

# **Discovery of contamination, release reporting, and corrective measures**

## **101 Series**



**Air & Waste Management Association  
Florida Section Annual Conference**

**October 25, 2017**

EVERYONE GO TO **KAHOOT.IT**

Kahoot!

Game PIN

Enter

Join this **Survey** at **kahoot.it**  
with Game PIN:

**667988**

Kahoot!

**F. Joseph Ullo, Jr. Florida DEP**

**Angela Morrison, Morrison Law**

**Max Lee, Koogler & Associates**



# ROLE PLAYING EXERCISE + QUIZ

- You are an environmental manager at a chemical plant
- It's 9 am. You've just arrived at work and are enjoying a cup of coffee. You are about to turn on your computer when ...
- You hear something ... **loud** ...



**click arrow below to run the video**



# SCENARIO ASSUMPTIONS

- 9:01 am explosion at a chemical plant in Florida, which is subject to a Title V air permit
- The explosion appears to have occurred near a coal gasification unit where equipment convert coals to a synthetic natural gas



# YOUR FIRST INSTINCT

What would you do?



# YOUR FIRST INSTINCT

## What would you do?

- Call 911
- Shelter in place – or flee, depending on location
- Follow established procedures for emergencies
- Check on fellow employees
- Notify neighbors





# ENVIRONMENTAL MANAGER RESPONSIBILITIES

What about you? As the plant's environmental manager? You have to think about:

**Emergency Release Reporting**



# ENVIRONMENTAL MANAGER RESPONSIBILITIES

## Emergency Release Reporting

- CERCLA reporting (Comprehensive Environmental Response, Compensation, and Liability Act, known also as Superfund)
- EPCRA reporting (Emergency Planning and Community Right to Know Act)
- Florida's new pollution reporting statute
- State air permitting requirements



# RELEASE REPORTING

As the Environmental Manager, you are expected to:



# RELEASE REPORTING

As the **Environmental Manager**, you are expected to:

- determine the source of any emissions or releases
- attempt to determine which pollutants might be emitted
- try to estimate the quantity of those pollutants that might have been emitted
- consider whether those emissions could potentially cross the property boundary
- consider potential harm from the release



# RELEASE REPORTING

As the Environmental Manager in this situation, you might assume:

- Unplanned release of products of combustion; potentially others?
- At least some of these emissions might travel offsite (based on visual plume)



# CERCLA/EPCRA EMERGENCY RELEASE REPORTING

**CERCLA (a/k/a Superfund)** requires the *immediate* reporting when a listed *hazardous substance* is released *to the environment* at or above its *reportable quantity* within a 24-hour period. See CERCLA Section 103.



# CERCLA/EPCRA EMERGENCY RELEASE REPORTING

**EPCRA ( Emergency Planning and Community Right to Know)** requires *immediate* reporting of *extremely hazardous substances* when released *into the environment* at or above a *reportable quantity* that **crosses the property boundary.**



**Kahoot!**





# CERCLA/EPCRA EMERGENCY RELEASE REPORTING

Under CERCLA and EPCRA, releases to the “environment” include releases to:

- A. Land
- B. Water
- C. Air
- D. All of the above



# CERCLA/EPCRA EMERGENCY RELEASE REPORTING

Under CERCLA and EPCRA, releases to the “environment” include releases to:

A. Land

B. Water

C. Air

**D. All of the above**



# CERCLA/EPCRA EMERGENCY RELEASE REPORTING

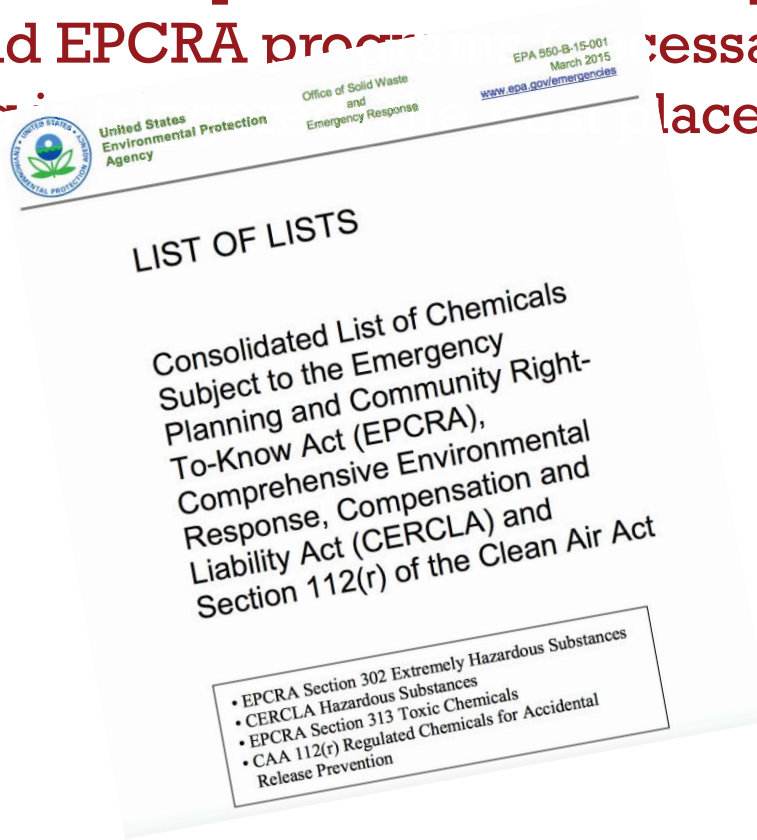
To determine the reportable quantities of various pollutants under the CERCLA and EPCRA programs (necessary to determine if reporting is triggered) the best place to look is:

- A. Google
- B. List of Lists
- C. Call a friend (a/k/a your attorney or consultant)
- D. The facility's 112(r) Risk Management Plan



# CERCLA/EPCRA EMERGENCY RELEASE REPORTING

To determine the reportable quantities of various pollutants under the CERCLA and EPCRA programs, it is necessary to determine if reporting is necessary to a certain facility. The place to look is:

