

By Representative Burroughs

1 A bill to be entitled
2 An act relating to petroleum and petroleum
3 products; amending s. 376.303, F.S.;
4 prohibiting the Department of Environmental
5 Protection from mandating certain secondary
6 containment under certain circumstances;
7 authorizing the department to adopt certain
8 rules relating to secondary containment under
9 certain circumstances; amending s. 403.767,
10 F.S.; exempting certain persons from certified
11 transporter requirements; providing an
12 effective date.

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14 Be It Enacted by the Legislature of the State of Florida:

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16 Section 1. Paragraph (a) of subsection (1) of section
17 376.303, Florida Statutes, 1996 Supplement, is amended to
18 read:

19 376.303 Powers and duties of the Department of
20 Environmental Protection.--

21 (1) The department has the power and the duty to:

22 (a) Establish rules, including, but not limited to,
23 construction standards, permitting or registration of tanks,
24 maintenance and installation standards, and removal or
25 disposal standards, to implement the intent of ss.
26 376.30-376.319 and to regulate underground and aboveground
27 facilities and their onsite integral piping systems. Such
28 rules may establish standards for underground facilities which
29 store hazardous substances or pollutants, and marine fueling
30 facilities and aboveground facilities, not covered by chapter
31 377, which store pollutants. The department shall not mandate

1 secondary containment at aboveground storage tank facilities
2 which store pollutants until the development of a program as
3 called for in the recommendations of the United States
4 Environmental Protection Agency in its report of May 1996 "EPA
5 Liner Study, Report to Congress, Section 4113(a) of the Oil
6 Pollution Act of 1990" or December 31, 2004, whichever occurs
7 first. Upon the completion of such a program or December 31,
8 2004, whichever occurs first, the department shall determine
9 by rule the need for secondary containment under and around
10 aboveground storage tank facilities which store pollutants.
11 The department shall register bulk product facilities and
12 shall issue annual renewals of such registrations.
13 Requirements for facilities with underground storage tanks
14 having storage capacities over 110 gallons that store
15 hazardous substances became effective on January 1, 1991. The
16 department shall maintain a compliance verification program
17 for this section, which may include investigations or
18 inspections to locate improperly abandoned tanks. The
19 department may contract with other governmental agencies or
20 private consultants to perform compliance verification
21 activities. The contracts may provide for an advance of
22 working capital to local governments to expedite the
23 implementation of the compliance verification program.
24 Counties with permit or registration fees for storage tanks or
25 storage tank systems are not eligible for advance funding for
26 the compliance verification program.

27 Section 2. Subsection (1) of section 403.767, Florida
28 Statutes, is amended to read:

29 403.767 Certification of used oil transporters.--

30 (1) Any person who transports over public highways
31 after January 1, 1990, more than 500 gallons annually of used

1 oil must be a certified transporter. This subsection does not
2 apply to:

3 (a) Local governments or private solid waste haulers
4 under contract to a local government that transport used oil
5 collected from households to a public used oil collection
6 center.

7 (b) Persons who transport less than 55 gallons of used
8 oil at one time that is stored in tightly closed containers
9 which are secured in a totally enclosed section of the
10 transport vehicle.

11 (c) Persons who transport their own used oil, which is
12 generated at their own noncontiguous facilities, to their own
13 central collection facility for storage for processing.
14 However, such persons shall provide the same proof of
15 liability insurance or other means of financial responsibility
16 for liability which may be incurred in the transport of used
17 oil as that provided by certified transporters under
18 subsection (3).

19 Section 3. This act shall take effect upon becoming a
20 law.

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23 HOUSE SUMMARY

24 Prohibits the Department of Environmental Protection from
25 requiring secondary containment until development of an
26 EPA recommended tank liner program. Exempts specified
27 persons from used oil transporter certification
28 requirements. See bill for details.
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