

By the Committee on Environmental Protection and
Representatives Murman and Byrd

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

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

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

1 results, and any corrective action taken based on the
2 inspection results. The rules must require phosphogypsum stack
3 owners to maintain an emergency contingency plan and
4 demonstrate the ability to mobilize equipment and manpower to
5 respond to emergency situations at phosphogypsum stack
6 systems. The rules must establish a reasonable time period,
7 not to exceed 12 months, for facilities to meet the provisions
8 of the rules adopted pursuant to this section.

9 Section 2. Paragraph (a) of subsection (2) of section
10 403.1651, Florida Statutes, is amended to read:

11 403.1651 Ecosystem Management and Restoration Trust
12 Fund.--

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

15 (a) As a result of actions against any person for a
16 violation of chapter 373 or this chapter initiated by the
17 department. No settlement entered into by the department
18 shall limit the Legislature's authority to appropriate moneys
19 from the trust fund; provided, however, that the department
20 may enter into a settlement in which the department agrees to
21 request that moneys received pursuant to the settlement will
22 be included in its legislative budget request for purposes set
23 out in the settlement; and further, that the department may
24 enter into a settlement in cases involving joint enforcement
25 with a local pollution control program, as defined by s.
26 403.182, in which the department agrees that moneys are to be
27 deposited into a local pollution recovery fund and used for
28 projects giving first priority to restoring the environmental
29 damage that was the cause of action for which funds were
30 received and that are consistent with the purposes of the
31 Ecosystem Management and Restoration Trust Fund.

1 Section 3. This act shall take effect upon becoming a
2 law.
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