



Reminders for Owner/Operators of Underground Storage Tank Systems

Chapter 62-761, Florida Administrative Code
Effective – October 13, 2019



Introduction

The following presentation provides general reminders for owners and operators of underground storage tank (UST) systems with a storage capacity greater than 110 gallons which contain or contained regulated substances.

A “regulated substance” means a liquid at standard temperature and pressure that is a pollutant or a hazardous substance.

A “pollutant” means any “product” as defined in s. [377.19](#), Florida Statutes (F.S.), pesticides, ammonia, chlorine, and derivatives thereof, excluding liquefied petroleum gas.

A “product” means any commodity made from oil or gas (including but not limited to: gasoline, aviation gasoline, diesel, jet fuel, kerosene, and fuel oil).



Access for Inspection

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



Please note: The facility representative will need to open all equipment and operate electronic release detection consoles for the inspector during the inspection. Failure to provide access is a violation.



Operator Training

WAS REQUIRED BY NO LATER THAN OCTOBER 13, 2018

- **Each facility, including unmanned facilities, must designate a Class A, B, and C operator.**
- **Class A operator – has primary responsibility for a facility, such as the owner, and can operate one or more facilities.**
- **Class B operator – implements day-to-day tank operations, such as the facility operator or independent consultant. An independent consultant can operate up to 50 facilities and must also be a Certified Contractor or must be employed by a Certified Contractor.**
- **Class C operator – controls dispensing of fuel, such as the manager/clerk, and must be trained for each facility independently.**
- **Class A and B operators must be re-trained if the Department issues an Notice of Violation for a significant issue (Financial Responsibility, construction, overfill/spill containment, and release detection).**



Operator Training

Requirements

- **Class A - C operators must complete approved training course, or Class C operators may receive training from Class B operators.**
- **Facilities must have a trained employee present during hours of operation, unless facility is unmanned.**
- **Unmanned facilities must have emergency information signage visible from any dispenser.**
- **Certificates of training must be maintained and available for inspection.**
- **Emergency contact numbers must be posted for Class C operators' use and site specific response procedures must be accessible.**



Registration/Notification

Installation/Closure/Change in Service

- **Notify county 30-45 days prior to install (written).**
- **Confirm with county 48-72 hours prior to install (written).**

Installation/Closure

- **Provide a certified contractor form within 21 days after installation/removal.**

Installation

- **For new facility – register 30 days prior to install.**
- **For existing facility – register 7 days prior to adding product.**

Closure

- **Register no later than 10 days after closure.**



Registration/Notification

Other Notifications

- **At least 30 days prior to switching to >10 % ethanol or 20% biodiesel (written).**
- **Register no later than 10 days after other changes.**
- **Within 72 hours of an Incident (written).**
- **Within 24 hours of a Discharge (written).**
- **Within 24 hours of a reportable pollutant releases (per [403.077](#), F.S.), notice is required to be made through the State Watch Office (by phone).**



Delivery Prohibition

Florida Statute [376.3077](#)

- It is unlawful for any owner, operator, or supplier to pump or otherwise deposit any motor fuel into a tank required to be registered under s. [376.303](#), F.S., unless proof of valid registration is displayed on such tank itself or the dispensing or measuring device connected thereto or, where appropriate, in the office or kiosk of the facility where the tank is located.

Delivery Prohibition

- No owner, operator, or supplier shall deposit any motor fuels into a storage tank system regulated under [Chapter 62-761](#), Florida Administrative Code, unless that owner or operator has a valid, current registration placard issued by the Department covering that storage tank system.
- Motor fuel means petroleum products used for the operation of a motor or engine.



Placard Revocation

For the following non-compliance issues:

- **Failure to install, operate and maintain release detection equipment.**
- **Failure to meet storage tank system construction requirements.**
- **Failure to respond to an ongoing discharge.**
- **Failure to maintain financial responsibility.**



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 and the Closure Report or the Limited Closure Report Form is submitted to and approved by the county or the Department. If FR is not maintained, then the UST must be closed within 90 days of termination of the financial mechanism.**
- **FR must be demonstrated by the owner or operator using the appropriate parts of DEP's Financial Mechanisms Form 62-761.900(3).**
- **The facility owner is liable in the event of noncompliance.**



Financial Responsibility

Certificate of Insurance – Part D

SAVE PRINT CLEAR

DEP Form 62-761.900(3) Part D
PDF File: Financial Responsibility for Storage Tanks
Part D - Certificate of Insurance
Revised: 01/15/2019
Incorporated in Rule 62-761.420 and 62-761.421, F.A.C.

