

From: Matthew Schwartz <southfloridawild@yahoo.com>
To: "Stephanie.Gudeman@dep.state.fl.us" <Stephanie.Gudeman@dep.state.fl.us>
Cc: Depnews <depnews@dep.state.fl.us>
Sent: Wednesday, November 9, 2016 4:37 PM
Subject: South Florida Wildlands Comments on Proposed Rule 62-4.161, F.A.C.

Dear Stephanie:

These comments are prepared on behalf of South Florida Wildlands Association - a small non-profit based in Fort Lauderdale, Florida and committed to the protection of wildlife and habitat throughout the Greater Everglades.

To begin with, we strongly object to the exceedingly short time frame allowed for public comment on the revised rule. As we explained in previous emails to your office, the revised rule was only released on Friday afternoon, November 4th, 2016. A public hearing was held on Monday morning, November 7th, 2016 and public comment is due on Wednesday, November 9th, 2016. As you are aware, a Presidential election took place on Tuesday, November 8th, 2016 - in the middle of an already exceedingly short comment period. The revised rule is not the same as the original one. Where the original rule contained no set quantities for chemical releases triggering public notification, the current rule contains various criteria which would be used to determine when public notification was necessary

see: http://www.ecfr.gov/cgi-bin/text-idx?SID=d61e5a9caa3f55b972251042bf76919e&mc=true&node=se40.30.302_14&rgn=div8

We noted while going through the federal lists provided that some chemical releases could be as much as 5,000 pounds (2270 kilograms) and would still not require public notification. All chemicals on the various lists have material safety data sheets (MSDS) indicating various levels of toxicity. Many are proven or suspected carcinogens. It is simply impossible in the time allotted for public comment to examine the reporting criteria for all of the various chemicals listed and determine if those cutoff quantities are adequate. It is also necessary to take into consideration Florida's unique karst geology and hydrogeology in making those determinations. Extra weeks would allow independent toxicologists and other experts to examine them and make independent recommendations as to when a spill or gas release of a particular chemical warranted public disclosure. We are making that request again now. Please extend the public comment period on this issue and allow additional and sufficient time for examination of the newly revised rule. We are requesting a

minimum of 2 weeks for that purpose. Most if not all of the industry representatives who spoke at the public hearing on Monday morning made the same or similar request.

We also sent emails to your office and the DEP press office inquiring as to how information was disseminated on the original rule and workshops. You responded by saying that it was posted to the DEP website. I am at a complete loss as to how I, or any other member of the public, would have known to go to the DEP website to search out these workshops - as well as the public hearing (which I only found out about at the last minute when a colleague reported the information). Information about the workshops (one of which took place in Palm Beach County near my current residence) and the hearing should have been well-publicized through press releases from your office. I noted during Monday's public hearing, that all industry and trade groups, companies and organizations were aware of the revised rule having been sent out on Friday. I don't believe anyone in the general public was aware of that. I also noted that no environmental organizations were present at the meeting - even though the issues discussed were ones that concern many. We are now requesting that South Florida Wildlands Association be added to DEP's press list - and that all future emails coming from the DEP press office be sent to:

southfloridawild@yahoo.com

Finally, we strongly object to the manner in which information regarding chemical spills and releases are to be shared with the public. As many industry groups said on Monday morning, it is essential that there be single source of information on any such spill in order to avoid confusion and misinformation. And that source should be the DEP itself. It is unnecessary and unrealistic to expect polluters themselves to carry out this function. Many are not equipped with press officers. Nor do many have the necessary scientific expertise to determine what has been spilled, the quantity, the level of danger to the public, or whether the spill has moved (or is moving) offsite. Instead the rule should be revised to require all spills be promptly reported to the DEP by the email address provided in the rule -

----- Forwarded Message -----

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Sent: Wednesday, November 9, 2016 4:57 PM

Subject: Re: South Florida Wildlands Comments on Proposed Rule 62-4.161, F.A.C.

Due to shortness of time, I omitted - the DEP should be disseminating information to the press and media through their own press office.

In addition, a spill and discharge telephone hotline should be set up where a "responsible party" can contact DEP to immediately notify the agency of a problem. That same phone number and email should also be publicly available to anyone who believes there has been a discharge of pollution (as defined in the rule) and be used to promptly notify the agency (who can then investigate the incident).

Shortness of time does not allow any further comments at this point. Please let our organization know as soon as possible if our request for additional time to provide more comprehensive comments on this rule has been approved or denied.

Best regards,

Matthew Schwartz
Executive Director
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