

Committee on Environmental Preservation and Conservation

CS/CS/SB 1018 — Pollution

by Appropriations Committee; Environmental Preservation and Conservation Committee; and Senators Grimsley and Galvano

The bill (Chapter 2017-95, L.O.F.) creates the Public Notice of Pollution Act. It requires the owner or operator of an installation where a reportable pollution release has occurred to provide a notice of the release to the Department of Environmental Protection (DEP) within 24 hours after the release's discovery. The definition of a reportable release is limited to releases not authorized by law that are required to be reported to the State Watch Office pursuant to a DEP rule, permit, order, or variance. The owner or operator of the installation, in its notice of a release, must provide DEP the same information which is reported to the State Watch Office. The bill also requires additional notice to DEP if a release migrates outside the property boundaries of the installation.

The bill establishes requirements for DEP to accept these notices and to provide notice electronically. The bill also provides enforcement provisions including up to \$10,000 per day in civil penalties for violations of the notice requirements. The bill authorizes DEP to adopt rules to implement its responsibilities under the Act.

The bill creates the State Watch Office within the Division of Emergency Management. The office is a clearinghouse of information, the primary purpose of which is to record, analyze, and share information with federal, state, and county entities for appropriate response to emergencies.

The bill provides that contractors engaged in site cleanup funded by the Inland Protection Trust Fund (IPTF) have 30 working days, rather than 7 working days, to pay subcontractors before the penalties provided by statutory provisions governing state contracts apply.

The bill provides for the advancement ahead of the priority ranking for the cleanup of petroleum contaminated sites funded from the IPTF for the rehabilitation of individual petroleum contaminated sites proposed for redevelopment. These sites are not subject to the 25 percent cost share requirement. The bill provides application requirements for the advanced cleanup of these contaminated sites proposed for redevelopment projects.

The bill provides a \$5 million increase, from \$25 million to \$30 million, in the annual funding available to DEP for petroleum rehabilitation advanced cleanup work and authorizes up to \$5 million of these funds to be designated for the advanced cleanup of individual sites scheduled for redevelopment. A facility or applicant applying for advanced cleanup of such a site may not be approved for more than \$1 million of cleanup activity in any one fiscal year.

The bill revises provisions related to site bundling.

The bill provides for advanced site assessments for certain sites contaminated with drycleaning solvents. DEP may authorize the performance of a site assessment in advance of the ranking of the site in specified circumstances. The drycleaning solvent cleanup program must assign advanced site assessment program tasks based on the most cost-effective approach. The bill restricts available funding for advanced site assessments to 10 percent of the annual Water Quality Assurance Trust Fund appropriation for the drycleaning solvent cleanup program. Total funds committed to any one site may not exceed \$70,000.

The bill requires DEP to issue a report on the potential use of the IPTF for responding to the damage to underground storage tank systems caused by ethanol or biodiesel. The report must be submitted to the Governor and the Legislature by December 15, 2017 and provides \$25,000 from the IPTF to fund the evaluation and the preparation of the report by DEP.

These provisions were approved by the Governor and take effect on July 1, 2017.

Vote: Senate 38-0; House 117-0