



Florida Department of Environmental Protection

Changes to Chapter 62-762, Florida Administrative Code Aboveground Storage Tank Systems (ASTs)

Effective – 1/11/2017





Rule Organization

The rule includes separate shop-fabricated and field-erected sections for:

- Storage tank system requirements
- Release detection requirements
- Repairs, operation and maintenance
- Out-of-service and closure requirements

Mineral acid ASTs continue to be discussed in their own section.



Rule Organization

- The rule sections are reorganized a bit with separate sections for:
 - Registration
 - Notification
 - Financial responsibility
 - Incidents
 - Discharges
- The concept of Category A, B and C ASTs has been removed since all ASTs must have met upgrade requirements by January 1, 2010.



Intent

The facility shall provide a representative to access storage tank system components for inspection purposes and to demonstrate operational functionality of electronic equipment.





Definitions

Terms that are defined in the Florida Statutes, such as “Discharge”, “Facility”, “Petroleum”, and “Owner” will no longer be defined in the rule.

There are 24 new definitions and 26 definitions have been removed (including 12 statutory definitions).



Definitions

- “Closure Integrity Evaluation” is the assessment by a 3rd party of the integrity of a component in contact with the soil that is being closed. There are separate definitions for field-erected and shop fabricated systems.
- “Day tank” is now defined – shop fabricated tank less than or equal to 550 gallons capacity that is connected to a regulated tank. Day tanks are not regulated.



Definitions

- “Docklines” is a newly defined term – pipelines originating at the first shore side valve after the marine transfer area, and terminating at the first valve inside the dike field area. Docklines are not regulated if they are not considered to be “on-site”.
- “Hydrant piping” and “Hydrant Sumps” are now defined.



Definitions

- “In-service” and “Out-of-service” definitions have been revised in an attempt to simplify things. An AST is in-service until registered as out-of-service. And, there is no longer a definition of “Unmaintained”.
- “Mobile tank” definition has been revised to clarify that tanks used on construction sites don’t require periodic movement.



Definitions

- “Integrity test” is a determination of the liquid tightness of a component:
 - “Interstitial integrity test” is used to determine if double-walled component is tight.
 - “Primary integrity test” is used to determine if the primary wall of the component is tight.
 - “Containment integrity test” is used to determine if single-walled component (sump or hydrant pit) is tight.



Reference Guidelines

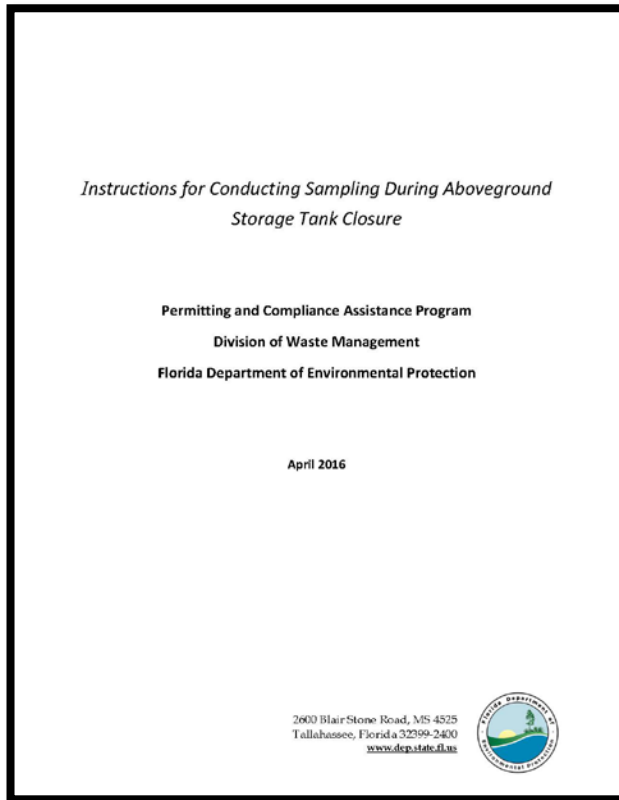
- The rule update allows for the Department to update such reference guidelines as from the American Petroleum Institute (API), Petroleum Equipment Institute (PEI) and the National Fire Protection Agency (NFPA).



