

Pollutant Discharge Prevention and Removal (Chapter 376)

- Part I: Florida Pollutant Discharge Prevention and Control Act of 1970
 - §§ 376.011- 376.21, Fla. Stat.; Chapter 62N-16 FAC
 - prohibits the discharge of pollutants, including oil in any form, into or upon the coastal waters of Fla. §376.041
 - Strict Liability → Clean-Up & Damage to N. Resources
 - Private Cause of Action (§ 376.205)
- Part II: Water Quality Assurance Act of 1983
 - §§ 376.30-376.319, Fla. Stat.
 - *Curd v. Mosaic Fertilizer* (Fla. 2010)
 - Strict Liability Private Cause of Action for Economic Injury from Natural Resource Damage under § 376.313(3)

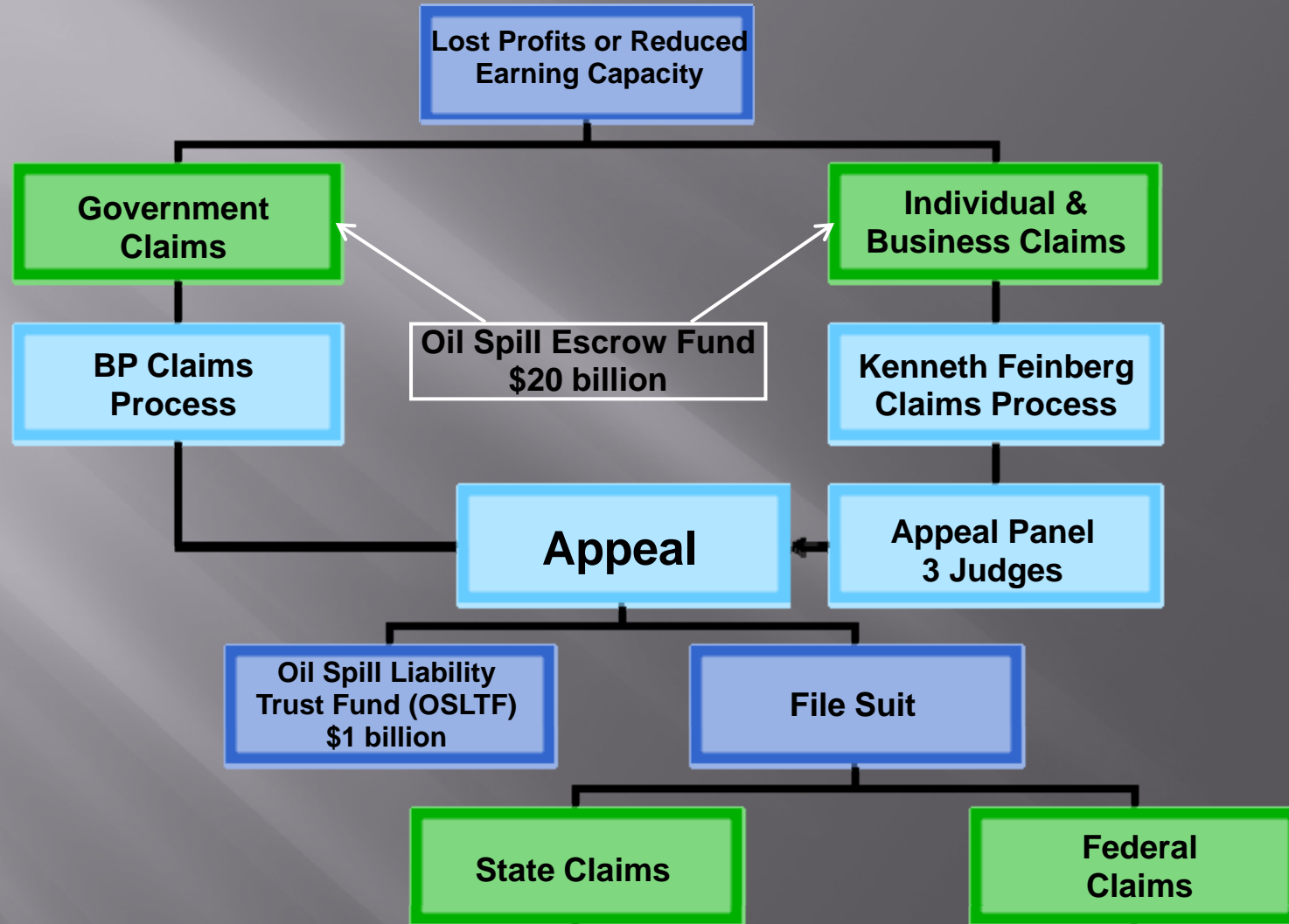
Potential Recovery Under Various State Oil Recovery Act Statutes

	Alabama	Mississippi	Louisiana	Texas	California	Alaska
Commercial Fishermen, Shrimpers, Oystermen, etc.	No State Oil Recovery Statute	No State Oil Recovery Statute	No	Likely Yes	Yes	Yes
Hotels, Restaurants, and other businesses located directly on the water and with oil appearing on the beach	No State Oil Recovery Statute	No State Oil Recovery Statute	No	No	Yes	Yes
State or Local Government for loss or diminution of natural resources	No State Oil Recovery Statute	No State Oil Recovery Statute	Yes	Yes	Yes	Yes

Alyssa Cameron

- OPA Applied - NRDA
 1. Preassessment
 2. Restoration Planning
 3. Restoration Implementation
- Case Studies:
 - Tampa Bay oil spill in Florida
 - Lake Barre oil spill in Louisiana
 - North Cape oil spill in Rhode Island
- Common Law Economic Recovery
 - People Express Airlines v. Consol. Rail Corp., 100 N.J. 246 (N.J. 1985)
 - Indem. Ins. Co. of N. Am. v. Am. Aviation, Inc., 399 F.3d 1275 (11th Cir. Fla. 2005)
 - Curd v. Mosaic Fertilizer, LLC, 39 So. 3d 1216 (Fla. 2010)

Recovery Options



Carli Koshal

THE SOCIAL IMPACTS OF THE GULF OIL DISASTER

Recognizing and Containing the
“Corrosive Community” Affect upon
Florida Gulf Coast Communities

RA: Fay O. Pappas

<http://www.youtube.com/watch?v=VCEP54jSKqU>

- ▣ Natural Disaster v. Technological Disaster
- ▣ Social, economic and mental health consequences
- ▣ What happened in Alaska: The Seminal Case Study on the Affects of Technological Disasters upon communities
- ▣ What is the “corrosive community”?
- ▣ Litigation = a root cause of the corrosive community?