



UST and AST Current Updates and Proposed Rulemaking

Chapters 62-761 and 62-762, Florida Administrative Code

2021 Tanks Workshop



History

Chapters 62-761 and 62-762,
Florida Administrative Code (F.A.C.)

- **Recent and Previous Rule Updates (Amendments)**
 - New and Amended UST/AST Rules adopted January 11, 2017
 - Partial UST/AST Rules adopted July 9, 2019
 - Remaining UST Rules adopted October 13, 2019
 - Remaining AST Rules adopted October 17, 2019
 - April 1, 2021, removed language in AST Rule regarding requirements to obtain Financial Responsibility for State and Federal facilities



Chapters 62-761 and 62-762, F.A.C.

- The 2019 revisions were mainly clarifications to the 2017 rule amendments
- Suggestions were submitted by the regulated community, stakeholders, district subject matter experts, and our county and local programs



Chapters 62-761 and 62-762, F.A.C.

- **Chapter 62-761, F.A.C., will be referred to as the UST Rule (Underground Storage Tank)**
- **Chapter 62-762, F.A.C., will be referred to as the AST Rule (Aboveground Storage Tank)**



UST and AST Rule Revisions Definitions

- **Rules .200 and .201**
 - **Dates and citations were updated**
 - **“Closure Integrity Evaluation” definition was revised**
 - **“Piping Sump” definition was revised**
 - **New definition of the term “Sump” was included**
 - **Definition of “Pesticides” removed from .201(54) and listed under statutory definitions with an editorial note at the end of .201**



UST and AST Rule Revisions Reference Guidelines

- **Rules .210 and .211**
 - Updated reference documents to their current version at the time of rulemaking
 - Minor updates to both UST and AST versions of Instructions for Conducting Sampling During Storage Tank Closure, July 2019 Edition



UST and AST Rule Revisions Applicability

- **Rules .300 and .301**
 - **In Rule 62-761.300, F.A.C.**
 - Updated links, dates, and removed rule citation Chapter 62-660, F.A.C. Industrial Wastewater Facilities (regarding pesticide waste degradation system – that Rule 62-660.802, F.A.C., has been repealed)
 - **In Rule 62-762.301, F.A.C.**
 - Removed the ammonia and chlorine requirement due to confusion under .301(1)(b)
 - Updated dates and removed rule citation (above)



UST and AST Rule Revisions Registration

- **Rules .400 and .401**
 - **Rule 62-761.400, F.A.C., added clarifying language under Certified Contractors Form [.400(2)(b)] and under placard revocation plus updated form dates**
 - **Rule 62-762.401, F.A.C., updated form dates**



UST and AST Rule Revisions Notification

- **Rules .405 and .411**
 - Updated form dates and reference citations
 - Also added language regarding notification of the State Watch Office if any discharges in accordance with Section 403.077, Florida Statutes.



UST and AST Rule Revisions

Financial Responsibility

- Rules .420 and .421
 - For both rules, rearranged language to other sections, updated dates, and added information for government-owned facilities
 - **REMOVED** in **2021** under subsection 62-762.421(3), F.A.C., that state and federal AST facilities are no longer exempt from financial responsibility requirement
 - Effective April 1, 2021, state and federal AST facilities are exempt from Financial Responsibility requirements



UST and AST Rule Revisions Incidents

- **Rules .430 and .431**
 - Added clarifying language and removed conflicting language
 - In UST Rule under paragraph 62-761.430(1)(a), F.A.C, positive responses, added number “10” regarding finding potential issues during visual inspections, which is currently in the AST rule.



UST and AST Rule Revisions

Storage Tank System Requirements

- **Rules .500, .501, and .502**
 - For all, clarified language regarding testing in accordance with manufacturer's requirements and if none, then cite the appropriate reference guideline (e.g., PEI/RP1200)
 - Updated rule citation dates
 - UST Rule – added reference to AST Rule regarding bulk product piping
 - **Overfill Protection – applies to all three rules**
 - Required to designate a primary overfill device. This device (only) must be registered with an EQ number and be tested annually
 - Any additional devices cannot interfere with the primary device
 - Added language regarding tanks that do not receive deliveries by mated tight fill adaptor



AST Rule Revisions

Shop Fabricated Storage Tank Systems

- **Rule 62-762.501(1)(b)9.**
 - **Added language for inspection of closed top dike double-walled UL 142 storage tanks with open interstice prior to being placed into service**



UST and AST Rule Revisions Repairs, Operation and Maintenance

- **Rules .700, .701, and .702**
 - Updated reference citations and added clarifying language
 - Specifically added language regarding repairs linking to out-of-service and closure requirements
 - Integrity Testing
 - In .701 and .702, removed term “below-grade” and replaced with “in contact with the soil” with the exception of spill containment devices due to language in other parts of the Rules and the AST Forms
 - In .700 and .701, added “over the surface waters of the state” in appropriate areas
 - In all, added “not to exceed 36 months” to the 3-year time-frame