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

Insurance Company or Risk Retention Group: [Insert insurance company]
(Name of insurance company or risk retention group), (herein referred to as "Insurer").
[Business address of insurer]
Insurer is a(n) [Enter "insurance company" or "risk retention group"]

Insured: [Submit]
(Name of owner or operator)
[Business address of owner or operator]

Policy Number: Endorsement Number:
[If applicable]

Period of Coverage: [Current policy period] Policy Effective Date:

Covered Locations:
[List information for each facility. See instruction #6 on page 1 for details. Indicate "See attachment" if required.]

FDEP FacID (for sites in Florida)	Facility Name and Site Address (for all sites covered)	Number of Tanks or Tank I.D. Nos.
<input type="text"/>	<input type="text"/>	<input type="text"/>
<input type="text"/>	<input type="text"/>	<input type="text"/>
<input type="text"/>	<input type="text"/>	<input type="text"/>

Certification:
1. Insurer hereby certifies that it has issued to the Insured the liability insurance identified above to provide financial assurance for [Insert "taking corrective action" and/or "compensating third parties for bodily injury and property damage caused by"]
 [Insert "accidental releases" or "sudden accidental releases" or "non-sudden accidental releases" or "leak tanks if only corrective action is covered"] in accordance with and subject to the limits of liability, exclusions, 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 Rule(s) 62-761.420 and/or 62-761.421, Florida Administrative Code (F.A.C.), as applicable, which adopt 40 CFR Part 280 Subpart H by reference, 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.

Part D page 1 of 2
Entire form page 10 of 42
DEP Form 62-761.900(3)

To Be Filled Out By Insurance Provider



Financial Responsibility

Certificate of Financial Responsibility - Part P

A copy of financial instruments kept on file shall be made available for inspection upon five business days notice.

DEP Form 62-761.900(3) Part P
 Part P is the Financial Mechanism for Storage Tanks
 Part P is the Mechanism of Financial Responsibility
 Form Effective Date January 2019
 Incorporated by Rule 62-761.420 and 62-762.421, F.A.C.

STATE OF FLORIDA
STORAGE TANK CERTIFICATION OF FINANCIAL RESPONSIBILITY
 Reference: 40 CFR 280.111(b)

The Owner or Operator, _____
 is the legal entity demonstrating financial responsibility and is one or more of the following: facility owner,
 tank owner, facility operator or tank operator [pursuant to Rules 62-761.420(2) and 62-762.421(2), F.A.C.,
 and 376.309, F.S.].

The following mechanism(s) is (are) used to demonstrate financial responsibility:
 Primary Mechanism: _____
[Enter type of funding mechanism, guarantee, or financial test w/out guarantee]

Instrument No.: _____ [if applicable]
 Name of Provider (issuing institution): _____
[Enter "self" (if financial test or fund without a guarantee is used); guarantor's name if a guarantee is used]

Period of Coverage: _____ to _____
 Complete the following only as applicable [Required when Bond, Letter of Credit and most Guarantees are used]:

Standby Trust Fund (SBTF) Trustee: _____
[Required when Bond, Letter of Credit and some Guarantees (Parts B, K and L) are used]

SBTF Agreement entered into date: _____ Account number: _____

Financial Test or Fund used [required for some Guarantees (Parts B, L and N)]: Form Part _____ completed
[insert A, I, J or O]

The financial assurance mechanism(s) demonstrate(s) financial responsibility for

[insert "taking corrective action" and/or "compensating third parties for bodily injury and property damage caused by"]

[insert "accidental releases" or "sudden accidental releases" or "non-sudden accidental releases" or leave blank if only corrective action is covered]

for UST and/or AST in the amount of:

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

The person whose signature appears below hereby certifies that the facility(ies) listed on the financial
 assurance mechanism(s) is (are) in compliance with the financial responsibility requirements of Chapter
 62-761 and/or 62-762, F.A.C., which adopt 40 CFR Part 280 Subpart H by reference.