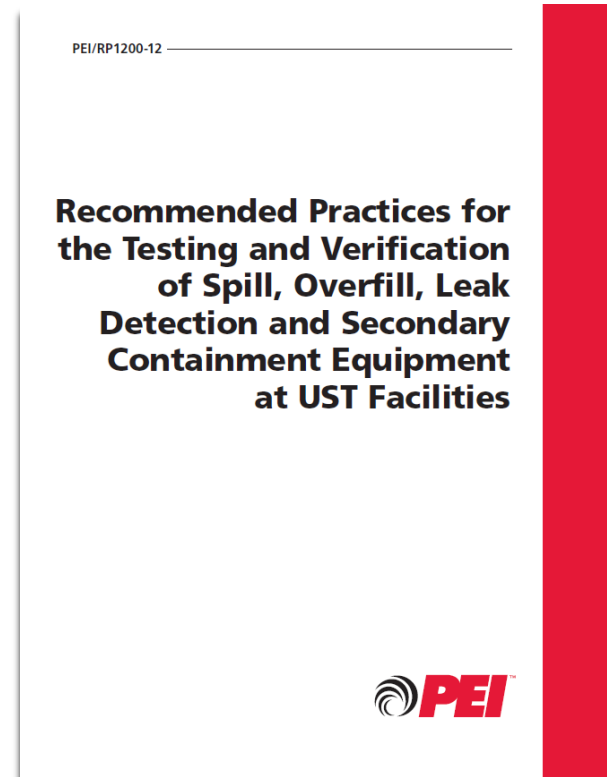


Proposed Changes – Reference Guidelines

Instructions for Conducting Sampling



Recommended Practices for Testing Secondary Containment

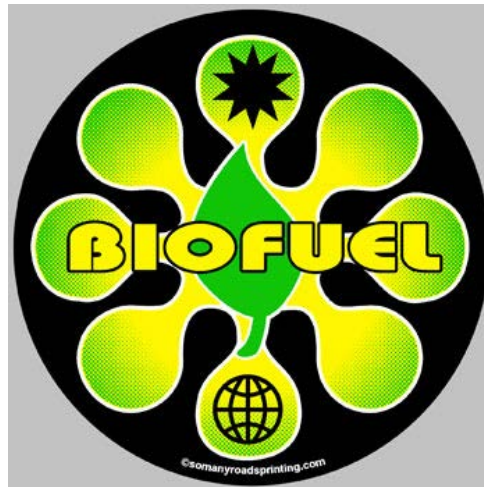




Proposed Changes – Applicability

The Department removed the term “de minimus” and replaced it with more specific rule exemptions:

- Storage tanks containing regulated substances of less than 2%, and
- Storage tanks containing biofuels with 5% or less of regulated substances.





Registration/Notification - Installations

Former Requirements

- Notify county at least **30 days prior** to install (verbal or written).
- Confirm with county at least **48 hours prior** to install (verbal or written).
- Register no later than **30 days after** putting substance into new tank.

New Requirements

- Notify county **30-45 days prior** to install (written).
- Confirm with county **48-72 hours prior** to install (written).
- For new facility – register **30 days prior** to install. **7 days prior to adding product** for existing facility.



Registration/Notification - Closures

Former Requirements

- Notify county at least **10 days prior** to closure (verbal or written).
- Confirm with county at least **48 hours prior** to closure (verbal or written).
- Register no later than **30 days after** closure.
- *Register no later than **30 days after** other changes.*

New Requirements

- Notify county **30-45 days prior** to closure (written).
- Confirm with county **48-72 hours prior** to closure (written).
- Register no later than **10 days after** closure.
- *Register no later than **10 days after** other changes.*



Registration/Notification - Delivery Prohibition

- Motor fuel may not be placed into regulated tanks unless there is a valid registration placard displayed at the facility.
- Motor fuel means petroleum products used for the operation of a motor or engine.




Financial Responsibility

- Financial responsibility (FR) is the ability to pay for cleanup of a discharge of petroleum or petroleum product and for third-party liability resulting from the discharge.
- FR must be maintained until the regulated tank is closed. If it is not maintained, then the AST must be closed.
- FR may be demonstrated by owner or operator. The facility owner is liable in event of noncompliance.
- FR must be demonstrated in accordance with EPA's reference guideline, or in accordance with 62-761.900(3).