UST and AST Rule Revisions

Out-of-Service and Closure Requirements

- **Rules .800, .801, and .802**
 - **Added that out-of-service storage tanks systems require a registration update**
 - **Specified what testing and inspection requirements are not required while a storage tank system is out-of-service**
 - **Under closure, added repair language to the time period storage tanks can remain out-of-service or then must be closed**
 - **Added language that once a system has been properly closed, the facility must update the registration status as closed**



UST and AST Rule Revisions Equipment Registration

- **Subsections .850(2) and .851(2)**
 - Form date and link update



UST and AST Rule Revisions Storage Tank Forms

- **Rule .900 and .901**
 - Updated language and revised form dates



Storage Tank Forms

Minor Revisions to Forms



UST Forms Revised

- **Facility Registration Form**
- **Financial Mechanisms for Storage Tanks**
- **Certified Contractors Form**
- **Closure Integrity Evaluation Form for USTs**
- **Limited Closure Integrity Evaluation Form for USTs**
- **Storage Tank System Equipment Registration Form**



AST Forms Revised

- **Facility Registration Form**
- **Closure Integrity Evaluation Form for ASTs**
- **Limited Closure Integrity Evaluation Form for ASTs**
- **Storage Tank System Equipment Registration Form**



Instructions for Conducting Sampling Documents Revised

- **Both DEP Reference Guidelines have been revised to the July 2019 Edition**
 - **Instructions for Conducting Sampling During Underground Storage Tank Closure**
 - **Instructions for Conducting Sampling During Aboveground Storage Tank Closure**



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Notice List

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Notice / Adopted	Section	Description	ID	Publish Date
	Variances 62-761.600	That it has issued an order on November 17, 2020, granting AdventHealth Winter Park Hospital's Petition for a Waiver. The Petition was received on August 19, 2020. Notice of receipt of this Petition was published in the	23916240	11/23/2020 Vol. 46/228
	Variances 62-761.600	waiver pursuant to section 120.542, F.S. from AdventHealth Winter Park Hospital. The petitioner requested a waiver from the rule requirements in Rule 62-761.600(3)(b)2., F.A.C., which requires that electronic line leak detectors	23574315	8/27/2020 Vol. 46/168
	Variances 62-761.800	that is has issued an order on January 6, 2020, denying CaraCara, LLC's Petition for a Waiver. The Petition was received on August 6, 2019. Notice of receipt of this Petition was published in the Florida Administrative Register	22815484	1/15/2020 Vol. 46/10
	Variances 62-761.800	a waiver of closure requirements from CaraCara, LLC. The petition requests a waiver from conducting a Closure Integrity Evaluation or closure assessment as required by Florida Administrative Code subsections 62-761.800(2)	22288386	8/21/2019 Vol. 45/163
	Correction 62-761.210	Reference Guidelines	22210689	8/2/2019 Vol. 45/150
	Change 62-761.200	Definitions, Out-of-Service and Closure Requirements	22118830	7/29/2019 Vol. 45/146
	Change 62-761.210	Reference Guidelines, Notification, Storage Tank System Requirements, Out-of-Service and Closure Requirements	22015428	6/19/2019 Vol. 45/119
	Proposed 62-761.200	Revising language for clarification in certain Underground Storage Tank Systems rules.	21342151	3/29/2019 Vol. 45/62



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Example of Proposed Rule
showing
strikethrough/underline

(7) Overfill protection.

(a) Owners or operators shall ensure that the volume available in the storage tank is greater than the volume of regulated substances to be transferred to the storage tank before the transfer is made and shall ensure that any transfer is repeatedly monitored to prevent overfilling and spilling, and no storage tank shall be filled beyond 95 percent capacity.

(b) Storage tank systems shall be equipped with an overfill device that meets one of the following:

1. Automatically shuts off flow to the storage tank when the storage tank is no more than 95 percent full;

2. Restricts flow to the storage tank when the storage tank is no more than 90 percent full and does not fill the storage tank beyond 95 percent capacity. Flow restrictors, such as ball float valves, used in vent lines may not be used when overfill protection is installed or replaced after January 11, 2017. Flow restrictors installed before January 11, 2017, may only be used if the storage tank system meets the requirements of Section 7 of PEI/RP100-17 44, 2017 2011 Edition, Recommended Practices for Installation of Underground Liquid Storage Systems, UST Overfill Equipment Verification, Inspection and Testing; or,

3. Alerts the transfer operator when the tank is no more than 90 percent full by triggering an alarm that is visible, audible, or both, and the transfer operator is to ensure does not fill the tank is not filled beyond 95 percent capacity.

