

RESOLUTION NO. 2002-183

A RESOLUTION PROVIDING FOR SMALL QUANTITY HAZARDOUS WASTE GENERATOR (SQG) ASSESSMENT, NOTIFICATION AND VERIFICATION OF HAZARDOUS WASTE; AND PROVIDING FOR AN ANNUAL FEE

WHEREAS, Nassau County must provide a mechanism to fund the Small Quantity Hazardous Waste Generator program; and

WHEREAS, grant funding for the hazardous waste generator program, conducted by the Nassau County Solid Waste Department, has ceased as of June 30, 2002; and

WHEREAS, the Board of County Commissioners adopted Ordinance No. 96-19 on November 25, 1996 which provides for small quantity generator (SQG) Assessment, Notification and Verification of Hazardous Waste; and

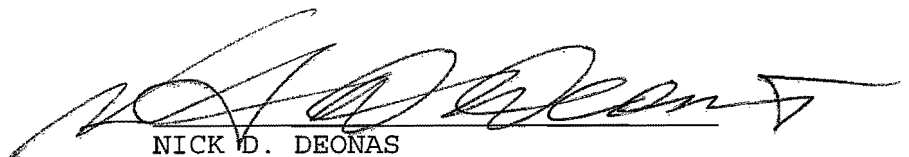
WHEREAS, fees shall be established in the base year of each five year program.

NOW, THEREFORE, BE IT RESOLVED this 30th day of September 2002, by the Board of County Commissioners of Nassau County, Florida, the fee schedule designed to fund the continuation of the Local Hazardous Waste Management Assessments outlined in F.S. 403.7225, Small Quantity Generator Notification Program outlined in F.S. 403.7234 and the reporting requirements of F.S. 403.7236, pursuant to Ordinance No. 96-19 is as follows:

1. Those hazardous waste generators producing 500 pounds of hazardous waste or less per year shall pay \$20.00 per year.

2. Those hazardous waste generators producing more than 500 pounds but less than 1000 pounds per year shall pay \$35.00 annually.
3. Those hazardous waste generators producing more than 1000 pounds per year shall pay \$50.00 annually.
4. Those hazardous waste generators possessing a current Pesticide and Herbicide Certification issued by the Nassau County Extension Service shall pay no fee.
5. Actual generators identified and added to the assessment roll in the interim of the five year assessment period shall be charged a fee based upon the quantity of hazardous waste generated by that entity the first year that entity is added to the assessment roll.

BOARD OF COUNTY COMMISSIONERS
NASSAU COUNTY, FLORIDA



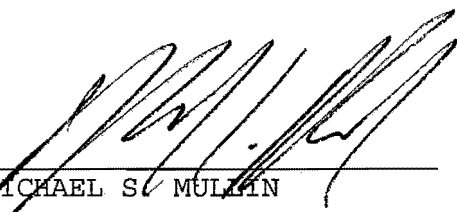
NICK D. DEONAS
Its: Chairman

ATTEST:



J. M. "CHIP" OXLEY, JR.
Its: Ex-Officio Clerk

APPROVED AS TO FORM BY THE
NASSAU COUNTY ATTORNEY:



MICHAEL S. MULLEN

DISCUSSION ITEM

Agenda Request For: September 9, 2002

Department: Solid Waste

Fund: 470 Solid Waste Management Operations

Action Requested and Recommendation:

Discussion of Small Quantity Hazardous Waste Generator Annual Fee and how to proceed. Program for identifying hazardous waste generated by small quantity generators is required per F.S. 403.7225.

Funding Source:

New fee for 02/03. Since grant funds are no longer available to fund hazardous waste generator program, County must establish funding for program. See Ordinance 96-19.

Financial/Economic Impact to Future Years Budgeting Process or Effect on Citizens:

Estimated program cost for 02/03 is \$2,700 (org 70340534 "Small Quantity Generator Program).

Is this action consistent with the Nassau County Comprehensive Land Use Plan?