Financial Responsibility

Form 62-761.900(3)



DEP Form 62-761.900(3)
Form Title: Financial Mechanisms for Storage Tanks
Part A - O
Form Effective Date: _____
Incorporated in Rule 62-761.420(3)

**STATE OF FLORIDA
FINANCIAL MECHANISMS FOR STORAGE TANKS
to demonstrate financial responsibility**

Part	Title [Code of Federal Regulations reference]	Page
A	Financial Test (Self-Insurance) [40 CFR Part 280.55(d)]	2
B	Guarantee [40 CFR Part 280.56(c)]	6
C	Insurance Endorsement [40 CFR Part 280.97(b)(1)]	9
D	Certificate of Insurance [40 CFR Part 280.97(b)(2)]	11
E	Performance Bond [40 CFR Part 280.98(b)]	13
F	Irrevocable Letter of Credit [40 CFR Part 280.99(b)]	16
G	Trust Fund Agreement [40 CFR Part 280.102]	18
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I	Local Government Bond Rating Test [40 CFR Part 280.104(d)]	28
J	Local Gov. Financial Test [40 CFR Part 280.105(c)]	30
K	Local Gov. Guarantee with Standby Trust Fund by a State [40 CFR Part 280.106(d)]	33
L	Local Gov. Guarantee with Standby Trust Fund [40 CFR Part 280.106(d)]	35
M	Local Gov. Guarantee without Standby Trust by State [40 CFR Part 280.106(e)]	37
N	Local Gov. Guarantee without Standby Trust Fund [40 CFR Part 280.106(e)]	39
O	Local Government Fund [40 CFR Part 280.107(d)]	41

* Requires establishment of a Standby Trust Fund Agreement

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Certificate of Insurance

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**STATE OF FLORIDA
STORAGE TANK CERTIFICATE OF INSURANCE**
Reference: 40 CFR Part 280.97(b)(2)

Insurer or Risk Retention Group: _____ (herein referred to as "Insurer")
[Name of Insurer or Risk Retention Group]
[Business address of Insurer or Risk Retention Group]
"Insurer" is a(n) [Enter "insurer" or "risk retention group"]

Insured: _____
[Name of owner or operator]
[Business address of owner or operator]

Policy Number: _____ **Endorsement Number:** _____ (if applicable)
Period of Coverage: _____ **Policy Effective Date:** _____
[Current policy period]

Covered Locations:
[List for each facility covered, the FDEP identification number and the name and site address of the facility where tanks assumed by this instrument are located and the number of tanks at that site. If separate mechanisms or combinations of mechanisms are being used to assure any of the tanks at this facility, list such tanks assumed by this instrument by the tank identification number provided in the notification submitted pursuant to 62-761.400 and 62-761.401 F.A.C. If coverage is different for different tanks or locations, indicate the type of coverage applicable to each tank or location. Indicate "See attachment" if required.]

FDEP I.D. No.	Facility Name and Site Address	Number of Tanks or Tank I.D. Nos.

Certification:
1. "Insurer" hereby certifies that it has issued to the Insured the liability insurance identified above to provide financial assurance for _____ caused by [insert: "corrective action" and/or "compensating third parties for bodily injury and property damage"] _____ accidental releases in accordance with and subject to the limits of liability, exclusions, [insert: "sudden" and/or "non-sudden"] _____ conditions, and other terms of the policy arising from operating the facilities/tanks identified above. The Insurer further warrants that such policy conforms in all respects with the requirements of 40 CFR Part 280.97(b), as adopted by reference in Rule 62-761.420, Florida Administrative Code (F.A.C.) for the above specified financial assurance. It is agreed that any provision of the policy inconsistent with such regulations is hereby amended to eliminate such inconsistency.

DEP Form 62-761.900(3) Part D page 1 of 2
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Financial Responsibility

Certification of Financial Responsibility

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Financial documents back of state that are made available for inspection for information only.
 Go to: <http://www.floridastate.com/technicalpublications/Water/FRM>

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 Form 62-761-9003 (03/01/2016)
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 Form 62-761-9003 (03/01/2016)
 Florida Department of Environmental Protection

**STATE OF FLORIDA
 CERTIFICATION OF FINANCIAL RESPONSIBILITY**
Reference: 40 CFR 260.111(b)

Owner or Operator: _____

The person whose signature appears below hereby certifies that the following facility(ies) is (are) in compliance with the requirements of subpart H of 40 CFR part 260 as adopted by Chapter 62-761 and/or 62-762, F.A.C. (indicate "See Attachment" if more than one facility is covered.)

