

STATE OF FLORIDA
DEPARTMENT OF ENVIRONMENTAL REGULATION

IN RE:

File No. EQ-129

Southeast Tank Company)
Request Pursuant to Florida)
Administrative Code Rule 17-761.860)

APPROVAL OF STORAGE TANK SYSTEM
AND RELEASE DETECTION EQUIPMENT

This cause comes before me upon receipt of a request by Southeast Tank Company for the approval of an underground storage tank system with containment for use in the State of Florida, pursuant to Rule 17-761.860 , Florida Administrative Code (F.A.C.).

FINDINGS OF FACT

1. The applicant requests that an approval be granted for the PermaTank Underground Tank System With Secondary Containment.

2. The applicant has provided information that this equipment meets the criteria of Rule 17-761.860, F.A.C. for an underground storage tank system with containment.

3. The applicant contends that this request satisfies the criteria for approval of equipment as set forth in Rule 17-761.860, F.A.C.

Based on the information provided by Southeast Tank Company, the Department finds that the applicant's PermaTank underground Tank System With Secondary Containment will provide environmental protection substantially equivalent to

that provided by compliance with the requirements established in Rule 17-761.500, F.A.C.

CONCLUSIONS OF LAW

Rule 17-761.860, F.A.C., authorizes the approval by the Secretary of storage tank system and release detection equipment.

The Department concludes that the applicant has adequately demonstrated that the use of the equipment provides a substantially equivalent degree of protection for the ground waters of the state as the established requirement and that the use of this equipment for an underground storage system with containment is at least as effective as the established requirement.

Upon consideration of the foregoing, it is therefore **ORDERED** that the request for the use of the PermaTank Underground Storage Tank System With Secondary Containment is **APPROVED** as an underground storage tank system with secondary containment in the State of Florida. The System is not required to be tightness tested upon installation provided the storage tank is installed with the approved vacuum system. The associated piping shall be tightness tested upon installation.

Persons whose substantial interests are affected by the above proposed action have a right, pursuant to Section 120.57, Florida Statutes, (F.S.) to Petition for an Administrative Determination (hearing) on the proposed action. The Petition must contain the information set forth

below and must be filed (received) in the Department's Office of General Counsel, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400, within 21 days of publication of this Notice. A copy of the Petition must also be mailed at the time of filing to Southeast Tank Company above at the address indicated. Failure to file a petition within the 21 days constitutes a waiver of any right such person has to an administrative determination (hearing) pursuant to Section 120.57, F.S. The Petition shall contain the following information:

(a) The name, address, and telephone number of each Petitioner; the Department's identification number and the county in which the subject matter or activity is located;

(b) A statement of how and when each Petitioner received Notice of the Department's action or proposed action;

(c) A statement of how each Petitioner's substantial interests are affected by the Department's action or proposed action;

(d) A statement of the material facts disputed by Petitioner, if any;

(e) A statement of facts which Petitioner contends warrant or modification of the Department's action or proposed action;

(f) A statement of which rules or statutes Petitioner contends require reversal or modification of the Department's action or proposed action;

(g) A statement of the relief sought by Petitioner, stating precisely the action Petitioner wants the Department to take with respect to the Department's action or proposed action.

If a Petition is filed, the administrative hearing process is designed to formulate agency action. Accordingly, the Department's final action may be different from the position taken by it in this Notice. Persons whose substantial interests will be affected by any decision of the Department with regard to the subject agency proposed action have the right to petition to become a party to the proceeding. The Petition must conform to the requirements specified above and be filed (received) within 21 days of publication of this Notice in the Office of General Counsel at the above address of the Department. Failure to petition within the allowed time frame constitutes a waiver of any right such person has to request a hearing under Section 120.57, F.S., and to participate as a party to this proceeding. Any subsequent intervention will only be at the approval of the presiding officer upon Motion filed pursuant to Rule 28-5.207, F.A.C.

When the Order is final, any party to the Order has the right to seek judicial review of the Order pursuant to Section 120.68, F.S. by filing a Notice of Appeal pursuant to Rule 9.110, Florida Rules of Appellate Procedure, with

the Clerk of the Department in the Office of General Counsel, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400; and by filing a copy of the Notice of Appeal, accompanied by the applicable filing fees, with the appropriate District Court of Appeal. The Notice of Appeal must be filed within 30 days from the date of Final Order is filed with Clerk of the Department.

DONE AND ORDERED this 10th day of May, 1993, in Tallahassee, Leon County, Florida.

STATE OF FLORIDA DEPARTMENT OF
ENVIRONMENTAL REGULATION


JOHN M. RUDELL, Director
Division of Waste Management
Twin Towers Office Building
2600 Blair Stone Road
Tallahassee, Florida 32399-2400