

1 A bill to be entitled
2 An act relating to contaminated sites; amending s.
3 376.301, F.S.; defining the terms "background
4 concentration" and "long-term natural attenuation";
5 amending s. 376.30701, F.S.; requiring the Department
6 of Environmental Protection to include protocols for
7 the use of long-term natural attenuation where site
8 conditions warrant; requiring specified interactive
9 effects of contaminants to be considered as cleanup
10 criteria; revising how cleanup target levels are
11 applied where surface waters are exposed to
12 contaminated groundwater; authorizing the use of
13 relevant data and information when assessing cleanup
14 target levels; providing that institutional controls
15 are not required under certain circumstances if
16 alternative cleanup target levels are used; amending
17 s. 376.79, F.S.; defining the terms "background
18 concentration" and "long-term natural attenuation";
19 amending s. 376.81, F.S.; providing additional
20 contamination cleanup criteria for brownfield sites
21 and brownfield areas; amending ss. 196.1995, 287.0595,
22 and 288.1175, F.S.; conforming cross-references;
23 providing an effective date.

24
25 Be It Enacted by the Legislature of the State of Florida:
26

27 Section 1. Present subsections (4) through (22) of section
 28 376.301, Florida Statutes, are redesignated as subsections (5)
 29 through (23), respectively, present subsections (23) through
 30 (48) of that section are redesignated as subsections (25)
 31 through (50), respectively, and new subsections (4) and (24) are
 32 added to that section, to read:

33 376.301 Definitions of terms used in ss. 376.30-376.317,
 34 376.70, and 376.75.—When used in ss. 376.30-376.317, 376.70, and
 35 376.75, unless the context clearly requires otherwise, the term:

36 (4) "Background concentration" means the concentration of
 37 contaminants naturally occurring or resulting from anthropogenic
 38 impacts unrelated to the discharge of pollutants or hazardous
 39 substances at a contaminated site undergoing site
 40 rehabilitation.

41 (24) "Long-term natural attenuation" means natural
 42 attenuation approved by the department as a site rehabilitation
 43 program task for a period of more than 5 years.

44 Section 2. Subsection (2) of section 376.30701, Florida
 45 Statutes, is amended to read:

46 376.30701 Application of risk-based corrective action
 47 principles to contaminated sites; applicability; legislative
 48 intent; rulemaking authority; contamination cleanup criteria;
 49 limitations; reopeners.—

50 (2) INTENT; RULEMAKING AUTHORITY; CLEANUP CRITERIA.—It is
 51 the intent of the Legislature to protect the health of all
 52 people under actual circumstances of exposure. By July 1, 2004,

53 | the secretary of the department shall establish criteria by rule
54 | for the purpose of determining, on a site-specific basis, the
55 | rehabilitation program tasks that comprise a site rehabilitation
56 | program, including a voluntary site rehabilitation program, and
57 | the level at which a rehabilitation program task and a site
58 | rehabilitation program may be deemed completed. In establishing
59 | these rules, the department shall apply, to the maximum extent
60 | feasible, a risk-based corrective action process to achieve
61 | protection of human health and safety and the environment in a
62 | cost-effective manner based on the principles set forth in this
63 | subsection. These rules shall prescribe a phased risk-based
64 | corrective action process that is iterative and that tailors
65 | site rehabilitation tasks to site-specific conditions and risks.
66 | The department and the person responsible for site
67 | rehabilitation are encouraged to establish decision points at
68 | which risk management decisions will be made. The department
69 | shall provide an early decision, when requested, regarding
70 | applicable exposure factors and a risk management approach based
71 | on the current and future land use at the site. These rules must
72 | ~~shall also~~ include protocols for the use of natural attenuation,
73 | including long-term natural attenuation where site conditions
74 | warrant, the use of institutional and engineering controls, and
75 | the issuance of "No Further Action" orders. The criteria for
76 | determining what constitutes a rehabilitation program task or
77 | completion of a site rehabilitation program task or site
78 | rehabilitation program, including a voluntary site

79 rehabilitation program, must:

80 (a) Consider the current exposure and potential risk of
81 exposure to humans and the environment, including multiple
82 pathways of exposure. The physical, chemical, and biological
83 characteristics of each contaminant must be considered in order
84 to determine the feasibility of a risk-based corrective action
85 assessment.