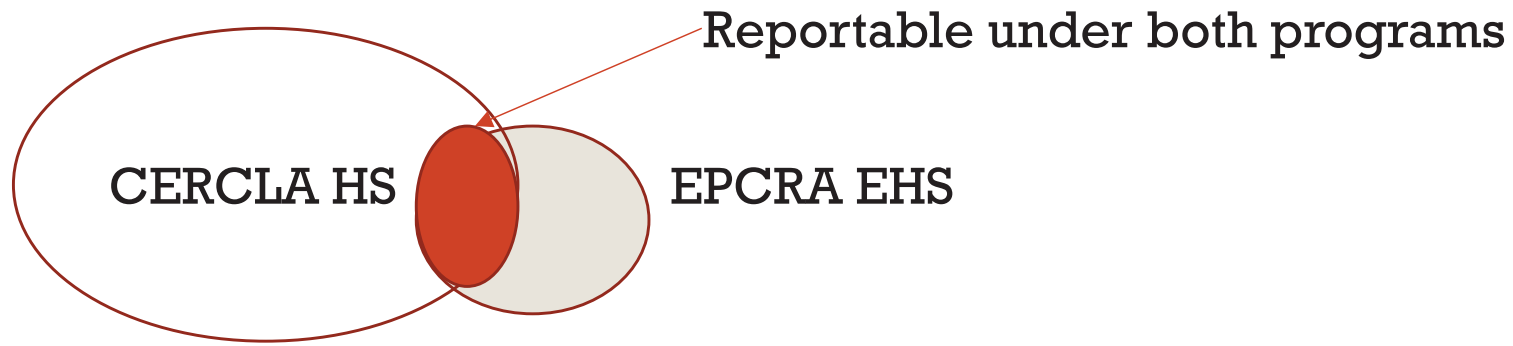


## B. List of Lists



# PRACTICE POINTER

- CERCLA hazardous substances are in one list (about 800)
- EPCRA extremely hazardous substances are in one list (about 360)
- **Some substances on the CERCLA list are also on the EPCRA list (so reporting potentially required under both programs)**



NAME	CAS/313 Category Codes	Section 302 (EHS) TPQ	Section 304 EHS RQ	CERCLA RQ	Section 313	RCRA CODE	CAA 112(r) TQ
Malononitrile	109-77-3	500/10,000	1,000	1,000	313	U149	
Maneb	12427-38-2				313		
Manganese	7439-96-5				313		
Manganese, bis(dimethylcarbamodithioato-S,S')-	15339-36-3			10	313c	P196	
Manganese Compounds	N450			&	313		
Manganese, tricarbonyl methylcyclopentadienyl	12108-13-3	100	100		313c		
MBOCA	101-14-4			10	X	U158	
MBT	149-30-4				X		
MCPA	94-74-6				X		
MDI	101-68-8			5,000	X		
Mechlorethamine	51-75-2	10	10		X		
Mecoprop	93-65-2				313		
Melphalan	148-82-3			1		U150	
Mephosfolan	950-10-7	500	500				
2-Mercaptobenzothiazole	149-30-4				313		
Mercaptodimethur	2032-65-7	500/10,000	10	10	X	P199	
Mercuric acetate	1600-27-7	500/10,000	500		313c		
Mercuric chloride	7487-94-7	500/10,000	500		313c		
Mercuric cyanide	592-04-1			1	313c		
Mercurous chloride	10045-94-0			10	313c		
Methylcyclopentadiene	21908-53-2	500/10,000	500		313c		
Methylcyclopentadiene, 1,2,3,4,5-hexahydro-	7783-35-9				10	313c	
Methylcyclopentadiene, 1,2,3,4,5-hexahydro-	592-85-8				10	313c	
Methylcyclopentadiene, 1,2,3,4,5-hexahydro-	7782-86-7				10	313c	
Methylcyclopentadiene, 1,2,3,4,5-hexahydro-	10415-75-5				10	313c	
Methylcyclopentadiene, 1,2,3,4,5-hexahydro-	7439-97-6				1	313	U151
Methylcyclopentadiene, 1,2,3,4,5-hexahydro-	N458				&	313	
Methylcyclopentadiene, 1,2,3,4,5-hexahydro-	628-86-4			10	313c	P065	



United States Environmental Protection Agency

Office of Solid Waste and Emergency Response

EPA 550-B-15-001  
March 2015  
[www.epa.gov/emergencies](http://www.epa.gov/emergencies)

## LIST OF LISTS

Consolidated List of Chemicals Subject to the Emergency Planning and Community Right-To-Know Act (EPCRA), Comprehensive Environmental Response, Compensation and Liability Act (CERCLA) and Section 112 of the Clean Air Act



# CERCLA/EPCRA EMERGENCY RELEASE REPORTING

What does EPA consider to be “**immediate**” notification after the plant management *knew* or “*should have known*” that a reportable release has occurred?

- A. Within 24 hours
- B. Within one business day
- C. Within an hour
- D. Within fifteen minutes



# CERCLA/EPCRA EMERGENCY RELEASE REPORTING

What does EPA consider to be “**immediate**” notification after the plant management *knew* or “*should have known*” that a reportable release has occurred?

- A. Within 24 hours
- B. Within one business day
- C. Within an hour
- D. **Within fifteen minutes**





# CERCLA/EPCRA EMERGENCY RELEASE REPORTING

Who do you call?



# CERCLA/EPCRA EMERGENCY RELEASE REPORTING

Who do you **call**?

**CERCLA: National Response Center**

**EPCRA: State Emergency Response  
Commission (SERC) AND  
Local Emergency Planning  
Committee (LEPC)**



# CERCLA/EPCRA EMERGENCY RELEASE REPORTING

Who do you call IF YOU'RE IN FLORIDA?



# CERCLA/EPCRA EMERGENCY RELEASE REPORTING

Who do you call IF YOU'RE IN FLORIDA?

