

The EPA has established extensive, detailed rules providing for the operation and security of such facilities. EPA also addresses personnel, safety, closure, and virtually every other aspect of maintaining a treatment, storage or disposal facility.

On the state level, the DER requires owner/operators to monitor and maintain the groundwater standards of their land and to report any changes to the DER. Owner/operators, like transporters under Florida law, must be bonded and insured against accidents.

No waste may be treated, stored or disposed of anywhere except at a licensed facility. Waste may never be dumped into a sewage system or septic tank. Florida is working to discontinue the disposal of hazardous wastes through landfills.

The Florida statutes authorize and subsidize local governments to set up local hazardous waste collection centers and instruct the DER to set up "amnesty days" in community centers where generators can deliver small amounts of hazardous waste (less than 100 lbs.).

What are the penalties?

Both civil and criminal penalties, including prison, are available under the Clean Water Act, CERCLA, and RCRA. The least severe penalties accompany negligent violations, while knowing violations and intentional violations each carry significantly greater penalties.

Sources: 42 U.S.C. § 6901 to 6987; 9601 to 9687; 33 U.S.C. § 1251 to 1387; 40 C.F.R. § 260 - 272; Fla. Stat. § 403.702 - .7893; 17-730, F.A.C.

Contact Information: L-2, L-5, F-3, F-4, F-6

Pollutant Storage Tanks

Who regulates pollutant storage tanks?

Statewide regulation of stationary storage tanks is primarily the domain of the DER. Subsequently, most of the rules covered in this section are those of the DER. It is important to note, however, that the regulations allow individual county governments to promulgate their own regulations if these local regulations are more stringent than those of the DER. County authorities should be consulted, then, even if the storage tank activity or condition is apparently within the statewide standards.

What is a pollutant?

A tank will fall within the scope of the regulations if it holds a pollutant. "Pollutant" is basically defined as:

- any type of oil or gasoline;
- any pesticide; or
- any ammonia or chlorine compound or derivative.

Which tanks are regulated?

The bulk of the regulations only apply to tanks which store more than 1,000 gallons in any given month, or more than 10,000 gallons in a year. Tanks smaller than this need only comply with the general requirement that they do not discharge their contents into the environment, and that they conform to fire prevention standards.

Certain tanks are expressly excluded from coverage:

- Liquid petroleum (propane) tanks.
- Tanks whose contents have a softening point above 100 degrees fahrenheit.