

1 after July 1, 2005, at a site eligible for state funding under
2 s. 376.305, s. 376.3071, or s. 376.3072.

3 (2) As noted in s. 376.30714, it may be difficult to
4 distinguish between a discharge of petroleum products from a
5 petroleum storage system which is eligible for state funding
6 and a discharge reported after December 31, 1998, which is not
7 eligible for state funding. Until the secondary containment
8 upgrade of underground storage tanks, as required under rule
9 62-761, Florida Administrative Code, is complete at a site, a
10 subsequently discovered discharge at the site is presumed to
11 be part of the original discharge that qualifies for state
12 funding. However, this presumption does not apply:

13 (a) If the department presents competent and
14 substantial evidence demonstrating that the subsequently
15 discovered discharge occurred from a source that is
16 independent and separate from the discharge that qualifies for
17 state funding.

18 (b) To a site where petroleum storage systems have
19 been upgraded, prior to July 1, 2005, to secondary containment
20 in accordance with rule 62-761, Florida Administrative Code.

21 (c) To a site having newly discovered free product
22 outside the exclusion zone.

23 (d) To a site having an increase in the concentration
24 of existing petroleum contamination outside the exclusion zone
25 of 1,000 percent or greater.

26 (e) To a site for which the department has, by a
27 current valid order, determined that the discharge that is
28 eligible for state funding has been cleaned up or no further
29 action is necessary.

30 (3) Section 376.30714 does not apply to a subsequently
31 discovered discharge. The department shall not, as part of a

1 closure report or assessment for a site that is eligible for
2 state funding under s. 376.305, s. 376.3071, or s. 376.3072,
3 require soil or groundwater sampling.

4 (4) Regardless of whether the presumption specified in
5 subsection (2) applies, a facility owner or operator shall:

6 (a) Report all incidents or discharges in accordance
7 with rules of the department.

8 (b) Provide to the department a copy of all test
9 results of storage tank and piping tightness regardless of the
10 results.

11 Section 2. This act shall take effect upon becoming a
12 law.

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15 SENATE SUMMARY

16 Creates a presumption regarding the source of a
17 subsequently discovered discharge at certain petroleum
18 contamination sites. Provides exceptions to application
19 of the presumption. Provides that specified provisions
20 concerning site rehabilitation agreements do not apply to
21 a subsequently discovered discharge. Prohibits the
Department of Environmental Protection from requiring
soil or groundwater sampling relating to closure
assessments at certain petroleum contamination sites.
Specifies responsibilities of a facility owner or
operator.