86 (b) Establish the point of compliance at the source of the
87 contamination. However, the department may ~~is authorized to~~
88 temporarily move the point of compliance to the boundary of the
89 property, or to the edge of the plume when the plume is within
90 the property boundary, while cleanup, including cleanup through
91 natural attenuation processes in conjunction with appropriate
92 monitoring, is proceeding. The department may ~~also is~~
93 ~~authorized,~~ pursuant to criteria provided in this section, ~~to~~
94 temporarily extend the point of compliance beyond the property
95 boundary with appropriate monitoring, if such extension is
96 needed to facilitate natural attenuation or to address the
97 current conditions of the plume, provided human health, public
98 safety, and the environment are protected. When temporarily
99 extending the point of compliance beyond the property boundary,
100 it cannot be extended further than the lateral extent of the
101 plume, if known, at the time of execution of a cleanup
102 agreement, if required, or the lateral extent of the plume as
103 defined at the time of site assessment. Temporary extension of
104 the point of compliance beyond the property boundary, as

105 provided in this paragraph, must include actual notice by the
106 person responsible for site rehabilitation to local governments
107 and the owners of any property into which the point of
108 compliance is allowed to extend and constructive notice to
109 residents and business tenants of the property into which the
110 point of compliance is allowed to extend. Persons receiving
111 notice pursuant to this paragraph shall have the opportunity to
112 comment within 30 days after receipt of the notice. Additional
113 notice concerning the status of natural attenuation processes
114 shall be similarly provided to persons receiving notice pursuant
115 to this paragraph every 5 years.

116 (c) Ensure that the site-specific cleanup goal is that all
117 contaminated sites being cleaned up pursuant to this section
118 ultimately achieve the applicable cleanup target levels provided
119 in this subsection. In the circumstances provided in this
120 subsection, and after constructive notice and opportunity to
121 comment within 30 days after receipt of the notice to local
122 government, owners of any property into which the point of
123 compliance is allowed to extend, and residents of any property
124 into which the point of compliance is allowed to extend, the
125 department may allow concentrations of contaminants to
126 temporarily exceed the applicable cleanup target levels while
127 cleanup, including cleanup through natural attenuation processes
128 in conjunction with appropriate monitoring, is proceeding, if
129 human health, public safety, and the environment are protected.

130 (d) Allow the use of institutional or engineering controls

131 at contaminated sites being cleaned up pursuant to this section,
132 where appropriate, to eliminate or control the potential
133 exposure to contaminants of humans or the environment. The use
134 of controls must be preapproved by the department and only after
135 constructive notice and opportunity to comment within 30 days
136 after receipt of notice is provided to local governments, owners
137 of any property into which the point of compliance is allowed to
138 extend, and residents on any property into which the point of
139 compliance is allowed to extend. When institutional or
140 engineering controls are implemented to control exposure, the
141 removal of the controls must have prior department approval and
142 must be accompanied by the resumption of active cleanup, or
143 other approved controls, unless cleanup target levels under this
144 section have been achieved.

145 (e) Consider the interactive ~~additive~~ effects of
146 contaminants, including additive, synergistic, and antagonistic
147 effects. ~~The synergistic and antagonistic effects shall also be~~
148 ~~considered when the scientific data become available.~~

149 (f) Take into consideration individual site
150 characteristics, which shall include, but not be limited to, the
151 current and projected use of the affected groundwater and
152 surface water in the vicinity of the site, current and projected
153 land uses of the area affected by the contamination, the exposed
154 population, the degree and extent of contamination, the rate of
155 contaminant migration, the apparent or potential rate of
156 contaminant degradation through natural attenuation processes,

157 the location of the plume, and the potential for further
158 migration in relation to site property boundaries.

