

# Storage Tanks Systems Incidents Investigations, Repairs and Follow-up

This guidance is to assist owners/operators of underground storage tank systems (USTs) regulated by Chapter [62-761](#), Florida Administrative Code (F.A.C.), and aboveground storage tank systems (ASTs) regulated by Chapter [62-762](#), F.A.C., in managing incidents at their facilities.<sup>1</sup>

An “Incident” is defined as “a condition or situation indicating that a release or discharge<sup>2</sup> may have occurred from a storage tank system or system component.” See UST Rule 62-761.200(27), or AST Rule 62-762.201(35), F.A.C. An incident includes such things as:

1. A positive response of a release detection device or method,
2. A failed integrity test,
3. Unusual operating conditions, and
4. A failed Closure Integrity Evaluation

For a comprehensive list of what constitutes an incident, see paragraph 62-761.430(1)(a)-(f), F.A.C., for USTs, or paragraph 62-762.431(1)(a)-(f), F.A.C., for ASTs.

Steps must be taken within 24 hours to investigate the incident to determine if a discharge has occurred. See UST Rule 62-761.430(2), or AST Rule 62-762.431(2), F.A.C. If, within 72 hours of the discovery of the incident, the investigation cannot confirm that a discharge did or did not occur, then an [Incident Notification Form](#) (INF) must be submitted to the county or the department. The appropriate county or department district contact information may be found the [Storage Tank Compliance](#) main page. The investigation of the incident must continue until a determination is made as to whether a discharge occurred; and within 14 days of the incident discovery, (unless an alternate timeframe is approved by the department or appropriate county) either a [Discharge Report Form](#) (DRF) or written confirmation and explanation that the incident did not result in a discharge must be provided to the county or department. See UST Rule 62-761.430(4)&(5), or AST Rule 62-762.431(4)&(5), F.A.C.

When an incident is discovered by the owner or operator (or by the inspector during an inspection) that requires repair of a storage tank system or system component, the owner/operator must act immediately to cease operation of the tank system and repair the component that has resulted in the incident. The owner/operator must provide prior notice to the county of repairs that are going to be made so that the county inspector may conduct any necessary inspection(s). A storage tank system that requires a repair shall be repaired within 90 days of discovery of the issue. If the repair is not or cannot be made in this timeframe, then the storage tank system shall be taken out-of-service. If the storage tank system is not repaired within 365 days after being taken out-of-service, then it shall be permanently closed. See Rules 62-761.440(6)(d), 62-761.700, & 62-761.800(2), F.A.C., for USTs and Rules 62-762-441(6)(d), 62-762.701, & 62-762.801(2), F.A.C., for shop fabricated ASTs and 62-762-441(6)(d), 62-762.702, & 62-762.802(3), F.A.C., for field erected ASTs. A “repair” is defined to mean the restoration or replacement of any “defective or damaged parts of a storage tank system or system component.” See UST Rule 62-761.200(51), or AST Rule 62-762.201(65), F.A.C. Repairs shall be performed if any storage tank system component has a release or discharge, has contributed to a release or discharge, or has an operational or structural problem that could result in a release or discharge (i.e., an incident has been discovered). See Rules

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<sup>1</sup> Nothing herein is intended to modify Florida Statutes, department rules or guidance documents incorporated within those rules.

<sup>2</sup> “Discharge” is defined by Section 376.301(13), Florida Statutes as include, “but is not limited to, any spilling, leaking, seeping, pouring, misapplying, emitting, emptying, releasing, or dumping of any pollutant or hazardous substance which occurs and which affects lands and the surface and ground waters of the state not regulated by ss. [376.011-376.21](#).”

62-761.440(6) & 62-761.700(1), F.A.C., for USTs, or Rules 62-762.441(6), & 62-762.701(1), (shop fabricated), or 62-762.702(1), F.A.C., (field erected), ASTs.

Thus, to recap, the owner/operator must take steps to repair the component AND to investigate the incident to determine if a discharge occurred.

Even in instances where an INF is not required to be submitted (instances where incidents are resolved within the first 72 hours), the owner/operator must have investigated the incidents and must maintain records of the discovery/investigation/outcome of the incidents for review by the department or county during routine compliance inspections. See UST Rule 62-761.430(8), or AST Rule 62-762.431(8), F.A.C.

The following examples of incident discoveries, investigations, and repairs are to provide further clarification of the above offered guidance:

#### **Scenario 1 – Sump Integrity Issue Discovered by County Inspector**

- The county inspector conducts a routine compliance inspection and finds that the penetration boots in the submersible turbine pump (STP) sumps have deteriorated and the sumps do not appear to be tight.
- The inspector cites the facility for having an operational/structural problem that could result in a release or discharge. In the explanation and corrective action area of the citation, the inspector indicates that a repair must be made and that the incident must be investigated, inclusive of the submittal of an INF, if warranted.
- The owner/operator begins its investigation of the incident as well as takes steps to make any necessary repairs, which may include a hydro test of the sump if the owner/operator feels that the sump may be tight.
- Within 72 hours of the discovery of the incident, if a determination cannot be made by the owner/operator as to whether a discharge occurred, then the owner/operator must provide a completed INF to the county, and the owner/operator must continue its incident investigation.
- Within 14 days of the incident, or within another timeframe submitted to and approved by the county, the owner/operator must have determined whether a discharge occurred, and must either provide a DRF (if a discharge did occur) or must provide written confirmation that a discharge did not occur. It should be noted that, dependent on site specific conditions, sampling of the soil and possibly the groundwater may be necessary to determine if a discharge has occurred.
- The owner/operator must make any necessary repairs within 90 days of the discovery of the incident, and must provide prior notice to the county or the department of the repair work, or must take the storage tank system out-of-service.

#### **Scenario 2 – Sump Integrity issued Discovered by Owner/Operator**

- The owner/operator finds that the penetration boots in the STP sumps have deteriorated and the sumps do not appear to be tight.
- The owner/operator begins its investigation of the incident as well as takes steps to make any necessary repairs, which may include a hydro test of the sump if the owner/operator feels that the sump may be tight. Within 72 hours of the discovery of the incident, if a determination cannot be made by the owner/operator as to whether a discharge occurred, then the owner/operator must provide a completed INF to the county, and the owner/operator must continue its incident investigation.
- If within the 72-hour period the owner/operator determines that a discharge did not occur, then an INF is not required to be submitted; however, the owner/operator must maintain all associated documentation for review by the county or the department during a routine compliance inspection.
- In instances where a determination cannot be made within the 72-hour period and an INF is submitted, the owner/operator has 14 days from the discovery of the incident, or another timeframe deemed acceptable by the county, to determine whether a discharge occurred. At the end of this timeframe, the owner/operator must either provide a DRF (if a discharge did occur) or must provide written confirmation

that a discharge did not occur. It should be noted that, dependent on site specific conditions, sampling may be necessary to determine if a discharge has occurred.

- The owner/operator must make any necessary repairs within 90 days of the discovery of the incident, and must provide prior notice to the county or the department of the repair work, or must take the storage tank system out-of-service.