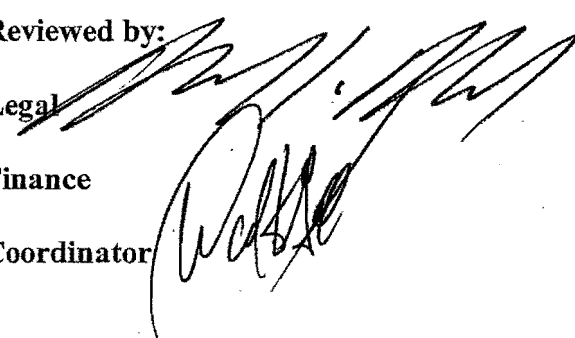
N/A

Reviewed by:

Legal

Finance

Coordinator



RECEIVED
COUNTY COORDINATOR'S
OFFICE
02 AUG 27 PM 1:05

MEMORANDUM

TO: Walt Gossett, County Coordinator
FROM: Cathy Lewis, Administrative Services Officer *S*
DATE: August 27, 2002
SUBJECT: Update to my August 1, 2002 memo-Small Quantity Hazardous Waste Generator Annual Fee beginning fiscal year 02/03

Regarding question 2. of my August 1, 2002 memo, I spoke with Anne Kirby of the Tax Collectors office who stated that the 02/03 Business/Occupational renewals were mailed August 1, 2002 with payment due September 30th, 2002. Thus, for 02/03 the Solid Waste Department would have to prepare and send assessments to applicable businesses. Should the Solid Waste Department begin developing information for 02/03? Would an interlocal agreement have to be developed for fiscal year 03/04?


Question 1 still needs to be addressed.

Thank you.

Cc: 8/1/02 memo to Walt Gossett

MEMORANDUM

TO: Walt Gossett, County Coordinator

FROM: Cathy Lewis, Administrative Services Officer 

DATE: August 1, 2002

SUBJECT: Small Quantity Hazardous Waste Generator Annual Fee beginning
fiscal year 02/03

Effective June 30, 2002, grant funding for the hazardous waste generator program, conducted by the Solid Waste Department, ceased. Thus, Nassau County must provide a mechanism to continue funding the required program. Ordinance 96-19 provides such a funding method in section 3. in accordance with Florida Statute 403.7225. Robert McIntyre, in the Solid Waste Management Fund budget 2002/2003 (see form R-1), requests that fee amounts be established as stated in Ordinance 96-19 section 3.a.-c.

I have a few questions regarding the fees:

1. Per section 3.e., "Fees shall be established in the base year of each five year program...". Is 02/03 considered the base year? Does a resolution need to be adopted effective 10/1/02 for a five year period? Could Mike Mullin prepare such a resolution?
2. How are the assessments to be sent? By the Solid Waste Department or the Tax Collector via business or occupational license (F.S. 403.7225-(12))? See also Ordinance 96-19 section 4. I have not contacted the Tax Collector about this, but will do so under your direction.

Attached are form R-1, Ordinance 96-19, and 2001 F.S. 403.7225. Let me know what I can do regarding the above. Thanks.

FY 2002 / 2003 BUDGET - REVENUE INNOVATIONS

FORM R1

Department: 70355590	HAZARDOUS WASTE GRANT-HW381	Fund: 470	SOLID WASTE MANAGEMENT FUND
Dept. Number	Department Name	Fund Number	Fund Name

REVENUE TITLE: SMALL QUANTITY GENERATOR ANNUAL FEE

BRIEF DESCRIPTION OF REVENUE STRUCTURE:

BASED UPON GENERATION OF HAZARDOUS WASTE

GOVERNING ORDINANCE / RESOLUTION:

ORDINANCE 96-19, ADOPTED 11/25/96

LEGAL OR ADMINISTRATIVE STEPS TO IMPLEMENT:

PROCEDURE:	TIMETABLE:
FEEES TO BE ESTABLISHED IN THE BASE YEAR OF EACH FIVE YEAR PROGRAM PER SECTION 3.e. of Ord. 96-19	Sep-02

ESTIMATE OF NEW REVENUES OR INCREASE IN REVENUES:

Estimate:

CRITICAL ASSUMPTIONS

(Assume October 1, 2002 start-up, show computations and assumptions)

Requested Fee
↓

Generates up to 500 pounds per year	93	\$ 20.00	\$ 1,860		
Generates from 500 to 1000 pounds per year	4	\$ 35.00	140		
Generates over 1000 pounds per year	14	\$ 50.00	700		
				\$ 2,700	

DESIRED EXPENDITURE FOR ADDITIONAL REVENUE GENERATED:

(Note any required labor or equipment needed to perform duties to fulfill the contract).