159 (g) Apply state water quality standards as follows:

160 1. Cleanup target levels for each contaminant found in
161 groundwater shall be the applicable state water quality
162 standards. Where such standards do not exist, the cleanup target
163 levels for groundwater shall be based on the minimum criteria
164 specified in department rule. The department shall apply the
165 following, as appropriate, in establishing the applicable
166 cleanup target levels: calculations using a lifetime cancer risk
167 level of 1.0E-6; a hazard index of 1 or less; the best
168 achievable detection limit; and nuisance, organoleptic, and
169 aesthetic considerations. However, the department may ~~shall~~ not
170 require site rehabilitation to achieve a cleanup target level
171 for any individual contaminant that is more stringent than the
172 site-specific, ~~naturally occurring~~ background concentration for
173 that contaminant.

174 2. Where surface waters are exposed to contaminated
175 groundwater, the cleanup target levels for the contaminants must
176 ~~shall~~ be based on the more protective of the groundwater or
177 surface water standards as established by department rule,
178 unless it has been demonstrated that the contaminants do not
179 cause or contribute to the exceedance of applicable surface
180 water quality criteria. In such circumstance, the point of
181 measuring compliance with the surface water standards shall be
182 in the groundwater immediately adjacent to the surface water

183 body.

184 3. Using risk-based corrective action principles, the
185 department shall approve alternative cleanup target levels in
186 conjunction with institutional and engineering controls, if
187 needed, based upon an applicant's demonstration, using site-
188 specific or other relevant data and information, risk assessment
189 modeling results, including results from probabilistic risk
190 assessment modeling, risk assessment studies, risk reduction
191 techniques, or a combination thereof, that human health, public
192 safety, and the environment are protected to the same degree as
193 provided in subparagraphs 1. and 2. Where a state water quality
194 standard is applicable, a deviation may not result in the
195 application of cleanup target levels more stringent than the
196 standard. In determining whether it is appropriate to establish
197 alternative cleanup target levels at a site, the department must
198 consider the effectiveness of source removal, if any, that has
199 been completed at the site and the practical likelihood of the
200 use of low yield or poor quality groundwater, the use of
201 groundwater near marine surface water bodies, the current and
202 projected use of the affected groundwater in the vicinity of the
203 site, or the use of groundwater in the immediate vicinity of the
204 contaminated area, where it has been demonstrated that the
205 groundwater contamination is not migrating away from such
206 localized source, provided human health, public safety, and the
207 environment are protected. Groundwater resource protection
208 remains the ultimate goal of cleanup, particularly in light of

209 the state's continued growth and consequent demands for drinking
210 water resources. The Legislature recognizes the need for a
211 protective yet flexible cleanup approach that risk-based
212 corrective action provides. Only where it is appropriate on a
213 site-specific basis, using the criteria in this paragraph and
214 careful evaluation by the department, shall proposed alternative
215 cleanup target levels be approved. If alternative cleanup target
216 levels are used, institutional controls are not required if:

217 a. The only cleanup target levels exceeded are the
218 groundwater cleanup target levels derived from nuisance,
219 organoleptic, or aesthetic considerations;

220 b. Concentrations of all contaminants meet the state water
221 quality standards or the minimum criteria, based on the
222 protection of human health, public safety, and the environment,
223 as provided in subparagraph 1.;

224 c. All of the groundwater cleanup target levels
225 established pursuant to subparagraph 1. are met at the property
226 boundary;

227 d. The person responsible for site rehabilitation has
228 demonstrated that the contaminants will not migrate beyond the
229 property boundary at concentrations that exceed the groundwater
230 cleanup target levels established pursuant to subparagraph 1.;

231 e. The property has access to and is using an offsite
232 water supply, and an unplugged private well is not used for
233 domestic purposes; and

234 f. The real property owner does not object to the "No

235 Further Action" proposal to the department or the local
 236 pollution control program.

237 (h) Provide for the department to issue a "No Further
 238 Action" order, with conditions, including, but not limited to,
 239 the use of institutional or engineering controls where
 240 appropriate, when alternative cleanup target levels established
 241 pursuant to subparagraph (g)3. have been achieved or when the
 242 person responsible for site rehabilitation can demonstrate that
 243 the cleanup target level is unachievable with the use of
 244 available technologies. Before ~~Prior to~~ issuing such an order,
 245 the department shall consider the feasibility of an alternative
 246 site rehabilitation technology at the contaminated site.

