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JACKSONVILLE CITY COUNCIL  
89-552 E

REGULAR SESSION

17 (1) 2 (2)

03-16-89

	Y	WOOD		Y	JONES	Y	SMITH
Y		FOULER	(90) ✓	Y	ARALITZ	Y	FUGGE
X		CARLUCCI: out		Y	LEE		<del>WELLS</del>
Y		DANIEL		(20) ✓	MICHAEL	Y	TULLIS
						Y	WELLS

R 89-553-190

RESOLUTION

FILE # 89-553

FIRST READING

DATE MAY 23 1989

ITEM # 110

(NOTE: ADVERTISED FOR PUBLIC HEARING FOR \_\_\_\_\_, 19\_\_)

REPORT OF COMMITTEE ON:	RECOMMENDATION	VOTE	OFFERS
_____	_____	_____	_____
_____	_____	_____	_____

REFERRED TO: (1) Public Services (3) \_\_\_\_\_  
 (2) Finance (4) \_\_\_\_\_

DECLARE EMERGENCY. MOTION BY \_\_\_\_\_ ( ) CARRIED ( ) FAILED

SECOND READING

DATE JUN 13 1989

ITEM # 81

REPORT OF COMMITTEE ON:	RECOMMENDATION	VOTE	OFFERS
<u>Public Services</u>	<u>Adopt Emerg.</u>	<u>5-0</u>	_____
<u>Finance</u>	<u>Adopt Emerg.</u>	<u>4-0</u>	_____
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DECLARE EMERGENCY. MOTION BY Mypick (✓) CARRIED ( ) FAILED

THIRD READING

DATE \_\_\_\_\_

ITEM # \_\_\_\_\_

REPORT OF COMMITTEE ON:	RECOMMENDATION	VOTE	OFFERS
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ADOPTED  
 RESOLUTION # 89-553-190

15-0  
 [Signature]

REMARKS

DIST # \_\_\_\_\_ C/M \_\_\_\_\_ BT # \_\_\_\_\_ RC # \_\_\_\_\_  
 PLANNING COMM. \_\_\_\_\_ PLANNING DEPT. \_\_\_\_\_  
 MAP # \_\_\_\_\_ BCAB \_\_\_\_\_



REPORT OF COMMITTEE

ON FINANCE

FILE NO. 89-553

DATE: 6-12-89

- Recommend Passage.
- Do Not Recommend Passage.
- Recommend Withdrawal from further consideration of the Council.
- Recommend that the attached Committee Substitute be Substituted for and considered in lieu of the original, and further recommend Passage of said Committee Substitute.
- Recommend Amendment in accordance with the Amendment(s) hereto attached, and further recommend Passage as Amended.
- Recommend be read for Second Time and Re-referred to this Committee.
- As an Emergency Measure.

<u>Aubrey Daniels</u>	Chairman
<u>J.R. Gubae</u>	Member
<u>Jim Jarboe</u>	Member
<u>Tillis Fowler</u>	Member
<u>Warren Jones</u>	Member
<u>Dick Kravitz</u>	Member
<u>Denise Lee</u>	Member
<u>Clarence Soggs</u>	

OF SAID COMMITTEE.

For Council Meeting 6/13/89

1 Introduced by the Council President at the request of the ~~Mayor~~ SECRETARY OF THE COUNCIL  
2 CITY OF JACKSONVILLE, FLA.

3 *Cheryl H. Kidd*

4 RESOLUTION 89-553- incorporated into and made a part  
5 of the Journal of the Council.

6 A RESOLUTION CONCERNING THE DEVELOPMENT OF A  
7 COUNTYWIDE COORDINATED RECYCLING PROGRAM;  
8 AUTHORIZING THE MAYOR AND CORPORATION  
9 SECRETARY TO EXECUTE AN INTERLOCAL AGREEMENT  
10 WITH THE CITY OF ATLANTIC BEACH, THE CITY OF  
11 JACKSONVILLE BEACH, THE CITY OF NEPTUNE BEACH,  
12 AND THE TOWN OF BALDWIN; PROVIDING AN EFFECTIVE  
13 DATE.