**CERCLA:**            **National Response Center**  
                              **1-800-424-8802**

**and**

**State Warning Point**  
**a/k/State Watch Office**  
*(per 62-150.300, F.A.C.)*  
**1-800-320-0519**



# CERCLA/EPCRA EMERGENCY RELEASE REPORTING

Who do you call IF YOU'RE IN FLORIDA?

**EPCRA: For SERC and LEPC – *one call***

**State Warning Point  
a/k/State Watch Office  
1-800-320-0519**



# CERCLA/EPCRA EMERGENCY RELEASE REPORTING

If a third party calls 911, and the fire department and fire trucks are on the scene, the plant management must also make the appropriate calls to SERC, LEPC, and NRC?

***True or false?***

**Kahoot!**



# CERCLA/EPCRA EMERGENCY RELEASE REPORTING

## **TRUE**

EPA has taken the position that even though the fire department is on the scene, plant management remains responsible for contacting the NRC, the SERC, and the LEPC “immediately” upon actual or constructive knowledge of a reportable release. (Three separate requirements)



# **CERCLA/EPCRA EMERGENCY RELEASE REPORTING**

**What information should you be prepared to provide when you make the call?**





# CERCLA/EPCRA EMERGENCY RELEASE REPORTING

What information should you be prepared to provide when you make the call?

- Chemical name and whether the substance is hazardous or extremely hazardous
- Time and duration of release
- Reason and cause of release
- Whether the release occurred into air, water, and/or land, and name of affected waterway if applicable
- Any known or anticipated acute or chronic health risks associated with the emergency, and where necessary, advice regarding medical attention for exposed individuals



# CERCLA/EPCRA EMERGENCY RELEASE REPORTING

What information should you be prepared to provide when you make the call?

- Proper precautions, such as evacuation or sheltering in place
- Name and telephone number of contact person
- Number/type of injuries or fatalities
- Any fires, explosions, evacuations or road/waterway closures
- What clean-up efforts have been performed if any
- Agencies responding and any state assistance requested
- Critical Infrastructure/Key Resources threatened
- Wind direction, temperature, wind speed



# CERCLA/EPCRA EMERGENCY RELEASE REPORTING

Follow-up written notice is required for what types of releases?

- A. CERCLA
- B. EPCRA
- C. Those reported to National Response Center
- D. All of the above



# CERCLA/EPCRA EMERGENCY RELEASE REPORTING

**Follow-up written notice** is required for what types of releases?

- A. CERCLA
- B. EPCRA (*report to State Warning Point/State Watch Office*)
- C. Those reported to National Response Center
- D. All of the above



# WHAT REALLY HAPPENED

## OCTOBER 4, 2017

- ~ **10:00 explosion** at chemical plant
- **10:19 am call to 911** with immediate response from fire department
- **10:31 am call to National Response Center** – hydrogen sulfide release (HS and EHS; above permitted limits; no release offsite)
- **11:06 am call to National Response Center** – unknown chemicals in unknown quantities potentially released
- No injuries beyond first aid



# NATIONAL RESPONSE CENTER

## Incoming calls:

1192249	10/4/17	<b>10:31</b>	10/4/17	10:36
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1192254	10/4/17	<b>11:06</b>	10/4/17	11:11
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# NATIONAL RESPONSE CENTER

11:06

CALLER IS REQUESTING TO UPDATE REPORT NUMBER 1192249:  
CALLER STATES THAT THERE HAVE BEEN ADDITIONAL  
EXPLOSIONS ON SCENE AND THE RELEASE IS NO LONGER  
SECURE. THE FIRE DEPARTMENT IS ON SCENE AT THIS TIME.  
CALLER ALSO STATES THAT THERE MAY BE **ADDITIONAL  
RELEASES OF AN UNKNOWN CHEMICAL ON SCENE.**

10:31 ORIGINAL NARRATIVE:

THE CALLER IS REPORTING THAT THERE WAS AN EQUIPMENT  
MALFUNCTION THAT CAUSED THE RELEASE OF **HYDROGEN  
SULFIDE INTO THE AIR.**



# PREPARING FOR A RELEASE

- Checklist ready to go in one place. Regularly Update!
- What are the likely chemical releases and what are the reportable release quantities?

*Look at the List of Lists before the accident!*





# FLORIDA AIR PERMITTING

The explosion has obviously resulted in an upset condition for the plant. You believe some permitted emission units are adversely affected. There could be H<sub>2</sub>S emissions above permitted levels – as a result of incident.

**Under the air permit, when must you notify the state (or appropriate local program)?**

- A. Within 24 hours after the explosion (event leading to upset)
- B. Within 24 hours after you confirm that unauthorized excess emissions have occurred
- C. The next business day after you confirm that unauthorized excess emissions have occurred
- D. Not required because the permit authorizes excess emissions due to malfunctions



# FLORIDA AIR PERMITTING

The explosion has obviously resulted in an upset condition for the plant. You believe some permitted emission units are adversely affected. There could be H<sub>2</sub>S emissions above permitted levels – as a result of incident.

**Under the air permit, when must you notify the state (or appropriate local program)?**

## **62-4.130 Plant Operation - Problems.**

If the permittee is temporarily unable to comply with any of the conditions of the permit due to breakdown of equipment or destruction by hazard of fire, wind or by other cause, the permittee shall immediately notify the Department. Notification shall include pertinent information as to the cause of the problem, and what steps are being taken to correct the problem and to prevent its recurrence, and where applicable, the owner's intent toward reconstruction of destroyed facilities. Such notification does not release the permittee from any liability for failure to comply with Department rules.



# FLORIDA AIR PERMITTING

The explosion has obviously resulted in an upset condition for the plant. You believe some permitted emission units are adversely affected. There could be H<sub>2</sub>S emissions above permitted levels – as a result of incident.

