Herbert W.A. Thiele, Esq.
County Attorney

**Leon County Government
Fiscal Year 2010 Budget****Leon County Guiding Principles**

1. The Board of County Commissioners upholds the importance of the Leon County Home Rule Charter allowing citizen involvement and flexibility in shaping government to best meet the County's unique and changing needs.
2. The County budget will always be balanced, with available revenues equal to appropriations.
3. The County will strive to maintain the lowest dollars spent per County resident, as compared to like-size counties, while retaining the maximum level of service possible.
4. Through citizen input and Commission deliberation, core functions for County government will be identified and the dollars will be allocated accordingly during the budget process.
5. The County will continue to explore opportunities with its governmental counterparts for functional consolidation and/or shared efficiencies.
6. The County will continue to enhance our cooperation and coordination with our Universities and Community College to promote, strengthen, and sustain our community's intellectual capital.
7. The County Administrator will require Program Managers to conduct an annual review and scrutiny of their base budgets when preparing budgets for future years.
8. Consistent with best practices and the Florida Statutes, Leon County will retain an emergency reserve fund of not less than 5%, but not more than 10% of the general operating budget (Policy No. 07-2).
9. Consistent with best practices and the Florida Statutes, Leon County will retain an operating cash reserve fund of not less than 10% but not more than 20% of the general operating budget (Policy No. 07-2).
10. Cash reserves in excess of reserve policies will be utilized to support one time capital projects and/or other one-time expenditures to address unforeseen revenue shortfalls (Policy No. 07-2).
11. Leon County will continue to ensure the useable and safe life of existing infrastructure by providing funding for proper maintenance (Policy No. 93-44).
12. Provide that fees charged in enterprise operations will be calculated at a level which will support all direct and indirect costs of the enterprise (Policy No. 92-5).
13. Ensure that capital projects financed through the issuance of bonds will not be financed for a period that exceeds the useful life of the project or the life of the supporting revenue source (Policy No. 93-47), and support conduit financing to promote the economic health of the community.
14. Maintain accounting and reporting practices in conformance with the Uniform Accounting System of the State of Florida and Generally Accepted Accounting Principles (GAAP) (Policy No. 92-4).
15. Ensure that the annual financial and compliance audit of the County's financial records is conducted by an independent firm of certified public accountants whose findings and opinions are published and available for public review (Policy No. 92-4).
16. Will optimize return on investments within the constraints of safety and liquidity through an adopted Investment Policy.
17. Shall establish formal policies and procedures to address amending the budget while allowing the organization to function and react to changing conditions (Policy No. 97-11).
18. The County shall provide a meaningful public input process during the annual budget review which shall, at a minimum, include at least one Board Workshop and two Public Hearings.
19. The County will fully research and employ technology to improve the personal and collective efficiency of county employees.
20. The County will continue to enhance our culture of performance, as we maintain a very low employee per 1,000 population and a "flat" organizational structure, and hold individual employees to high expectations and performance standards. Employees are entrusted with broad authority in their functional areas, expected to respond quickly to requests for service, explore and pursue alternatives to assist the citizenry, attempt to deliver more than what is expected, and are empowered to use professional discretion on the spot to resolve issues and reduce "bureaucracy." These employees are valued and compensation and benefits are commensurate with their responsibilities and competitive in the industry.
21. The County will continue to improve our efforts to promote employee innovation, through incentives, recognition and rewards for identifying and implementing program and process improvements that add value to services while producing cost savings.
22. The County will continue to leverage Leon County tax payer dollars to attract federal and state appropriations, reimbursements, and matching grants to realize revenue maximization for the purpose of funding priority projects and programs.