

Committee Substitute for Senate Bill No. 1176

An act relating to rulemaking authority of the Department of Environmental Protection with respect to phosphogypsum management; requiring the Department of Environmental Protection to adopt rules to ensure that phosphogypsum stack systems are operated to meet critical safety standards by July 1, 1999; amending s. 403.1651, F.S.; authorizing the Department of Environmental Protection to enter into settlements in which moneys are to be deposited into a local pollution-recovery fund and used for specified purposes; providing an effective date.

Be It Enacted by the Legislature of the State of Florida:

Section 1. Phosphogypsum Management.—By July 1, 1999, the Department of Environmental Protection shall adopt rules to amend existing chapter 62-672, Florida Administrative Code, to ensure that impoundment structures and water conveyance piping systems used in phosphogypsum management are designed and maintained to meet critical safety standards. The rules must require that any impoundment structure used in a phosphogypsum stack system, together with all pumps, piping, ditches, drainage conveyances, water control structures, collection pools, cooling ponds, surge ponds, and any other collection or conveyance system associated with phosphogypsum transport, cooling water, or the return of process wastewater, are constructed using sound engineering practices and are operated to avoid spills or discharges of materials which adversely affect surface or ground waters. The rules must require that a phosphogypsum stack system owner maintain a log detailing the owner's operating inspection schedule, results, and any corrective action taken based on the inspection results. The rules must require phosphogypsum stack owners to maintain an emergency contingency plan and demonstrate the ability to mobilize equipment and manpower to respond to emergency situations at phosphogypsum stack systems. The rules must establish a reasonable time period not to exceed 12 months for facilities to meet the provisions of the rules adopted pursuant to this section.

Section 2. Paragraph (a) of subsection (2) of section 403.1651, Florida Statutes, is amended to read:

403.1651 Ecosystem Management and Restoration Trust Fund.—

(2) The trust fund shall be used for the deposit of all moneys recovered by the state:

(a) As a result of actions against any person for a violation of chapter 373 or this chapter initiated by the department. No settlement entered into by the department shall limit the Legislature's authority to appropriate moneys from the trust fund; provided, however, that the department may enter into a settlement in which the department agrees to request that moneys

received pursuant to the settlement will be included in its legislative budget request for purposes set out in the settlement, and provided further, that the department may enter into a settlement in cases involving joint enforcement with the Hillsborough County pollution control program, as a program approved by the department pursuant to s. 403.182, in which the department agrees that moneys are to be deposited into that local program's pollution-recovery fund and used for projects directed toward addressing the environmental damage that was the cause of action for which funds were received and that are consistent with the purposes of the Ecosystem Management and Restoration Trust Fund.

Section 3. This act shall take effect upon becoming a law.

Became a law without the Governor's approval May 22, 1998.

Filed in Office Secretary of State May 21, 1998.