

Notice of Emergency Rule

DEPARTMENT OF ENVIRONMENTAL PROTECTION

RULE NO.: RULE TITLE:

62ER16-1: Public Notice of Pollution

SPECIFIC REASONS FOR FINDING AN IMMEDIATE DANGER TO THE PUBLIC HEALTH, SAFETY OR WELFARE: In a "Specific Finding of Immediate Danger to the Public Health, Safety, or Welfare," which was published on the date of this emergency rule (available at www.dep.state.fl.us/pollutionnotice) and filed with the Secretary of State's Office, Secretary Stevenson found that there is a need to immediately require specific notification to the public of any incident or discovery of pollution that may cause a threat to the air, surface waters, or groundwater of the state. These circumstances present an immediate hazard to public health, safety, or welfare which requires emergency action.

REASON FOR CONCLUDING THAT THE PROCEDURE IS FAIR UNDER THE CIRCUMSTANCES: Prompt notification to the public is necessary regarding any incident or discovery of pollution that may cause a threat to the air, surface waters, or groundwater of the state such that public health could be at risk. The Secretary will commence rulemaking procedures for the emergency rule immediately.

SUMMARY: The provisions of the action provide a requirement that owners and operators of any installation provide notifications to the Department, local government officials, and the public whenever there is an incident or discovery of pollution at an installation within 24 hours. In addition, the owner and operator would be required to provide a subsequent notice within 48 hours that describes any potentially affected areas beyond the property boundary of the installation, and the potential risk to public health, safety, or welfare. The owners and operators are required to notify the Department, local government officials, and the property owner within 24 hours of becoming aware that pollution from an installation has affected areas beyond the property boundaries of the installation.

THE PERSON TO BE CONTACTED REGARDING THE EMERGENCY RULE IS: Robert A. Williams, Chief Deputy General Counsel, Florida Department of Environmental Protection, 3900 Commonwealth Blvd., MS-35 Tallahassee, FL 32399.

THE FULL TEXT OF THE EMERGENCY RULE IS:

62ER16-01Public Notice of Pollution

Any owner or operator of any installation who has knowledge of any pollution at such installation shall provide notice of the pollution as follows:

(1) Within 24 hours of the occurrence of any incident at an installation resulting in pollution, or the discovery of pollution, the owner or operator shall notify the Department and the following persons, in writing, of such pollution:

(a) The mayor, the chair of the county commission, or the comparable senior elected official representing the affected area.

(b) The city manager, the county administrator, or the comparable senior official representing the affected area.

(c) The general public by providing notice to local broadcast television affiliates and a newspaper of general circulation in the area of the contamination.

(2) Within 48 hours of the occurrence of any incident at an installation resulting in pollution, or the discovery of pollution, the owner or operator shall notify the Department and persons identified in (1)(a) through (1)(c), in writing, of any potentially affected areas beyond the property boundaries of the installation, and the potential risk to the public health, safety, or welfare.

(3) Within 24 hours of becoming aware of pollution from an installation that has affected areas beyond the property boundaries of the installation, the owner or operator shall notify, in writing, the property owner of any affected area, the Department, and the persons identified in (1)(a) through (1)(b).

(4) Such notification to the Department shall be accomplished by submitting an email to pollution.notice@dep.state.fl.us.

(5) Failure to provide this notification shall be considered a violation and subject to penalties for purposes of Section 403.161, Florida Statutes.

Rulemaking Authority 377.22(2), 403.061(7), 403.061(8), 403.062, 403.855(1), 403.861(9) FS. Law Implemented 377.21, 377.371, 403.061(16), 403.061(17), 403.061(18), 403.062, 403.855(3), 403.861(9) FS. History-New 9-26-16.

THIS RULE TAKES EFFECT UPON BEING FILED WITH THE DEPARTMENT OF STATE UNLESS A LATER TIME AND DATE IS SPECIFIED IN THE RULE.

EFFECTIVE DATE: 09/26/2016