247 (i) Establish appropriate cleanup target levels for soils.
 248 Although there are existing state water quality standards, there
 249 are no existing state soil quality standards. The Legislature
 250 does not intend, through the adoption of this section, to create
 251 such soil quality standards. The specific rulemaking authority
 252 granted pursuant to this section merely authorizes the
 253 department to establish appropriate soil cleanup target levels.
 254 These soil cleanup target levels shall be applicable at sites
 255 only after a determination as to legal responsibility for site
 256 rehabilitation has been made pursuant to other provisions of
 257 this chapter or chapter 403.

258 1. In establishing soil cleanup target levels for human
 259 exposure to each contaminant found in soils from the land
 260 surface to 2 feet below land surface, the department shall apply

261 the following, as appropriate: calculations using a lifetime
262 cancer risk level of 1.0E-6; a hazard index of 1 or less; and
263 the best achievable detection limit. However, the department may
264 ~~shall~~ not require site rehabilitation to achieve a cleanup
265 target level for an individual contaminant that is more
266 stringent than the site-specific, ~~naturally occurring~~ background
267 concentration for that contaminant. Institutional controls or
268 other methods shall be used to prevent human exposure to
269 contaminated soils more than 2 feet below the land surface. Any
270 removal of such institutional controls shall require such
271 contaminated soils to be remediated.

272 2. Leachability-based soil cleanup target levels shall be
273 based on protection of the groundwater cleanup target levels or
274 the alternate cleanup target levels for groundwater established
275 pursuant to this paragraph, as appropriate. Source removal and
276 other cost-effective alternatives that are technologically
277 feasible shall be considered in achieving the leachability soil
278 cleanup target levels established by the department. The
279 leachability goals are ~~shall~~ not be applicable if the department
280 determines, based upon individual site characteristics, and in
281 conjunction with institutional and engineering controls, if
282 needed, that contaminants will not leach into the groundwater at
283 levels that pose a threat to human health, public safety, and
284 the environment.

285 3. Using risk-based corrective action principles, the
286 department shall approve alternative cleanup target levels in

287 conjunction with institutional and engineering controls, if
288 needed, based upon an applicant's demonstration, using site-
289 specific or other relevant data and information, risk assessment
290 modeling results, including results from probabilistic risk
291 assessment modeling, risk assessment studies, risk reduction
292 techniques, or a combination thereof, that human health, public
293 safety, and the environment are protected to the same degree as
294 provided in subparagraphs 1. and 2.

295
296 The department shall require source removal as a risk reduction
297 measure if warranted and cost-effective. Once source removal at
298 a site is complete, the department shall reevaluate the site to
299 determine the degree of active cleanup needed to continue.
300 Further, the department shall determine if the reevaluated site
301 qualifies for monitoring only or if no further action is
302 required to rehabilitate the site. If additional site
303 rehabilitation is necessary to reach "No Further Action" status,
304 the department is encouraged to utilize natural attenuation
305 monitoring, including long-term natural attenuation ~~and~~
306 monitoring, where site conditions warrant.

307 Section 3. Present subsections (3) through (11) of section
308 376.79, Florida Statutes, are redesignated as subsections (4)
309 through (12), respectively, present subsections (12) through
310 (19) are redesignated as subsections (14) through (21),
311 respectively, and new subsections (3) and (13) are added to that
312 section, to read:

313 376.79 Definitions relating to Brownfields Redevelopment
314 Act.—As used in ss. 376.77–376.85, the term:

315 (3) "Background concentration" means the concentration of
316 contaminants naturally occurring or resulting from anthropogenic
317 impacts unrelated to the discharge of pollutants or hazardous
318 substances at a contaminated site undergoing site
319 rehabilitation.