**Under the air permit, when must you notify the state (or appropriate local program)?**

## 62-4.160(8)

(b) Notification of any noncompliance which may endanger health or the environment, including the release of any hazardous waste that may endanger public drinking water supplies or the occurrence of a fire or explosion from the facility which could threaten the environment or human health outside the facility, shall be reported verbally to the Department within 24 hours, and a written report shall be provided within 5 days. The verbal report shall include the name, address, I.D. number, and telephone number of the facility, its owner or operator, the name and quantity of materials involved, the extent of any injuries, an assessment of actual or potential hazards, and the estimated quantity and disposition of recovered material. The written submission shall contain:

- 1. A description and cause of the noncompliance.
- 2. If not corrected, the expected time of correction, and the steps being taken to reduce, eliminate, and prevent recurrence of the noncompliance.
- (c) Reports of compliance or noncompliance with, or any progress reports on, requirements in any compliance schedule shall be submitted no later than 14 days after each schedule date.



# FLORIDA AIR PERMITTING

The explosion has obviously resulted in an upset condition for the plant. You believe some permitted emission units are adversely affected. There could be H<sub>2</sub>S emissions above permitted levels – as a result of incident.

**Under the air permit, when must you notify the state (or appropriate local program)?**

- A. Within 24 hours after the explosion (event leading to upset)



# FLORIDA'S NEW POLLUTION REPORTING STATUTE

Brief History of FDEP Pollution Reporting Statute

Details of the statute and related rulemaking

*(proposed rule to be issued soon!)*

How to handle this Event

- If this event is in Florida, does the event cause a “reportable pollution release”?
- Who must make the report?
- When must the report be made?
- How must the report be submitted?
- Must there be any follow up notice?



# FLORIDA'S NEW POLLUTION REPORTING STATUTE

- Public Notification of Pollution is required pursuant to Section 403.077, Florida Statutes. It includes 5 parts –
- (1) Definition of Reportable Pollution Release
- (2) Owner and Operator Responsibilities
- (3) Department Responsibilities
- (4) Liability concerns
- (5) Violations and Penalties



# FLORIDA'S NEW POLLUTION REPORTING STATUTE — OWNERS / OPERATORS

- Know your facilities and reporting requirements (rule, permit, variance, order). See Section 403.077(2)(a), F.S.
- Reports can be amended or withdrawn if necessary. See Section 403.077(2)(c), F.S.
- Additional notice within 24 hours needed if off-installation migration is detected. See Section 403.077(2)(d), F.S.
- The statute does not impose any new reporting requirements beyond what is already required.



# FLORIDA'S NEW POLLUTION REPORTING STATUTE — DEPARTMENT

- Publish all notices within 24 hours of receipt. *See Section 403.077(3)(a), F.S.*
- Maintain electronic mailing lists allowing public, including local governments, health departments, news media, and other interested persons to sign up for notices. *See Section 403.077(3)(b), F.S.*
- Failure to provide the notification required by subsection (2) shall subject the owner or operator to the civil penalties specified in Section 403.121, F.S. (up to \$10,000 per day). *See Section 403.077(5), F.S.*





# FLORIDA'S NEW POLLUTION REPORTING STATUTE

- This is likely a “reportable pollution release”

***True or false?***

**Kahoot!**



# FLORIDA'S NEW POLLUTION REPORTING STATUTE

- This is likely a “reportable pollution release”

## ***True***

- TRUE - The presumptive release of H<sub>2</sub>S is not authorized by law, FDEP rule, permit, order, or variance.

*See Section 403.077(2)(a), F.S.*

- 62-150.300, F.A.C. requires State Warning Point reporting
- If not true by further review, then you can amend the notice.



# FLORIDA'S NEW POLLUTION REPORTING STATUTE

- Who must make the report?
    - The Owner or Operator of the installation at which the release occurs.
- See Section 403.077(2)(a), F.S.*
- Not the neighbor or your best friend!



# FLORIDA'S NEW POLLUTION REPORTING STATUTE

- When must the report be made?
  - A. Within 24 hours
  - B. Within one business day
  - C. Within an hour
  - D. Within fifteen minutes



# FLORIDA'S NEW POLLUTION REPORTING STATUTE

- When must the report be made?

## **A. Within 24 hours**

- Within 24 hours after the owner or operator discovery of the release  
*See Section 403.077(2)(d), F.S.*



# FLORIDA'S NEW POLLUTION REPORTING STATUTE

- How must the report be submitted?
  - A. By calling State Watch Office
  - B. On-line FDEP reporting Website
  - C. Both



# FLORIDA'S NEW POLLUTION REPORTING STATUTE

- How must the report be submitted?
  - A. By calling State Watch Office (This is already required by EPCRA!)
  - B. On-line FDEP reporting Website**
  - C. Both

You would have already called EPCRA  
For SERC and LEPC – *one call*

State Warning Point  
a/k/State Watch Office  
1-800-320-0519



# FLORIDA'S NEW POLLUTION REPORTING STATUTE

- How must the report be submitted?

[floridadep.gov/pollutionnotice](http://floridadep.gov/pollutionnotice)





# FLORIDA'S NEW POLLUTION REPORTING STATUTE

## ■ How must the report be submitted?

The screenshot shows the Florida Department of Environmental Protection (FDEP) website. The URL is [floridadep.gov/pollutionnotice](http://floridadep.gov/pollutionnotice). The page title is "Public Notice of Pollution". The breadcrumb trail is "Home > How Do I > Public Notice of Pollution". The page content includes a "Public Notice of Pollution" section with the following text: "Protecting Florida's pristine environment is the Department of Environmental Protection's top priority. Pursuant to Section 403.077, F.S., the Department is establishing a method for regulated entities to submit Public Notices of Pollution for reportable releases. Additionally, the Department is making available to the public all Notices received to date as well as offering an e-mail subscription service for interested parties to be informed of Notices submitted for their area of interest. Reporting entities should be aware that, while submission of a Notice through this website complies with the requirements of Section 403.077, F.S., it does not relieve them of any obligation to report to the State Watch Office." A red circle highlights the "Submit or Update Notice" button. Below this text, there is a "Subscribe to Receive Notifications" button and a "View Submitted Notices" button. The "Quick Links" section on the right includes: "Submit or Update Notice of Pollution", "Subscribe to Receive Notifications", "View Submitted Notices", "Section 403.077, F.S.", "Pollution Notice Form", and "About Public Notice of Pollution".