_____ <small>[Signature of Authorized Representative of owner or operator]</small>	_____ <small>[Signature of Witness or Notary]</small>
_____ <small>[Type Name and Title]</small>	_____ <small>[Type Name of Witness or include Notary Seal]</small>
_____ <small>[Phone Number]</small>	_____ <small>[Date]</small>
_____ <small>[Email Address]</small>	

This certification must be updated whenever the financial assurance mechanism(s) used to demonstrate financial responsibility change(s).
 DEP Form 62-761.900(3) Part P page 1 of 1
Entire form page 42 of 42

To Be Filled Out By Owner



Incidents

- An incident is a situation indicating that a release or discharge may have occurred.
- Per Rule 62-761.430(1)(a), Florida Administrative Code, incidents includes all the possible positive responses of release detection devices.
- Action to investigate an incident is required within 24 hours of discovery of the incident.
- The facility has 72 hours to report an incident (written or electronic).
- An Incident Notification Form (INF) is not required to be submitted if it is confirmed that a discharge did not occur within 72 hours of discovery of the incident. **However, records of findings must be kept for inspection.**
- For cases where an INF is required (the incident is not resolved within 72 hours of discovery of the incident), the facility has 14 days to investigate the incident. This timeframe may be extended with prior written approval from the Department or county.
- At the end of the 14 days or approved alternate time period, **either written or electronic confirmation and explanation that a discharge has not occurred**



Discharges

- **Per Rule 62-761.440(1), Florida Administrative Code, discharges includes analytical confirmation of contamination in surface water, groundwater or soil or visible evident of a discharge (free product, sheen, sludge or emulsion).**
- **The owner or operator must report the discovery of a discharge to the county 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.**
- **Discharge Response:**
 - **Identify and mitigate fire, explosion and vapor hazards.**
 - **Immediate action to contain, remove and abate the discharge.**
 - **Integrity test the effected system/component within 72 hours.**
 - **Take the system out of service if the component causing the discharge cannot be isolated.**



Discharges

Reporting

- In addition, pursuant to Section 403.077, F.S., the department has established a method for regulated entities to submit [Public Notices of Pollution](#) for reportable releases.

Additional Discharge Notification

- Conditions at the site that do not involve spills to navigable waters of the United States, or CERCLA hazardous substances, that pose an immediate threat to human health or the environment must be reported to:
 - The State Watch Office **1-800-320-0519**, or
 - The Local Fire Department **911**.
- Anyone witnessing an oil spill or chemical release to navigable waters of the United States should call:
 - National Response Center hotline **1-800-424-8802**.



Construction Requirements

For new installations:

- **A containment integrity test shall be conducted for single-walled spill containment systems (e.g., spill buckets) and sumps.**
- **An interstitial integrity test shall be conducted for USTs.**
- **An interstitial integrity test shall be conducted for double-walled small diameter piping in contact with the soil or over surface waters of the state.**
- **An interstitial integrity test shall be conducted for double-walled spill buckets and sumps.**

In general, the testing should be conducted following manufacturer's requirements, if manufacturer's requirements are not stated, then the applicable reference guidelines should be used.



Construction Requirements



For new USTs or 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



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



Construction Requirements

Ball Float Valve



Flow restrictors, such as ball float valves in vent lines may not be installed or replaced for use as overfill protection.



Construction Requirements

**Flow Restrictor
Ball Float Valve**



**Automatic Shutoff Device
Flapper Valve**



Note: owners/operators must designate a primary overflow device. Any additional devices cannot interfere with the primary device. The primary device must be registered with the Department with an Equipment Number (EQ) and be tested annually for proper operation.

This primary device should be documented (e.g., during monthly visual inspections) and this information may be requested by the inspector during an inspection.



