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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
03/09/2017	.	
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The Committee on Environmental Preservation and Conservation  
(Galvano) recommended the following:

**Senate Amendment (with title amendment)**

Delete lines 61 - 141

and insert:

"reportable pollution release" means the release or discharge of  
a substance from an installation to the air, land, or waters of  
the state which is discovered by the owner or operator of the  
installation, which is not authorized by law, and which is:

(a) Reportable to the State Watch Office within the  
Division of Emergency Management pursuant to department rules,



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11 permit, order, or variance;

12 (b) Reportable to the department or a contracted county  
13 pursuant to department rules governing storage tank systems  
14 under ss. 376.303, 376.321, and 376.322;

15 (c) Reportable to the department pursuant to department  
16 rules requiring notice for noncompliance from underground  
17 injection control systems where such noncompliance may endanger  
18 public health or the environment and has the potential to  
19 contaminate potable water wells outside the property boundaries  
20 of the installation;

21 (d) A hazardous substance at or above the quantity  
22 established in Table 302.4 of 40 C.F.R. s. 302.4, revised as of  
23 July 1, 2016, for such substance, for which notification is  
24 required by 40 C.F.R. s. 302.6; or

25 (e) An extremely hazardous substance pursuant to 40 C.F.R.  
26 s. 355.61, at or above the quantity established in Appendices A  
27 and B of 40 C.F.R. part 355, revised as of July 1, 2016, for  
28 such substance, for which notice is required by 40 C.F.R. s.  
29 355.33.

30 (2) OWNER AND OPERATOR RESPONSIBILITIES.—

31 (a) In the event of a reportable pollution release, any  
32 person who is an owner or operator of the installation at which  
33 the reportable pollution release occurred must provide a notice  
34 containing the following information, to the extent known at the  
35 time of such notice, to the department within 24 hours after its  
36 discovery:

37 1. The name and address of the installation where the  
38 reportable pollution release occurred.

39 2. The name and title of the reporting person and the



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40 nature of his or her relationship to the installation.  
41 3. The identification numbers for any active department  
42 permits, variances, registrations, or orders that are relevant  
43 to the reportable pollution release.  
44 4. The name and telephone number of a contact person for  
45 further information.  
46 5. The substance released.  
47 6. The estimated quantity of the substance released and, if  
48 applicable, the estimated quantity that has since been  
49 recovered.  
50 7. The cause of the release.  
51 8. The source of the release.  
52 9. The location of the release.  
53 10. The date, time, and duration of the release.  
54 11. The medium into which the substance was released,  
55 including, but not limited to, the outdoor air, land,  
56 groundwater, aquifer, or specified waters or wetlands.  
57 12. Whether the released substance has migrated to land or  
58 waters of the state outside the property boundaries of the  
59 installation and the location of such migration.  
60 13. To the extent available, toxicological information  
61 associated with the substance released as specified on a safety  
62 data sheet or comparable source published by the Occupational  
63 Safety and Health Administration or the Centers for Disease  
64 Control and Prevention, or their successor agencies.  
65  
66 The owner or operator may also include in the notice any other  
67 information he or she wishes in order to assist in the  
68 protection of the public health, safety, and welfare.



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69       (b) If multiple parties are subject to the notification  
70 requirements based on a single reportable pollution release, a  
71 single notification made by one party in accordance with this  
72 section constitutes compliance on behalf of all parties subject  
73 to the requirement. However, if the notification is not made in  
74 accordance with this section, the department may pursue  
75 enforcement against all parties subject to the requirement.

76       (c) If, after providing notice pursuant to paragraph (a),  
77 the installation owner or operator determines that a reportable  
78 pollution release did not occur or that an amendment to the  
79 notice is warranted, the installation owner or operator may  
80 submit a letter to the department documenting such  
81 determination.

82       (d) If, after providing notice under paragraph (a), the  
83 installation owner or operator determines that a release subject  
84 to the noticing requirements of this act has migrated outside  
85 the property boundaries of the installation, the owner or  
86 operator, within 24 hours after such discovery, must provide an  
87 additional notice to the department. Such notice must comply  
88 with the requirements of paragraph (a) and specify the extent of  
89 the migration outside the property boundaries.

90       (3) DEPARTMENTAL RESPONSIBILITIES.—

91       (a) The department shall publish on a website accessible to  
92 the public all notices submitted by an owner or operator  
93 pursuant to subsection (2) within 24 hours of receipt.

94       (b) The department shall create an electronic mailing list  
95 for such notices and allow the public, including local  
96 governments, health departments, news media, and other  
97 interested persons, to subscribe to and receive periodic direct



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98 announcement of any notices submitted pursuant to subsection  
99 (2). The department shall establish regional electronic mailing  
100 lists, such as by county or district boundaries, to allow  
101 subscribers to determine the notices they wish to receive by  
102 geographic area.

103 (c) The department shall establish an e-mail address and an  
104 online form as options for owners and operators to provide the  
105 notice specified in paragraphs (2) (a) and (b).

106 (4) ADMISSION OF LIABILITY OR HARM.—Providing notice under  
107 subsection (2) does not constitute an admission of liability or  
108 harm.

109 (5) VIOLATIONS.—For failure to provide the notification  
110 required by paragraphs (2) (a) or (2) (d), the owner or operator  
111 shall be subject to the civil penalties specified in s. 403.121.

112 (6) ADOPTION OF RULES.—The department shall adopt rules  
113

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

115 And the title is amended as follows:

116 Delete lines 10 - 19

117 and insert:

118 defining the term "reportable pollution release";  
119 requiring an owner or operator of an installation at  
120 which a reportable pollution release occurred to  
121 provide certain information to the department within  
122 24 hours after the discovery of a reportable pollution  
123 release; authorizing the owner or operator to amend  
124 such notice; specifying compliance and enforcement  
125 requirements; requiring owners or operators to provide  
126 notice when a reportable pollution release migrates



127 outside the property boundaries of the installation;  
128 requiring the department to