# FLORIDA'S NEW POLLUTION REPORTING STATUTE

- How must the report be submitted?

## NOTICE TYPE \*

- Initial Notice of Pollution
- Updated Notice of Pollution

If this is an updated Notice, DEP Incident ID: \_\_\_\_\_

## INCIDENT INFORMATION

Please enter a name for the Incident: \_\_\_\_\_

State Watch Office Incident Number or Case ID: \_\_\_\_\_

Incident Report (Please enter a complete description of the incident. If you have a summary e-mail from the State Watch Office, you may copy that and paste it here): \*



# FLORIDA'S NEW POLLUTION REPORTING STATUTE

- How must the report be submitted?

Incident Location (in Decimal Degrees): \*

Latitude: \_\_\_\_\_ Longitude: \_\_\_\_\_

Please select all counties directly affected by the Incident: \*

<input type="checkbox"/> Alachua	<input type="checkbox"/> Duval	<input type="checkbox"/> Holmes	<input type="checkbox"/> Miami-Dade	<input type="checkbox"/> Seminole
<input type="checkbox"/> Baker	<input type="checkbox"/> Escambia	<input type="checkbox"/> Indian River	<input type="checkbox"/> Monroe	<input type="checkbox"/> St. Johns
<input type="checkbox"/> Bay	<input type="checkbox"/> Flagler	<input type="checkbox"/> Jackson	<input type="checkbox"/> Nassau	<input type="checkbox"/> St. Lucie
<input type="checkbox"/> Bradford	<input type="checkbox"/> Franklin	<input type="checkbox"/> Jefferson	<input type="checkbox"/> Okaloosa	<input type="checkbox"/> Sumter
<input type="checkbox"/> Brevard	<input type="checkbox"/> Gadsden	<input type="checkbox"/> Lafayette	<input type="checkbox"/> Okeechobee	<input type="checkbox"/> Suwannee
<input type="checkbox"/> Broward	<input type="checkbox"/> Gilchrist	<input type="checkbox"/> Lake	<input type="checkbox"/> Orange	<input type="checkbox"/> Taylor
<input type="checkbox"/> Calhoun	<input type="checkbox"/> Glades	<input type="checkbox"/> Lee	<input type="checkbox"/> Osceola	<input type="checkbox"/> Union
<input type="checkbox"/> Charlotte	<input type="checkbox"/> Gulf	<input type="checkbox"/> Leon	<input type="checkbox"/> Palm Beach	<input type="checkbox"/> Volusia
<input type="checkbox"/> Citrus	<input type="checkbox"/> Hamilton	<input type="checkbox"/> Levy	<input type="checkbox"/> Pasco	<input type="checkbox"/> Wakulla
<input type="checkbox"/> Clay	<input type="checkbox"/> Hardee	<input type="checkbox"/> Liberty	<input type="checkbox"/> Pinellas	<input type="checkbox"/> Walton
<input type="checkbox"/> Collier	<input type="checkbox"/> Hendry	<input type="checkbox"/> Madison	<input type="checkbox"/> Polk	<input type="checkbox"/> Washington
<input type="checkbox"/> Columbia	<input type="checkbox"/> Hernando	<input type="checkbox"/> Manatee	<input type="checkbox"/> Putnam	
<input type="checkbox"/> DeSoto	<input type="checkbox"/> Highlands	<input type="checkbox"/> Marion	<input type="checkbox"/> Santa Rosa	
<input type="checkbox"/> Dixie	<input type="checkbox"/> Hillsborough	<input type="checkbox"/> Martin	<input type="checkbox"/> Sarasota	

Start Date and Time of Incident: \* \_\_\_\_\_

Is the Incident on-going?: \*  Yes  No

If No, End Date and Time of Incident: \_\_\_\_\_

Has the pollution migrated off-site from the Incident?:  Yes  No

If Yes, please select any county(ies) to which the Incident has migrated:



# FLORIDA'S NEW POLLUTION REPORTING STATUTE

- How must the report be submitted?

Has the pollution migrated off-site from the Incident?:  Yes  No

If Yes, please select any county(ies) to which the Incident has migrated: \*

<input type="checkbox"/> Alachua	<input type="checkbox"/> Duval	<input type="checkbox"/> Holmes	<input type="checkbox"/> Miami-Dade	<input type="checkbox"/> Seminole
<input type="checkbox"/> Baker	<input type="checkbox"/> Escambia	<input type="checkbox"/> Indian River	<input type="checkbox"/> Monroe	<input type="checkbox"/> St. Johns
<input type="checkbox"/> Bay	<input type="checkbox"/> Flagler	<input type="checkbox"/> Jackson	<input type="checkbox"/> Nassau	<input type="checkbox"/> St. Lucie
<input type="checkbox"/> Bradford	<input type="checkbox"/> Franklin	<input type="checkbox"/> Jefferson	<input type="checkbox"/> Okaloosa	<input type="checkbox"/> Sumter
<input type="checkbox"/> Brevard	<input type="checkbox"/> Gadsden	<input type="checkbox"/> Lafayette	<input type="checkbox"/> Okeechobee	<input type="checkbox"/> Suwannee
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<input type="checkbox"/> DeSoto	<input type="checkbox"/> Highlands	<input type="checkbox"/> Marion	<input type="checkbox"/> Santa Rosa	
<input type="checkbox"/> Dixie	<input type="checkbox"/> Hillsborough	<input type="checkbox"/> Martin	<input type="checkbox"/> Sarasota	



# FLORIDA'S NEW POLLUTION REPORTING STATUTE

- How must the report be submitted?