Construction Requirements

Tight Fill Adaptor

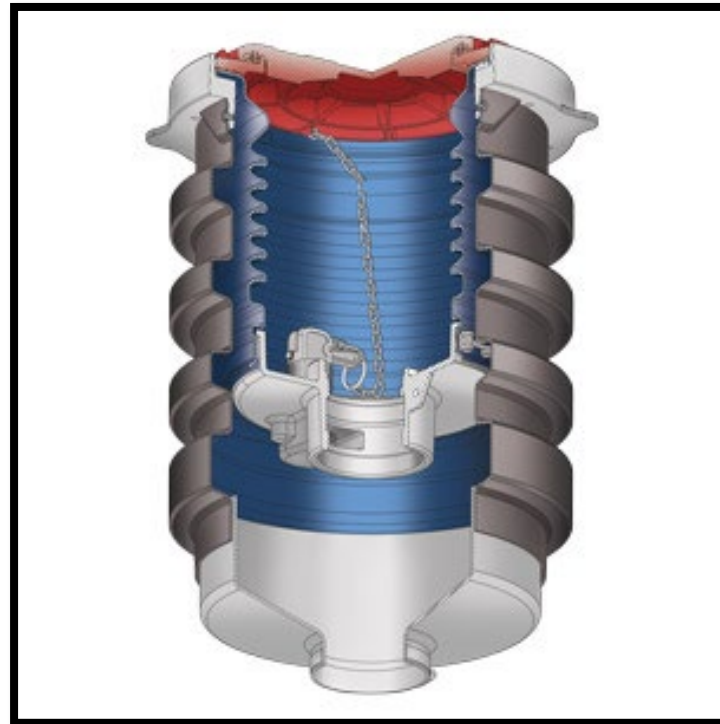


USTs with capacities of 2,000 gallons or less that DO NOT receive delivery by a joined tight fill adaptor connection may use calibrated stick measurements for overfill protection, and are not required to be equipped with an overfill device, provided that an inches to gallons tank chart is posted at the tank fill area or readily available to the delivery driver. Such tanks shall not be filled beyond 95 percent capacity.



Release Detection Requirements

Double-walled Spill Bucket



Double-walled spill buckets, regardless of when installed, must be operated and maintained as double-walled.



