

1                   A bill to be entitled  
2           An act relating to rulemaking authority of the  
3           Department of Environmental Protection with  
4           respect to phosphogypsum management; requiring  
5           the Department of Environmental Protection to  
6           adopt rules to ensure that phosphogypsum stack  
7           systems are operated to meet critical safety  
8           standards by July 1, 1999; amending s.  
9           403.1651, F.S.; authorizing the Department of  
10          Environmental Protection to enter into  
11          settlements in which moneys are to be deposited  
12          into a local pollution-recovery fund and used  
13          for specified purposes; providing an effective  
14          date.

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16 Be It Enacted by the Legislature of the State of Florida:

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18           Section 1. Phosphogypsum Management.--By July 1, 1999,  
19 the Department of Environmental Protection shall adopt rules  
20 to amend existing chapter 62-672, Florida Administrative Code,  
21 to ensure that impoundment structures and water conveyance  
22 pipng systems used in phosphogypsum management are designed  
23 and maintained to meet critical safety standards. The rules  
24 must require that any impoundment structure used in a  
25 phosphogypsum stack system, together with all pumps, piping,  
26 ditches, drainage conveyances, water control structures,  
27 collection pools, cooling ponds, surge ponds, and any other  
28 collection or conveyance system associated with phosphogypsum  
29 transport, cooling water, or the return of process wastewater,  
30 are constructed using sound engineering practices and are  
31 operated to avoid spills or discharges of materials which

1 adversely affect surface or ground waters. The rules must  
2 require that a phosphogypsum stack system owner maintain a log  
3 detailing the owner's operating inspection schedule, results,  
4 and any corrective action taken based on the inspection  
5 results. The rules must require phosphogypsum stack owners to  
6 maintain an emergency contingency plan and demonstrate the  
7 ability to mobilize equipment and manpower to respond to  
8 emergency situations at phosphogypsum stack systems. The rules  
9 must establish a reasonable time period not to exceed 12  
10 months for facilities to meet the provisions of the rules  
11 adopted pursuant to this section.

12 Section 2. Paragraph (a) of subsection (2) of section  
13 403.1651, Florida Statutes, is amended to read:

14 403.1651 Ecosystem Management and Restoration Trust  
15 Fund.--

16 (2) The trust fund shall be used for the deposit of  
17 all moneys recovered by the state:

18 (a) As a result of actions against any person for a  
19 violation of chapter 373 or this chapter initiated by the  
20 department. No settlement entered into by the department  
21 shall limit the Legislature's authority to appropriate moneys  
22 from the trust fund; provided, however, that the department  
23 may enter into a settlement in which the department agrees to  
24 request that moneys received pursuant to the settlement will  
25 be included in its legislative budget request for purposes set  
26 out in the settlement, and provided further, that the  
27 department may enter into a settlement in cases involving  
28 joint enforcement with the Hillsborough County pollution  
29 control program, as a program approved by the department  
30 pursuant to s. 403.182, in which the department agrees that  
31 moneys are to be deposited into that local program's

1 pollution-recovery fund and used for projects directed toward  
2 addressing the environmental damage that was the cause of  
3 action for which funds were received and that are consistent  
4 with the purposes of the Ecosystem Management and Restoration  
5 Trust Fund.

6 Section 3. This act shall take effect upon becoming a  
7 law.

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