Facility Name: _____ FDEP FacID: _____

The following financial assurance mechanism(s) is (are) used to demonstrate financial responsibility:

Primary Mechanism: _____
(Enter type of funding mechanism, guarantee or financial test w/out guarantee)

Name of Issuer: _____
(Issuer or Guarantor)

Instrument No.: _____ Period of Coverage: _____ to _____
(if applicable) (Dates of coverage)

Complete the following only as applicable (Required when Bond, Letter of Credit and Guarantees are used):

Standby Trust Fund (SBTF) Trustee: _____
(Required when Bond, Letter of Credit and some Guarantees are used)

SBTF entered into date: _____ Account number: _____

Financial Test used (required for all Guarantees): Form Part _____ completed
(Insert A, L, J or Q)

The mechanism(s) demonstrate(s) financial responsibility for _____
(Insert "taking corrective action" and/or "compensating third parties for bodily injury and property damage")

caused by _____ for UST and/or AST in the amount of:
(Insert "sudden accidental releases" or "non-sudden accidental releases" or "accidental releases")

Per Occurrence: \$ _____ Annual Aggregate: \$ _____

Signature of Authorized Representative of owner or operator: _____ Signature of Witness or Notary: _____

Type Name and Title: _____ Type Name of Witness or include Notary Seal: _____

Date: _____

This certification must be updated whenever the financial assurance mechanism(s) used to demonstrate financial responsibility change(s).

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DEP Form 62-761-9003



Incidents

- An incident is a situation indicating that a release or discharge may have occurred.
- The Incidents section now includes all the possible positive responses of release detection devices.
- The facility now has 72 hours to report an incident (former rule – 24 hours). *An Incident Notification Form (INF) is not required if during this timeframe it is confirmed that a discharge did not occur.*
- The facility still has 14 days to investigate, but may be extended, upon approval, to 45 days without having to remove from service.
- For every incident that occurs, whether an INF is required or not, there must be documentation maintained of the discovery/investigation/conclusions of the investigation.
 - This information is very important in instances where closure integrity evaluations are being conducted or repairs are being made due to sump or other secondary containment integrity issues.



Discharges

- The owner must report the discovery of a discharge within 24 hours.
- However, if it is thought that the discovery is a previously reported discharge, then the owner has 30 days to investigate and submit supporting documentation.





Construction Requirements

For new installations:

- A containment integrity test shall be conducted for factory-made spill buckets and single-walled sumps.
- An interstitial integrity test shall be conducted for double-walled or double-bottomed ASTs and for double-walled small diameter piping in contact with the soil or over surface waters of the state.

In general the testing must be conducted for one hour, instead of the former three hours in accordance with PEI/RP1200-12.