SEE 8-1R

ORDINANCE NO. 96- 1a

AN ORDINANCE, PURSUANT TO FLORIDA STATUTES, SECTIONS 403.7225, 403.7234, AND 403.7236, PROVIDING FOR SMALL QUANTITY GENERATOR (SQG) ASSESSMENT, NOTIFICATION AND VERIFICATION OF HAZARDOUS WASTE

WHEREAS, the Nassau County Board of County Commissioners is required to conduct a hazardous waste management assessment to identify hazardous waste and to conduct a Small Quantity Generator Notification Program; and

WHEREAS, the Nassau County Board of County Commissioners seeks to allocate the cost for the hazardous waste management assessment and small quantity generator notification program to the actual generator of hazardous waste; and

WHEREAS, the Nassau County Board of County Commissioners wishes to create a funding mechanism to pay for the assessment, notification and verification process.

NOW, THEREFORE, BE IT ORDAINED this 25th day of November, 1996, by the Board of County Commissioners of Nassau County, Florida, as follows:

1. That in order to provide effective hazardous waste assessment, notification and verification in Nassau County for the protection of all citizens of the county, the Nassau County Board of County Commissioners establishes a program to require reporting and permitting of all persons and entities which are identified as potential or actual generators of hazardous waste materials within the county.

2. That the following words, terms and phrases shall have

FY 2002 / 2003 BUDGET - REVENUE INNOVATIONS

FORM R1

Department: 70355590	HAZARDOUS WASTE GRANT-HW381	Fund: 470	SOLID WASTE MANAGEMENT FUND
<small>Dept. Number</small>	<small>Department Name</small>	<small>Fund Number</small>	<small>Fund Name</small>

REVENUE TITLE: SMALL QUANTITY GENERATOR ANNUAL FEE

BRIEF DESCRIPTION OF REVENUE STRUCTURE:

BASED UPON GENERATION OF HAZARDOUS WASTE

GOVERNING ORDINANCE / RESOLUTION:

ORDINANCE 96-19, ADOPTED 11/25/96

LEGAL OR ADMINISTRATIVE STEPS TO IMPLEMENT:

PROCEDURE:	TIMETABLE:
FEEES TO BE ESTABLISHED IN THE BASE YEAR OF EACH FIVE YEAR PROGRAM PER SECTION 3.e. of Ord. 96-19	Sep-02

ESTIMATE OF NEW REVENUES OR INCREASE IN REVENUES:

Estimate: CRITICAL ASSUMPTIONS

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			\$ 2,700		

DESIRED EXPENDITURE FOR ADDITIONAL REVENUE GENERATED:

(Note any required labor or equipment needed to perform duties to fulfill the contract).

SEE B-1R

the meanings ascribed to them, as follows:

- a. Hazardous waste shall have the meaning ascribed to it by Florida Administrative Code 62-730 and 40 C.F.R 260.10.
- b. Potential hazardous waste generator means those businesses, industries, individuals or entities which have been identified by the Florida Department of Environmental Protection that by nature of the business or industry may generate corrosive, reactive, ignitable or toxic waste.
- c. Hazardous waste generator means a person, business, industry, individual or entity, other than a single family household, which produces or engage in any operation, activity or process which produces or results in the production of hazardous waste.

