

Bill No. SB 330

Barcode 872646

CHAMBER ACTION

Senate

House

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The Committee on Environmental Preservation (Dockery)
recommended the following amendment:

Senate Amendment (with title amendment)

Delete everything after the enacting clause

and insert:

Section 1. Present subsections (8) through (10), (11)
through (29), (30) through (44), and (45) through (47) of
section 376.301, Florida Statutes, are renumbered as
subsections (9) through (11), (13) through (31), (33) through
(47), and (49) through (51), respectively, and new subsections
(8), (12), (32), and (48) are added to that section, to read:

376.301 Definitions of terms used in ss.

376.30-376.319, 376.70, and 376.75.--When used in ss.

376.30-376.319, 376.70, and 376.75, unless the context clearly
requires otherwise, the term:

(8) "Cleanup target level" means the concentration for
each contaminant identified by an applicable analytical test
method, in the medium of concern, at which a site
rehabilitation program is deemed complete.

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1 (12) "Contamination" means the presence of free
 2 product or any contaminant in surface water, groundwater,
 3 soil, or sediment, or upon the land, in concentrations that
 4 exceed the applicable cleanup target levels or that result in
 5 contaminated sediment, as specified in department rules.

6 (32) "Person responsible for site rehabilitation"
 7 means the person performing site rehabilitation pursuant to
 8 the requirements of s. 376.3071(5), s. 376.3078(4), s. 376.81,
 9 or s. 376.30701. Such persons may include, but are not limited
 10 to, any person who has legal responsibility for site
 11 rehabilitation pursuant to chapter 376 or chapter 403, the
 12 department when it conducts site rehabilitation, a real
 13 property owner, a facility owner or operator, any person
 14 responsible for brownfield site rehabilitation, or any person
 15 who voluntarily rehabilitates a site and seeks acknowledgement
 16 from the department for approval of site rehabilitation
 17 program tasks.

18 (48) "Temporary point of compliance" means the
 19 boundary represented by one or more designated monitoring
 20 wells at which groundwater cleanup target levels may not be
 21 exceeded while site rehabilitation is proceeding.

22 Section 2. Section 376.30702, Florida Statutes, is
 23 created to read:

24 376.30702 Contamination notification; findings;
 25 intent; applicability; initial notice of contamination;
 26 department's notice responsibilities; subsequent notice of
 27 contamination for temporary point of compliance; status update
 28 5-year notice; rulemaking authority.--

29 (1) FINDINGS; INTENT; APPLICABILITY.--The Legislature
 30 finds and declares that when contamination is discovered by
 31 any person as a result of site rehabilitation activities

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1 conducted pursuant to the risk-based corrective action
2 provisions found in s. 376.3071(5), s. 376.3078(4), s. 376.81,
3 or s. 376.30701, it is in the public's best interest that
4 potentially affected persons be notified of the existence of
5 such contamination. Therefore, persons discovering such
6 contamination shall notify the department of such discovery in
7 accordance with the requirements of this section, and the
8 department shall be responsible for notifying the affected
9 public. The Legislature intends for the provisions of this
10 section to govern the notice requirements for early
11 notification of the discovery of contamination.

12 (2) INITIAL NOTICE OF CONTAMINATION BEYOND PROPERTY
13 BOUNDARIES.--After the effective date of this act, if at any
14 time during site rehabilitation conducted pursuant to s.
15 376.3071(5), s. 376.3078(4), s. 376.81, or s. 376.30701, the
16 person responsible for site rehabilitation, its authorized
17 agent, or other representative discovers from laboratory
18 analytical results that comply with appropriate quality
19 assurance protocols specified in department rules that
20 contamination exists in any medium beyond the boundaries of
21 the property at which site rehabilitation was initiated
22 pursuant to s. 376.3071(5), s. 376.3078(4), s. 376.81, or s.
23 376.30701, the person responsible for site rehabilitation
24 shall give actual notice as soon as possible, but no later
25 than 10 days following such discovery, to the Division of
26 Waste Management at the department's Tallahassee office. The
27 actual notice shall be provided on a form adopted by
28 department rule and mailed by certified mail, return receipt
29 requested. The person responsible for site rehabilitation
30 shall simultaneously mail a copy of such notice to the
31 appropriate department district office and county health