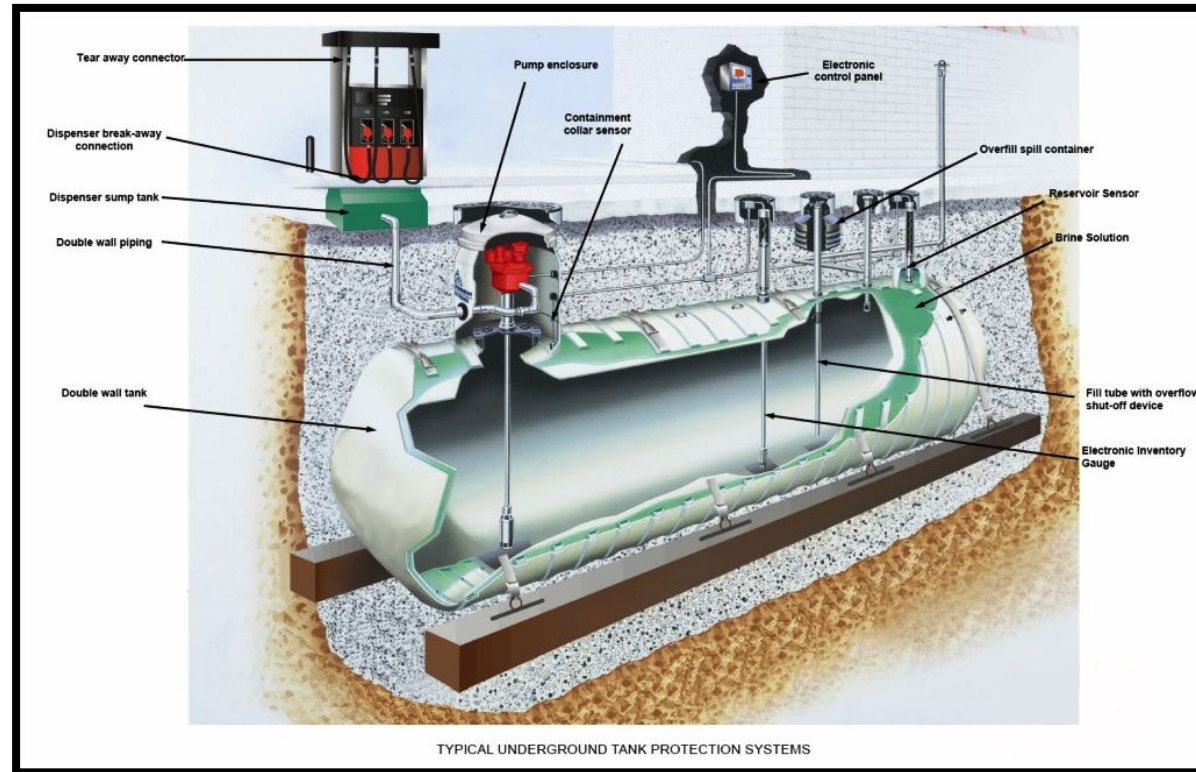
Release Detection Requirements



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



Release Detection Requirements



TYPICAL UNDERGROUND TANK PROTECTION SYSTEMS

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



Existing USTs that store fuel for generators were required to have release detection by no later than **October 13, 2018. USTs installed after **January 11, 2017**, were required to have release detection upon installation.**



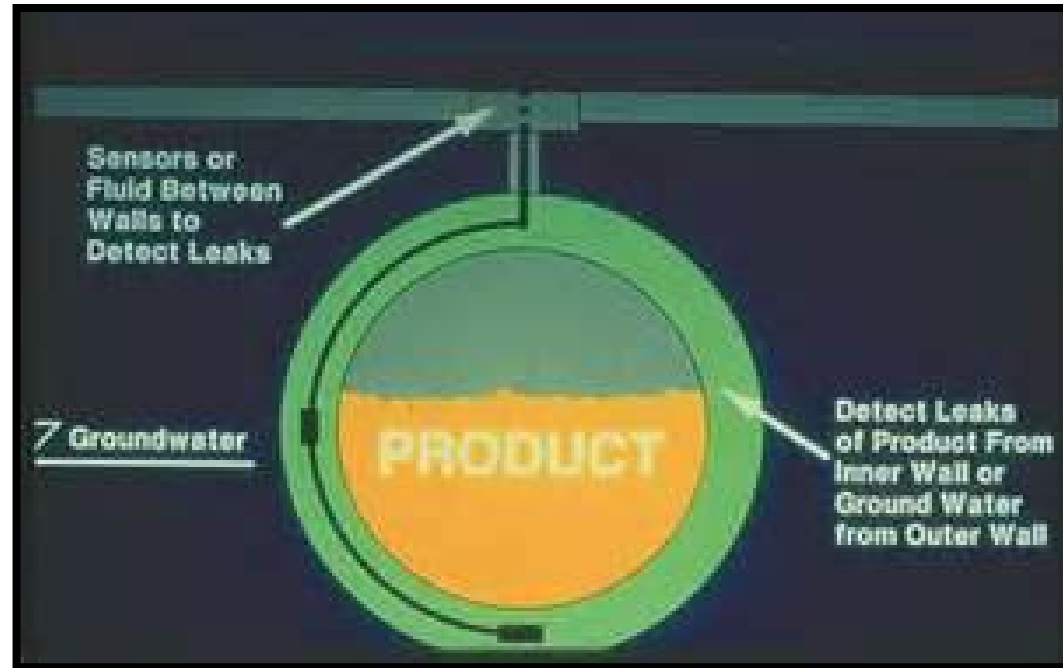
Release Detection Requirements



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.



Release Detection Requirements



Annual operability testing of release detection equipment must be conducted at intervals not exceeding 12 months.



Repairs, Operation and Maintenance

Repairs

- **Repairs are required for any component of a storage tank system:**
 - **That has had a release or discharge or contributed to a release or discharge of a regulated substance.**
 - **That has an operational or structural problem that could potentially result in a release or discharge.**
 - **Where groundwater or surface water is present in the interstice of a double-walled storage tank or integral piping.**
- **The storage tank system is required to cease operating, dispensing, and accepting deliveries unless the portion of the system requiring repair can be isolated from the rest of the system.**
- **If a storage tank system cannot be repaired within 90 days, it must be placed out-of-service.**
- **If it can't be repaired within 365 days after that, it shall be permanently closed.**



Repairs, Operation and Maintenance

Operation - Periodic Integrity Testing

- **Double-walled tanks and double-walled piping at the time of installation and at the time of any repairs.**
- **Piping/dispenser sumps and double-walled spill containment by **October 13, 2018**, and every three years thereafter.**
- **Single-walled spill containment systems by **January 11, 2018**, and every year thereafter.**
- **Piping and dispenser sumps over the surface waters of the state shall be tested by **July 9, 2020**, and every three years thereafter.**



Repairs, Operation and Maintenance



Maintenance - Water in excess of one inch in sumps or spill buckets or any regulated substances must be removed within 72 hours of discovery.



