



# Florida Department of Environmental Protection

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## Discussion Topics for Chapter 62-716 September 14, 2010

Discussion of what counts towards a county's recycling goal should consider the following items in Florida Statutes:

- The **definition of recycling**, which is "any process by which solid waste, or materials that would otherwise become solid waste, are collected, separated, or processed and reused or returned to use in the form of raw materials or products." (Subsection 403.703(27), F.S.)
- The **definition of municipal solid waste**, which is "any solid waste, except for sludge, resulting from the operation of residential, commercial, governmental, or institutional establishments that would normally be collected, processed, and disposed of through a public or private solid waste management service. The term includes yard trash but does not include solid waste from industrial, mining, or agricultural operations." (Subsection 403.706(5), F.S.)
- The **emphasis on recycling certain specific materials**. Paragraph 403.706(2)(b), F.S., directs each county to "implement a program for recycling construction and demolition debris." Paragraph 403.706(2)(f) directs county recycling programs to be designed to recover and offer for recycling "a significant portion" of at least four of the following materials: newspaper, aluminum cans, steel cans, glass, plastic bottles, cardboard, office paper, and yard trash.

No recycling credit will be given for the use of some materials in such a way that would inhibit the recycling of those materials again in the future. In other words, *as a general rule of thumb, for a material to count towards the county recycling goal, it must be a material that would be municipal solid waste in the absence of recycling, and recycled in a way that would allow it to be recycled many times.* For example, the manufacturing of paper products from recycled clean paper materials would further promote these materials to be recycled many times. Utilizing these materials in compost, asphalt, or daily/intermediate landfill cover would remove the resource from the recycling process and ultimately do nothing to enhance the markets for these materials.

However, there are some exceptions, because some forms of these materials have very narrow markets for recycling and therefore they might best be utilized in other ways. One example is mixed glass cullet, which can be used in asphalt and road base and receive recycling credit. Another example is paper waste, which is paper of any type soiled to such an extent so as to make it unusable for recycling other than in composting.

Following is a list of specific materials and discussion of their status for county recycling goal credit.

### **Asphalt**

Because asphalt is not considered MSW, the reuse or recycling of it is not eligible for recycling credit. However, the use of mixed glass cullet in asphalt is eligible for recycling credit.

### **Automobiles**

Because automobile ferrous shred and automobile fluff material is not considered MSW, the recycling of these materials is not eligible for recycling credit.

### **Textiles**

Post-consumer textiles are MSW and therefore eligible for recycling credit. Pre-consumer scrap textiles are industrial, not MSW, and therefore not eligible for recycling credit.

### **Landfill cover**

Daily/intermediate cover is considered a form of disposal, so MSW used for that purpose is not eligible for recycling credit. However, recycling credit can be given for yard waste, food waste, paper waste, textiles and wood waste when used in compost for the final cover of a landfill.

### **Tires**

Tires are a unique material from a disposal, recycling, and material market standpoint. Because of this, DEP takes a broader approach as to what constitutes tire recycling. Tires are eligible for recycling credit if they are removed from the MSW stream and reused or returned to use in the form of raw materials or products. For example, tires used in construction of a retaining wall would count towards the recycling goal. Recycling credit will be given for tires which are made into crumb rubber for the production of rubber modified asphalt.

However, tires used as landfill cover or as a fuel will not count towards the goal. In 2010, HB 7243 created one exception to that policy by allowing county recycling credit for the production of renewable energy. Paragraph 366.91(2)(d), F.S., defines renewable energy as *electrical* energy produced from a variety of fuel sources, including biomass which includes waste from MSW, of which tires are a component.

### **Steel drums and shipping pallets**

The reconditioning of steel drums and shipping pallets can count towards the recycling goal because they are considered MSW and recycled.

### **Artificial reefs**

Recycling credit will be given for the use of clean concrete in the construction of artificial reefs. However, no recycling credit will be given for the use of airplanes, trains, cars, or boats being used in the same way because they are not MSW.

### **Construction and demolition debris**

C&D items that do *not* count towards the county recycling goal include:

- Concrete from roads, bridges, sidewalks, curbs, storm/sewer pipes, and culverts, because those materials are not MSW.
- Concrete from building construction or demolition used for lake fill or land fill (see “Fill” topic, below).
- Wood and land clearing debris used for daily/intermediate landfill cover and roads within an active landfill cell (see “Landfill cover” topic, above).

### **Landfill mining**

No recycling credit will be given for materials reclaimed and recycled from landfill mining, because Paragraph 403.706(2)(f), F.S., states that county recycling programs shall be designed to recover materials prior to final disposal.

### **Fill**

Materials used as fill do not count towards the recycling goal. However, soil that has been thermally treated to meet relevant local, state, and federal environmental regulations and is then used as clean fill may count towards the goal.

### **Renewable energy**

Section 366.91(2)(d), F.S., defines renewable energy as *electrical* energy produced from a variety of fuel sources, including biomass which includes waste from MSW and landfill gas. In 2010, HB 7243 included a formula for calculating county recycling credit for the production of renewable energy. However, the wording of the formula is confusing and appears to result in abnormally high recycling rates for counties using waste-to-energy facilities to dispose of MSW. Therefore, before including a renewable energy recycling credit formula in the proposed revisions of 62-716, DEP will work with stakeholders and legislative staff to revisit and revise the formula during the 2011 legislative session.