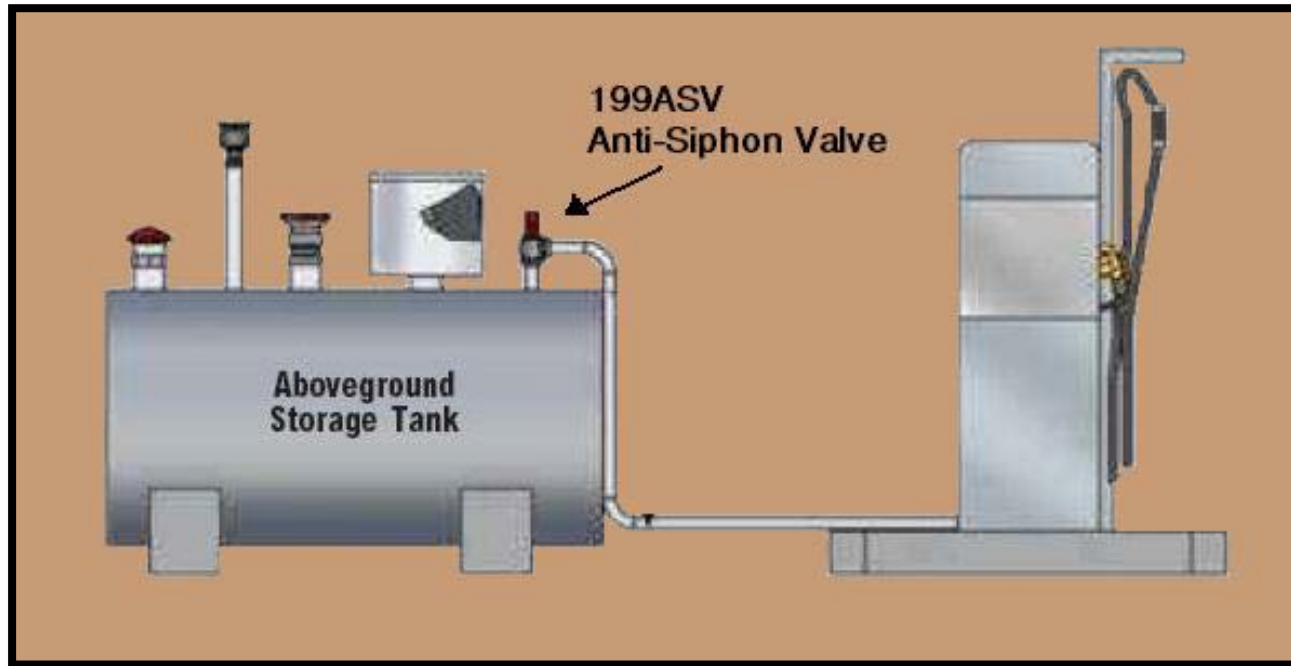
Construction Requirements



For new piping installed in contact with the soil, a survey drawing signed and sealed by a professional land surveyor or engineer must be completed and maintained.



Construction Requirements (Shop Fabricated ASTs)



Storage tank systems that produce a gravity head on small diameter piping must be installed with anti-siphon valves (ASVs).

For existing systems without ASVs, they must be installed within one year (1/11/18).



Construction Requirements (Shop Fabricated ASTs)



All overfill protection devices for ASTs must be tested for proper operation annually at intervals not exceeding twelve months. The initial testing must be conducted within 12 months of the effective date of the rule (by 1/11/18).



Construction Requirements (Shop Fabricated ASTs)



ASTs with capacities of 15,000 gallons or less that DO NOT receive delivery by a joined tight fill adaptor connection are exempt from overfill protection requirements as long as the ASTs are never filled beyond 80% capacity.



Construction Requirements (Field Erected ASTs)



Field erected ASTs that are loaded by truck are required to have spill containment by July 11, 2017, unless the fill connection already exists within a dike field with secondary containment or within a tank truck containment area.



Release Detection Requirements (Shop Fabricated ASTs)



All new pressurized small diameter piping in contact with the soil must be installed with line leak detectors, and must be tested every 12 months.

Existing systems must be equipped with line leak detectors within one year of the effective date of the rule (by 1/11/18), and undergo testing every 12 months.



Release Detection Requirements



Piping and dispenser sumps that use electronic release detection must also be visually inspected every six months.



Release Detection Requirements



The rule now specifically requires that facilities maintain a monthly record of alarm history and sensor status for inspection. Each release detection alarm that occurs from a facility's chosen form(s) of release detection must be investigated as an incident, and findings must be maintained for inspection.



Release Detection Requirements



Pressure readings shall be able to detect a 50% change from month to month or from the initial level. Vacuum systems shall be able to detect any complete loss of vacuum or positive pressure reading.



Repairs, Operation and Maintenance

Periodic integrity testing will be required as follows:

- Double-walled tanks and below grade double-walled piping at the time of installation and at the time of any repairs.
- Below-grade piping/dispenser sumps by October 13, 2018, and every three years after.
- Below-grade spill containment systems within one year of rule effective date (by 1/11/18) and every three years after.
- Below-grade hydrant sumps by 1/11/18 and every three years after.



Repairs, Operation and Maintenance

Water in excess of 1" (no longer at the piping penetrations) or any regulated substances must be removed within 72 hours of discovery.





Proposed Changes – Recordkeeping



Records, unless required to be maintained until AST closure, must be maintained for **three** years (except that records generated prior to the effective date of the rule must still be kept for two years).



Recordkeeping

The following changes to the records requirements have been made:

- The Release Detection Response Level (RDRL) requirement has been removed from the rule.
- Release detection records must include a record of alarm history for electronic release detection devices.
- Survey drawings shall be kept until closure of the component(s) surveyed.



Out-of-Service Requirements

- Whether the tank contains petroleum/petroleum products or not, FR must be maintained. If FR is not maintained, then the tank must be closed within 90 days.
- For systems out-of-service for more than 1 year – tanks must be evaluated per STI SP001 (shop fab) or API 653 (field erected) before placing back into service, and piping in contact with soil must be integrity tested.
- For field erected tanks, tank bottom release detection systems shall be monitored every 12 months.