320 (13) "Long-term natural attenuation" means natural
321 attenuation approved by the department as a site rehabilitation
322 program task for a period of more than 5 years.

323 Section 4. Section 376.81, Florida Statutes, is amended to
324 read:

325 376.81 Brownfield site and brownfield areas contamination
326 cleanup criteria.—

327 (1) It is the intent of the Legislature to protect the
328 health of all people under actual circumstances of exposure. By
329 July 1, 2001, the secretary of the department shall establish
330 criteria by rule for the purpose of determining, on a site-
331 specific basis, the rehabilitation program tasks that comprise a
332 site rehabilitation program and the level at which a
333 rehabilitation program task and a site rehabilitation program
334 may be deemed completed. In establishing the rule, the
335 department shall apply, to the maximum extent feasible, a risk-
336 based corrective action process to achieve protection of human
337 health and safety and the environment in a cost-effective manner
338 based on the principles set forth in this subsection. The rule

339 must prescribe a phased risk-based corrective action process
340 that is iterative and that tailors site rehabilitation tasks to
341 site-specific conditions and risks. The department and the
342 person responsible for brownfield site rehabilitation are
343 encouraged to establish decision points at which risk management
344 decisions will be made. The department shall provide an early
345 decision, when requested, regarding applicable exposure factors
346 and a risk management approach based on the current and future
347 land use at the site. The rule must ~~shall also~~ include protocols
348 for the use of natural attenuation, including long-term natural
349 attenuation where site conditions warrant, the use of
350 institutional and engineering controls, and the issuance of "no
351 further action" letters. The criteria for determining what
352 constitutes a rehabilitation program task or completion of a
353 site rehabilitation program task or site rehabilitation program
354 must:

355 (a) Consider the current exposure and potential risk of
356 exposure to humans and the environment, including multiple
357 pathways of exposure. The physical, chemical, and biological
358 characteristics of each contaminant must be considered in order
359 to determine the feasibility of risk-based corrective action
360 assessment.

361 (b) Establish the point of compliance at the source of the
362 contamination. However, the department may ~~is authorized to~~
363 temporarily move the point of compliance to the boundary of the
364 property, or to the edge of the plume when the plume is within

365 the property boundary, while cleanup, including cleanup through
366 natural attenuation processes in conjunction with appropriate
367 monitoring, is proceeding. The department may ~~also is~~
368 ~~authorized~~, pursuant to criteria provided for in this section,
369 ~~to~~ temporarily extend the point of compliance beyond the
370 property boundary with appropriate monitoring, if such extension
371 is needed to facilitate natural attenuation or to address the
372 current conditions of the plume, provided human health, public
373 safety, and the environment are protected. When temporarily
374 extending the point of compliance beyond the property boundary,
375 it cannot be extended further than the lateral extent of the
376 plume at the time of execution of the brownfield site
377 rehabilitation agreement, if known, or the lateral extent of the
378 plume as defined at the time of site assessment. Temporary
379 extension of the point of compliance beyond the property
380 boundary, as provided in this paragraph, must include actual
381 notice by the person responsible for brownfield site
382 rehabilitation to local governments and the owners of any
383 property into which the point of compliance is allowed to extend
384 and constructive notice to residents and business tenants of the
385 property into which the point of compliance is allowed to
386 extend. Persons receiving notice pursuant to this paragraph
387 shall have the opportunity to comment within 30 days of receipt
388 of the notice.