3. That all actual small quantity hazardous waste generators located in the county shall pay an annual fee for assessment, notification and verification to the Nassau County Board of County Commissioners. The fee shall be designed to fund the continuation of the Local Hazardous Waste Management Assessments outlined in F.S. 403.7225, Small Quantity Generator Notification Program outlined in F.S. 403.7234, and the reporting requirements of F.S. 403.7236. The fee schedule is as follows:

- a. Those hazardous waste generators producing 500 pounds of hazardous waste or less per year shall pay \$20.00 per year.

- b. Those hazardous waste generators producing more than 500 pounds but less than 1000 pounds per year shall pay \$35.00 annually.
- c. Those hazardous waste generators producing greater than 1000 pounds per year shall pay \$50.00 annually.
- d. Those hazardous waste generators possessing a current Pesticide and Herbicide Certification issued by the Nassau County Extension Service shall pay no fee.
- e. Fees shall be established in the base year of each five year program. Actual generators identified and added to the assessment roll in the interim of the five year assessment period shall be charged a fee based upon the quantity of hazardous waste generated by that entity the first year that entity is added to the assessment role.

4. That the Nassau County Solid Waste Director or his designee shall determine hazardous waste generators and notify the hazardous waste generators by mail of the designation and fee assessed herein. The notice shall provide that the assessed fee shall be paid within thirty (30) days from the date of receipt of said notice and shall indicate the procedures for contesting the classification as a hazardous waste generator. If an individual, corporation or business receives said notice and they contest the fact they are classified as hazardous waste generators, they shall

notify the Solid Waste Director, in writing, within the thirty day period provided herein and the Solid Waste Director shall schedule a date and time for them to meet with him regarding the classification. The Solid Waste Director or his designee shall advise, in writing, of his decision within ten (10) days of the meeting. If the individual, corporation, or business does not agree with the decision they may request to appear before the Board of County Commissioners. The request shall be in writing and filed with the Solid Waste Office within five (5) days of the receipt of the Solid Waste Director's determination. In the event no review is requested, the fee shall be paid through the Nassau County Solid Waste Department pursuant to the above schedule.

If an appearance is requested before the Board of County Commissioners, the matter shall be scheduled before the Nassau County Board of County Commissioners at the next available meeting. The Board of County Commissioners will review the classification and require information from the Solid Waste Director and the person contesting the classification and render a decision within thirty (30) days of the appearance. The party contesting the classification as hazardous waste generator shall indicate, in writing, why they should not be classified as a hazardous waste generator and provide any documentation.

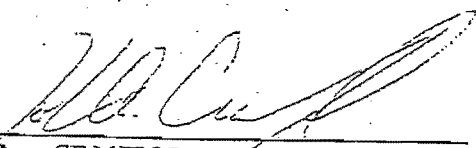
5. That in the event any part of this Ordinance is deemed to be unconstitutional or invalid for any reason, the remainder of the Ordinance shall remain in full force and effect.

6. That any other Ordinance or portion of an Ordinance in

conflict with this Ordinance shall be repealed to the extent of, but only to extent of, the explicit conflict with this Ordinance.

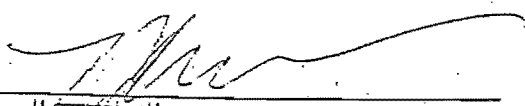
7. That this Ordinance shall become effective upon its being filed in the Secretary of State's Office.

BOARD OF COUNTY COMMISSIONERS
NASSAU COUNTY, FLORIDA



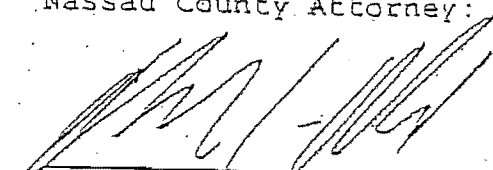
JOHN A. CRAWFORD
Its: Chairman

ATTEST:



T. J. "JERRY" GREESON
Its: Ex-officio Clerk

Approved as to form by the
Nassau County Attorney:



MICHAEL S. MULLIN

The 2001 Florida Statutes

[Title XXIX](#)

Public Health

[Chapter 403](#)

Environmental Control

[View Entire Chapter](#)

403.7225 Local hazardous waste management assessments.--

(1) The Legislature recognizes that there is a need for identifying the amount, type, sources, and management of hazardous waste generated by small quantity generators in the state. There is also a need for facilitating responsible waste storage, transportation, volume reduction, recycling treatment, disposal, and the introduction of waste reduction opportunities to small quantity generators of hazardous waste. Responsible management of these wastes is imperative in order to protect the public health, safety, and welfare and the environment.

