

Florida State Emergency Response Commission (SERC) Standard Operating Guide

America's Water Infrastructure Act (AWIA) Amendment to Emergency Planning and Community-Right-to-Know Act (EPCRA) Sections 304 and 312

Purpose:

This Standard Operating Guide is the method with which the SERC will address AWIA amendments to the Emergency Planning and Community Right-to-Know Act (EPCRA) under the America's Water Infrastructure Act (AWIA), enacted on October 23, 2018. Section 2018 of AWIA amended the emergency release notification and the hazardous chemical inventory reporting requirements of EPCRA. These amendments require State and Tribal Emergency Response Commissions to:

- Notify the applicable State agency (i.e., the state drinking water primacy agency), or affected community water systems, if there is no applicable State agency, of any reportable releases and
- Provide community water systems access to Tier II information and Section 304 reports in their source water area.

Statutory References:

- Section 403.077, Florida Statutes
- Sections 304 and 312, EPCRA
- AWIA Amendment

General:

Florida Division of Emergency Management Incident Reporting:

As defined in Chapter 62-150.200, Florida Administrative Code Florida requires notification of hazardous material and wastewater releases, , to the Florida Division of Emergency Management (FDEM) State Watch Office (SWO), for a release meeting Federal, State, or Local reporting guidelines.

Included in this notification process is the Florida Department of Environmental Protection (FDEP) Source & Drinking Water Program unit, the state drinking water primacy agency.

The Florida Division of Emergency Management Technological Hazards unit administers the Emergency Planning and Community Right to Know Act (EPCRA) Tier II Chemical data for Florida. First Responders, Emergency Management officials, Federal and State responders have access to this information through the EPlan database. Water treatment facilities have access by request through the Florida Division of Emergency Management Technological Hazards unit.

Notification process:

FDEM and FDEP have created an electronic web based interface allowing drinking water facilities to access the following information:

- Florida State Watch Office hazardous material reports
- Visual map of the incident geocoded
- Chemical(s) involved
- Amount released
- Emergency facility contact information
- EPCRA Section 304 information
- EPCRA Tier II contact information
- FDEM emails this information to the Source and Drinking water unit

In addition, FDEP is required by State Statute 403.077 to notify the public of any hazardous material release thus providing additional reporting criteria to the facility.

DEP Pollution Reporting Requirements:

Florida Statute 403.077 requires any incidents meeting the criteria below to be reported to the Florida Department of Environmental Protection (DEP). In addition to meeting EPCRA Section 304 and 312 reporting requirements, additional hazards possibly affecting Water facilities are reported. This information is consolidated and posted on the DEP Public Notification website as defined in Florida Statute 403.077.

<https://floridadep.gov/pollutionnotice>

The DEP has made available to the public all Notices received to date. The general public may request this information and the contact information of the reporting party. Water Facilities and governmental entities have access to view all hazardous material releases. The DEP offers an e-mail subscription service for interested parties to be informed of Notices submitted for their area of interest. Subscribers to the Public Notice of Pollution notification list receive email notifications by county.

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1. Hazmat

- Petroleum-based spills
- Spills into or involving state waterways (any amount)
- Spills greater than 25 gallons (or potentially > 25 gallons)
- Spills requiring any state/federal notifications or assistance
- Chemical spills
- All SARA/EHS/CERCLA releases
- All spills threatening population or the environment
- All spills requiring evacuation

2. Weather

- Any incident associated with weather phenomena involving possible or actual damage to property or persons (i.e., wind damage, tornadoes, lightning strikes, flooding)

3. Transportation

- Incidents involving major thoroughfare closures
- All aircraft incidents
- All railroad incidents
- Incidents involving mass casualties
- All major incidents involving commercial vehicles/vessels

4. Fire

- Major forest fires
- Fires involving chemicals or significant amounts of petroleum products
- Large or multiple structure fires

5. Radiological

- All incidents involving suspected/actual radioactive materials
- All incidents concerning nuclear power plants

6. General

- Sinkholes
- Public water source contamination
- National security
- Medical waste
- Coral reef
- Immigration issues
- Potential/actual dam failures

- Incidents with potential effects to adjacent countries/states
- Incidents requiring assistance from state/federal agencies
- Incidents with a prolonged effect on public utilities
- Incidents involving potential or actual evacuations