389 (c) Ensure that the site-specific cleanup goal is that all
390 contaminated brownfield sites and brownfield areas ultimately

391 achieve the applicable cleanup target levels provided in this
392 section. In the circumstances provided below, and after
393 constructive notice and opportunity to comment within 30 days
394 from receipt of the notice to local government, to owners of any
395 property into which the point of compliance is allowed to
396 extend, and to residents on any property into which the point of
397 compliance is allowed to extend, the department may allow
398 concentrations of contaminants to temporarily exceed the
399 applicable cleanup target levels while cleanup, including
400 cleanup through natural attenuation processes in conjunction
401 with appropriate monitoring, is proceeding, if human health,
402 public safety, and the environment are protected.

403 (d) Allow brownfield site and brownfield area
404 rehabilitation programs to include the use of institutional or
405 engineering controls, where appropriate, to eliminate or control
406 the potential exposure to contaminants of humans or the
407 environment. The use of controls must be preapproved by the
408 department and only after constructive notice and opportunity to
409 comment within 30 days from receipt of notice is provided to
410 local governments, to owners of any property into which the
411 point of compliance is allowed to extend, and to residents on
412 any property into which the point of compliance is allowed to
413 extend. When institutional or engineering controls are
414 implemented to control exposure, the removal of the controls
415 must have prior department approval and must be accompanied by
416 the resumption of active cleanup, or other approved controls,

417 unless cleanup target levels under this section have been
418 achieved.

419 (e) Consider the interactive ~~additive~~ effects of
420 contaminants, including additive, synergistic, and antagonistic
421 effects. ~~The synergistic and antagonistic effects shall also be~~
422 ~~considered when the scientific data become available.~~

423 (f) Take into consideration individual site
424 characteristics, which shall include, but not be limited to, the
425 current and projected use of the affected groundwater and
426 surface water in the vicinity of the site, current and projected
427 land uses of the area affected by the contamination, the exposed
428 population, the degree and extent of contamination, the rate of
429 contaminant migration, the apparent or potential rate of
430 contaminant degradation through natural attenuation processes,
431 the location of the plume, and the potential for further
432 migration in relation to site property boundaries.

433 (g) Apply state water quality standards as follows:

434 1. Cleanup target levels for each contaminant found in
435 groundwater shall be the applicable state water quality
436 standards. Where such standards do not exist, the cleanup target
437 levels for groundwater shall be based on the minimum criteria
438 specified in department rule. The department shall apply the
439 following, as appropriate, in establishing the applicable
440 cleanup target levels: calculations using a lifetime cancer risk
441 level of 1.0E-6; a hazard index of 1 or less; the best
442 achievable detection limit; and nuisance, organoleptic, and

443 aesthetic considerations. However, the department may ~~shall~~ not
444 require site rehabilitation to achieve a cleanup target level
445 for any individual contaminant which is more stringent than the
446 site-specific, ~~naturally occurring~~ background concentration for
447 that contaminant.

448 2. Where surface waters are exposed to contaminated
449 groundwater, the cleanup target levels for the contaminants must
450 ~~shall~~ be based on the more protective of the groundwater or
451 surface water standards as established by department rule,
452 unless it has been demonstrated that the contaminants do not
453 cause or contribute to the exceedance of applicable surface
454 water quality criteria. In such circumstances, the point of
455 measuring compliance with the surface water standards shall be
456 in the groundwater immediately adjacent to the surface water
457 body.

458 3. Using risk-based corrective action principles, the
459 department shall approve alternative cleanup target levels in
460 conjunction with institutional and engineering controls, if
461 needed, based upon an applicant's demonstration, using site-
462 specific or other relevant data and information, risk assessment
463 modeling results, including results from probabilistic risk
464 assessment modeling, risk assessment studies, risk reduction
465 techniques, or a combination thereof, that human health, public
466 safety, and the environment are protected to the same degree as
467 provided in subparagraphs 1. and 2. Where a state water quality
468 standard is applicable, a deviation may not result in the