## FACILITY INFORMATION

Facility/Installation Name: \*

Address Line 1:

Address Line 2:

Directions:

City:

State: \* FL

Zip Code:

## REPORTER DETAILS

Name: \*

Title: \*

Phone: \* Ext:

E-mail Address: \*

Relationship: \*  Operator of the Facility/Installation  Owner of the Facility/Installation

Other (Please specify relationship):

## CONTACT DETAILS

Name: \*

Phone: \* Ext:

E-mail Address: \*



# FLORIDA'S NEW POLLUTION REPORTING STATUTE

- Must there be any follow up notice?
  - YES - Because the installation believes the plume traveled off site of the installation based on visual observation only.
  - *Additional notice within 24 hours after the owner or operator discovers the released has migrated off-site. See Section 403.077(2)(d), F.S.*



# FLORIDA'S NEW POLLUTION REPORTING STATUTE

- Must there be any follow up notice?

Florida Department of Environmental Protection

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POLLUTION NOTICE

Enterprise Solutions

You are submitting a Public Notice of Pollution in accordance with [Section 403.077, F.S.](#), which is intended to prevent harm to human health, welfare, or property by assisting the control of pollution. "reportable releases" are required to be reported to the Department.

Please be aware that while submission of a Notice through this website complies with the requirements of Section 403.077, F.S., it does not relieve you of any obligation to report to the State Water Control by your permit or state law.

If you are reporting a new Incident, please select "Initial Notice" and click Submit below.

If you have previously reported this Incident, have obtained a DEP Incident ID, and wish to update your Notice, please select "Updated Notice of Pollution", enter the DEP Incident ID, and click :

## Notice Type

Please select your Notice type below.

I am submitting an : \*

Initial Notice of Pollution

Updated Notice of Pollution

Submit





# FLORIDA'S NEW POLLUTION REPORTING STATUTE

- General comments on the reporting to FDEP to date
  - Public involvement addressed by automatic emails, sign up on line

Florida Department of Environmental Protection

POLLUTION NOTICE  
Enterprise Solutions

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You are subscribing to the Public Notice of Pollution's notification list. Please provide an e-mail address for your subscription. Please ensure that no-reply@dep.state.fl.us is included in your e-mail 'white list' to prevent the notifications from moving to your spam or clutter folders. If you wish to unsubscribe from the list, please click here.

Subscriber Details

Please enter your e-mail and select the counties you would like to subscribe and click the 'Submit' button.

E-mail \*

Please select a list of counties for which you would like to receive notifications. To unsubscribe from this notification list, unselect any selected counties.

Select/Deselect All

<input type="checkbox"/> Alachua	<input type="checkbox"/> Duval	<input type="checkbox"/> Holmes	<input type="checkbox"/> Miami-Dade	<input type="checkbox"/> Seminole
<input type="checkbox"/> Baker	<input type="checkbox"/> Escambia	<input type="checkbox"/> Indian River	<input type="checkbox"/> Monroe	<input type="checkbox"/> St. Johns
<input type="checkbox"/> Bay	<input type="checkbox"/> Flagler	<input type="checkbox"/> Jackson	<input type="checkbox"/> Nassau	<input type="checkbox"/> St. Lucie
<input type="checkbox"/> Bradford	<input type="checkbox"/> Franklin	<input type="checkbox"/> Jefferson	<input type="checkbox"/> Okaloosa	<input type="checkbox"/> Sumter
<input type="checkbox"/> Brevard	<input type="checkbox"/> Gadsden	<input type="checkbox"/> Lafayette	<input type="checkbox"/> Okeechobee	<input type="checkbox"/> Suwannee
<input type="checkbox"/> Broward	<input type="checkbox"/> Gilchrist	<input type="checkbox"/> Lake	<input type="checkbox"/> Orange	<input type="checkbox"/> Taylor
<input type="checkbox"/> Calhoun	<input type="checkbox"/> Glades	<input type="checkbox"/> Lee	<input type="checkbox"/> Osceola	<input type="checkbox"/> Union
<input type="checkbox"/> Charlotte	<input type="checkbox"/> Gulf	<input type="checkbox"/> Leon	<input type="checkbox"/> Palm Beach	<input type="checkbox"/> Volusia
<input type="checkbox"/> Citrus	<input type="checkbox"/> Hamilton	<input type="checkbox"/> Levy	<input type="checkbox"/> Pasco	<input type="checkbox"/> Wakulla
<input type="checkbox"/> Clay	<input type="checkbox"/> Hardee	<input type="checkbox"/> Liberty	<input type="checkbox"/> Pinellas	<input type="checkbox"/> Walton
<input type="checkbox"/> Collier	<input type="checkbox"/> Hendry	<input type="checkbox"/> Madison	<input type="checkbox"/> Polk	<input type="checkbox"/> Washington
<input type="checkbox"/> Columbia	<input type="checkbox"/> Hernando	<input type="checkbox"/> Manatee	<input type="checkbox"/> Putnam	
<input type="checkbox"/> DeSoto	<input type="checkbox"/> Highlands	<input type="checkbox"/> Marion	<input type="checkbox"/> Santa Rosa	
<input type="checkbox"/> Dixie	<input type="checkbox"/> Hillsborough	<input type="checkbox"/> Martin	<input type="checkbox"/> Sarasota	

Submit

Public Notice of Pollution — 3 8 38 444  
Office of Technology and Information Services  
Site Map — For Business Issues, call Service Desk. For Technical Assistance, call Service Desk or Contact Us via email.  
Some content provided in alternative formats. The following icons link to free Reader/Viewer software:  
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# FLORIDA'S NEW POLLUTION REPORTING STATUTE

- General comments on the reporting to FDEP to date
  - FDEP responsibilities addressed by oversight and review of submittals

Florida Department of Environmental Protection

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**POLLUTION NOTICE**  
Enterprise Solutions

In compliance with Section 403.077, F.S. and the public interest, the Department of Environmental Protection is making available any Notices of Pollution that it has received. This information is available below. This information is presented as provided by the reporting entity. The Department of Environmental Protection is not responsible for the accuracy of any information submitted.