Closure Requirements

- Single-walled ASTs and piping in contact with the soil must undergo closure sampling during closure.
- Double-walled ASTs, double-walled piping, and dispenser/piping/hydrant sumps in contact with the soil, as well as spill containment devices that are totally below grade must undergo a closure integrity evaluation prior to closure to determine if closure sampling is required.
- In cases where closure integrity evaluation is required, the closure integrity report must be submitted to the county with closure notification prior to actual closure (30-45 days prior).

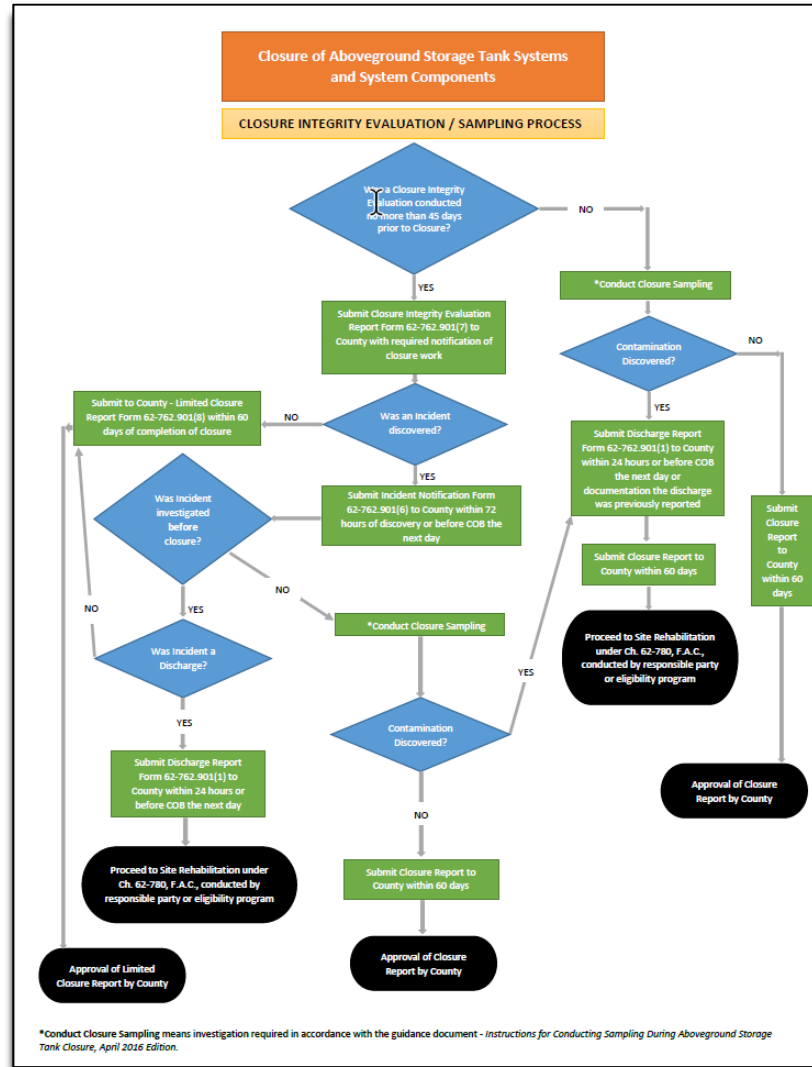


Closure Requirements

- If a closure integrity evaluation is required but not conducted, then closure sampling is required.
- In cases where closure sampling is required, a closure report will be due to the county within 60 days.
- In cases where closure sampling is not required, a Limited Closure Report will be due in 60 days using Form 62-762.901(8).



Closure Requirements





Equipment Registration

- Currently, storage tank system equipment used in the State of Florida must undergo formal Department equipment approval.
- The proposed rule replaces equipment approval process with a registration process.
- The registration application must include a third-party evaluation of the equipment.
- Registration renewal must occur every five years.



Any Questions?

Helpful Resources

- Storage Tank Compliance Main Page:
<http://www.dep.state.fl.us/waste/categories/tanks/default.htm>
- Announcements:
<http://www.dep.state.fl.us/waste/categories/shw/pages/announcements.htm>
- Financial Responsibility:
<http://www.dep.state.fl.us/waste/categories/tanksfr/default.htm>
- Storage Tank Registration:
<http://www.dep.state.fl.us/waste/categories/tanks/pages/registration.htm>
- Storage Tank Rules, Forms and Guidance Documents:
<http://www.dep.state.fl.us/waste/categories/tanks/pages/rules.htm>