Recordkeeping

Records must be maintained for three years, unless required to be maintained until UST closure.

Please note following the records requirements:

- **Release detection records must include a record of alarm history for electronic release detection devices.**
- **Class A, B, and C training certificates shall be maintained for as long as the operators are designated for the facility.**
- **Survey drawings shall be kept until closure of the component(s) surveyed.**



Out-of-Service Requirements

- **Out of service tanks must be registered as being out-of-service.**
- **Financial Responsibility must be maintained. If Financial Responsibility is not maintained or cannot be obtained, then the tank must be closed within 90 days.**
- **The interstice of out of service tanks must be monitored every 12 months and records of this monitoring maintained.**
- **Other periodic testing (release detection, integrity and overfill) is not required while the tank is out-of-service, however all testing must be conducted prior to being placing back into service.**
- **Tanks that have been out-of-service for more than 2 years are required to conduct interstitial integrity testing prior to being placing back into service.**



Closure Requirements

- **Single-walled USTs and piping in contact with the soil that are discovered must be closed and undergo closure sampling during closure.**
- **Double-walled USTs, double-walled piping, dispenser/piping sumps and spill containment devices in contact with the soil must undergo a closure integrity evaluation no more than 45 days 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).**
- **Closed tanks must be registered as being removed from the facility or properly closed in-place.**



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 to the county in 60 days using [Form 62-761.900\(8\)](#).**



Storage Tank System Equipment

Your storage tank system equipment and release detection systems must be registered with the department by the manufacturers and vendors of the equipment and have an EQ number prior to being installed in Florida.

- [Storage Tank System Equipment Registration](#)
- [Storage Tank System Equipment Registration List](#)



Other Rule Changes

- **62-761.200 Definitions** – clarifying some definitions and added a new definition of “Sumps”. (pending adoption October 13, 2019)
- **62-761.210 Reference Guidelines** – updating to newest versions of reference standards. (pending adoption October 13, 2019)
- **62-761.300 Applicability** – updated reference guideline link. (adopted July 9, 2019)
- **62-761.400 Facility Registration** – added clarifying language. (adopted July 9, 2019)
- **62-761.430 Incidents** – added clarifying language and removed conflicting language regarding INFs being submitted. (adopted July 9, 2019)
- **62-761.850 Alternative Procedures, Equipment Registration and Registration of Operator Training Providers** – Updated form date. (adopted July 9, 2019)
- **62-761.900 Storage Tank Forms** – minimal updates to the following forms :
 - Storage Tank Facility Registration Form
 - Financial Responsibility Form
 - Certified Contractors Form
 - Closure Integrity Form, Limited Closure Form
 - Storage Tank System Equipment Registration Form.
- **Minimally updating *Instructions for Conducting Sampling During Underground Storage Tank Closure*, July 2019 Edition (effective October 13, 2019)**



Website Links

FOR ADDITIONAL INFORMATION SEE THE FOLLOWING WEBSITES:

- [Storage Tank Compliance](#)
- [Storage Tank System Rules, Forms and Reference Guidelines](#)
- [Storage Tank Systems Guidance and Information](#)
- [Storage Tank Facility Registration](#)
- [Financial Responsibility](#)
- [Storage Tank Contacts](#)



Storage Tank Contacts

•Storage Tank Facility Registration

Main: 850-245-8839

- Karen.S.Moore@floridadep.gov Environmental Administrator (EA)
- Madhuri.Madala@floridadep.gov
- Ernest.L.Stephens@floridadep.gov
- Derbra.Owete@floridadep.gov

•Storage Tank Financial Responsibility

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•Storage Tank Compliance

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- Kimberley.Curran@floridadep.gov 850-245-8849
- Zachary.Barrett@floridadep.gov 850-245-8769
- Elena.Compton@floridadep.gov Alternative Procedures and Technical Issues 850-245-8911

•District and County

- <https://floridadep.gov/waste/permitting-compliance-assistance/documents/storage-tank-district-and-county-contact-list>

