



# FLORIDA DEPARTMENT OF Environmental Protection



## Summary of Petroleum Cleanup Requirements

OER provides this summary along with a list of emergency response cleanup contractors to assist responsible parties (RP) in meeting the FDEP cleanup requirements in Florida Statute 376 and Chapter 62-780 F.A.C. **The hiring of a contractor by the RP is typically needed** to provide the necessary equipment, personnel and expertise to address the discharge and meet all the regulatory requirements. Failure to promptly meet the requirements may result in enforcement action and recovery of cleanup costs. Typically, the quicker the cleanup, the lesser the extent of cleanup & cost. Cleanups may *not* be delayed while waiting for insurance or fault determinations. The RP, not the insurance company, is responsible for the cleanup and compliance, regardless of insurance coverage. Depending on many factors (especially depth and areal extent of contamination), cleanup costs typically range from \$3000 to \$25,000.

### Applicability

Applies to spills of 25 gallons or more of petroleum products onto a pervious surface. Includes gasoline, diesel fuel, kerosene, jet fuel, etc. [Chapter 62-780.210](#) exempts the reporting of spills <25 gallons, provided they are cleaned up, properly disposed, and no contamination remains; otherwise these too are reportable within one week of discovery.

### Notification Requirements

- Discharges must be reported as soon as possible, but no later than 24 hours.
- Notify DEP via the State Watch Office (SWO) at **(800-320-0519)**.
- If the discharge (of any amount) threatens or enters waters of the State, notify the State Watch Office and the National Response Center at **(800-424-8802)**.
- File a Public Notice of Pollution at <https://floridadep.gov/pollutionnotice>.
- Within 7 days, submit the required **Discharge Report Form** (DRF) to OER.

### Cleanup Requirements:

- F.S. 376.305: “Any person discharging a pollutant...shall immediately undertake to contain, remove and abate the discharge to the satisfaction of the department.” The RP can use its own OSHA-trained personnel and equipment or hire a qualified contractor. Cleanup must conform to [Chapter 62-780 F.A.C.](#)
- Recover free product immediately (e.g., use absorbents, pumps, vacuum trucks, skimmers, etc.).
- **Soil removal:** usually takes longer. A contractor can handle all the following items and cleanup reports.
  - Before digging, call **811** for underground utilities check (gas lines, phone lines, power lines, etc.).
  - Obtain DOT or County/City right-of-way permit, depending on location.
  - Excavated soil shall be containerized (i.e., drums, roll-off containers), or temporarily stockpiled atop plastic sheeting and covered. May store on-site for a limited time but may not be practical or allowed on road right-of-ways. Storage off-site requires a DEP permit; therefore, the soil may *not* be taken back to the RP’s facility.
  - *Disposal:* typically, at a permitted soil thermal treatment facility (or, local landfill if accepted).
  - *Note:* the amount of soil to be removed depends on amount spilled, soil permeability, area, time since the discharge, etc. A 25-gallon spill may be 1 dump truck load, but a 100-gallon spill may need several trucks.
- **Soil testing:** required to confirm cleanup and adequate soil removal per [Ch. 62-780.500](#) or [Ch. 62-780.525](#)
  - *Field screening* may be used (i.e., via Organic Vapor Analyzer [OVA]) when cleanups are conducted within 30 days of the discharge date. Excavate until OVA readings are <10 ppm. Readings should include the sidewalls and bottom of excavation. Odor or visual cannot be used alone; an instrument must be used.
  - *Visual excavation* to a depth of 1 foot beyond visually stained soil in all directions is *only* permissible when the spilled material provides visual staining (i.e., Hydraulic Oil, Used Oil, etc.), and has not been mixed with more volatile materials requiring OVA screening (i.e. Diesel, Gasoline, etc.).
  - *Lab samples* are required for cleanups extending past 30 days from the discharge date. Typically, at least 1 bottom and 4 sidewall samples are needed. Follow DEP Quality Assurance rules; contractor/lab personnel may need to be hired for sample collection. Contaminated soil must also be tested prior to disposal.

### Source Removal Report

- A written, detailed SRR must be submitted to DEP **within 60 days** of cleanup.
- Requires many items, such as: cleanup description, disposal documentation (manifests), photographs, scaled site diagram, OVA readings, analytical lab reports, etc. DEP will thereafter notify the RP if the cleanup was adequate, or if further work is needed.