469 application of cleanup target levels more stringent than the
470 standard. In determining whether it is appropriate to establish
471 alternative cleanup target levels at a site, the department must
472 consider the effectiveness of source removal, if any, which has
473 been completed at the site and the practical likelihood of the
474 use of low yield or poor quality groundwater, the use of
475 groundwater near marine surface water bodies, the current and
476 projected use of the affected groundwater in the vicinity of the
477 site, or the use of groundwater in the immediate vicinity of the
478 contaminated area, where it has been demonstrated that the
479 groundwater contamination is not migrating away from such
480 localized source, provided human health, public safety, and the
481 environment are protected. When using alternative cleanup target
482 levels at a brownfield site, institutional controls are ~~shall~~
483 not ~~be~~ required if:

484 a. The only cleanup target levels exceeded are the
485 groundwater cleanup target levels derived from nuisance,
486 organoleptic, or aesthetic considerations;

487 b. Concentrations of all contaminants meet the state water
488 quality standards or the minimum criteria, based on the
489 protection of human health, provided in subparagraph 1.;

490 c. All of the groundwater cleanup target levels
491 established pursuant to subparagraph 1. are met at the property
492 boundary;

493 d. The person responsible for brownfield site
494 rehabilitation has demonstrated that the contaminants will not

495 migrate beyond the property boundary at concentrations exceeding
496 the groundwater cleanup target levels established pursuant to
497 subparagraph 1.;

498 e. The property has access to and is using an offsite
499 water supply and no unplugged private wells are used for
500 domestic purposes; and

501 f. The real property owner provides written acceptance of
502 the "no further action" proposal to the department or the local
503 pollution control program.

504 (h) Provide for the department to issue a "no further
505 action order," with conditions, including, but not limited to,
506 the use of institutional or engineering controls where
507 appropriate, when alternative cleanup target levels established
508 pursuant to subparagraph (g)3. have been achieved, or when the
509 person responsible for brownfield site rehabilitation can
510 demonstrate that the cleanup target level is unachievable within
511 available technologies. Before ~~Prior to~~ issuing such an order,
512 the department shall consider the feasibility of an alternative
513 site rehabilitation technology at ~~in~~ the brownfield site ~~area~~.

514 (i) Establish appropriate cleanup target levels for soils.

515 1. In establishing soil cleanup target levels for human
516 exposure to each contaminant found in soils from the land
517 surface to 2 feet below land surface, the department shall apply
518 the following, as appropriate: calculations using a lifetime
519 cancer risk level of 1.0E-6; a hazard index of 1 or less; and
520 the best achievable detection limit. However, the department may

521 ~~shall~~ not require site rehabilitation to achieve a cleanup
522 target level for an individual contaminant which is more
523 stringent than the site-specific, ~~naturally occurring~~ background
524 concentration for that contaminant. Institutional controls or
525 other methods shall be used to prevent human exposure to
526 contaminated soils more than 2 feet below the land surface. Any
527 removal of such institutional controls shall require such
528 contaminated soils to be remediated.

529 2. Leachability-based soil cleanup target levels shall be
530 based on protection of the groundwater cleanup target levels or
531 the alternate cleanup target levels for groundwater established
532 pursuant to this paragraph, as appropriate. Source removal and
533 other cost-effective alternatives that are technologically
534 feasible shall be considered in achieving the leachability soil
535 cleanup target levels established by the department. The
536 leachability goals are ~~shall~~ not be applicable if the department
537 determines, based upon individual site characteristics, and in
538 conjunction with institutional and engineering controls, if
539 needed, that contaminants will not leach into the groundwater at
540 levels that pose a threat to human health, public safety, and
541 the environment.

542 3. Using risk-based corrective action principles, the
543 department shall approve alternative cleanup target levels in
544 conjunction with institutional and engineering controls, if
545 needed, based upon an applicant's demonstration, using site-
546 specific or other relevant data and information, risk assessment

547 modeling results, including results from probabilistic risk
548 assessment modeling, risk assessment studies, risk reduction
549 techniques, or a combination thereof, that human health, public
550 safety, and the environment are protected to the same degree as
551 provided in subparagraphs 1. and 2.