(c) Effective (effective date of Rule), owners and operators shall:

1. Designate a primary overfill protection device used to meet the requirements in paragraph 62-761.500(7)(b), F.A.C., and any additional overfill devices shall not interfere with the designated primary device; and,

2. Ensure the designated primary overfill protection device is registered pursuant to registration of storage tank system equipment and release detection systems and methods, subsection 62-761.850(2), F.A.C. ~~Used oil tanks that receive less than 25 gallons at one time are not required to have overfill protection.~~

(d) An annual operability test shall be performed on the designated primary overfill protection device used to meet the Department's overfill protection requirement at intervals not exceeding 12 months to ensure proper operation ~~Storage tank systems with capacities of 2,000 gallons or less that do not receive delivery by a mated (joined) tight fill adaptor connection of the delivery hose to the tank riser are exempt from overfill protection requirements provided that the tanks are never filled beyond 80 percent capacity.~~

(e) Storage tank systems with capacities of 2,000 gallons or less that do not receive delivery by a mated (joined) tight fill adaptor connection of the delivery hose to the tank riser may use calibrated stick measurements for overfill protection, and are not required to be equipped with one of the devices specified in paragraph 62-761.500(7)(b), F.A.C., provided that an inches to gallons tank chart is posted at the tank fill area or readily available to the delivery driver. Such tanks shall not be filled beyond 95 percent capacity ~~Overfill devices shall be registered in accordance with subsection 62-761.850(2), F.A.C., and an operability test shall be performed annually at intervals not exceeding~~



UST - Notification of Product Change Reminder from 2017 Rulemaking

- 62-761.405(2)(d) Notification shall be received by the county in writing or electronic format at least **30 days prior to switching to a regulated substance containing greater than 10 percent ethanol or greater than 20 percent biodiesel**
 - For example, if a facility starts providing E15 as an ethanol fuel-blend option, the owner/operator is required to notify the County 30 days prior to that change in product
 - Same with providing greater than 20 percent biodiesel
 - Future Violation Code – 6008
 - Applies to UST facilities



Current Proposed Rulemaking

Currently reviewing the following rules to make revisions:

- **Definitions (only if a request comes up)**
- **Reference Guidelines (updating to newest editions)**
- **Registration (minor revision)**
- **Discharge (suggested by Orange County)**
- **Storage Tank System Requirements (updating references/overflow)**
- **Release Detection (adding emergency generator language)**
- **Out-of-Service (AST rule only)**
- **Mineral Acid Rule (Notification section)**
- **May need minor revisions to forms and possibly sampling documents**



Storage Tank System Requirements - Proposed Update

- **NEW 62-761.500(7)(c) [will add to both rules]**
 - (7) Overfill protection.
 - ...
 - (c) All overfill protection devices shall be tested for operability at installation.

Note: Only the designated primary overfill device will be required to perform the annual operability test and require an EQ Registration number



Release Detection - Proposed Update

- **62-761.600(3)(b)** In addition, pressurized integral piping in contact with the soil shall be equipped with a release detection system that can detect a leak within one hour. One of the following methods shall be used:
 - 1. through 3. Minor changes.
- **New Language (all rules):**
 - 4. For emergency generator storage tank systems that are monitored 24-hours per day, if the release detection system detects leaks of 3.0 gph at 10 psi line pressure within one hour, then an audible or visual alarm can be triggered to alert the on-site operator.



AST Out-of-Service - Proposed Update

- 62-762.801(1) Out-of-service storage tank systems.
 - (a) and (b) No change.
- New (c):
 - **(c) Facility owners and operators of out-of-service storage tank systems shall perform a visual inspection once every six months, not to exceed 180 days, of the storage tank system. Every component of a storage tank system that contains, transfers, or stores, or is designed to contain, transfer, or store regulated substances that can be inspected visually shall be visually inspected and documented as to its condition pursuant to rule 62-762.711, F.A.C. Any visual inspection of a storage tank system that reveals uncontrolled pitting, corrosion, structural damage, leakage, or other similar problems is considered a positive response in accordance with Rule 62-762.431, F.A.C. The positive response shall be recorded as part of the release detection records, and reported and investigated as an incident pursuant to rule 62-762.431, F.A.C. Repairs shall be made in accordance with rule 62-762.701, F.A.C.**



Current Rulemaking

Send any rulemaking suggestions by Wednesday, **May 5th** to:

- **Kim Curran - Kimberley.Curran@FloridaDEP.gov**
- **Amanda Dorsett - Amanda.Dorsett@FloridaDEP.gov**
- **Jeff Gregg - Jeff.Gregg@FloridaDEP.gov**



Rulemaking Documents

Rulemaking documents can be accessed (when available) online at:

[Storage Tank Systems Rulemaking](#)

Current rules on website at:

[Storage Tank System Rules, Forms, and Reference Guidelines](#)



Rulemaking Questions

Kim Curran

850-245-8849

Kimberley.Curran@FloridaDEP.gov