14 **WHEREAS**, the municipalities located within Duval County face a common waste  
15 disposal crisis, and

16 **WHEREAS**, the State of Florida has directed that recycling and waste disposal  
17 implementation be undertaken to reduce solid waste volume, and

18 **WHEREAS**, a comprehensive plan to further such objectives is advantageous to  
19 all of the municipalities within Duval County, and

20 **WHEREAS**, a joint application for grant funds will be beneficial to achieve these  
21 objectives, now therefore,

22 **BE IT RESOLVED** by the Council of the City of Jacksonville:

23 Section 1. The Mayor and Corporation Secretary are hereby authorized to  
24 execute an Interlocal Agreement Concerning the Development of a Countywide  
25 Coordinated Recycling Program with the objective of obtaining grant funds to be  
26 delivered to the City of Jacksonville and administered by the Department of Public  
27 Utilities to implement recycling and solid waste programs incident thereto. A copy of  
28 the Interlocal Agreement is attached hereto and by this reference made a part hereof.

29

1 Section 2. This resolution shall become effective upon signature by the Mayor  
2 or upon becoming effective without the Mayor's signature.

3 Form Approved:

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5 Assistant Counsel

6 (TCO:jt:5/19/80)

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**INTERLOCAL AGREEMENT  
CONCERNING THE DEVELOPMENT  
OF A COUNTYWIDE  
COORDINATED RECYCLING PROGRAM**

WHEREAS, the parties hereto are the City of Atlantic Beach, the City of Jacksonville Beach, the City of Neptune Beach, and the Town of Baldwin, hereinafter referred to as the "Municipalities" and the City of Jacksonville; and

WHEREAS, the Consolidated City of Jacksonville and its municipalities, face a common solid waste disposal crisis of frightening proportions; and

WHEREAS, by an act of the Legislature, the State of Florida has directed all towns, cities, municipalities, and counties to implement recycling programs that will reduce the volume of solid waste being landfilled by at least thirty percent throughout the State; and

WHEREAS, recycling, waste reduction, and reuse programs require active participation by a well informed and educated community to achieve the level of participation necessary to facilitate the required modifications in the lifestyles and disposal habits of the citizens of the City and the Municipalities in order to be effective; and

WHEREAS, the implementation of recycling, waste reduction, and reuse programs require a comprehensive plan designed to increase public awareness and maximize community support and participation by the entire county;



NOW, THEREFORE, it is agreed that the Municipalities and the City of Jacksonville enter into this agreement in order to fulfill the requirements of the Florida Department of Environmental Regulation for making a joint application for grant funds that have been made available as a result of the Florida Solid Waste Management Act of 1988, said funds to be delivered to the City of Jacksonville and administered by the Division of the Department of Public Utilities charged with the responsibility of the City of Jacksonville's recycling programs.

Executed this \_\_\_\_\_ day of \_\_\_\_\_, 1989, in Jacksonville, Duval County, Florida.

WITNESS:

City of Atlantic Beach

\_\_\_\_\_

By Its Mayor

\_\_\_\_\_

City Manager

City of Jacksonville Beach

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By Its Mayor

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City Manager

City of Neptune Beach

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By Its Mayor

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City Manager

Town of Baldwin

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By Its Mayor

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City Manager



City of Jacksonville

By Its Mayor

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89-553

**CCNF** Concerned Citizens of North Florida

P.O. Box 255, Melrose, Florida 32666

May 19, 1989

The Honorable Robert Martinez  
Executive Office of the Governor  
The Capitol  
Tallahassee, Florida 32399-0011

MAY 19 1989  
OFFICE OF THE GOVERNOR  
JACKSONVILLE, FLORIDA

Re: Position of the Concerned Citizens on the proposed Hazardous  
Waste Incinerator for North Florida

Dear Governor Martinez:

A very complex issue is before our legislature at this moment. County Officials and Residents are being pitted against each other by Florida Legislators in their haste to select a site for a Hazardous Waste Incinerator in Florida.

This is a crossroad in Florida's Environmental History that can set our standard for quality of life in the future and present a model for other states to emulate.

It would be easy to let the various legislators debate which site should be chosen and finish the current Legislative Session with a site selection. This would effectively cut off the legal red tape in which the project is now well wrapped and leave all involved feeling that they have fulfilled their responsibility and done the dirty job in the interests of the public.

No responsible citizen can deny that the problem of hazardous material disposal exists and will continue to proliferate if nothing is done. Our only point of contention is the manner in which this problem has been addressed.

People have been led to believe that if the site is not selected soon we will fail to meet the 17 October, 1989 deadline set by the EPA for compliance with the CERCLA requirement for Hazardous Waste Assurance Plans. This is not true. Please see the attached document.

This site selection process needs to be separated from that deadline in order to give the seriousness of this decision its proper weighted attention.