552 (2) The department shall require source removal, as a risk
553 reduction measure, if warranted and cost-effective. Once source
554 removal at a site is complete, the department shall reevaluate
555 the site to determine the degree of active cleanup needed to
556 continue. Further, the department shall determine if the
557 reevaluated site qualifies for monitoring only or if no further
558 action is required to rehabilitate the site. If additional site
559 rehabilitation is necessary to reach "no further action" status,
560 the department is encouraged to utilize natural attenuation
561 monitoring, including long-term natural attenuation and
562 monitoring, where site conditions warrant.

563 (3) The cleanup criteria described in this section govern
564 only site rehabilitation activities occurring at the
565 contaminated site. Removal of contaminated media from a site for
566 offsite relocation or treatment must be in accordance with all
567 applicable federal, state, and local laws and regulations.

568 Section 5. Subsection (3) of section 196.1995, Florida
569 Statutes, is amended to read:

570 196.1995 Economic development ad valorem tax exemption.—

571 (3) The board of county commissioners or the governing
572 authority of the municipality that calls a referendum within its

573 total jurisdiction to determine whether its respective
 574 jurisdiction may grant economic development ad valorem tax
 575 exemptions may vote to limit the effect of the referendum to
 576 authority to grant economic development tax exemptions for new
 577 businesses and expansions of existing businesses located in an
 578 enterprise zone or a brownfield area, as defined in s. 376.79(5)
 579 ~~s. 376.79(4)~~. If an area nominated to be an enterprise zone
 580 pursuant to s. 290.0055 has not yet been designated pursuant to
 581 s. 290.0065, the board of county commissioners or the governing
 582 authority of the municipality may call such referendum prior to
 583 such designation; however, the authority to grant economic
 584 development ad valorem tax exemptions does not apply until such
 585 area is designated pursuant to s. 290.0065. The ballot question
 586 in such referendum shall be in substantially the following form
 587 and shall be used in lieu of the ballot question prescribed in
 588 subsection (2):

589
 590 Shall the board of county commissioners of this county (or the
 591 governing authority of this municipality, or both) be authorized
 592 to grant, pursuant to s. 3, Art. VII of the State Constitution,
 593 property tax exemptions for new businesses and expansions of
 594 existing businesses that are located in an enterprise zone or a
 595 brownfield area and that are expected to create new, full-time
 596 jobs in the county (or municipality, or both)?

597
 598Yes-For authority to grant exemptions.

599 | No—Against authority to grant exemptions.

600 | Section 6. Paragraph (a) of subsection (1) of section
601 | 287.0595, Florida Statutes, is amended to read:

602 | 287.0595 Pollution response action contracts; department
603 | rules.—

604 | (1) The Department of Environmental Protection shall
605 | establish, by adopting administrative rules as provided in
606 | chapter 120:

607 | (a) Procedures for determining the qualifications of
608 | responsible potential vendors prior to advertisement for and
609 | receipt of bids, proposals, or replies for pollution response
610 | action contracts, including procedures for the rejection of
611 | unqualified vendors. Response actions are those activities
612 | described in s. 376.301(39) ~~s. 376.301(37)~~.

613 | Section 7. Paragraph (c) of subsection (5) of section
614 | 288.1175, Florida Statutes, is amended to read:

615 | 288.1175 Agriculture education and promotion facility.—

616 | (5) The Department of Agriculture and Consumer Services
617 | shall competitively evaluate applications for funding of an
618 | agriculture education and promotion facility. If the number of
619 | applicants exceeds three, the Department of Agriculture and
620 | Consumer Services shall rank the applications based upon
621 | criteria developed by the Department of Agriculture and Consumer
622 | Services, with priority given in descending order to the
623 | following items:

624 | (c) The location of the facility in a brownfield site as

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625 defined in s. 376.79(4) ~~s. 376.79(3)~~, a rural enterprise zone as
626 defined in s. 290.004, an agriculturally depressed area as
627 defined in s. 570.74, or a county that has lost its agricultural
628 land to environmental restoration projects.

629 Section 8. This act shall take effect July 1, 2016.