(2) The department shall establish guidelines for local hazardous waste management assessments and shall specify a standard format. The local hazardous waste management assessments shall include, but not be limited to, the identification of the following:

(a) All small quantity generators of hazardous waste within a county as defined pursuant to federal regulations under 40 C.F.R. part 260.10.

(b) The types and quantities of hazardous waste generated by small quantity generators within a county.

(c) Current hazardous waste management practices of small quantity generators within a county.

(d) Effective waste management practices for small quantity generators of hazardous waste.

(3) Each county or regional planning council shall coordinate the local hazardous waste management assessments within its jurisdiction according to guidelines established under s. [403.7226](#). If a county declines to perform the local hazardous waste management assessment, the county shall make arrangements with its regional planning council to perform the assessment.

(4) County-designated areas under the original assessments in which hazardous waste storage facilities have been located are recognized by the Legislature. However, this section does not prohibit a county from amending its comprehensive plan to designate other areas for this purpose, nor does this section prohibit construction of a facility on any other locally approved or state-approved site.

(5) No county may amend its comprehensive plan or undertake rezoning actions in order to prevent areas designated pursuant to subsection (4) from being used as hazardous waste storage facilities.

(6) Unless performed by the county pursuant to subsection (3), the regional planning councils shall upon successful arrangements with a county:

(a) Perform local hazardous waste management assessments;

(b) Provide any technical expertise needed by the counties in developing the assessments.

(7) The selection of a regional storage facility site during the original assessment will not preclude the siting of a storage facility at some other site which is locally or state approved.

(8) The department shall assemble the data collected from the local hazardous waste management

(8) The department shall assemble the data collected from the local hazardous waste management assessments and determine if the needs of small quantity generators of hazardous waste will be met by in-state commercial hazardous waste facilities or if additional storage, treatment, or disposal facilities are needed in the state and which regions have the greatest need.

(9) Storage facility area selections, or regional storage facility site selections from the original assessments shall not prevent siting of storage or treatment facilities in any area of the state.

(10) Except as provided in this part, no local government law, ordinance, or rule pertaining to the subject of hazardous waste regulation may be more stringent than department rules adopted under the authority of this chapter.

(11) Local hazardous waste management assessments shall be renewed every 5 years, based on the schedule determined by the department. More frequent assessments shall not be required by the state. However, at their option, counties may update such assessments at more frequent intervals. The assessment rolls shall be brought up to date annually before the end of the 5-year interval by including the applicable names from department sources, occupational licenses, building permits, and from not less than one complete survey of the business pages of the county local telephone systems. The roll shall be updated continuously thereafter in the same manner.

(12) The Legislature recognizes the expense incurred by county governments in the proper identification, notification, and verification of small quantity generators of hazardous waste within their jurisdictions. When required to support the local hazardous waste assessments required by this section, the small quantity generator notification and verification program required pursuant to s. 403.7234, and the reporting requirements of s. 403.7236, a county may impose a small quantity generator notification and verification surcharge of up to \$50 on the business or occupational license or renewal of any firm that is classified as a small quantity generator of hazardous wastes. A county may contract with or otherwise enter into an agreement with the county tax collector to collect the annual surcharge.

History.--s. 25, ch. 83-310; s. 34, ch. 84-338; s. 3, ch. 85-269; s. 11, ch. 87-374; s. 37, ch. 91-305; s. 40, ch. 93-207.

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403.7229

For Business/Occupational license/renewal:

- 1) Tax Collector bills on August 1st
- 2) Payment due by September 30th
- 3) for fiscal year beginning October 1

per Ann Kirby, Tax Collector Office