[Export Data to Excel](#)

An archived listing of all Notices submitted prior to July 1, 2017 can be found below:

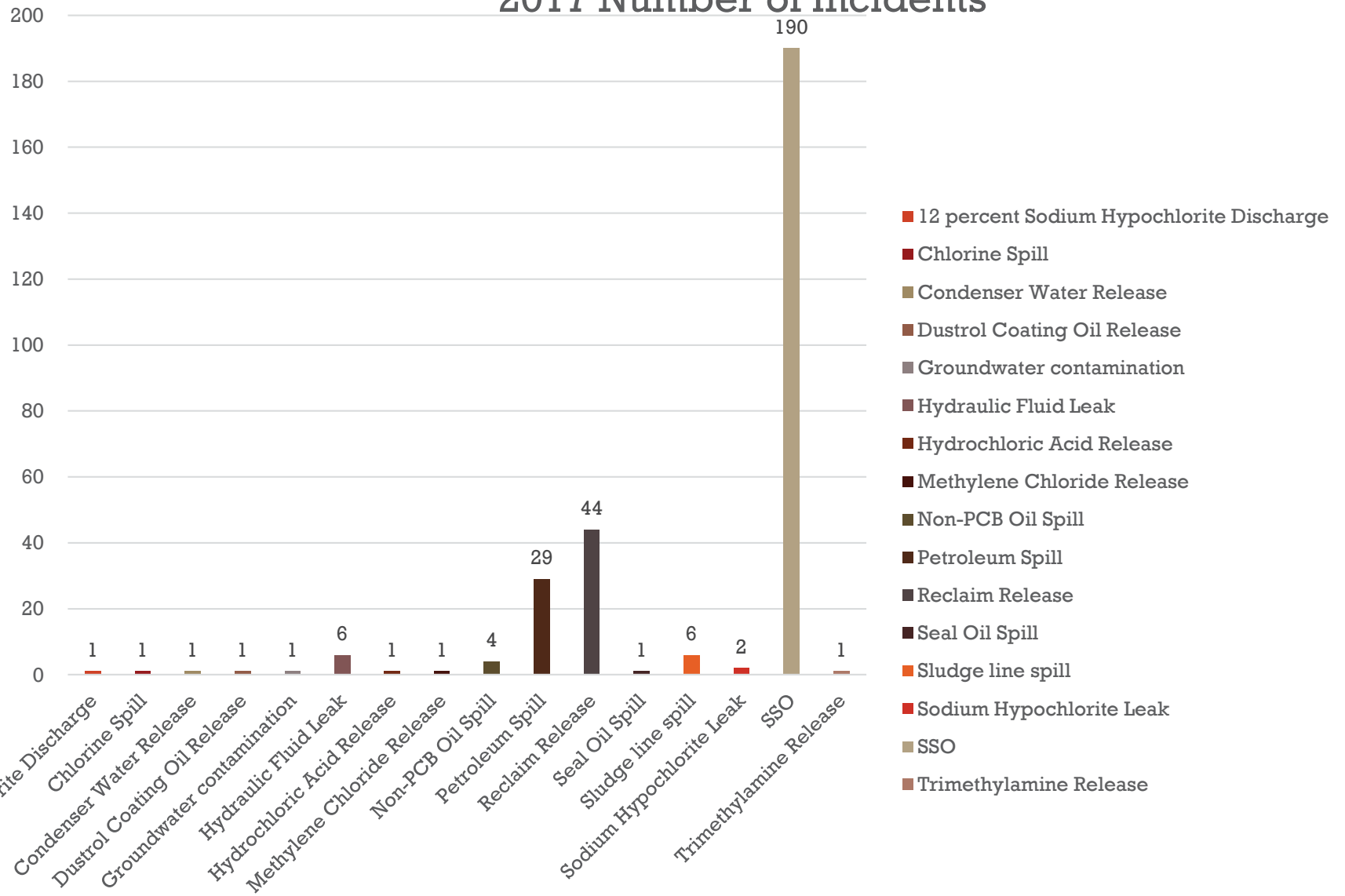
[01-01-2017 - 06-30-2017](#)  
[09-26-2016 - 12-31-2016](#)

[Prev](#)
[1](#), [2](#), [3](#), [4](#), [5](#), [6](#), [7](#), [8](#)
[Next](#)/[Last](#)

Incident Name	Incident Report	Report DateTime	Facility Name	Facility Address	Affected Counties	Reporter Name	Reporter Title	Reporter E-mail	Reporter Phone	Reporter Role	Contact Name	Contact Phone	Contact E-mail
Dock Street Spill	There was a spill on Dock St. at the cross section of York St. One of our City employees noticed sewer spilling out of manhole and called Collections Crew. On arrival we found that sewer water had run down the rain gutters on both sides of the street about 150 ft down stream of manhole into storm basins which are at the corner of Market St. on both sides of the intersection. It was determined to be a blockage in the line which then broke. We put down Lime and cleaned up area using (2) Vac Trucks. Our Storm Drainage Crew showed up and placed Turbidity Barriers in front of the Outfall	10/23/2017 12:13 EDT	City of West Palm Beach	1045 Charlotte Avenue; Directions: From Okeechobee Boulevard and Parker Avenue head south for about a mile take the second right as soon as you pass Lift station #13. ; West Palm Beach FL; 33401	Palm Beach	Derek Johnson	Utilities Operation Coordinator	djohnson@wpb.org	(561) 723-9190	Operator Of the Facility	Derek Johnson	(561) 723-9190	Djohnson@wpb.org