The public process is an integral part of any large endeavor such as this one. The very act of public questioning of consultants' reports

*Residents in Favor of Responsible Planning*

Governor Martinez  
May 19, 1989  
page 2

points out errors that may occur due to lack of time or diligence on the consultants part or influence exerted by outside, powerful interest groups. This is a check and balance system where influence shouldn't weigh more heavily than reason in a matter as potentially devastating to our environment as this one.

The presence of an incinerator in Florida will encourage our industries to continue with the production of hazardous byproducts and discourage research into alternative non-toxic materials and on-site responsibility for reclamation of their hazardous wastes.

We cannot play Russian Roulette in the last relatively unpolluted area of our state, North Central Florida, which is the guardian of much of Florida's water supply. Even our latest, state of the art technology in Hazardous Waste Incineration can give no 100% guarantee against an accident, and it would take only one to seriously contaminate our sensitive aquifer system.

The Concerned Citizens of North Florida recommend that the site selection process not be shortened, cutting off public involvement and committing us to a very expensive facility and a short sighted method of handling our hazardous waste.

We additionally want to endorse and recommend the views of a number of National Organizations, including, The Florida Public Interest Research Group (FPIRG), The Citizens Clearinghouse for Hazardous Waste, Work on Waste USA, and Greenpeace. These include:

1. Enacting Legislation requiring the Recycling, Reduction of use, and Reclamation of hazardous materials at every level of use.
2. Using incentives for business source compliance with the above legislation.
3. Introducing an increasing tax on production of hazardous waste and using this source of revenues to sponsor research into methods of reclamation and reduction of these materials.

As our world seems to shrink every day, we are proud to consider ourselves NIMBYS (Not In My Back Yard). We consider the entire globe to be our back yard.

Respectively,

*Kerry Ann Dressler*  
Kerry Ann Dressler  
Executive Board  
(904) 466-4215

cc: Senator George Kirkpatrick  
Senator Ander Crenshaw  
Senator Bob Crawford  
President of the Senate  
Representative Tom Gustafson  
Speaker of the House  
Representative T.K. Wetherell  
Senator Gwen Margolis  
(continued)

Governor Martinez  
19 May 1989  
page 3

cc: (continued)  
Representative Chance Irvine  
Senator Sherry Walker  
Senator Tom McPherson, Chairman  
    Natural Resources and Conservation Committee  
Representative Sid Martin  
Representative David Flagg  
U.S. Fish and Wildlife Service  
Florida Wildlife Federation  
Audubon Society  
Sierra Club  
1000 Friends of Florida  
Florida Defenders of the Environment  
Union County Commission  
Clay County Commission  
Bradford County Commission  
Baker County Commission  
Duval County Commission  
Alachua County Commission  
Greenpeace  
Work on Waste USA  
The Citizens Clearing House on Hazardous Waste  
The Florida Public Interest Research Group

## THE NATIONAL TOXICS CAMPAIGN

20 Temple Place • 5th Floor • Boston, MA 02111 • (617) 482-1477

### MEMORANDUM

**TO: CONCERNED CITIZENS AND OFFICIALS**

**FROM: SANFORD LEWIS, COUNSEL**  
**NATIONAL TOXICS PREVENTION FUND, INC.**

**DATE: February 1, 1989**

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#### THE CERCLA REQUIREMENT FOR HAZARDOUS WASTE CAPACITY ASSURANCE PLANS:

#### MEETING STATE CAPACITY NEEDS THROUGH HAZARDOUS WASTE REDUCTION RATHER THAN NEW TREATMENT OR DISPOSAL FACILITIES

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By October 1989, each state must file a hazardous waste Capacity Assurance Plan (CAP) with the EPA. The CAP must show how the state will secure sufficient capacity to manage the hazardous wastes that are generated by industry between now and the year 2010. States which fail to satisfy this requirement of the 1986 Superfund Amendments, may be cut off from all remedial actions under Superfund.

This memorandum explains the CAP requirement, and the ability of the states to meet this requirement through waste reduction, in lieu of new facilities. Please contact me if I may provide further clarification of the CAP requirement or the approach to compliance described herein.

#### BACKGROUND ON THE SARA CAPACITY ASSURANCE PLAN REQUIREMENT

The Superfund Amendment and Reauthorization Act of 1986 (SARA) requires that by October 17, 1989, all states must submit a Capacity Assurance Plan (CAP) to the EPA. The plan must show that the state has made arrangements to manage all hazardous wastes generated within its borders until the year 2010. To comply with this requirement, a state may either ensure sufficient capacity in-state, or enter regional agreements with other states to share their facilities. SARA §104(k), adding §104(c)(9) to CERCLA.

