

**ENVIRONMENTAL PROTECTION
COMMISSION
OF HILLSBOROUGH COUNTY**

**CHAPTER 1-12
STORAGE TANK RULE**

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1-12-10.00 INTENT

(1) Pursuant to the Florida Legislature's determination in Section 376.30 F.S. that the storage, transportation and disposal of pollutants is a hazardous undertaking, that their discharge poses a great threat to the environment, and that the state interest in regulating their storage, transportation and disposal outweighs the burden imposed on such facilities, the Florida Department of Environmental Protection (DEP or Department) adopted Chapters 62-761 and 62-762, F.A.C. The Commission intends to facilitate the delegation of DEP's program regulating stationary tanks by adopting a rule incorporating appropriate sections of the Department's rules so as to establish a

mechanism by which the Commission can effectively implement and enforce DEP's regulations under its own authority, as well as by any delegated authority.

(2) It is the Commission's intent to assist in the state's effort to assure protection of surface and groundwater's in Hillsborough County by implementing the standards for construction, installation, maintenance, registration, removal and disposal of storage tank systems. It is not the Commission's intent at this time to implement regulations more stringent than those of DEP.

(3) By incorporating by reference provisions of DEP's rules, the Commission intends that any provision requiring notice, submissions, or demonstration to the Department be read to also require notice, copies of submissions or demonstration directly to the Commission's Executive Director and that any provision requiring approval or authorizing action of the Department shall be read to also require approval or authorize action of the Commission's Executive Director, unless otherwise specifically provided herein.

**Section History – amended November 15, 2007
Effective November 16, 2007**

1-12-20.00 INTERPRETATION

The Commission will apply the Department's interpretations of its regulations here adopted by reference where possible; however, any action or position taken by the Commission or its Executive Director in conflict with a Department interpretation or policy applying such regulations will not be invalidated unless the interpretation or policy was formally issued by the Department in writing prior to the Commission's or Executive Director's action.

**Section History – amended October 15, 1998
Effective October 15, 1998**

1-12-61.20 DEFINITIONS

The Commission adopts for purposes of this rule the definitions contained in Sections 62-761.200 and 62-762.201, F.A.C. The definitions adopted by the Legislature in Section 376.301 F.S. also apply, as well as the definitions contained in Chapter 84-446, Laws of Florida, as amended or recodified.

**Section History – amended November 15, 2007
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1-12-61.30 APPLICABILITY

The provisions and standards of this rule apply only to the owners and operators of facilities identified by Sections 62-761.300 and 62-762.301, F.A.C. as subject to Chapter 62-761 and Chapter 62-762, F.A.C.

**Section History – amended November 15, 2007
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1-12-61.40 REGISTRATION AND FINANCIAL RESPONSIBILITY

The owners of facilities identified by Sections 62-761.400 and 62-762.401, F.A.C. are required to register with the Department as provided in that section. Where the registrant is not the property owner, the name of the property owner shall also be given to the Commission.

**Section History – amended November 15, 2007
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1-12-61.45 NOTIFICATION AND REPORTING

The provisions of Sections 62-761.450 and 62-762.451, F.A.C. are adopted by reference.

A copy of any building plans which include the installation or upgrade of storage tank systems shall be submitted to the Commission for review concurrent to submitting an application for a County or municipal building permit.

**Section History – amended November 15, 2007
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1-12-61.48 EPC INSTALLATION OR UPGRADE PLAN REVIEW FEE

Applicable application fees for an installation or upgrade plan review required under this rule shall be provided in Chapter 1-6, Rules of the Commission.

**Section History – amended October 15, 1998
Effective October 15, 1998**

1-12-61.50 PERFORMANCE STANDARDS FOR STORAGE TANK SYSTEMS

The provisions of Sections 62-761.500, 62-761.510, 62-762.501 and 62-762.511, F.A.C. are adopted by reference.

**Section History – amended November 15, 2007
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1-12-61.60 RELEASE DETECTION STANDARDS

The provisions of Sections 62-761.600, 62-761.610, 62-761.640, 62-762.601, 62-762.611 and 62-762.641, F.A.C. are adopted by reference.

**Section History – amended November 15, 2007
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1-12-61.70 REPAIRS, OPERATION, AND MAINTENANCE

The provisions of Sections 62-761.700 and 62-762.701, F.A.C. are adopted by reference.

**Section History – amended November 15, 2007
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1-12-61.71 RECORDKEEPING

The provisions of Sections 62-761.710 and 62-762.711, F.A.C. are adopted by reference.

**Section History – amended November 15, 2007
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**1-12-61.80 OUT-OF-SERVICE AND
CLOSURE REQUIREMENTS**

The provisions of Sections 62-761.800 and 62-762.801, F.A.C. are adopted by reference.

Section History – amended November 15, 2007

Effective November 16, 2007

**1-12-61.82 INCIDENT AND
DISCHARGE RESPONSE**

The provisions of Sections 62-761.820 and 62-762.821, F.A.C. are adopted by reference.

Section History – amended November 15, 2007

Effective November 16, 2007

**1-12-61.85 ALTERNATIVE
REQUIREMENTS AND
EQUIPMENT APPROVALS**

The provisions of Sections 62-761.850 and 62-762.851, F.A.C. are adopted by reference, and although the Commission shall be given copies of any request when submitted to the Department, and shall review and comment to the Department, the decision whether to approve or deny will be the Department's.

Section History – amended November 15, 2007

Effective November 16, 2007

Adopted 4/04/91

Amended 6/16/92

Amended 10/15/98

Amended 11/15/07, Effective 11/16/07