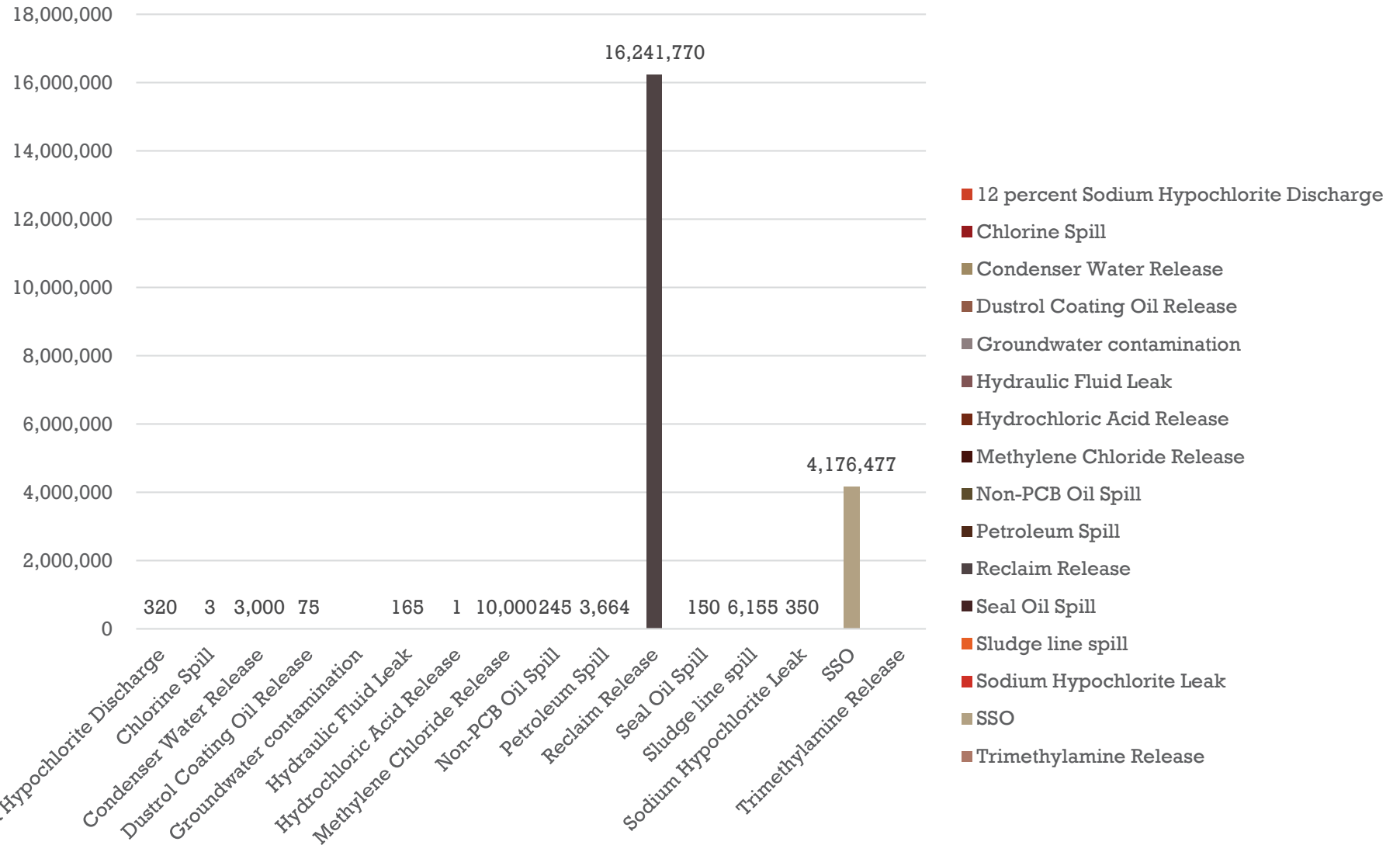
## Pollution Notice Reporting collected July 1, 2017 thru August 31, 2017 Number of Incidents



*Special thanks for support from John Shrader and Joe Ullo at FDEP*



## Pollution Notice Reporting collected July 1, 2017 thru August 31, 2017 Provided in Gallons



*Special thanks for support from John Shrader and Joe Ullo at FDEP*

# THE SAGA CONTINUES...

Two weeks later, when completing debris removal, a company employee discovers that the explosion caused a 55-gallon drum of diesel to topple and its contents have apparently spilled onto the ground (an impervious surface)



# CONTAMINATION NOTIFICATION

- Section 62-780.210, F.A.C. applies.
  - Discharge is a petroleum product – See Section 376.301(33), F.S.
  - Volume exceeds 25 gallons.
  - Must notify State Watch Office as soon as possible, but no later than 24 hours following discovery.
- Do you have to notify the Department pursuant to the Pollution Notification Law?

***True or false?***

**Kahoot!**



# CONTAMINATION NOTIFICATION

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  - Volume exceeds 25 gallons.
  - Must notify State Watch Office as soon as possible, but no later than 24 hours following discovery.
- Do you have to notify the Department pursuant to the Pollution Notification Law?
- Answer: ***True***



# THERE'S MORE ...

When the company begins cleaning the relatively small area of petroleum contamination, lower layers of soil in the area appear to be contaminated – perhaps by the prior owner, more than a decade ago ...



# MORE CONTAMINATION, MORE NOTICE?

- It depends.
  
- Assess situation
  - Is this petroleum or petroleum product?
  - Consider *de minimus* rule applications
  - Can you address the contamination in 30 days or less? See Rule 62-780.550.
  - What if the work is too complex?
  
- Notice of Field Activities, Rule 62-780.220(1), F.A.C.
  - This allows the Department to oversee activities.





# OFFSITE NOTIFICATIONS

- If your contamination in any media is confirmed off-site, contamination notification is required pursuant to
  - Rule 62-780.220(2), F.A.C. &
  - Section 376.30702 (2), Florida Statutes.
- Notice required within 10 days of discovery
- Notice should be completed using Department form adopted by rule, Form 62-780.900(1), F.A.C.
- Department notifies within 30 days pursuant to Section 376.30702(3), F.S.



# REMEDIATION AND CORRECTIVE MEASURES

- Rule 62-780.700(13), F.A.C. --
  - If effluent or air concentrations exceed anticipated values or ground water plume migration occurs notice should be given within 7 days.
  - If conditions represent an imminent threat, notice is required within 24 hours.
  
- Other Considerations --
  - PCB Remediation Waste
    - See 40 CFR Section 761.61.
  - Air emissions/UIC/NPDES
  - Noise and/or odor levels
  - Traffic patterns and routing



# REPORTING - COMMON MISTAKES

- Report on time
- Owner or Operator must report
- Document, document, document in writing
- Review for data quality that is defensible
- ....JOE ADD MORE PLEASE!!!



**Thank you!**