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1 department. The notice shall include the following
2 information:

3 (a) The location of the property at which site
4 rehabilitation was initiated pursuant to s. 376.3071(5), s.
5 376.3078(4), s. 376.81, or s. 376.30701, and contact
6 information for the person responsible for site
7 rehabilitation, its authorized agent, or other representative;

8 (b) A listing of all record owners of any real
9 property, other than the property at which site rehabilitation
10 was initiated pursuant to s. 376.3071(5), s. 376.3078(4), s.
11 376.81, or s. 376.30701, at which contamination has been
12 discovered; the parcel identification number for any such real
13 property; the owner's address listed in the current county
14 property tax office records; and the owner's telephone number;

15 (c) Separate tables by medium, including, groundwater,
16 soil, surface water, or sediment, which list sampling
17 locations; the sampling date; names of contaminants detected
18 above cleanup target levels; their corresponding cleanup
19 target levels; the contaminant concentrations; and whether the
20 cleanup target level is based on health or nuisance,
21 organoleptic, or aesthetic concerns; and

22 (d) A vicinity map that shows the sampling locations
23 with corresponding laboratory analytical results and the date
24 on which each sample was collected, and identifies the
25 property boundaries of the property at which site
26 rehabilitation was initiated pursuant to s. 376.3071(5), s.
27 376.3078(4), s. 376.81, or s. 376.30701, and any other
28 property at which contamination has been discovered during
29 such site rehabilitation.

30 (3) DEPARTMENT'S NOTICE RESPONSIBILITIES.--Within 30
31 days after receiving the actual notice required pursuant to

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1 subsection (2), or within 30 days after the effective date of
2 this act, if the department already possesses information
3 equivalent to that required by the notice, the department
4 shall send a copy of such notice, or an equivalent
5 notification, to all record owners of any real property, other
6 than the property at which site rehabilitation was initiated
7 pursuant to s. 376.3071(5), s. 376.3078(4), s. 376.81, or s.
8 376.30701, at which contamination has been discovered. Along
9 with the copy of the notice or its equivalent, the department
10 shall include a letter identifying sources of additional
11 information about the contamination and a telephone number to
12 which further inquiries should be directed. The department may
13 collaborate with the Department of Health to develop such
14 sources of information and to establish procedures for
15 responding to public inquiries about health risks associated
16 with contaminated sites.

17 (4) RULEMAKING AUTHORITY.--The department may adopt
18 rules to administer this section, and shall adopt any rules
19 and forms that are necessary to administer the
20 contamination-notification requirements of this section.

21 Section 3. This act shall take effect September 1,
22 2005.

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25 ===== T I T L E A M E N D M E N T =====

26 And the title is amended as follows:

27 Delete everything before the enacting clause

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29 and insert:

30 A bill to be entitled
31 An act relating to notification of

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1 contamination; amending s. 376.301, F.S.;
2 defining specified terms; creating s.
3 376.30702, F.S.; requiring that a person
4 provide notice to the Division of Waste
5 Management of the Department of Environmental
6 Protection, the department's district office,
7 and the Department of Health when contamination
8 is discovered as a result of site
9 rehabilitation activities; providing
10 requirements for notice; requiring notice when
11 laboratory analytical results demonstrate that
12 contamination exists in any medium beyond the
13 boundaries of the property of the site
14 rehabilitation; providing requirements for
15 notice; requiring that the department notify
16 the record owners of real property at which
17 contamination has been discovered; authorizing
18 the department to collaborate with the
19 Department of Health to establish procedures
20 for responding to public inquiries; providing
21 rulemaking authority; providing an effective
22 date.

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