

What should not go into landfills?

Florida has taken an interest in limiting the types of solid waste to be disposed of through landfills, and has specifically prohibited the use of landfills to dump:

- used oil,
- lead-acid batteries,
- yard trash, or
- white goods (meaning discarded appliances like refrigerators or water heaters).

The burning of solid waste is also prohibited except under the conditions expressly approved by the rules for disposal facilities.

Sources: 42 U.S.C. § 6901 to 6987; 40 C.F.R. § 240 et seq.; 33 U.S.C. § 1251 to 1387; Fla. Stat. § 403.702 - .7893; F.A.C. Title 17.

Contact Information: S-2, L-4, L-5, F-3, F-5

Hazardous Waste Management

Who regulates hazardous waste?

RCRA expressly provides that the EPA need no longer enforce its rules within states that have passed their own, EPA-approved hazardous waste management programs. The EPA will approve those state programs that are at least as strict as the EPA regulations. Both the state and federal authorities have power to enforce essentially the same rules, although the DER has made a few important additions which will be noted.

Hazardous waste management also falls into the realm of EPA regulation through two other acts: the federal Clean Water Act, which prohibits all discharges of hazardous materials into navigable waters, and CERCLA, which provides a comprehensive approach to financing and executing hazardous waste spill cleanups. Both acts are covered in more detail in the "Federal Regulation" section of this manual.

What is a hazardous waste?

The EPA has compiled a lengthy list of specific chemicals and materials which are hazardous, and has also designated materials with certain characteristics as hazardous. Broadly stated, a hazardous waste is anything that can result in a serious threat to health or the environment if mismanaged. More particularly, the EPA will look to each material's characteristics, such as toxicity, flammability, combustibility, corrosiveness and reactivity.

Certain materials have been specifically designated as NOT hazardous, including:

- Household waste (for example, garbage, trash and septic tank wastes), and
- Solid wastes which are generated by the growing or harvesting of agricultural crops or by the raising of animals (including manure) AND which are returned to the soil as fertilizer.
- Slight residues in otherwise empty containers are generally not subject to regulation as hazardous waste (40 C.F.R. § 261.7).

Who is responsible for managing hazardous waste?

Three basic categories of individuals are liable for hazardous waste clean up costs under CERCLA: generators, transporters and owner/operators of treatment, storage or disposal facilities. To ensure compliance with all statutes and rules, it is essential to determine if an individual fits into one or more of these categories.