

mitigate the damage of spills and may require an advance, written commitment of materials and manpower that will be used to clean up any spills that occur.

As noted earlier, spills must be reported immediately and the owner or operator must take immediate steps to "contain, remove or abate the discharge." If groundwater quality is threatened by the spill, the DER may also order the owner to take whatever corrective action is necessary to reduce the hazard to the public.

### **What is the proper procedure for tank abandonment?**

1. Abandoned tanks must be pumped out and thoroughly cleaned of vapor.
2. Underground tanks need not be removed from the ground, but may instead be filled with sand, concrete or similar inert material.
3. Tanks which are disposed of as junk must be perforated or otherwise made unusable.
4. Petroleum tanks which are intended for reuse must be clearly labeled as "Not for food use."
5. No abandoned tank may be used to store pollutants. Abandoned tanks may not be reused unless completely retrofitted to comply with the standards for new tanks.

Under CERCLA, landowners may be held liable for leakage from tanks which have been abandoned on their property by previous owners. Consequently, buyers should thoroughly inspect property before purchase. (See sections on Environmental Audits and CERCLA.) If leaking tanks are discovered, the cleanup may be supervised by the landowner or by the EPA. It will inevitably be costly.

Sources: Fla. Stat. Chapter 376; 17-61, F.A.C.; 40 C.F.R. § 280, 281.

Contact Information: S-2, L-4, F-3, F-4

### **On-site Sewage Disposal**

#### **Who regulates on-site sewage disposal?**

While the Florida Statutes contain a set of broad guidelines regulating sewage disposal, the Florida Department of Health & Rehabilitative Services is the primary authority for specific, statewide regulations controlling the installation and use of on-site sewage disposal systems.

Nonetheless, the waste disposal rules of the DER will apply if:

- the volume of water to be processed exceeds 5,000 gallons per day; or
- the water contains or will contain industrial or hazardous waste; or
- the system is located in an area which is zoned for industry or manufacturing.

If the system falls into one of these categories, the DER will likely require a separate permit and impose further restrictions on the system. In addition to the statewide rules, local governments will typically have their own rules and requirements for permitting and regulating the disposal system.

#### **Are on-site sewage disposal systems acceptable?**

The state does not encourage the use of on-site sewage disposal systems (which generally takes the form of septic tanks and drain fields). Both the statutes and the DHRS rules require the use of public or investor-owned sewage systems in areas where they are available.