The EPA must decide whether the states' assurances are adequate to manage all these wastes. If the assurances are inadequate, the EPA must withhold Superfund remedial actions.

The SARA CAP requirement does not legally require new facilities to be built, nor existing facilities to be maintained. Indeed, it allows states, to ensure adequate capacity by sharply reducing the amount of hazardous waste generated within their borders. From an environmental perspective, such an approach is far preferable to risk-producing management techniques such as land disposal, incineration, and off-site recycling. The states can and should commit to policies that will encourage front end solutions. This means encouraging industries to reduce their production of wastes and their usage of toxic substances, i.e., waste reduction and toxics use reduction (WR/TUR).

For instance, if a 30% increase in waste production would otherwise be anticipated over the next five years from new industries and from the growth of existing companies, a state could prevent this need for new capacity via a 30% reduction in those waste streams under a state WR/TUR program. The EPA's guidance to the states for implementation of the CAP provision confirms that waste reduction is a legitimate way for states to provide capacity assurances. But for a state to go this route, they must prove to the EPA that estimated reductions in waste streams are technically defensible and supported by adequate laws and programmatic resources.

#### **THE CHALLENGE OF QUANTIFYING FUTURE HAZARDOUS WASTE REDUCTION**

Any state that tells the EPA that they will achieve substantial waste reduction to meet the CAP requirement will be required to show how they will achieve this. According to the EPA's CAP guidance published January 1988, the EPA will ask the states questions including:

- o Has legislation authorized a state agency to implement a waste reduction program in your state?
- o What is the amount of funding received for your waste reduction program?
- o What are your estimates of waste reduction by 1989, 1995 and 2009 from these state programs?
- o What is the technical basis for these estimates?

Some states have already attempted projections. For instance, the State of Massachusetts reviewed its own waste management needs in 1987, and wrote projections on a waste stream by waste stream basis. Their projections varied based upon the type of policy environment in which reduction takes place.

They projected 48 percent reduction in hazardous wastes overall, in the event that the most aggressive set of state waste reduction policies were adopted. If Massachusetts were to use the 48 percent reduction figure in its CAP, that state would have to demonstrate that state policies were at least moving toward the ones that would achieve these reductions.

**A STATE STRATEGY FOR USING  
WASTE REDUCTION AND TOXICS USAGE REDUCTION  
TO MEET CAPACITY ASSURANCE PLAN REQUIREMENTS**

Without strong new WR/TUR programs, it may be difficult for any state to claim the reduction levels needed to meet the capacity requirement. But once a state has adopted strong WR/TUR legislation or regulations, the EPA will be legally hard-pressed to deny that state's projections of waste reduction (and withhold Superfund monies), if those projections are even remotely reasonable.

One useful approach to WR/TUR is embodied in the National Toxics Campaign's model toxics prevention legislation. Among other things, this legislation would:

- o Require certain industries to conduct comprehensive audits of the feasibility of WR/TUR;
- o Require those industries to undertake feasible reduction measures on a binding timetable;
- o Provide ample technical and financial assistance to smaller and financially weaker firms to implement reduction measures; and
- o Forbid construction of new hazardous waste management facilities unless they are shown not to undermine WR/TUR.

Already, this legislation has been introduced in several states, including Texas, Indiana, Massachusetts, and California. A possible embellishment on the model bill, would be for any states adopting this program to require out of state waste generators wishing to import their wastes show their own WR/TUR efforts. For example, if Arkansas adopted a WR/TUR bill, it could require Indiana waste generators who use an Arkansas incinerator to prepare and file the same WR/TUR audits required of Arkansas generators. Unlike an outright waste import ban, this approach may withstand constitutional objections based on the Interstate Commerce Clause. In contrast to an outright ban, the WR/TUR audit has a legitimate public health justification. This distinction has been important in previous court decisions.



CLNF .  
P.O. Box 255  
Melrose, FL. 32666



Duval County Commissioners  
10th Floor City Hall  
Jacksonville, Florida 32202



JACKSONVILLE CITY COUNCIL RESEARCH

RESOLUTION 89-553

PS - F

MAY 23, 1989

INTERLOCAL AGREEMENT

Summary:

Authorizes the Mayor and Corporation Secretary to execute an Interlocal Agreement Concerning the Development of a Countywide Coordinated Recycling Program with the objective of obtaining grant funds to be delivered to the City of Jacksonville and administered by the Department of Public Utilities to implement recycling and solid waste programs.

Other parties to this interlocal agreement include the cities of Atlantic Beach, Neptune Beach and Jacksonville Beach, and the Town of Baldwin.